
HOUSE BILL 1774

State of Washington

60th Legislature

2007 Regular Session

By Representatives Hinkle, Chandler, Haler, Bailey, Dunn, Priest and Warnick

Read first time 01/26/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to ensuring the integrity of elections; amending
2 RCW 29A.04.008, 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010,
3 29A.08.110, 29A.08.140, 29A.08.210, 29A.08.220, 29A.08.520, 29A.08.625,
4 29A.08.820, 29A.40.050, 29A.40.020, 29A.40.091, 29A.40.140, 29A.44.201,
5 29A.44.330, 29A.44.340, 29A.84.110, 46.20.035, 46.20.091, 46.20.105,
6 46.20.117, and 46.20.155; reenacting and amending RCW 29A.84.670 and
7 9.94A.515; adding new sections to chapter 29A.08 RCW; adding a new
8 section to chapter 29A.84 RCW; adding a new section to chapter 46.20
9 RCW; adding a new chapter to Title 29A RCW; recodifying RCW 29A.40.050;
10 repealing RCW 29A.08.145; prescribing penalties; providing an effective
11 date; and declaring an emergency.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.08 RCW
14 to read as follows:

15 The registration of a person who registered to vote before July 1,
16 2007, is moved to inactive status on July 1, 2009. That person must
17 reregister in order to vote anything other than a provisional ballot at
18 an election held after that date. The registration of a person who

1 first registers to vote or reregisters after June 30, 2007, continues
2 to be valid after July 1, 2009, unless canceled or inactivated as
3 otherwise provided by law.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW
5 to read as follows:

6 In order to vote at any election or primary, whether at a polling
7 place or by absentee or mail ballot, a person must have registered to
8 vote at least thirty days before the election or primary, regardless of
9 the person's status as an absentee, mail ballot, out-of-state,
10 overseas, or service voter.

11 **Sec. 3.** RCW 29A.04.008 and 2005 c 243 s 1 are each amended to read
12 as follows:

13 As used in this title:

14 (1) "Ballot" means, as the context implies, either:

15 (a) The issues and offices to be voted upon in a jurisdiction or
16 portion of a jurisdiction at a particular primary, general election, or
17 special election;

18 (b) A facsimile of the contents of a particular ballot whether
19 printed on a paper ballot or ballot card or as part of a voting machine
20 or voting device;

21 (c) A physical or electronic record of the choices of an individual
22 voter in a particular primary, general election, or special election;
23 or

24 (d) The physical document on which the voter's choices are to be
25 recorded;

26 (2) "Paper ballot" means a piece of paper on which the ballot for
27 a particular election or primary has been printed, on which a voter may
28 record his or her choices for any candidate or for or against any
29 measure, and that is to be tabulated manually;

30 (3) "Ballot card" means any type of card or piece of paper of any
31 size on which a voter may record his or her choices for any candidate
32 and for or against any measure and that is to be tabulated on a vote
33 tallying system;

34 (4) "Sample ballot" means a printed facsimile of all the issues and
35 offices on the ballot in a jurisdiction and is intended to give voters

1 notice of the issues, offices, and candidates that are to be voted on
2 at a particular primary, general election, or special election;

3 (5) "Provisional ballot" means a ballot issued at the polling place
4 on election day by the precinct election board to a voter who would
5 otherwise be denied an opportunity to vote a regular ballot, for any
6 reason authorized by the Help America Vote Act, including but not
7 limited to the following:

8 (a) The voter's name does not appear in the poll book for the
9 precinct at which the voter appears and who therefore cannot be
10 verified as a registered voter;

11 (b) There is an indication in the poll book that (~~the voter has~~
12 ~~requested~~) an absentee ballot(~~, but the voter wishes to vote at the~~
13 ~~polling place~~) has been issued;

14 (c) There is a question on the part of the voter concerning the
15 issues or candidates on which the voter is qualified to vote;

16 (d) Any other reason allowed by law;

17 (6) "Party ballot" means a primary election ballot specific to a
18 particular major political party that lists all partisan offices to be
19 voted on at that primary, and the candidates for those offices who
20 affiliate with that same major political party;

21 (7) "Nonpartisan ballot" means a primary election ballot that lists
22 all nonpartisan races and ballot measures to be voted on at that
23 primary.

24 **Sec. 4.** RCW 29A.04.103 and 2003 c 111 s 118 are each amended to
25 read as follows:

26 "Out-of-state voter" means any (~~elector~~) registered voter of the
27 state of Washington outside the state but not outside the territorial
28 limits of the United States or the District of Columbia.

29 **Sec. 5.** RCW 29A.04.109 and 2003 c 111 s 119 are each amended to
30 read as follows:

31 "Overseas voter" means any (~~elector~~) registered voter of the
32 state of Washington outside the territorial limits of the United States
33 or the District of Columbia.

34 **Sec. 6.** RCW 29A.04.163 and 2003 c 111 s 127 are each amended to
35 read as follows:

1 "Service voter" means any (~~elector~~) registered voter of the state
2 of Washington who is a member of the armed forces under 42 U.S.C. Sec.
3 1973 ff-6 while in active service, is a student or member of the
4 faculty at a United States military academy, is a member of the
5 merchant marine of the United States, is a program participant as
6 defined in RCW 40.24.020, or is a member of a religious group or
7 welfare agency officially attached to and serving with the armed forces
8 of the United States.

9 **Sec. 7.** RCW 29A.08.010 and 2006 c 320 s 2 are each amended to read
10 as follows:

11 As used in this chapter: "Information required for voter
12 registration" or "required information" means the minimum information
13 provided on a voter registration application that is required by the
14 county auditor in order to place a voter registration applicant on the
15 voter registration rolls. This information includes:

- 16 (1) Name;
- 17 (2) Residential address;
- 18 (3) Date of birth;
- 19 (4) Washington state driver's license number or Washington state
20 identification card number, or the last four digits of the applicant's
21 Social Security number if the applicant does not have a Washington
22 state driver's license or Washington state identification card;
- 23 (5) A signature attesting to the truth of the information provided
24 on the application; and
- 25 (6) A check or indication in the box confirming the individual is
26 a United States citizen.

27 The residential address provided must identify the actual physical
28 residence of the voter in Washington, as defined in RCW 29A.04.151,
29 with detail sufficient to allow the voter to be assigned to the proper
30 precinct and to locate the voter to confirm his or her residence for
31 purposes of verifying qualification to vote under Article VI, section
32 1 of the state Constitution. A residential address may be either a
33 traditional address or a nontraditional address. A traditional address
34 consists of a street number and name, optional apartment number or unit
35 number, and city or town, as assigned by a local government, which
36 serves to identify the parcel or building of residence and the unit if
37 a multiunit residence. A nontraditional address consists of a

1 narrative description of the location of the voter's residence, and may
2 be used when a traditional address has not been assigned to the voter's
3 residence. Each person may only have one primary residence for voting
4 purposes. If the postal service does not deliver mail to the voter's
5 residential address, or the voter prefers to receive mail at a
6 different address, the voter may separately provide the mailing address
7 at which they receive mail. Any mailing address provided shall be used
8 only for mail delivery purposes and not for precinct assignment or
9 confirmation of residence for voter qualification purposes. A primary
10 residence may not include a private or public post office box or any
11 other place where a person could not live. Persons who are without a
12 primary residence or whose identity is legally protected may list the
13 county courthouse as their primary residence.

14 If the individual does not have a driver's license, state
15 identification card, or Social Security number, the registrant must be
16 issued a unique voter registration number in order to be placed on the
17 voter registration rolls. All other information supplied is ancillary
18 and not to be used as grounds for not registering an applicant to vote.
19 Modification of the language of the official Washington state voter
20 registration form by the voter will not be accepted and will cause the
21 rejection of the registrant's application.

22 **Sec. 8.** RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read
23 as follows:

24 (1) An application is considered complete only if it contains proof
25 that the applicant is a United States citizen, the applicant's name,
26 complete valid residence address, date of birth, and signature
27 attesting to the truth of the information provided(~~(, a mark in the~~
28 ~~check-off box confirming United States citizenship, and an indication~~
29 ~~that the provided driver's license number, state identification card~~
30 ~~number, or Social Security number has been confirmed by the secretary~~
31 ~~of state)). Proof of citizenship is not required if an applicant is
32 transferring his or her voter registration within a county or between
33 counties in this state. If the application is complete, the auditor
34 shall confirm the validity of the citizenship information provided and
35 upon confirmation that such information is valid, the applicant is
36 considered to be registered to vote as of the date of mailing. If it
37 is not complete, the auditor shall promptly mail a verification notice~~

1 of the deficiency to the applicant. This verification notice shall
2 require the applicant to provide the missing information. If the
3 verification notice is not returned by the applicant within forty-five
4 days or is returned as undeliverable, the name of the applicant shall
5 not be placed on the official list of registered voters. If the
6 applicant provides the required verified information, the auditor shall
7 confirm the validity of the citizenship information provided, and upon
8 confirmation that such information is valid, the applicant shall be
9 registered to vote as of the original date of mailing or date of
10 delivery, whichever is applicable.

11 ~~(2) ((If the information required in subsection (1) of this section~~
12 ~~is complete, the applicant is considered to be registered to vote as of~~
13 ~~the original date of mailing or date of delivery, whichever is~~
14 ~~applicable.))~~ The auditor shall record the appropriate precinct
15 identification, taxing district identification, and date of
16 registration on the voter's record in the state voter registration
17 list. Within forty-five days after the receipt of an application but
18 no later than seven days before the next primary, special election, or
19 general election, the auditor shall send to the applicant, by first
20 class mail, an acknowledgement notice identifying the registrant's
21 precinct and containing such other information as may be required by
22 the secretary of state. The postal service shall be instructed not to
23 forward a voter registration card to any other address and to return to
24 the auditor any card which is not deliverable.

25 (3) If an acknowledgement notice card is properly mailed as
26 required by this section to the address listed by the voter as being
27 the voter's mailing address and the notice is subsequently returned to
28 the auditor by the postal service as being undeliverable to the voter
29 at that address, the auditor shall promptly send the voter a
30 confirmation notice. The auditor shall place the voter's registration
31 on inactive status pending a response from the voter to the
32 confirmation notice.

33 **Sec. 9.** RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read
34 as follows:

35 The registration files of all precincts shall be closed against
36 transfers for thirty days immediately preceding every primary, special
37 election, and general election to be held in such precincts.

1 The county auditor shall give notice of the closing of the precinct
2 files for transfer (~~(and notice of the special registration and voting~~
3 ~~procedure provided by RCW 29A.08.145))~~) by one publication in a
4 newspaper of general circulation in the county at least five days
5 before the closing of the precinct files.

6 No person may vote at any primary, special election, or general
7 election in a precinct polling place unless he or she has registered to
8 vote at least thirty days before that primary or election and appears
9 on the official statewide voter registration list. (~~(If a person,~~
10 ~~otherwise qualified to vote in the state, county, and precinct in which~~
11 ~~he or she applies for registration, does not register at least thirty~~
12 ~~days before any primary, special election, or general election, he or~~
13 ~~she may register and vote by absentee ballot for that primary or~~
14 ~~election under RCW 29A.08.145.))~~)

15 **Sec. 10.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to
16 read as follows:

17 An applicant for voter registration shall complete an application
18 providing the following information concerning his or her
19 qualifications as a voter in this state:

20 (1) Proof that the applicant is a United States citizen;

21 (2) The address of the last former registration of the applicant as
22 a voter in the state;

23 ~~((+2))~~ (3) The applicant's full name;

24 ~~((+3))~~ (4) The applicant's date of birth;

25 ~~((+4))~~ (5) The address of the applicant's residence for voting
26 purposes;

27 ~~((+5))~~ (6) The mailing address of the applicant if that address is
28 not the same as the address in subsection ~~((+4))~~ (5) of this section;

29 ~~((+6))~~ (7) The sex of the applicant;

30 ~~((+7))~~ (8) The applicant's Washington state driver's license
31 number or Washington state identification card number, or the last four
32 digits of the applicant's Social Security number if he or she does not
33 have a Washington state driver's license or Washington state
34 identification card;

35 ~~((+8))~~ (9) A check box for the applicant to indicate that he or
36 she does not have a Washington state driver's license, Washington state
37 identification card, or Social Security number;

1 ~~((9))~~ (10) A check box allowing the applicant to indicate that he
2 or she is a member of the armed forces, national guard, or reserves, or
3 that he or she is an overseas voter;

4 ~~((10))~~ (11) A check box allowing the applicant to confirm that he
5 or she is at least eighteen years of age;

6 ~~((11))~~ (12) Clear and conspicuous language, designed to draw the
7 applicant's attention, stating that the applicant must be a United
8 States citizen in order to register to vote;

9 ~~((12) A check box and declaration confirming that the applicant is
10 a citizen of the United States;))~~

11 (13) The following warning:

12 "If you knowingly provide false information on this voter
13 registration form or knowingly make a false declaration about your
14 qualifications for voter registration you will have committed a class
15 C felony that is punishable by imprisonment for up to five years, a
16 fine of up to ten thousand dollars, or both."

17 (14) The following affirmation by the applicant:

18 "By signing this document, I hereby assert, under penalty of
19 perjury, that I am legally eligible to vote. If I am found to have
20 voted illegally, I may be prosecuted and/or fined for this illegal act.
21 In addition, I hereby acknowledge that my name and last known address
22 will be forwarded to the appropriate state and/or federal authorities
23 if I am found to have voted illegally."

24 (15) The oath required by RCW 29A.08.230 and a space for the
25 applicant's signature; and

26 (16) Any other information that the secretary of state determines
27 is necessary to establish the identity of the applicant and prevent
28 duplicate or fraudulent voter registrations.

29 This information shall be recorded on a single registration form to
30 be prescribed by the secretary of state.

31 If the applicant fails to provide the information required for
32 voter registration, the auditor shall send the applicant a verification
33 notice. The applicant may not be registered until the required
34 information is provided. If a verification notice is returned as
35 undeliverable or the applicant fails to respond to the notice within
36 forty-five days, the applicant shall not be registered to vote.

1 **Sec. 11.** RCW 29A.08.220 and 2004 c 267 s 115 are each amended to
2 read as follows:

3 (1) The secretary of state shall specify by rule the format of all
4 voter registration applications. These applications shall be
5 compatible with existing voter registration records. An applicant for
6 voter registration shall be required to complete only one application
7 and to provide the required information other than his or her signature
8 no more than one time. If an applicant transfers his or her voter
9 registration within a county or between counties of this state, he or
10 she is not required to provide proof of citizenship. These
11 applications shall also contain information for the voter to transfer
12 his or her registration.

13 Any application format specified by the secretary for use in
14 registering to vote in state and local elections shall satisfy the
15 requirements of the National Voter Registration Act of 1993 (P.L. 103-
16 31) and the Help America Vote Act of 2002 (P.L. 107-252) for
17 registering to vote in federal elections.

18 (2) All registration applications required under RCW 29A.08.210 and
19 29A.08.340 shall be produced and furnished by the secretary of state to
20 the county auditors and the department of licensing.

21 **Sec. 12.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
22 read as follows:

23 (1) Upon receiving official notice of a person's conviction of a
24 felony in either state or federal court, if the convicted person is a
25 registered voter in the county, the county auditor shall cancel the
26 defendant's voter registration. Additionally, the secretary of state
27 in conjunction with the department of corrections, the Washington state
28 patrol, the office of the administrator for the courts, and other
29 appropriate state agencies shall arrange for a (~~quarterly~~) monthly
30 comparison of ((a list)) any lists of known felons maintained by the
31 department of corrections and the Washington state patrol with the
32 statewide voter registration list. If a person is found on a felon
33 list and the statewide voter registration list, the secretary of state
34 or county auditor shall confirm the match through a date of birth
35 comparison and, if the person has not had his or her right to vote
36 restored, immediately suspend the voter registration from the official
37 state voter registration list. The canceling authority shall send to

1 the person at his or her last known voter registration address a notice
2 of the proposed cancellation and an explanation of the requirements for
3 restoring the right to vote once all terms of sentencing have been
4 completed. If the person does not respond within thirty days, the
5 registration must be canceled.

6 (2) Felons who have been granted a certificate of discharge by a
7 court shall provide a certified copy of the certificate of discharge to
8 the department of corrections and the Washington state patrol within
9 thirty days from the day the court grants the certificate, and shall
10 provide a certified copy of their certificate of discharge to the
11 elections officer at the time they register to vote.

12 (3) The right to vote may be restored by, for each felony
13 conviction, one of the following:

14 (a) A certificate of discharge issued by the sentencing court, as
15 provided in RCW 9.94A.637;

16 (b) A court order restoring the right, as provided in RCW 9.92.066;

17 (c) A final order of discharge issued by the indeterminate sentence
18 review board, as provided in RCW 9.96.050; or

19 (d) A certificate of restoration issued by the governor, as
20 provided in RCW 9.96.020.

21 NEW SECTION. Sec. 13. A new section is added to chapter 29A.08
22 RCW to read as follows:

23 A person may prove that he or she is a United States citizen with
24 an original or certified copy of any one of the following:

25 (1) A United States passport;

26 (2) A certified birth certificate issued by the city, county, or
27 state. A certified birth certificate has a registrar's raised,
28 embossed, impressed, or multicolored seal, registrar's signature, and
29 the date the certificate was filed with the registrar's office, which
30 must be within one year of birth;

31 (3) A consular report of birth abroad or certification of birth;

32 (4) A naturalization certificate; or

33 (5) A certificate of citizenship.

34 NEW SECTION. Sec. 14. A new section is added to chapter 29A.08
35 RCW to read as follows:

36 In addition to any legal obligations of local election officers,

1 the secretary of state in conjunction with the department of health
2 shall arrange for a monthly comparison of any lists of known deaths
3 maintained by the department of health with the statewide voter
4 registration list. If a person is found on the department of health
5 death list and the statewide voter registration list, the secretary of
6 state or county auditor shall immediately cancel the voter registration
7 from the official state voter registration list. The canceling
8 authority shall send notice of the cancellation to the presumed
9 deceased person at his or her last known voter registration address.
10 The notice will set forth a method of appealing the action.

11 NEW SECTION. **Sec. 15.** A new section is added to chapter 29A.08
12 RCW to read as follows:

13 In addition to any legal obligations of local election officers,
14 the secretary of state in conjunction with the department of health,
15 the department of social and health services, and the administrator for
16 the courts shall arrange for a monthly comparison of any lists of
17 persons known to have been declared mentally incompetent and unable to
18 vote or known to have been placed under the care of a full guardianship
19 due to their mental capacity and who have not otherwise been declared
20 able to vote. If a person is found on the department of health, the
21 department of social and health services, or the administrator for the
22 courts lists and the statewide voter registration list, the secretary
23 of state or county auditor shall immediately cancel the voter
24 registration from the official state voter registration list. The
25 canceling authority shall send notice of the cancellation to the person
26 at the address for which registration has been canceled. The notice
27 will set forth a method of appealing the action.

28 The administrator for the courts shall collect and maintain a list
29 of all judicial determinations of full guardianship under RCW 11.88.010
30 and other cases where the court has ordered someone unable to vote.

31 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.08
32 RCW to read as follows:

33 In addition to any legal obligations of local election officers,
34 the secretary of state in conjunction with local election officers
35 shall make at a minimum a monthly comparison of names on the statewide
36 voter registration list, and if a person is found registered more than

1 once on the statewide voter registration list, the secretary of state
2 or county auditor shall immediately cancel all voter registrations for
3 that voter in excess of one from the official state voter registration
4 list. The canceling authority shall send notice of the cancellation to
5 the person at the address for which registration has been canceled.
6 The notice will set forth a method of appealing the action.

7 **Sec. 17.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to
8 read as follows:

9 (1) A voter whose registration or reregistration occurred after
10 June 30, 2007, and who has been made inactive under this chapter and
11 who offers to vote at an ensuing election before two federal elections
12 have been held must be allowed to vote a (~~regular~~) provisional ballot
13 and the voter's registration restored to active status.

14 (2) A voter whose registration has been made inactive because it
15 occurred on or before June 30, 2007, or which has been properly
16 canceled under this chapter shall vote a provisional ballot. The voter
17 shall mark the provisional ballot in secrecy, the ballot placed in a
18 security envelope, the security envelope placed in a provisional ballot
19 envelope, and the reasons for the use of the provisional ballot noted.

20 (3) Upon receipt of such a voted provisional ballot the auditor
21 shall investigate the circumstances surrounding the original
22 cancellation. If he or she determines that the cancellation was in
23 error, the voter's registration must be immediately reinstated, and the
24 voter's provisional ballot must be counted. If the original
25 cancellation was not in error, the voter must be afforded the
26 opportunity to reregister at his or her correct address, and the
27 voter's provisional ballot must not be counted. If the voter was given
28 a provisional ballot only because he or she had not registered or
29 reregistered after June 30, 2007, the ballot must be counted. The
30 voter will continue to vote provisional ballots until such time as he
31 or she chooses to register.

32 (4) The names and addresses of provisional voters is not a matter
33 of public record, and no one other than an election officer may contact
34 an individual provisional voter. The election officer shall contact
35 the voter via first class mail within forty-eight hours of discovery
36 and shall inform the voter of relevant deadlines.

1 **Sec. 18.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to
2 read as follows:

3 (1) Challenges initiated by a registered voter against a voter who
4 registered to vote less than sixty days before the election, or who
5 changed residence less than sixty days before the election without
6 transferring his or her registration, must be filed not later than ten
7 days before any primary or election, general or special, or within ten
8 days of the voter being added to the voter registration data base,
9 whichever is later, at the office of the appropriate county auditor.
10 Challenges initiated by a registered voter against any other voter must
11 be filed not later than forty-five days before the election.
12 Challenges initiated by the office of the county prosecuting attorney
13 must be filed in the same manner as challenges initiated by a
14 registered voter.

15 (2)(a) If the challenge is filed within forty-five days before an
16 election at which the challenged voter is eligible to vote, a notation
17 of the challenge must be made immediately in the poll book or voter
18 registration system, and the county canvassing board presides over the
19 hearing.

20 (b) If the challenge is filed before the challenged voter's ballot
21 is received, the ballot must be treated as a ((~~challenged~~)) provisional
22 ballot. A ((~~challenged~~)) provisional ballot received at a polling
23 place must be placed in a sealed envelope separate from other voted
24 ballots.

25 (c) If the challenge is filed after the challenged voter's ballot
26 is received, the challenge cannot affect the current election.

27 (3) If the challenge is filed at least forty-five days before an
28 election at which the challenged voter is eligible to vote, the county
29 auditor presides over the hearing.

30 NEW SECTION. **Sec. 19.** (1) Provisional or questionable ballots
31 must not be tallied until the validity of the ballot or the voter has
32 been confirmed and, if so, the ballots will be processed in similar
33 manner to absentee ballots. A provisional ballot is issued to a person
34 seeking to vote in a polling place under the following circumstances:

35 (a) The name of the voter does not appear in the poll book and:

36 (i) The voter's registration was canceled but the voter questions
37 the validity of the cancellation;

1 (ii) The status of the voter's registration cannot be determined at
2 that time; or

3 (iii) The voter is registered and assigned to another polling place
4 or jurisdiction;

5 (b) The voter's name is in the poll book but there is an indication
6 that the voter was issued an absentee ballot, and the voter wishes to
7 vote at the polls; or

8 (c) Other circumstances as determined by the precinct election
9 official.

10 (2) The precinct election official shall issue a provisional ballot
11 outer envelope and a security envelope to the voter eligible for a
12 provisional ballot. The voter shall vote the ballot in secrecy and,
13 when done, place the ballot in the security envelope, then place the
14 security envelope with the ballot in it in the provisional ballot outer
15 envelope and return it to the precinct election official. The precinct
16 election official shall ensure that the required information is
17 completed on the outside of the outer envelope and have the voter sign
18 it in the appropriate space, and place it in a secure container
19 designated for provisional ballots only.

20 (3) When the provisional ballot, including provisional ballots from
21 other counties or states, are received in the elections center, the
22 circumstances surrounding the provisional ballot must be investigated
23 before certification of the primary or election. A provisional ballot
24 cannot be tallied if the registered voter did not sign either the poll
25 book or the provisional ballot envelope.

26 (4) When it is determined that the ballot is to be counted, the
27 ballot must be processed in a manner similar to an absentee ballot
28 except the provisional ballot outer envelopes must be retained
29 separately from the absentee ballot return envelopes. The manual
30 inspection of the ballots as required in WAC 434-261-070 or its
31 successor must also be carried out.

32 NEW SECTION. **Sec. 20.** At a minimum, the following information
33 will be required to be printed on the outer provisional ballot
34 envelope:

35 (1) An oath for the voter to sign, as required by the Help America
36 Vote Act, which must be included in substantially the following form:

1 "I declare that the facts on this voter registration form are true.
2 I am a citizen of the United States, I am not presently denied my civil
3 rights as a result of being convicted of a felony, I will have lived in
4 Washington at this address for thirty days before the next election at
5 which I vote, and I will be at least eighteen years old when I vote.";

6 (2) Name and signature of voter (must be the same as on the oath);

7 (3) Voter's registered address both present and former, if
8 applicable;

9 (4) Voter's date of birth;

10 (5) Reason for the provisional ballot;

11 (6) Precinct and polling place at which voter has voted;

12 (7) Sufficient space to list disposition of the ballot after review
13 by the county auditor.

14 No provisional ballot may be rejected for lack of the information
15 described in this section as long as the voter provides a valid
16 signature and sufficient information to determine eligibility.

17 NEW SECTION. **Sec. 21.** (1) Upon receipt of the provisional ballot,
18 including provisional ballots from other counties or states, the
19 auditor must investigate the circumstances surrounding the provisional
20 ballot before certification of the primary or election. A provisional
21 ballot cannot be counted if the registered voter did not sign either
22 the poll book or the provisional ballot envelope.

23 (a) If there is no record of the voter ever having been registered,
24 the voter must be offered the opportunity to register and the
25 provisional ballot for the current election will not be counted.

26 (b) If the voter was previously registered and later canceled and
27 the auditor determines that the cancellation was in error, the voter's
28 registration will be immediately restored and the provisional ballot
29 counted.

30 (c) If the auditor determines that the cancellation was not in
31 error, the voter must be given the opportunity to reregister at the
32 voter's correct address, and the provisional ballot for the current
33 election will not be counted.

34 (2) If the voter is a registered voter but has voted a ballot other
35 than the one that the voter would have received at his or her
36 designated polling place, the auditor must ensure that only those votes

1 for the positions or measures for which the voter was eligible to vote
2 are counted, which may require coordination with other county auditors.

3 (3) If the voter is a registered voter in another county or state,
4 the auditor shall forward the ballot and a corresponding voter guide,
5 or other means by which the ballot can be interpreted including
6 rotation if applicable, within five business days after election day to
7 the supervisor of elections for the county for which the voter is
8 resident. If the provisional ballot envelope is not signed by the
9 voter, a copy of the poll book page must be included. If the county is
10 not known, it shall be forwarded to the secretary of state, or
11 counterpart, for the state in which the voter is resident.

12 (4) If the auditor finds that an absentee voter who voted a
13 provisional ballot at the polls has also voted an absentee ballot in
14 that primary or election, the provisional ballot will not be counted.

15 (5) The auditor shall prepare a tally displaying the number of
16 provisional ballots received, the number found valid and counted, the
17 number rejected and not counted, and the reason for not counting the
18 ballots, as part of the canvassing process and presented to the
19 canvassing board before the certification of the primary or election.

20 NEW SECTION. **Sec. 22.** When the disposition of the provisional
21 ballot determines that the provisional ballot is to be counted, the
22 provisional ballot shall be processed in a manner similar to an
23 absentee ballot as provided in chapters 29A.40 and 29A.60 RCW except
24 the outer provisional ballot envelopes must be retained separately from
25 the absentee ballot return envelopes. The manual inspection of the
26 ballots as required in WAC 434-261-070 or its successor must also be
27 carried out.

28 NEW SECTION. **Sec. 23.** The secretary of state shall establish a
29 free access system (such as a toll-free telephone number or an internet
30 web site) that any individual who casts a provisional ballot may access
31 to discover whether the vote of that individual was counted, and, if
32 the vote was not counted, the reason why the vote was not counted. The
33 secretary of state shall establish and maintain reasonable procedures
34 necessary to protect the security, confidentiality, and integrity of
35 personal information collected, stored, or otherwise used by the free

1 access system established under this section. Access to information
2 about an individual provisional ballot must be restricted to the
3 individual who cast the ballot.

4 **Sec. 24.** RCW 29A.40.050 and 2003 c 111 s 1005 are each amended to
5 read as follows:

6 (1) As provided in this section, county auditors shall provide
7 special ((~~absentee~~)) provisional ballots to be used for state primary
8 or state general elections. An auditor shall provide a special
9 ((~~absentee~~)) provisional ballot only to a registered voter who
10 completes an application stating that she or he will be unable to vote
11 and return ((~~a regular~~)) an absentee ballot by normal mail delivery
12 within the period provided for ((~~regular~~)) absentee ballots.

13 The application for a special ((~~absentee~~)) provisional ballot may
14 not be filed earlier than ninety days before the applicable state
15 primary or general election. The special ((~~absentee~~)) provisional
16 ballot will list the offices and measures, if known, scheduled to
17 appear on the state primary or general election ballot. The voter may
18 use the special ((~~absentee~~)) provisional ballot to write in the name of
19 any eligible candidate for each office and vote on any measure.

20 (2) With any special ((~~absentee~~)) provisional ballot issued under
21 this section, the county auditor shall include a listing of any
22 candidates who have filed before the time of the application for
23 offices that will appear on the ballot at that primary or election and
24 a list of any issues that have been referred to the ballot before the
25 time of the application.

26 (3) Write-in votes on special ((~~absentee~~)) provisional ballots must
27 be counted in the same manner provided by law for the counting of other
28 write-in votes. The county auditor shall process and canvass the
29 special ((~~absentee~~)) provisional ballots provided under this section in
30 the same manner as ((~~other~~)) absentee ballots under ((~~this~~)) chapters
31 29A.40 and ((~~chapter~~)) 29A.60 RCW.

32 (4) A voter who requests a special ((~~absentee~~)) provisional ballot
33 under this section may also request an absentee ballot under RCW
34 29A.40.020(4). If the ((~~regular~~)) absentee ballot is properly voted
35 and returned, the special ((~~absentee~~)) provisional ballot is void, and
36 the county auditor shall reject it in whole when special ((~~absentee~~))
37 provisional ballots are canvassed.

1 NEW SECTION. **Sec. 25.** In addition to the material required by RCW
2 29A.40.091, each county auditor shall include with any special
3 provisional ballot mailed the following information:

4 (1) Instructions for voting the ballot;

5 (2) Instructions for correcting a spoiled ballot;

6 (3) The fact that political party designation should be included
7 with all write-ins for partisan office;

8 (4) A listing of all offices and measures that will appear upon the
9 ballot, together with a listing of all persons who have filed for
10 office or who have indicated their intention to file for office;

11 (5) A copy of any applicable voters' guide available at that time;

12 (6) The fact that the voter may vote for as many or as few offices
13 or measures as he or she desires;

14 (7) The fact that the voter is entitled to request, and
15 subsequently vote a regular absentee ballot, and that if the regular
16 absentee is received during the time period provided by law for the
17 canvassing of absentee ballots it will be tabulated and the special
18 provisional ballot will be voided.

19 NEW SECTION. **Sec. 26.** No special provisional ballot may be
20 provided earlier than ninety days before a primary or election. An
21 application received by a county auditor more than ninety days before
22 a primary or general election may be either returned to the applicant
23 with the explanation that the request is premature or may be held by
24 the auditor until the appropriate time and then processed.

25 **Sec. 27.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to
26 read as follows:

27 (1) Except as otherwise provided by law, a registered voter or out-
28 of-state voter, overseas voter, or service voter desiring to cast an
29 absentee ballot at a single election or primary must request the
30 absentee ballot from his or her county auditor no earlier than ninety
31 days nor later than the day before the election or primary at which the
32 person seeks to vote. Except as otherwise provided by law, the request
33 may be made orally in person, by telephone, electronically, or in
34 writing. An application or request for an absentee ballot made under
35 the authority of a federal statute or regulation will be considered and

1 given the same effect as a request for an absentee ballot under this
2 chapter.

3 (2) A voter requesting an absentee ballot for a primary may also
4 request an absentee ballot for the following general election. A
5 request by an out-of-state voter, overseas voter, or service voter for
6 an absentee ballot for a primary election will be considered as a
7 request for an absentee ballot for the following general election.

8 (3) In requesting an absentee ballot, the voter shall state the
9 address to which the absentee ballot should be sent. A request for an
10 absentee ballot from an out-of-state voter, overseas voter, or service
11 voter must include the address of the last residence in the state of
12 Washington (~~((and either a written application or the oath on the return
13 envelope must include a declaration of the other qualifications of the
14 applicant as an elector of this state))~~). A request for an absentee
15 ballot from any other voter must state the address at which that voter
16 is currently registered to vote in the state of Washington or the
17 county auditor shall verify that information from the voter
18 registration records of the county.

19 (4) A request for an absentee ballot from a registered voter who is
20 within this state must be made directly to the auditor of the county in
21 which the voter is registered. An absentee ballot request from a
22 registered voter who is temporarily outside this state or from an out-
23 of-state voter, overseas voter, or service voter may be made either to
24 the appropriate county auditor or to the secretary of state, who shall
25 promptly forward the request to the appropriate county auditor.

26 (5) No person, organization, or association may distribute absentee
27 ballot applications within this state that contain a return address
28 other than that of the appropriate county auditor.

29 **Sec. 28.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to
30 read as follows:

31 The county auditor shall send each absentee voter a ballot, a
32 security envelope in which to seal the ballot after voting, a larger
33 envelope in which to return the security envelope, and instructions on
34 how to mark the ballot and how to return it to the county auditor. The
35 instructions that accompany an absentee ballot for a partisan primary
36 must include instructions for voting the applicable ballot style, as
37 provided in chapter 29A.36 RCW. The absentee voter's name and address

1 must be printed on the larger return envelope, which must also contain
2 a declaration by the absentee voter reciting his or her qualifications
3 and stating that he or she has not voted in any other jurisdiction at
4 this election, together with a summary of the penalties for any
5 violation of any of the provisions of this chapter. The declaration
6 must clearly inform the voter that it is illegal to vote if he or she
7 is not a United States citizen; it is illegal to vote if he or she has
8 been convicted of a felony and has not had his or her voting rights
9 restored; and, except as otherwise provided by law, it is illegal to
10 cast a ballot or sign an absentee envelope on behalf of another voter.
11 The return envelope must provide space for the voter to indicate the
12 date on which the ballot was voted and for the voter to sign the oath.
13 It must also contain a space so that the voter may include a telephone
14 number. A summary of the applicable penalty provisions of this chapter
15 must be printed on the return envelope immediately adjacent to the
16 space for the voter's signature. The signature of the voter on the
17 return envelope must affirm and attest to the statements regarding the
18 qualifications of that voter and to the validity of the ballot. The
19 return envelope must also have a secrecy flap that the voter may seal
20 that will cover the voter's signature and optional telephone number.
21 ~~((For out of state voters, overseas voters, and service voters, the
22 signed declaration on the return envelope constitutes the equivalent of
23 a voter registration for the election or primary for which the ballot
24 has been issued.))~~ The voter must be instructed to ~~((either))~~ return
25 the ballot to the county auditor by whom it was issued ~~((or attach
26 sufficient first class postage, if applicable, and mail the ballot to
27 the appropriate county auditor no later than))~~ by 8:00 p.m. on the day
28 of the election or primary for which the ballot was issued. Military
29 ballots must have been signed by 8:00 p.m. on the day of the election
30 or primary for which the ballot was issued and received by the
31 appropriate county auditor by 5:00 p.m. on the day of the final county
32 certification of the election or primary.

33 If the county auditor chooses to forward absentee ballots, he or
34 she must include with the ballot a clear explanation of the
35 qualifications necessary to vote in that election and must also advise
36 a voter with questions about his or her eligibility to contact the
37 county auditor. This explanation may be provided on the ballot
38 envelope, on an enclosed insert, or printed directly on the ballot

1 itself. If the information is not included, the envelope must clearly
2 indicate that the ballot is not to be forwarded and that return postage
3 is guaranteed.

4 **Sec. 29.** RCW 29A.40.140 and 2006 c 320 s 8 are each amended to
5 read as follows:

6 The qualifications of any absentee voter may be challenged before
7 the voted ballot is received. The board has the authority to determine
8 the legality of any absentee ballot challenged under this section.
9 Challenged ballots must be handled in accordance with (~~chapter 29A.08~~
10 RCW)) sections 19 through 26 of this act.

11 **Sec. 30.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to
12 read as follows:

13 (1) A voter desiring to vote shall give his or her name and photo
14 identification to the precinct election officer who has the precinct
15 list of registered voters. This officer shall announce the name to the
16 precinct election officer who has the copy of the inspector's poll book
17 for that precinct. The election officers together shall compare the
18 photograph on the identification with the appearance of the voter
19 before them and compare the signature on the identification with the
20 signature the voter has written in the poll book. If they agree that
21 there are obvious discrepancies between the photograph on the
22 identification and the appearance of the voter before them or between
23 the signature on the identification and the signature the voter has
24 written in the poll book, they shall treat the ballot as a provisional
25 ballot, note the discrepancies in a written record, and transmit this
26 record to the county auditor along with the voted ballot.

27 (2) The only acceptable forms of identification are either a
28 Washington state driver's license or identicard or a United States
29 passport. The identification must contain a photograph of the voter
30 and the voter's signature.

31 (3) If the right of this voter to participate in the primary or
32 election is not challenged, the voter must be issued a ballot or
33 permitted to enter a voting booth or to operate a voting device. For
34 a partisan primary in a jurisdiction using the physically separate
35 ballot format, the voter must be issued a nonpartisan ballot and each
36 party ballot. The number of the ballot or the voter must be recorded

1 by the precinct election officers. If the right of the voter to
2 participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that
3 voter.

4 **Sec. 31.** RCW 29A.44.330 and 2003 c 111 s 1131 are each amended to
5 read as follows:

6 The programmed memory pack for each poll-site ballot counting
7 device must be sealed into the device during final preparation and
8 logic and accuracy testing. Except in the case of a device breakdown,
9 the memory pack must remain sealed in the device until after the polls
10 have closed and all reports and telephonic or electronic transfer of
11 results are completed. After all reporting is complete the precinct
12 election officers responsible for transferring the sealed voted ballots
13 under RCW 29A.60.110 shall ensure that the memory pack is returned to
14 the elections department. If the entire poll-site ballot counting
15 device is returned, the memory pack must remain sealed in the device.
16 If the poll-site ballot counting device is to remain at the polling
17 place, the precinct election officer shall break the seal on the device
18 and remove the memory pack and seal and return it along with the
19 irregularly voted ballots and ((~~special~~)) provisional ballots to the
20 elections department on election day.

21 **Sec. 32.** RCW 29A.44.340 and 2003 c 111 s 1132 are each amended to
22 read as follows:

23 Each poll-site ballot counting device must be programmed to return
24 all blank ballots and overvoted ballots to the voter for private
25 reexamination. The election officer shall take whatever steps are
26 necessary to ensure that the secrecy of the ballot is maintained. The
27 precinct election officer shall provide information and instruction on
28 how to properly mark the ballot. The voter may remark the original
29 ballot, may request a new ballot under RCW 29A.44.040, or may choose to
30 complete a ((~~special~~)) provisional ballot envelope and return the
31 ballot as a ((~~special~~)) provisional ballot.

32 NEW SECTION. **Sec. 33.** A new section is added to chapter 29A.84
33 RCW to read as follows:

34 The secretary of state and the appropriate county auditor shall
35 refer all cases of violations of the following statutes that they

1 discover or suspect to have occurred to the local prosecuting attorney:
2 RCW 29A.84.130, 29A.84.140, 29A.84.650, 29A.84.655, 29A.84.660,
3 29A.84.670, and 29A.84.680. The prosecutor to whom the violations were
4 referred shall submit to the secretary of state a list of all such
5 referrals, the basis of the referrals, and the final disposition of the
6 referrals.

7 **Sec. 34.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to
8 read as follows:

9 If any county auditor or registration assistant:

10 (1) Willfully neglects or refuses to perform any duty required by
11 law in connection with the registration of voters; or

12 (2) Willfully neglects or refuses to perform such duty in the
13 manner required by voter registration law; or

14 (3) Enters or causes or permits to be entered on the voter
15 registration records the name of any person in any other manner or at
16 any other time than as prescribed by voter registration law or enters
17 or causes or permits to be entered on such records the name of any
18 person not entitled to be thereon; or

19 (4) Destroys, mutilates, conceals, changes, or alters any
20 registration record in connection therewith except as authorized by
21 voter registration law,

22 he or she is guilty of a (~~gross misdemeanor punishable to the same~~
23 ~~extent as a gross misdemeanor that is~~) class C felony punishable under
24 RCW 9A.20.021.

25 **Sec. 35.** RCW 29A.84.670 and 2003 c 111 s 2134 and 2003 c 53 s 181
26 are each reenacted and amended to read as follows:

27 (1) It is unlawful for a voter to:

28 (a) Receive a ballot from any person other than the election
29 officer having charge of the ballots;

30 (b) Vote or offer to vote any ballot except one received from the
31 election officer having charge of the ballots;

32 (c) Fail to return to the election officers any ballot received
33 from an election officer.

34 (2) A violation of this section is a gross misdemeanor, punishable
35 (~~by a fine not exceeding one hundred dollars, plus costs of~~
36 ~~prosecution~~) under RCW 9A.20.021.

1 NEW SECTION. **Sec. 36.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 A person applying for issuance or renewal of an identicard or a
4 Washington state driver's license must provide proof of United States
5 citizenship. If the person does not supply proof meeting the
6 requirements of RCW 46.20.035, the department may not issue the person
7 a regular identicard or driver's license. If the person satisfies all
8 other requirements and fees prescribed by law, the department shall
9 issue the person a provisional identicard or driver's license.

10 **Sec. 37.** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read
11 as follows:

12 (1) The department may not issue an identicard or a Washington
13 state driver's license ~~((that is valid for identification purposes))~~
14 unless the applicant meets the identification requirements of
15 ~~((subsection (1), (2), or (3) of))~~ this section.

16 ~~((1))~~ (2) A driver's license or identicard applicant must provide
17 the department with an original or certified copy of at least one of
18 the following pieces of valid identifying documentation that ~~((contains~~
19 ~~the signature and a photograph of the applicant))~~ proves the applicant
20 is a United States citizen:

21 ~~(a) ((A valid or recently expired driver's license or instruction~~
22 ~~permit that includes the date of birth of the applicant;~~

23 ~~(b) A Washington state identicard or an identification card issued~~
24 ~~by another state;~~

25 ~~(c) An identification card issued by the United States, a state, or~~
26 ~~an agency of either the United States or a state, of a kind commonly~~
27 ~~used to identify the members or employees of the government agency;~~

28 ~~(d) A military identification card;~~

29 ~~(e) A United States passport; or~~

30 ~~(f) An Immigration and Naturalization Service form.~~

31 ~~(2))~~ A United States passport;

32 (b) A certified birth certificate issued by the city, county, or
33 state. A certified birth certificate has a registrar's raised,
34 embossed, impressed, or multicolored seal, registrar's signature, and
35 the date the certificate was filed with the registrar's office, which
36 must be within one year of birth;

37 (c) A consular report of birth abroad or certification of birth;

1 (d) A naturalization certificate; or

2 (e) A certificate of citizenship.

3 (3) Any person who applies for an identicard or a Washington state
4 driver's license under this chapter and any person who is the parent of
5 a minor who applies for an identicard or a Washington state driver's
6 license under this chapter shall first provide the department with
7 proof of the person's status as a citizen of the United States and, in
8 addition, shall provide the department with the person's residential
9 address and phone number. The department shall confirm the validity of
10 the person's citizenship status.

11 (4) Each identicard or Washington state driver's license issued by
12 the department to an applicant who is not a citizen must be clearly
13 identified as a provisional identicard or license.

14 (5) An applicant who is a minor may establish identity by providing
15 an affidavit of the applicant's parent or guardian. The parent or
16 guardian must accompany the minor and display or provide:

17 (a) At least one piece of documentation in subsection ~~((1))~~ (2)
18 of this section establishing the identity of the parent or guardian;
19 and

20 (b) Additional documentation establishing the relationship between
21 the parent or guardian and the applicant.

22 ~~((3) A person unable to provide identifying documentation as~~
23 ~~specified in subsection (1) or (2) of this section may request that the~~
24 ~~department review other available documentation in order to ascertain~~
25 ~~identity. The department may waive the requirement if it finds that~~
26 ~~other documentation clearly establishes the identity of the applicant.~~

27 ~~(4))~~ (6) An identicard or a driver's license that includes a
28 photograph that has been renewed by mail or by electronic commerce is
29 valid for identification purposes if the applicant met the
30 identification requirements of ~~((subsection (1), (2), or (3) of))~~ this
31 section at the time of previous issuance.

32 ~~((5))~~ (7) The form of an applicant's name, as established under
33 this section, is the person's name of record for the purposes of this
34 chapter.

35 ~~((6) If the applicant is unable to prove his or her identity under~~
36 ~~this section, the department shall plainly label the license "not valid~~
37 ~~for identification purposes.")~~

1 (8) Proof of citizenship is not required if an applicant displays
2 a valid or recently expired identicard or Washington state driver's
3 license that was issued by the department after the effective date of
4 this section.

5 **Sec. 38.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read
6 as follows:

7 (1) **Application.** In order to apply for a driver's license or
8 instruction permit the applicant must provide his or her:

9 (a) Name of record, as established by documentation required under
10 RCW 46.20.035;

11 (b) Date of birth, as established by satisfactory evidence of age;

12 (c) Sex;

13 (d) Washington residence address;

14 (e) Description;

15 (f) Driving licensing history, including:

16 (i) Whether the applicant has ever been licensed as a driver or
17 chauffeur and, if so, (A) when and by what state or country; (B)
18 whether the license has ever been suspended or revoked; and (C) the
19 date of and reason for the suspension or revocation; or

20 (ii) Whether the applicant's application to another state or
21 country for a driver's license has ever been refused and, if so, the
22 date of and reason for the refusal; (~~and~~))

23 (g) Proof of United States citizenship; and

24 (h) Any additional information required by the department.

25 (2) **Sworn statement.** An application for an instruction permit or
26 for an original driver's license must be made upon a form provided by
27 the department. The form must include a section for the applicant to
28 indicate whether he or she has received driver training and, if so,
29 where. The identifying documentation verifying the name of record must
30 be accompanied by the applicant's written statement that it is valid.
31 The information provided on the form must be sworn to and signed by the
32 applicant before a person authorized to administer oaths. An applicant
33 who makes a false statement on an application for a driver's license or
34 instruction permit is guilty of false swearing, a gross misdemeanor,
35 under RCW 9A.72.040.

36 (3) **Driving records from other jurisdictions.** If a person
37 previously licensed in another jurisdiction applies for a Washington

1 driver's license, the department shall request a copy of the
2 applicant's driver's record from the other jurisdiction. The driving
3 record from the other jurisdiction becomes a part of the driver's
4 record in this state.

5 (4) **Driving records to other jurisdictions.** If another
6 jurisdiction requests a copy of a person's Washington driver's record,
7 the department shall provide a copy of the record. The department
8 shall forward the record without charge if the other jurisdiction
9 extends the same privilege to the state of Washington. Otherwise the
10 department shall charge a reasonable fee for transmittal of the record.

11 **Sec. 39.** RCW 46.20.105 and 2000 c 115 s 5 are each amended to read
12 as follows:

13 (1) The department may provide a method to distinguish the driver's
14 license of a person who is under the age of twenty-one from the
15 driver's license of a person who is twenty-one years of age or older.

16 (2) An instruction permit must be identified as an "instruction
17 permit" and issued in a distinctive form as determined by the
18 department.

19 (3) An intermediate license must be identified as an "intermediate
20 license" and issued in a distinctive form as determined by the
21 department.

22 (4) A provisional license must be identified as a "provisional
23 license" and issued in a distinctive color as determined by the
24 department.

25 **Sec. 40.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
26 read as follows:

27 (1) **Issuance.** The department shall issue an identicard, containing
28 a picture, if the applicant:

29 (a) Does not hold a valid Washington driver's license;

30 (b) Proves his or her identity as required by RCW 46.20.035; and

31 (c) Pays the required fee. The fee is twenty dollars unless an
32 applicant is a recipient of continuing public assistance grants under
33 Title 74 RCW, who is referred in writing by the secretary of social and
34 health services. For those persons the fee must be the actual cost of
35 production of the identicard.

36 (2) **Design and term.** The identicard must:

1 (a) Be distinctly designed so that it will not be confused with the
2 official driver's license; (~~and~~)

3 (b) Expire on the fifth anniversary of the applicant's birthdate
4 after issuance; and

5 (c) If a provisional identicard, be clearly identified as a
6 "provisional identicard" and issued in a distinctive color as
7 determined by the department.

8 (3) **Renewal.** An application for identicard renewal may be
9 submitted by means of:

10 (a) Personal appearance before the department; or

11 (b) Mail or electronic commerce, if permitted by rule of the
12 department and if the applicant did not renew his or her identicard by
13 mail or by electronic commerce when it last expired. However, the
14 department may accept an application for renewal of an identicard
15 submitted by means of mail or electronic commerce only if specific
16 authority and funding is provided for this purpose by June 30, 2004, in
17 the omnibus transportation appropriations act.

18 An identicard may not be renewed by mail or by electronic commerce
19 unless the renewal issued by the department includes a photograph of
20 the identicard holder.

21 (4) **Cancellation.** The department may cancel an identicard if the
22 holder of the identicard used the card or allowed others to use the
23 card in violation of RCW 46.20.0921.

24 **Sec. 41.** RCW 46.20.155 and 2005 c 246 s 24 are each amended to
25 read as follows:

26 (1) Before issuing an original license or identicard or renewing a
27 license or identicard under this chapter, the licensing agent shall
28 determine if the applicant wants to register to vote or transfer his or
29 her voter registration by asking the following question:

30 "Do you want to register to vote or transfer your voter
31 registration?"

32 (2) If the applicant chooses to register or transfer a
33 registration, the agent shall (~~ask~~) make the following statement and
34 ask the applicant the following questions:

35 (~~(1)~~) (a) "Are you a United States citizen?"

1 (~~(2)~~) (b) "Are you or will you be eighteen years of age on or
2 before the next election?"

3 (3) If the applicant answers in the affirmative to both questions,
4 the agent shall then provide the applicant with a voter registration
5 form and instructions and shall record that the applicant has requested
6 to register to vote or transfer a voter registration. If the applicant
7 answers in the negative to either question, the agent shall not provide
8 the applicant with a voter registration form.

9 (~~(2)~~) (4) The department shall establish a procedure that
10 substantially meets the requirements of subsections (1) and (2) of this
11 section when permitting an applicant to renew a license or identicard
12 by mail or by electronic commerce.

13 **Sec. 42.** RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c
14 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each
15 reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040)

1 Rape of a Child 1 (RCW 9A.44.073)
2 Trafficking 2 (RCW 9A.40.100(2))
3 XI Manslaughter 1 (RCW 9A.32.060)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 X Child Molestation 1 (RCW 9A.44.083)
7 Indecent Liberties (with forcible
8 compulsion) (RCW
9 9A.44.100(1)(a))
10 Kidnapping 1 (RCW 9A.40.020)
11 Leading Organized Crime (RCW
12 9A.82.060(1)(a))
13 Malicious explosion 3 (RCW
14 70.74.280(3))
15 Sexually Violent Predator Escape
16 (RCW 9A.76.115)
17 IX Abandonment of Dependent Person 1
18 (RCW 9A.42.060)
19 Assault of a Child 2 (RCW 9A.36.130)
20 Criminal Mistreatment 1 (RCW
21 9A.42.020)
22 Explosive devices prohibited (RCW
23 70.74.180)
24 Hit and Run--Death (RCW
25 46.52.020(4)(a))
26 Homicide by Watercraft, by being
27 under the influence of intoxicating
28 liquor or any drug (RCW
29 79A.60.050)
30 Inciting Criminal Profiteering (RCW
31 9A.82.060(1)(b))
32 Malicious placement of an explosive 2
33 (RCW 70.74.270(2))
34 Robbery 1 (RCW 9A.56.200)
35 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under
2 the influence of intoxicating liquor
3 or any drug (RCW 46.61.520)
4 VIII Arson 1 (RCW 9A.48.020)
5 Homicide by Watercraft, by the
6 operation of any vessel in a
7 reckless manner (RCW
8 79A.60.050)
9 Manslaughter 2 (RCW 9A.32.070)
10 Promoting Prostitution 1 (RCW
11 9A.88.070)
12 Theft of Ammonia (RCW 69.55.010)
13 Vehicular Homicide, by the operation
14 of any vehicle in a reckless manner
15 (RCW 46.61.520)
16 VII Burglary 1 (RCW 9A.52.020)
17 Child Molestation 2 (RCW 9A.44.086)
18 Civil Disorder Training (RCW
19 9A.48.120)
20 Dealing in depictions of minor engaged
21 in sexually explicit conduct (RCW
22 9.68A.050)
23 Drive-by Shooting (RCW 9A.36.045)
24 Homicide by Watercraft, by disregard
25 for the safety of others (RCW
26 79A.60.050)
27 Indecent Liberties (without forcible
28 compulsion) (RCW 9A.44.100(1)
29 (b) and (c))
30 Introducing Contraband 1 (RCW
31 9A.76.140)
32 Malicious placement of an explosive 3
33 (RCW 70.74.270(3))
34 Negligently Causing Death By Use of a
35 Signal Preemption Device (RCW
36 46.37.675)

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct (RCW 9.68A.060)
4 Unlawful Possession of a Firearm in
5 the first degree (RCW 9.41.040(1))
6 Use of a Machine Gun in Commission
7 of a Felony (RCW 9.41.225)
8 Vehicular Homicide, by disregard for
9 the safety of others (RCW
10 46.61.520)
11 VI Bail Jumping with Murder 1 (RCW
12 9A.76.170(3)(a))
13 Bribery (RCW 9A.68.010)
14 Incest 1 (RCW 9A.64.020(1))
15 Intimidating a Judge (RCW 9A.72.160)
16 Intimidating a Juror/Witness (RCW
17 9A.72.110, 9A.72.130)
18 Malicious placement of an imitation
19 device 2 (RCW 70.74.272(1)(b))
20 Possession of Depictions of a Minor
21 Engaged in Sexually Explicit
22 Conduct (RCW 9.68A.070)
23 Rape of a Child 3 (RCW 9A.44.079)
24 Theft of a Firearm (RCW 9A.56.300)
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of Dependent Person 2
28 (RCW 9A.42.070)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Bail Jumping with class A Felony
33 (RCW 9A.76.170(3)(b))
34 Child Molestation 3 (RCW 9A.44.089)
35 Criminal Mistreatment 2 (RCW
36 9A.42.030)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Domestic Violence Court Order
4 Violation (RCW 10.99.040,
5 10.99.050, 26.09.300, 26.10.220,
6 26.26.138, 26.50.110, 26.52.070,
7 or 74.34.145)
8 Driving While Under the Influence
9 (RCW 46.61.502(6))
10 Extortion 1 (RCW 9A.56.120)
11 Extortionate Extension of Credit (RCW
12 9A.82.020)
13 Extortionate Means to Collect
14 Extensions of Credit (RCW
15 9A.82.040)
16 Incest 2 (RCW 9A.64.020(2))
17 Kidnapping 2 (RCW 9A.40.030)
18 Perjury 1 (RCW 9A.72.020)
19 Persistent prison misbehavior (RCW
20 9.94.070)
21 Physical Control of a Vehicle While
22 Under the Influence (RCW
23 46.61.504(6))
24 Possession of a Stolen Firearm (RCW
25 9A.56.310)
26 Rape 3 (RCW 9A.44.060)
27 Rendering Criminal Assistance 1
28 (RCW 9A.76.070)
29 Sexual Misconduct with a Minor 1
30 (RCW 9A.44.093)
31 Sexually Violating Human Remains
32 (RCW 9A.44.105)
33 Stalking (RCW 9A.46.110)
34 Taking Motor Vehicle Without
35 Permission 1 (RCW 9A.56.070)
36 IV Arson 2 (RCW 9A.48.030)
37 Assault 2 (RCW 9A.36.021)

1 Assault 3 (of a Peace Officer with a
2 Projectile Stun Gun) (RCW
3 9A.36.031(1)(h))
4 Assault by Watercraft (RCW
5 79A.60.060)
6 Bribing a Witness/Bribe Received by
7 Witness (RCW 9A.72.090,
8 9A.72.100)
9 Cheating 1 (RCW 9.46.1961)
10 Commercial Bribery (RCW 9A.68.060)
11 Counterfeiting (RCW 9.16.035(4))
12 Endangerment with a Controlled
13 Substance (RCW 9A.42.100)
14 Escape 1 (RCW 9A.76.110)
15 Hit and Run--Injury (RCW
16 46.52.020(4)(b))
17 Hit and Run with Vessel--Injury
18 Accident (RCW 79A.60.200(3))
19 Identity Theft 1 (RCW 9.35.020(2))
20 Indecent Exposure to Person Under
21 Age Fourteen (subsequent sex
22 offense) (RCW 9A.88.010)
23 Influencing Outcome of Sporting Event
24 (RCW 9A.82.070)
25 Malicious Harassment (RCW
26 9A.36.080)
27 Residential Burglary (RCW
28 9A.52.025)
29 Robbery 2 (RCW 9A.56.210)
30 Theft of Livestock 1 (RCW 9A.56.080)
31 Threats to Bomb (RCW 9.61.160)
32 Trafficking in Stolen Property 1 (RCW
33 9A.82.050)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(b))

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(3))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicular Assault, by being under the
15 influence of intoxicating liquor or
16 any drug, or by the operation or
17 driving of a vehicle in a reckless
18 manner (RCW 46.61.522)
19 Willful Failure to Return from
20 Furlough (RCW 72.66.060)
21 III Animal Cruelty 1 (Sexual Conduct or
22 Contact) (RCW 16.52.205(3))
23 Assault 3 (Except Assault 3 of a Peace
24 Officer With a Projectile Stun
25 Gun) (RCW 9A.36.031 except
26 subsection (1)(h))
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction
2 or threat of death) (RCW
3 9.61.260(3))
4 Escape 2 (RCW 9A.76.120)
5 Extortion 2 (RCW 9A.56.130)
6 Harassment (RCW 9A.46.020)
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Negligently Causing Substantial Bodily
14 Harm By Use of a Signal
15 Preemption Device (RCW
16 46.37.674)
17 Organized Retail Theft 1 (RCW
18 9A.56.350(2))
19 Patronizing a Juvenile Prostitute (RCW
20 9.68A.100)
21 Perjury 2 (RCW 9A.72.030)
22 Possession of Incendiary Device (RCW
23 9.40.120)
24 Possession of Machine Gun or Short-
25 Barreled Shotgun or Rifle (RCW
26 9.41.190)
27 Promoting Prostitution 2 (RCW
28 9A.88.080)
29 (~~[[Retail]]~~) Retail Theft with
30 Extenuating Circumstances 1
31 (RCW 9A.56.360(2))
32 Securities Act violation (RCW
33 21.20.400)
34 Tampering with a Witness (RCW
35 9A.72.120)

1 Telephone Harassment (subsequent
2 conviction or threat of death)
3 (RCW 9.61.230(2))
4 Theft of Livestock 2 (RCW 9A.56.083)
5 Theft with the Intent to Resell 1 (RCW
6 9A.56.340(2))
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Voter Registration Violation by
18 Election Official (RCW
19 29A.84.110)
20 Willful Failure to Return from Work
21 Release (RCW 72.65.070)
22 II Computer Trespass 1 (RCW
23 9A.52.110)
24 Counterfeiting (RCW 9.16.035(3))
25 Escape from Community Custody
26 (RCW 72.09.310)
27 Failure to Register as a Sex Offender
28 (second or subsequent offense)
29 (RCW 9A.44.130(10)(a))
30 Health Care False Claims (RCW
31 48.80.030)
32 Identity Theft 2 (RCW 9.35.020(3))
33 Improperly Obtaining Financial
34 Information (RCW 9.35.010)
35 Malicious Mischief 1 (RCW
36 9A.48.070)

1 Organized Retail Theft 2 (RCW
2 9A.56.350(3))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Repeat Voting (RCW 29A.84.650)
6 ~~((Retail))~~ Retail Theft with
7 Extenuating Circumstances 2
8 (RCW 9A.56.360(3))
9 Theft 1 (RCW 9A.56.030)
10 Theft of Rental, Leased, or Lease-
11 purchased Property (valued at one
12 thousand five hundred dollars or
13 more) (RCW 9A.56.096(5)(a))
14 Theft with the Intent to Resell 2 (RCW
15 9A.56.340(3))
16 Trafficking in Insurance Claims (RCW
17 48.30A.015)
18 Unlawful factoring of a credit card or
19 payment card transaction (RCW
20 9A.56.290(4)(a))
21 Unlawful Practice of Law (RCW
22 2.48.180)
23 Unlicensed Practice of a Profession or
24 Business (RCW 18.130.190(7))
25 Voyeurism (RCW 9A.44.115)
26 I Attempting to Elude a Pursuing Police
27 Vehicle (RCW 46.61.024)
28 False Verification for Welfare (RCW
29 74.08.055)
30 Forgery (RCW 9A.60.020)
31 Fraudulent Creation or Revocation of a
32 Mental Health Advance Directive
33 (RCW 9A.60.060)
34 Malicious Mischief 2 (RCW
35 9A.48.080)
36 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Taking Motor Vehicle Without
5 Permission 2 (RCW 9A.56.075)
6 Theft 2 (RCW 9A.56.040)
7 Theft of Rental, Leased, or Lease-
8 purchased Property (valued at two
9 hundred fifty dollars or more but
10 less than one thousand five
11 hundred dollars) (RCW
12 9A.56.096(5)(b))
13 Transaction of insurance business
14 beyond the scope of licensure
15 (RCW 48.17.063(4))
16 Unlawful Issuance of Checks or Drafts
17 (RCW 9A.56.060)
18 Unlawful Possession of Fictitious
19 Identification (RCW 9A.56.320)
20 Unlawful Possession of Instruments of
21 Financial Fraud (RCW 9A.56.320)
22 Unlawful Possession of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Possession of a Personal
25 Identification Device (RCW
26 9A.56.320)
27 Unlawful Production of Payment
28 Instruments (RCW 9A.56.320)
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Unqualified Voter Registration (RCW
34 29A.84.140)
35 Vehicle Prowl 1 (RCW 9A.52.095)

36 NEW SECTION. **Sec. 43.** RCW 29A.08.145 (Late registration--Special

1 procedure) and 2006 c 97 s 2, 2006 c 246 s 10, 2004 c 267 s 113, 2003
2 c 111 s 213, & 1993 c 383 s 1 are each repealed.

3 NEW SECTION. **Sec. 44.** (1) Sections 19 through 23, 25, and 26 of
4 this act constitute a new chapter in Title 29A RCW, to be captioned
5 "Provisional ballots."

6 (2) RCW 29A.40.050, as amended by section 24 of this act, is
7 recodified as a section in the new chapter created in subsection (1) of
8 this section.

9 NEW SECTION. **Sec. 45.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 46.** (1) Sections 1 and 17 of this act are
14 necessary for the immediate preservation of the public peace, health,
15 or safety, or support of the state government and its existing public
16 institutions, and take effect immediately.

17 (2) The remainder of this act takes effect January 1, 2008.

--- END ---