
HOUSE BILL 3159

State of Washington 60th Legislature 2008 Regular Session

By Representatives Chandler, Roach, Dunn, Bailey, and McCune

Read first time 01/23/08. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to voter registration integrity; amending RCW
2 2.36.072, 29A.08.010, 29A.08.110, 29A.08.113, 29A.08.115, 29A.08.125,
3 29A.08.210, 29A.08.440, 29A.08.510, and 29A.08.520; reenacting and
4 amending RCW 29A.60.165; adding a new section to chapter 29A.08 RCW;
5 and prescribing penalties.

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

7 **Sec. 1.** RCW 2.36.072 and 1993 c 408 s 9 are each amended to read
8 as follows:

9 (1) Each court shall establish a means to preliminarily determine
10 by a written declaration signed under penalty of perjury by the person
11 summoned, the qualifications set forth in RCW 2.36.070 of each person
12 summoned for jury duty prior to their appearance at the court to which
13 they are summoned to serve.

14 (2) Upon receipt by the summoning court of a written declaration
15 stating that a declarant does not meet the qualifications set forth in
16 RCW 2.36.070, that declarant shall be excused from appearing in
17 response to the summons. If a person summoned to appear for jury duty
18 fails to sign and return a declaration of his or her qualifications to
19 serve as a juror prior to appearing in response to a summons and is

1 later determined to be unqualified for one of the reasons set forth in
2 RCW 2.36.070, that person shall not be entitled to any compensation as
3 provided in RCW 2.36.150.

4 (3) Information provided to the court for preliminary determination
5 of statutory qualification for jury duty may only be used for the term
6 such person is summoned and may not be used for any other purpose,
7 except ((that)) under the following circumstances:

8 (a) The court, or designee, may report a change of address or
9 nondelivery of summons of persons summoned for jury duty to the county
10 auditor; and

11 (b) The summoning court must immediately notify the applicant,
12 county auditor, and secretary of state if it receives a written
13 declaration or otherwise learns that a declarant does not meet the
14 qualifications set forth in RCW 2.36.070 (1), (2), (3), or (5).

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

17 As used in this chapter: "Information required for voter
18 registration" means the minimum information provided on a voter
19 registration application that is required by the county auditor in
20 order to place a voter registration applicant on the voter registration
21 rolls. This information includes:

- 22 (1) Full legal name;
- 23 (2) Residential address;
- 24 (3) Date of birth;
- 25 (4) Washington state driver's license number or Washington state
26 identification card number, or the last four digits of the applicant's
27 Social Security number if the applicant does not have a Washington
28 state driver's license or Washington state identification card;
- 29 (5) A signature attesting to the truth of the information provided
30 on the application; ~~((and))~~

31 (6) A check or indication in the box confirming the individual is
32 a United States citizen; and

33 (7) A check or indication confirming that the individual has not
34 been convicted of a felony and, if the individual has been convicted of
35 a felony, that voting rights have been restored.

36 The residential address provided must identify the actual physical
37 residence of the voter in Washington, as defined in RCW 29A.04.151,

1 with detail sufficient to allow the voter to be assigned to the proper
2 precinct and to locate the voter to confirm his or her residence for
3 purposes of verifying qualification to vote under Article VI, section
4 1 of the state Constitution. A residential address may be either a
5 traditional address or a nontraditional address. A traditional address
6 consists of a street number and name, optional apartment number or unit
7 number, and city or town, as assigned by a local government, which
8 serves to identify the parcel or building of residence and the unit if
9 a multiunit residence. A nontraditional address consists of a
10 narrative description of the location of the voter's residence, and may
11 be used when a traditional address has not been assigned to the voter's
12 residence. If the postal service does not deliver mail to the voter's
13 residential address, or the voter prefers to receive mail at a
14 different address, the voter may separately provide the mailing address
15 at which they receive mail. Any mailing address provided shall be used
16 only for mail delivery purposes and not for precinct assignment or
17 confirmation of residence for voter qualification purposes.

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

26 **Sec. 3.** RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read
27 as follows:

28 (1) An application is considered complete only if it contains the
29 applicant's full legal name, complete valid residence address, date of
30 birth, signature attesting to the truth of the information provided, a
31 mark in the check-off box confirming United States citizenship, a mark
32 in the check-off box confirming no felony conviction or, if the
33 applicant has a felony conviction, proof of restoration of voting
34 rights, and an indication that the provided driver's license number,
35 state identification card number, or Social Security number has been
36 confirmed by the secretary of state. If it is not complete, the
37 auditor shall promptly mail a verification notice of the deficiency to

1 the applicant. This verification notice shall require the applicant to
2 provide the missing information. If the verification notice is not
3 returned by the applicant within forty-five days or is returned as
4 undeliverable, the name of the applicant shall not be placed on the
5 official list of registered voters. If the applicant provides the
6 required verified information, the applicant shall be registered to
7 vote as of the original date of mailing or date of delivery, whichever
8 is applicable.

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

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

31 **Sec. 4.** RCW 29A.08.113 and 2005 c 246 s 7 are each amended to read
32 as follows:

33 (1) If a voter who registered by mail indicates on the voter
34 registration form that he or she does not have a Washington state
35 driver's license, Washington state identification card, or Social
36 Security number, he or she must provide one of the following forms of

1 identification on or before the first time he or she votes after
2 registering:

- 3 (a) Valid photo identification;
- 4 (b) A valid enrollment card of a federally recognized Indian tribe
5 in Washington state;
- 6 (c) A copy of a current utility bill;
- 7 (d) A current bank statement;
- 8 (e) A copy of a current government check;
- 9 (f) A copy of a current paycheck; or
- 10 (g) A government document that shows both the name and address of
11 the voter.

12 (2) If the voter fails to provide one of the above forms of
13 identification prior to or at the time of voting, the ballot must be
14 treated as a provisional ballot regardless of whether the voter is
15 voting at a poll site or by mail. The ballot may only be counted if
16 the ~~((voter's signature on the outside envelope matches the signature
17 in the voter registration records))~~ voter provides the identification
18 no later than the day before certification of the primary or election.

19 (3) The requirements of this section do not apply to an ~~((out-of-
20 state,))~~ overseas~~((,))~~ or service voter who registers to vote by
21 signing the return envelope of the absentee ballot.

22 **Sec. 5.** RCW 29A.08.115 and 2005 c 246 s 8 are each amended to read
23 as follows:

24 A person or organization collecting voter registration application
25 forms must transmit the forms to the secretary of state or a county
26 auditor ~~((at least once weekly))~~ within five days of receipt of a
27 completed application form. The registration date on such forms will
28 be the date they are received by the secretary of state or county
29 auditor.

30 **Sec. 6.** RCW 29A.08.125 and 2005 c 246 s 9 are each amended to read
31 as follows:

32 (1) Each county auditor shall maintain a computer file containing
33 a copy of each record of all registered voters within the county
34 contained on the official statewide voter registration list for that
35 county.

1 (2) (~~The secretary of state shall at least quarterly review and~~
2 ~~update the records of all registered voters on the official statewide~~
3 ~~voter registration database to make additions and corrections.~~

4 (3)) The computer file must include, but not be limited to, each
5 voter's last name, first name, middle initial, date of birth, residence
6 address, gender, date of registration, applicable taxing district and
7 precinct codes, and the last date on which the individual voted.

8 ((4)) (3) The county auditor shall subsequently record each
9 consecutive date upon which the individual has voted and retain all
10 such consecutive dates.

11 **Sec. 7.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to
12 read as follows:

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

16 (1) The address of the last former registration of the applicant as
17 a voter in the state;

18 (2) The applicant's full legal name;

19 (3) The applicant's date of birth;

20 (4) The address of the applicant's residence for voting purposes;

21 (5) The mailing address of the applicant if that address is not the
22 same as the address in subsection (4) of this section;

23 (6) The sex of the applicant;

24 (7) The applicant's Washington state driver's license number or
25 Washington state identification card number, or the last four digits of
26 the applicant's Social Security number if he or she does not have a
27 Washington state driver's license or Washington state identification
28 card;

29 (8) A check box for the applicant to indicate that he or she does
30 not have a Washington state driver's license, Washington state
31 identification card, or Social Security number;

32 (9) A check box allowing the applicant to indicate that he or she
33 is a member of the armed forces, national guard, or reserves, or that
34 he or she is an overseas voter;

35 (10) A check box allowing the applicant to confirm that he or she
36 is at least eighteen years of age;

1 (11) A check box allowing the applicant to indicate whether he or
2 she has ever been convicted of a felony;

3 (12) Clear and conspicuous language, designed to draw the
4 applicant's attention, stating that the applicant must be a United
5 States citizen in order to register to vote;

6 (~~(12)~~) (13) A check box and declaration confirming that the
7 applicant is a citizen of the United States;

8 (~~(13)~~) (14) The following warning:

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

14 (~~(14)~~) (15) The following affirmation by the applicant:

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

21 (~~(15)~~) (16) The oath required by RCW 29A.08.230 and a space for
22 the applicant's signature; and

23 (~~(16)~~) (17) Any other information that the secretary of state
24 determines is necessary to establish the identity of the applicant and
25 prevent duplicate or fraudulent voter registrations.

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

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

34 **Sec. 8.** RCW 29A.08.440 and 2003 c 111 s 231 are each amended to
35 read as follows:

36 To maintain a valid voter registration, a person who changes his or
37 her legal name shall notify the county auditor regarding the name

1 change in one of the following ways: (1) By sending the auditor a
2 notice clearly identifying the name under which he or she is registered
3 to vote, the voter's new full legal name, and the voter's residence.
4 Such a notice must be signed by the voter using both this former name
5 and the voter's new full legal name; (2) by appearing in person before
6 the auditor or a registration assistant and signing such a change-of-
7 name notice; (3) by signing such a change-of-name notice at the voter's
8 precinct polling place on the day of a primary or special or general
9 election; (4) by properly executing a name change on a mail-in
10 registration application or a prescribed state agency application.

11 A properly registered voter who files a change-of-name notice at
12 the voter's precinct polling place during a primary or election and who
13 desires to vote at that primary or election shall sign the poll book
14 using the voter's former and new names in the same manner as is
15 required for the change-of-name notice.

16 **Sec. 9.** RCW 29A.08.510 and 2004 c 267 s 124 are each amended to
17 read as follows:

18 ~~((In addition to case by case maintenance under RCW 29A.08.620 and~~
19 ~~29A.08.630 and the general program of maintenance of voter registration~~
20 ~~lists under RCW 29A.08.605,)) Deceased voters will be canceled from
21 voter registration lists as follows:~~

22 (1) ~~((Periodically))~~ Monthly, the registrar of vital statistics of
23 the state shall prepare a list of persons who resided in each county,
24 for whom a death certificate was transmitted to the registrar and was
25 not included on a previous list, and shall supply the list to the
26 secretary of state.

27 The secretary of state shall compare this monthly list with the
28 registration records and cancel the registrations of deceased voters
29 ~~((within at least forty five days before the next primary or~~
30 ~~election))~~.

31 (2) In addition, each county auditor may also use newspaper
32 obituary articles as a source of information in order to cancel a
33 voter's registration from the official state voter registration list.
34 The auditor must verify the identity of the voter by matching the
35 voter's date of birth or an address. The auditor shall record the date
36 and source of the obituary in the cancellation records.

1 (3) In addition, any registered voter may sign a statement, subject
2 to the penalties of perjury, to the effect that to his or her personal
3 knowledge or belief another registered voter is deceased. This
4 statement may be filed with the county auditor or the secretary of
5 state. Upon the receipt of such signed statement, the county auditor
6 or the secretary of state shall cancel the registration (~~records~~
7 ~~concerned~~) from the official state voter registration list.

8 (4) Once each year, the secretary of state shall conduct an audit
9 of county registration records regarding cancellation of deceased
10 voters. The audit shall consist of a comparison of the deceased voter
11 information received with the county registration records to ensure
12 that the appropriate cancellations are made.

13 **Sec. 10.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
14 read as follows:

15 (1) Upon receiving official notice of a person's conviction of a
16 felony in either state or federal court, if the convicted person is a
17 registered voter in the county, the county auditor shall cancel the
18 defendant's voter registration. (~~Additionally,~~)

19 (2) The secretary of state in conjunction with the department of
20 corrections, the Washington state patrol, the office of the
21 administrator for the courts, and other appropriate state agencies
22 shall arrange for a (~~quarterly~~) semiannual comparison of a list of
23 known felons with the statewide voter registration list. If a person
24 is found on a felon list and the statewide voter registration list, the
25 secretary of state or county auditor shall confirm the match through a
26 date of birth comparison and suspend the voter registration from the
27 official state voter registration list. The canceling authority shall
28 send to the person at his or her last known voter registration address
29 a notice of the proposed cancellation and an explanation of the
30 requirements for restoring the right to vote once all terms of
31 sentencing have been completed. If the person does not respond within
32 thirty days, the registration must be canceled.

33 (~~(+2)~~) (3) The right to vote may be restored by, for each felony
34 conviction, one of the following:

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

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

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

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

5 (4) Once each year, the secretary of state shall conduct an audit
6 of county registration records regarding cancellation of felon voters.
7 The audit shall consist of a comparison of the felon voter information
8 received and the county registration records to ensure that the
9 appropriate cancellations are made.

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

12 Whenever the secretary of state or a county auditor receives
13 information from the courts regarding a juror's ineligibility to serve
14 based on age, citizenship, residence, or felony conviction pursuant to
15 RCW 2.36.072(3)(b), the secretary or county auditor shall verify the
16 reason for ineligibility and take appropriate action to cancel or
17 transfer the registration. If the reason for ineligibility for jury
18 duty is based on felony conviction, procedures in RCW 29A.08.520 must
19 be followed.

20 **Sec. 12.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
21 each reenacted and amended to read as follows:

22 (1) If the voter neglects to sign the (~~outside envelope of~~) oath
23 on an absentee or provisional ballot envelope, signs the oath with a
24 mark and fails to have two witnesses attest to the signature, or signs
25 the ballot envelope but the signature on the envelope does not match
26 the signature on the voter registration record, the auditor shall
27 notify the voter by first class mail (~~and advise the voter~~) of the
28 correct procedures for (~~completing the unsigned affidavit~~) curing the
29 signature. If (~~the~~) such an absentee ballot is not received within
30 three business days of the final meeting of the canvassing board, or
31 the voter has been notified by first class mail and has not responded
32 by at least three business days before the final meeting of the
33 canvassing board, (~~then~~) the auditor shall attempt to notify the
34 voter by telephone, using information in the voter registration record
35 (~~information~~).

1 ~~((In order for the ballot to be counted))~~ (2) If the voter neglects
2 to sign the oath on an absentee or provisional ballot envelope, or
3 signs the oath with a mark and fails to have two witnesses attest to
4 the signature, the voter must either:

5 (a) Appear in person and sign the envelope no later than the day
6 before ~~((the))~~ certification of the primary or election; or

7 (b) Sign a copy of the envelope provided by the auditor, and return
8 it to the auditor no later than the day before ~~((the))~~ certification of
9 the primary or election.

10 ~~((2)(a) If the handwriting of the signature on an absentee or~~
11 ~~provisional ballot envelope is not the same as the handwriting of the~~
12 ~~signature on the registration file, the auditor shall notify the voter~~
13 ~~by first class mail, enclosing a copy of the envelope affidavit, and~~
14 ~~advise the voter of the correct procedures for updating his or her~~
15 ~~signature on the voter registration file. If the absentee or~~
16 ~~provisional ballot is received within three business days of the final~~
17 ~~meeting of the canvassing board, or the voter has been notified by~~
18 ~~first class mail and has not responded at least three business days~~
19 ~~before the final meeting of the canvassing board, then the auditor~~
20 ~~shall attempt to notify the voter by telephone, using the voter~~
21 ~~registration record information. In order for the ballot to be~~
22 ~~counted))~~ (3) If the signature on the oath of an absentee or
23 provisional ballot envelope does not match the signature on the voter
24 registration record, the voter must ~~((either))~~:

25 ~~((i))~~ (a) Appear in person and sign a new registration form no
26 later than the day before ((the)) certification of the primary or
27 election. The updated signature provided on the new registration form
28 becomes the signature on the voter registration record for the current
29 election and future elections; ((or

30 (ii)) (b) Sign a copy of the affidavit provided by the auditor and
31 ((return it to the auditor no later than the day before the
32 certification of the primary or election. The voter may enclose with
33 the affidavit)) provide a photocopy of a valid government or tribal
34 issued identification document that includes the voter's current
35 signature. ((If)) The signatures on ((the copy of)) the affidavit
36 ((does not match the signature on file or the signature on the copy
37 of)), the identification ((document, the voter must appear in person
38 and sign a new registration form)), and the ballot envelope must all

1 match. The voter must return the signed affidavit and the
2 identification to the auditor no later than the day before ((the))
3 certification of the primary or election ((in order for the ballot to
4 be counted)). The county auditor may also send the voter a new
5 registration form to update the signature on the voter registration
6 record for future elections; or

7 (c) Sign a copy of the affidavit provided by the auditor in front
8 of two witnesses who are registered voters and who attest to the
9 signature. The signature on the affidavit must match the signature on
10 the ballot envelope. The voter must return the signed affidavit to the
11 auditor no later than the day before certification of the primary or
12 election. The county auditor may also send the voter a new
13 registration form to update the signature on the voter registration
14 record for future elections.

15 ((+b)) (4) If the signature on an absentee or provisional ballot
16 envelope is not the same as the signature on the registration ((file))
17 record because the name is different, the ballot may be counted as long
18 as the handwriting is clearly the same. The auditor shall send the
19 voter a change-of-name form under RCW 29A.08.440 and direct the voter
20 to complete the form. ((+e)) If the signature on an absentee or
21 provisional ballot envelope is not the same as the signature on the
22 registration ((file)) record because the voter used initials or a
23 common nickname, the ballot may be counted as long as the surname and
24 handwriting are clearly the same.

25 ((+3)) (5) A voter may not cure a missing or mismatched signature
26 for purposes of counting the ballot in a recount.

27 ((+4)) (6) A record must be kept of all ballots with missing and
28 mismatched signatures. The record must contain the date on which the
29 voter was contacted or the notice was mailed, as well as the date on
30 which the voter signed the envelope, a copy of the envelope, a new
31 registration form, or a change-of-name form. That record is a public
32 record under chapter 42.56 RCW and may be disclosed to interested
33 parties on written request.

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