
SENATE BILL 5187

State of Washington

61st Legislature

2009 Regular Session

By Senator Stevens

Read first time 01/15/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to voting procedures; amending RCW 29A.08.010,
2 29A.08.110, 29A.08.123, 29A.08.140, 29A.08.210, 29A.44.205, and
3 46.20.117; adding a new section to chapter 29A.08 RCW; and repealing
4 RCW 29A.08.113, 29A.08.145, 29A.48.010, 29A.48.020, 29A.48.030,
5 29A.48.040, 29A.48.050, and 29A.48.060.

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

7 **Sec. 1.** RCW 29A.08.010 and 2006 c 320 s 2 are each amended to read
8 as follows:

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

14 (1) Name;

15 (2) Residential address;

16 (3) Date of birth;

17 (4) Washington state driver's license number or Washington state
18 identification card number, or the last four digits of the applicant's

1 Social Security number if the applicant does not have a Washington
2 state driver's license or Washington state identification card;

3 (5) Proof that the applicant is a United States citizen; and

4 (6) A signature attesting to the truth of the information provided
5 on the application(~~(+and~~

6 ~~(6) A check or indication in the box confirming the individual is~~
7 ~~a United States citizen))~~.

8 The residential address provided must identify the actual physical
9 residence of the voter in Washington, as defined in RCW 29A.04.151,
10 with detail sufficient to allow the voter to be assigned to the proper
11 precinct and to locate the voter to confirm his or her residence for
12 purposes of verifying qualification to vote under Article VI, section
13 1 of the state Constitution. A residential address may be either a
14 traditional address or a nontraditional address. A traditional address
15 consists of a street number and name, optional apartment number or unit
16 number, and city or town, as assigned by a local government, which
17 serves to identify the parcel or building of residence and the unit if
18 a multiunit residence. A nontraditional address consists of a
19 narrative description of the location of the voter's residence, and may
20 be used when a traditional address has not been assigned to the voter's
21 residence. If the postal service does not deliver mail to the voter's
22 residential address, or the voter prefers to receive mail at a
23 different address, the voter may separately provide the mailing address
24 at which they receive mail. Any mailing address provided shall be used
25 only for mail delivery purposes and not for precinct assignment or
26 confirmation of residence for voter qualification purposes.

27 If the individual does not have a driver's license, state
28 identification card, or Social Security number, the registrant must be
29 issued a unique voter registration number in order to be placed on the
30 voter registration rolls. Proof of citizenship is not required if an
31 applicant is transferring his or her voter registration within a county
32 or between counties in this state. All other information supplied is
33 ancillary and not to be used as grounds for not registering an
34 applicant to vote. Modification of the language of the official
35 Washington state voter registration form by the voter will not be
36 accepted and will cause the rejection of the registrant's application.

1 **Sec. 2.** RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read
2 as follows:

3 (1) An application is considered complete only if it contains the
4 applicant's name, complete valid residence address, date of birth,
5 signature attesting to the truth of the information provided, (~~(a mark~~
6 ~~in the check-off box confirming~~)) proof that the applicant is a United
7 States ((citizenship)) citizen, and an indication that the provided
8 driver's license number, state identification card number, or Social
9 Security number has been confirmed by the secretary of state. Proof of
10 citizenship is not required if an applicant is transferring his or her
11 voter registration within a county or between counties in this state.
12 If it is not complete, the auditor shall promptly mail a verification
13 notice of the deficiency to the applicant. This verification notice
14 shall require the applicant to provide the missing information. If the
15 verification notice is not returned by the applicant within forty-five
16 days or is returned as undeliverable, the name of the applicant shall
17 not be placed on the official list of registered voters. If the
18 applicant provides the required verified information, the applicant
19 shall be registered to vote as of the original date of mailing or date
20 of delivery, whichever is applicable.

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

35 (3) If an acknowledgement notice card is properly mailed as
36 required by this section to the address listed by the voter as being
37 the voter's mailing address and the notice is subsequently returned to
38 the auditor by the postal service as being undeliverable to the voter

1 at that address, the auditor shall promptly send the voter a
2 confirmation notice. The auditor shall place the voter's registration
3 on inactive status pending a response from the voter to the
4 confirmation notice.

5 **Sec. 3.** RCW 29A.08.123 and 2007 c 157 s 1 are each amended to read
6 as follows:

7 (1) A person who has a valid Washington state driver's license or
8 state identification card may submit a voter registration application
9 electronically on the secretary of state's web site.

10 (2) The applicant must attest to the truth of the information
11 provided on the application by affirmatively accepting the information
12 as true.

13 (3) The applicant must affirmatively assent to use of his or her
14 driver's license or state identification card signature for voter
15 registration purposes.

16 (4) The applicant must provide proof of citizenship as required in
17 this chapter.

18 (5) A voter registration application submitted electronically is
19 otherwise considered a registration by mail.

20 ((+5)) (6) For each electronic application, the secretary of state
21 must obtain a digital copy of the applicant's driver's license or state
22 identification card signature from the department of licensing.

23 ((+6)) (7) The secretary of state may employ additional security
24 measures to ensure the accuracy and integrity of voter registration
25 applications submitted electronically.

26 **Sec. 4.** RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read
27 as follows:

28 The registration files of all precincts shall be closed against
29 transfers for thirty days immediately preceding every primary, special
30 election, and general election to be held in such precincts. ~~((The
31 county auditor shall give notice of the closing of the precinct files
32 for transfer and notice of the special registration and voting
33 procedure provided by RCW 29A.08.145 by one publication in a newspaper
34 of general circulation in the county at least five days before the
35 closing of the precinct files.))~~ No person may vote at any primary,
36 special election, or general election in a precinct polling place

1 unless he or she has registered to vote at least thirty days before
2 that primary or election and appears on the official statewide voter
3 registration list. (~~(If a person, otherwise qualified to vote in the~~
4 ~~state, county, and precinct in which he or she applies for~~
5 ~~registration, does not register at least thirty days before any~~
6 ~~primary, special election, or general election, he or she may register~~
7 ~~and vote by absentee ballot for that primary or election under RCW~~
8 ~~29A.08.145.))~~)

9 **Sec. 5.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to
10 read as follows:

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

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

16 (2) The applicant's full name;

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

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

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

21 (6) The sex of the applicant;

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

27 (8) Proof that the applicant is a United States citizen;

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

31 (~~(+9)~~) (10) A check box allowing the applicant to indicate that he
32 or she is a member of the armed forces, national guard, or reserves, or
33 that he or she is an overseas voter;

34 (~~(+10)~~) (11) A check box allowing the applicant to confirm that he
35 or she is at least eighteen years of age;

36 (~~(+11)~~) ~~Clear and conspicuous language, designed to draw the~~

1 ~~applicant's attention, stating that the applicant must be a United~~
2 ~~States citizen in order to register to vote;))~~

3 (12) A check box and declaration confirming that the applicant is
4 a citizen of the United States;

5 (13) The following warning:
6 "If you knowingly provide false information on this voter
7 registration form or knowingly make a false declaration about your
8 qualifications for voter registration you will have committed a class
9 C felony that is punishable by imprisonment for up to five years, a
10 fine of up to ten thousand dollars, or both."

11 (14) The following affirmation by the applicant:
12 "By signing this document, I hereby assert, under penalty of
13 perjury, that I am legally eligible to vote. If I am found to have
14 voted illegally, I may be prosecuted and/or fined for this illegal act.
15 In addition, I hereby acknowledge that my name and last known address
16 will be forwarded to the appropriate state and/or federal authorities
17 if I am found to have voted illegally."

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

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

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

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

31 **Sec. 6.** RCW 29A.44.205 and 2005 c 243 s 7 are each amended to read
32 as follows:

33 Any person desiring to vote at any primary or election is required
34 to provide valid photo identification to the election officer before
35 signing the poll book. (~~The identification required in this section~~
36 ~~can be satisfied by providing a valid photo identification, such as a~~
37 ~~driver's license or state identification card, student identification~~

1 ~~card, or tribal identification card, a voter's voter identification~~
2 ~~issued by a county elections officer, or a copy of a current utility~~
3 ~~bill, bank statement, paycheck, or government check or other government~~
4 ~~document.))~~ Valid photo identification consists of any one of the
5 following:

6 (1) A valid driver's license;

7 (2) A valid state identification card;

8 (3) A valid United States passport;

9 (4) A valid tribal identification card; or

10 (5) A valid United States military identification card.

11 Any individual who desires to vote in person but cannot provide
12 identification as required by this section shall be issued a
13 provisional ballot.

14 The secretary of state may adopt rules to carry out this section.

15 **Sec. 7.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
16 read as follows:

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

19 ~~((a))~~ (i) Does not hold a valid Washington driver's license;

20 ~~((b))~~ (ii) Proves his or her identity as required by RCW
21 46.20.035 and 29A.44.205; and

22 ~~((c))~~ (iii) Pays the required fee. The fee is twenty dollars
23 unless an applicant is a recipient of continuing public assistance
24 grants under Title 74 RCW, who is referred in writing by the secretary
25 of social and health services. For those persons the fee must be the
26 actual cost of production of the identicard.

27 (b) The department may not collect a fee for an identification card
28 from a person:

29 (i) Who swears under oath that he or she is indigent and cannot pay
30 the fee for an identification card, that he or she desires an
31 identification card in order to vote in a primary or election in
32 Washington, and that he or she does not have any other form of
33 identification that is acceptable under RCW 29A.44.205 in order to
34 vote; and

35 (ii) Who produces evidence that he or she is registered to vote in
36 Washington. This subsection does not apply to a person who has been
37 issued a driver's license in this state.

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

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

4 (b) Expire on the fifth anniversary of the applicant's birthdate
5 after issuance.

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

8 (a) Personal appearance before the department; or

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

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

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

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.08 RCW
23 to read as follows:

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

26 (1) A United States passport;

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

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

33 (4) A naturalization certificate; or

34 (5) A certificate of United States citizenship.

35 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
36 repealed:

- 1 (1) RCW 29A.08.113 (Alternative forms of identification--Voting
2 procedure) and 2005 c 246 s 7;
- 3 (2) RCW 29A.08.145 (Late registration--Special procedure) and 2006
4 c 97 s 2, 2005 c 246 s 10, 2004 c 267 s 113, 2003 c 111 s 213, & 1993
5 c 383 s 1;
- 6 (3) RCW 29A.48.010 (Mail ballot counties and precincts) and 2005 c
7 241 s 1 & 2004 c 266 s 14;
- 8 (4) RCW 29A.48.020 (Special elections) and 2004 c 266 s 15;
- 9 (5) RCW 29A.48.030 (Odd-year primaries) and 2003 c 111 s 1203;
- 10 (6) RCW 29A.48.040 (Depositing ballots--Replacement ballots) and
11 2003 c 111 s 1204, 2001 c 241 s 18, & 1983 1st ex.s. c 71 s 3;
- 12 (7) RCW 29A.48.050 (Return of voted ballot) and 2006 c 206 s 8 &
13 2003 c 111 s 1205; and
- 14 (8) RCW 29A.48.060 (Ballot contents--Counting) and 2003 c 111 s
15 1206, 2001 c 241 s 20, 1993 c 417 s 5, 1990 c 59 s 76, 1983 1st ex.s.
16 c 71 s 5, & 1967 ex.s. c 109 s 7.

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