
SENATE BILL 5270

State of Washington

61st Legislature

2009 Regular Session

By Senators McDermott, Swecker, Fairley, Oemig, Tom, and Shin; by request of Secretary of State

Read first time 01/19/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to voter registration; amending RCW 29A.04.079,
2 29A.04.109, 29A.04.163, 29A.04.210, 29A.08.010, 29A.08.030, 29A.08.105,
3 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125, 29A.08.130, 29A.08.135,
4 29A.08.140, 29A.08.210, 29A.08.230, 29A.08.260, 29A.08.310, 29A.08.330,
5 29A.08.350, 29A.08.410, 29A.08.420, 29A.08.430, 29A.08.440, 29A.08.510,
6 29A.08.520, 29A.08.610, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.640,
7 29A.08.720, 29A.08.760, 29A.40.010, 29A.40.020, 29A.40.061, 29A.40.091,
8 29A.60.235, and 46.20.155; reenacting and amending RCW 29A.04.611,
9 29A.08.620, and 29A.40.110; and repealing RCW 29A.04.103, 29A.08.040,
10 29A.08.113, 29A.08.145, 29A.08.360, 29A.08.605, 29A.08.651, and
11 29A.08.780.

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

13 **Sec. 1.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to
14 read as follows:

15 An "infamous crime" is a crime punishable by death in the state
16 penitentiary or imprisonment in a state correctional facility. Neither
17 an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor a
18 conviction for a misdemeanor or gross misdemeanor, is an "infamous
19 crime."

1 **Sec. 2.** RCW 29A.04.109 and 2003 c 111 s 119 are each amended to
2 read as follows:

3 "Overseas voter" means any elector of the state of Washington
4 outside the territorial limits of the United States (~~(or the District~~
5 ~~of Columbia)~~).

6 **Sec. 3.** RCW 29A.04.163 and 2003 c 111 s 127 are each amended to
7 read as follows:

8 "Service voter" means any elector of the state of Washington who is
9 a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in
10 active service, is a member of a reserve component of the armed forces,
11 is a student or member of the faculty at a United States military
12 academy, is a member of the merchant marine of the United States, (~~is~~
13 ~~a program participant as defined in RCW 40.24.020,~~) or is a member of
14 a religious group or welfare agency officially attached to and serving
15 with the armed forces of the United States.

16 **Sec. 4.** RCW 29A.04.210 and 2003 c 111 s 133 are each amended to
17 read as follows:

18 Except for service and overseas voters, only ((a)) persons
19 registered ((voter)) to vote shall be permitted to vote:

- 20 (1) At any election held for the purpose of electing persons to
21 public office;
22 (2) At any recall election of a public officer;
23 (3) At any election held for the submission of a measure to any
24 voting constituency;
25 (4) At any primary election.

26 This section does not apply to elections where being registered to
27 vote is not a prerequisite to voting.

28 **Sec. 5.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are
29 each reenacted and amended to read as follows:

30 The secretary of state as chief election officer shall make
31 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
32 with the federal and state election laws to effectuate any provision of
33 this title and to facilitate the execution of its provisions in an
34 orderly, timely, and uniform manner relating to any federal, state,

1 county, city, town, and district elections. To that end the secretary
2 shall assist local election officers by devising uniform forms and
3 procedures.

4 In addition to the rule-making authority granted otherwise by this
5 section, the secretary of state shall make rules governing the
6 following provisions:

7 (1) The maintenance of voter registration records;

8 (2) The preparation, maintenance, distribution, review, and filing
9 of precinct maps;

10 (3) Standards for the design, layout, and production of ballots;

11 (4) The examination and testing of voting systems for
12 certification;

13 (5) The source and scope of independent evaluations of voting
14 systems that may be relied upon in certifying voting systems for use in
15 this state;

16 (6) Standards and procedures for the acceptance testing of voting
17 systems by counties;

18 (7) Standards and procedures for testing the programming of vote
19 tallying software for specific primaries and elections;

20 (8) Standards and procedures for the preparation and use of each
21 type of certified voting system including procedures for the operation
22 of counting centers where vote tallying systems are used;

23 (9) Standards and procedures to ensure the accurate tabulation and
24 canvassing of ballots;

25 (10) Consistency among the counties of the state in the preparation
26 of ballots, the operation of vote tallying systems, and the canvassing
27 of primaries and elections;

28 (11) Procedures to ensure the secrecy of a voter's ballot when a
29 small number of ballots are counted at the polls or at a counting
30 center;

31 (12) The use of substitute devices or means of voting when a voting
32 device at the polling place is found to be defective, the counting of
33 votes cast on the defective device, the counting of votes cast on the
34 substitute device, and the documentation that must be submitted to the
35 county auditor regarding such circumstances;

36 (13) Procedures for the transportation of sealed containers of
37 voted ballots or sealed voting devices;

- 1 (14) The acceptance and filing of documents via electronic
2 facsimile;
- 3 (15) Voter registration applications and records;
- 4 (16) The use of voter registration information in the conduct of
5 elections;
- 6 (17) The coordination, delivery, and processing of voter
7 registration records accepted by driver licensing agents or the
8 department of licensing;
- 9 (18) The coordination, delivery, and processing of voter
10 registration records accepted by agencies designated by the governor to
11 provide voter registration services;
- 12 (19) Procedures to receive and distribute voter registration
13 applications by mail;
- 14 (20) Procedures for a voter to change his or her voter registration
15 address within a county by telephone;
- 16 (21) Procedures for a voter to change the name under which he or
17 she is registered to vote;
- 18 (22) Procedures for canceling dual voter registration records and
19 for maintaining records of persons whose voter registrations have been
20 canceled;
- 21 (23) Procedures for the electronic transfer of voter registration
22 records between county auditors and the office of the secretary of
23 state;
- 24 (24) Procedures and forms for declarations of candidacy;
- 25 (25) Procedures and requirements for the acceptance and filing of
26 declarations of candidacy by electronic means;
- 27 (26) Procedures for the circumstance in which two or more
28 candidates have a name similar in sound or spelling so as to cause
29 confusion for the voter;
- 30 (27) Filing for office;
- 31 (28) The order of positions and offices on a ballot;
- 32 (29) Sample ballots;
- 33 (30) Independent evaluations of voting systems;
- 34 (31) The testing, approval, and certification of voting systems;
- 35 (32) The testing of vote tallying software programming;
- 36 (33) Standards and procedures to prevent fraud and to facilitate
37 the accurate processing and canvassing of absentee ballots and mail

1 ballots, including standards for the approval and implementation of
2 hardware and software for automated signature verification systems;
3 (34) Standards and procedures to guarantee the secrecy of absentee
4 ballots and mail ballots;
5 (35) Uniformity among the counties of the state in the conduct of
6 absentee voting and mail ballot elections;
7 (36) Standards and procedures to accommodate (~~out-of-state~~
8 ~~voters,~~) overseas voters(~~(,)~~) and service voters;
9 (37) The tabulation of paper ballots before the close of the polls;
10 (38) The accessibility of polling places and registration
11 facilities that are accessible to elderly and disabled persons;
12 (39) The aggregation of precinct results if reporting the results
13 of a single precinct could jeopardize the secrecy of a person's ballot;
14 (40) Procedures for conducting a statutory recount;
15 (41) Procedures for filling vacancies in congressional offices if
16 the general statutory time requirements for availability of absentee
17 ballots, certification, canvassing, and related procedures cannot be
18 met;
19 (42) Procedures for the statistical sampling of signatures for
20 purposes of verifying and canvassing signatures on initiative,
21 referendum, and recall election petitions;
22 (43) Standards and deadlines for submitting material to the office
23 of the secretary of state for the voters' pamphlet;
24 (44) Deadlines for the filing of ballot titles for referendum bills
25 and constitutional amendments if none have been provided by the
26 legislature;
27 (45) Procedures for the publication of a state voters' pamphlet;
28 (46) Procedures for conducting special elections regarding nuclear
29 waste sites if the general statutory time requirements for availability
30 of absentee ballots, certification, canvassing, and related procedures
31 cannot be met;
32 (47) Procedures for conducting partisan primary elections;
33 (48) Standards and procedures for the proper conduct of voting
34 during the early voting period to provide accessibility for the blind
35 or visually impaired;
36 (49) Standards for voting technology and systems used by the state
37 or any political subdivision to be accessible for individuals with
38 disabilities, including nonvisual accessibility for the blind and

1 visually impaired, in a manner that provides the same opportunity for
2 access and participation, including privacy and independence, as other
3 voters;

4 (50) All data formats for transferring voter registration data on
5 electronic or machine-readable media for the purpose of administering
6 the statewide voter registration list required by the Help America Vote
7 Act (P.L. 107-252);

8 (51) Defining the interaction of electronic voter registration
9 election management systems employed by each county auditor to maintain
10 a local copy of each county's portion of the official state list of
11 registered voters;

12 (52) Provisions and procedures to implement the state-based
13 administrative complaint procedure as required by the Help America Vote
14 Act (P.L. 107-252);

15 (53) Facilitating the payment of local government grants to local
16 government election officers or vendors; and

17 (54) Standards for the verification of signatures on absentee,
18 mail, and provisional ballot envelopes.

19 **Sec. 6.** RCW 29A.08.010 and 2006 c 320 s 2 are each amended to read
20 as follows:

21 ~~((As used in this chapter:—"Information required for voter
22 registration" means))~~ (1) The minimum information provided on a voter
23 registration application that is required ~~((by the county auditor))~~ in
24 order to place a voter registration applicant on the voter registration
25 rolls~~((This information))~~ includes:

26 ~~((1))~~ (a) Name;

27 ~~((2))~~ (b) Residential address;

28 ~~((3))~~ (c) Date of birth;

29 ~~((4) Washington state driver's license number or Washington state
30 identification card number, or the last four digits of the applicant's
31 Social Security number if the applicant does not have a Washington
32 state driver's license or Washington state identification card;~~

33 ~~(5))~~ (d) A signature attesting to the truth of the information
34 provided on the application; and

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

1 (2) The residential address provided must identify the actual
2 physical residence of the voter in Washington, as defined in RCW
3 29A.04.151, with detail sufficient to allow the voter to be assigned to
4 the proper precinct and to locate the voter to confirm his or her
5 residence for purposes of verifying qualification to vote under Article
6 VI, section 1 of the state Constitution. A residential address may be
7 either a traditional address or a nontraditional address. A
8 traditional address consists of a street number and name, optional
9 apartment number or unit number, and city or town, as assigned by a
10 local government, which serves to identify the parcel or building of
11 residence and the unit if a multiunit residence. A nontraditional
12 address consists of a narrative description of the location of the
13 voter's residence, and may be used when a traditional address has not
14 been assigned to the voter's residence. ~~((If the postal service does
15 not deliver mail to the voter's residential address, or the voter
16 prefers to receive mail at a different address, the voter may
17 separately provide the mailing address at which they receive mail. Any
18 mailing address provided shall be used only for mail delivery purposes
19 and not for precinct assignment or confirmation of residence for voter
20 qualification purposes.~~

21 ~~If the individual does not have a driver's license, state
22 identification card, or Social Security number, the registrant must be
23 issued a unique voter registration number in order to be placed on the
24 voter registration rolls.))~~

25 (3) All other information supplied is ancillary and not to be used
26 as grounds for not registering an applicant to vote.

27 (4) Modification of the language of the official Washington state
28 voter registration form by the voter will not be accepted and will
29 cause the rejection of the registrant's application.

30 **Sec. 7.** RCW 29A.08.030 and 2005 c 246 s 3 are each amended to read
31 as follows:

32 The definitions set forth in this section apply throughout this
33 chapter, unless the context clearly requires otherwise.

34 (1) "Verification notice" means a notice sent by the county auditor
35 or secretary of state to a voter registration applicant and is used to
36 verify or collect information about the applicant in order to complete

1 the registration. The verification notice must be designed to include
2 a postage prepaid, preaddressed return form by which the applicant may
3 verify or send information.

4 (2) "Acknowledgement notice" means a notice sent by nonforwardable
5 mail by the county auditor or secretary of state to a registered voter
6 to acknowledge a voter registration transaction, which can include
7 initial registration, transfer, or reactivation of an inactive
8 registration. An acknowledgement notice may be a voter registration
9 card.

10 (3) "Identification notice" means a notice sent to a provisionally
11 registered voter to confirm the applicant's identity.

12 (4) "Confirmation notice" means a notice sent to a registered voter
13 by first-class forwardable mail at the address indicated on the voter's
14 permanent registration record and to any other address at which the
15 county auditor or secretary of state could reasonably expect mail to be
16 received by the voter in order to confirm the voter's residence
17 address. The confirmation notice must be designed to include a postage
18 prepaid, preaddressed return form by which the registrant may verify
19 the address information.

20 **Sec. 8.** RCW 29A.08.105 and 2004 c 267 s 105 are each amended to
21 read as follows:

22 (1) In compliance with the Help America Vote Act (P.L. 107-252),
23 the centralized statewide voter registration list maintained by the
24 secretary of state is the official list of eligible voters for all
25 elections.

26 (2) In all counties, the county auditor shall be the chief
27 registrar of voters for every precinct within the county. ((The
28 auditor may appoint registration assistants to assist in registering
29 persons residing in the county. Each registration assistant holds
30 office at the pleasure of the county auditor and must be a registered
31 voter.

32 (3) ~~The county auditor shall ensure that mail-in voter registration~~
33 ~~application forms are readily available to the public at locations to~~
34 ~~include but not limited to the elections office, and all common~~
35 ~~schools, fire stations, and public libraries.))~~

1 **Sec. 9.** RCW 29A.08.107 and 2005 c 246 s 4 are each amended to read
2 as follows:

3 ~~(1) ((The secretary of state must review the information provided~~
4 ~~by each voter registration applicant to ensure that))~~ If the
5 ~~((provided))~~ driver's license number, state identification card number,
6 or last four digits of the Social Security number provided by the
7 applicant match the information maintained by the Washington department
8 of licensing or the Social Security administration, and the applicant
9 provided all information required by RCW 29A.08.010, the applicant must
10 be registered to vote. ((If a match cannot be made, the secretary of
11 state or county auditor must correspond with the applicant to resolve
12 the discrepancy.

13 ~~(2) If the applicant fails to respond to any correspondence~~
14 ~~required in this section to confirm information provided on a voter~~
15 ~~registration application within forty five days, the applicant will not~~
16 ~~be registered to vote. The secretary of state shall forward the~~
17 ~~application to the appropriate county auditor for document storage.~~

18 ~~(3) Only after the secretary of state has confirmed that the~~
19 ~~provided driver's license number, state identification card number, or~~
20 ~~last four digits of the applicant's Social Security number match~~
21 ~~existing records with the Washington department of licensing or the~~
22 ~~Social Security administration, or determined that the applicant does~~
23 ~~not have a driver's license number, state identification card number,~~
24 ~~or Social Security number may the applicant be placed on the official~~
25 ~~list of registered voters.~~

26 ~~(4) In order to prevent duplicate registration records, all~~
27 ~~complete voter registration applications must be screened against~~
28 ~~existing voter registration records in the official statewide voter~~
29 ~~registration list. If a match of an existing record is found in the~~
30 ~~official list, the record must be updated with the new information~~
31 ~~provided on the application. If the new information indicates that the~~
32 ~~voter has changed his or her county of residence, the application must~~
33 ~~be forwarded to the voter's new county of residence for processing.))~~

34 (2) If the driver's license number, state identification card
35 number, or last four digits of the Social Security number provided by
36 the applicant do not match the information maintained by the Washington
37 department of licensing or the Social Security administration, or if
38 the applicant does not provide a Washington driver's license, a

1 Washington state identification card, or a Social Security number, the
2 applicant must be provisionally registered to vote. An identification
3 notice must be sent to the voter to obtain the correct driver's license
4 number, state identification card number, last four digits of the
5 Social Security number, or one of the following forms of alternate
6 identification:

7 (a) Valid photo identification;

8 (b) A valid enrollment card of a federally recognized Indian tribe
9 in Washington state;

10 (c) A copy of a current utility bill;

11 (d) A current bank statement;

12 (e) A copy of a current government check;

13 (f) A copy of a current paycheck; or

14 (g) A government document, other than a voter registration card,
15 that shows both the name and address of the voter.

16 (3) The ballot of a provisionally registered voter may not be
17 counted until the voter provides a driver's license number, a state
18 identification card number, or the last four digits of a Social
19 Security number that matches the information maintained by the
20 Washington department of licensing or the Social Security
21 administration, or until the voter provides alternate identification.
22 The identification must be provided no later than the day before
23 certification of the primary or election. If the voter provides one of
24 the forms of identification in subsection (2) of this section, the
25 voter's registration status must be changed from provisionally
26 registered to registered.

27 (4) The requirements of this section do not apply to an overseas or
28 service voter who registers to vote by signing the return envelope of
29 an absentee ballot.

30 **Sec. 10.** RCW 29A.08.110 and 2005 c 246 s 5 are each amended to
31 read as follows:

32 (1) An application is considered complete only if it contains the
33 ~~((applicant's name, complete valid residence address, date of birth,~~
34 ~~signature attesting to the truth of the information provided, a mark in~~
35 ~~the check-off box confirming United States citizenship, and an~~
36 ~~indication that the provided driver's license number, state~~
37 ~~identification card number, or Social Security number has been~~

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

11 ~~(2) If the information required in subsection (1) of this section~~
12 ~~is complete,))~~ information required by RCW 29A.08.010. The applicant
13 is considered to be registered to vote as of the original date of
14 mailing or date of delivery, whichever is applicable. The auditor
15 shall record the appropriate precinct identification, taxing district
16 identification, and date of registration on the voter's record in the
17 state voter registration list. Any mailing address provided shall be
18 used only for mail delivery purposes, and not for precinct assignment
19 or residency purposes. Within ~~((forty five))~~ sixty days after the
20 receipt of an application ~~((but no later than seven days before the~~
21 ~~next primary, special election, or general election))~~ or transfer, the
22 auditor shall send to the applicant, by first-class nonforwardable
23 mail, an acknowledgement notice identifying the registrant's precinct
24 and containing such other information as may be required by the
25 secretary of state. The postal service shall be instructed not to
26 forward a voter registration card to any other address and to return to
27 the auditor any card which is not deliverable.

28 ~~((+3))~~ (2) If an ~~((acknowledgement notice card is properly mailed~~
29 ~~as required by this section to the address listed by the voter as being~~
30 ~~the voter's mailing address and the notice is subsequently returned to~~
31 ~~the auditor by the postal service as being undeliverable to the voter~~
32 ~~at that address, the auditor shall promptly send the voter a~~
33 ~~confirmation notice. The auditor shall place the voter's registration~~
34 ~~on inactive status pending a response from the voter to the~~
35 ~~confirmation notice))~~ application is not complete, the auditor shall
36 promptly mail a verification notice to the applicant. The verification
37 notice shall require the applicant to provide the missing information.
38 If the applicant provides the required information within forty-five

1 days, the applicant shall be registered to vote as of the original date
2 of application. The applicant shall not be placed on the official list
3 of registered voters until the application is complete.

4 **Sec. 11.** RCW 29A.08.115 and 2005 c 246 s 8 are each amended to
5 read as follows:

6 A person or organization collecting voter registration application
7 forms must transmit the forms to the secretary of state or a county
8 auditor (~~at least once weekly~~) within three business days. The
9 registration date on such forms will be the date they are received by
10 the secretary of state or county auditor.

11 **Sec. 12.** RCW 29A.08.125 and 2005 c 246 s 9 are each amended to
12 read as follows:

13 (1) The office of the secretary of state shall maintain a statewide
14 voter registration database. This database must be a centralized,
15 uniform, interactive computerized statewide voter registration list
16 that contains the name and registration information of every registered
17 voter in the state.

18 (2) The statewide list is the official list of registered voters
19 for the conduct of all elections.

20 (3) The statewide list must include, but is not limited to, the
21 name, date of birth, residence address, signature, gender, and date of
22 registration of every legally registered voter in the state.

23 (4) A unique identifier must be assigned to each registered voter
24 in the state.

25 (5) The database must be coordinated with other government
26 databases within the state including, but not limited to, the
27 department of corrections, the department of licensing, the department
28 of health, the administrative office of the courts, and county
29 auditors. The database may also be coordinated with the databases of
30 election officials in other states.

31 (6) Authorized employees of the secretary of state and each county
32 auditor must have immediate electronic access to the information
33 maintained in the database.

34 (7) Voter registration information received by each county auditor
35 must be electronically entered into the database. The office of the

1 secretary of state must provide support, as needed, to enable each
2 county auditor to enter and maintain voter registration information in
3 the state database.

4 (8) The secretary of state has data authority over all voter
5 registration data.

6 (9) The voter registration database must be designed to accomplish
7 at a minimum, the following:

8 (a) Comply with the help America vote act of 2002 (P.L. 107-252);

9 (b) Identify duplicate voter registrations;

10 (c) Identify suspected duplicate voters;

11 (d) Screen against any available databases maintained by other
12 government agencies to identify voters who are ineligible to vote due
13 to a felony conviction, lack of citizenship, or mental incompetence;

14 (e) Provide images of voters' signatures for the purpose of
15 checking signatures on initiative and referendum petitions;

16 (f) Provide for a comparison between the voter registration
17 database and the department of licensing change of address database;

18 (g) Provide access for county auditors that includes the
19 capability to update registrations and search for duplicate
20 registrations; and

21 (h) Provide for the cancellation of registrations of voters who
22 have moved out of state.

23 (10) The secretary of state may, upon agreement with other
24 appropriate jurisdictions, screen against any available databases
25 maintained by election officials in other states and databases
26 maintained by federal agencies including, but not limited to, the
27 federal bureau of investigation, the federal court system, the federal
28 bureau of prisons, and the bureau of citizenship and immigration
29 services.

30 (11) The database shall retain information regarding previous
31 successful appeals of proposed cancellations of registrations in order
32 to avoid repeated cancellations for the same reason.

33 (12) Each county auditor shall maintain a ((computer file
34 containing a copy of each record)) list of all registered voters within

35 the county that are contained on the official statewide voter
36 registration list ((for that county)).

37 ~~((2) The secretary of state shall at least quarterly review and~~

1 ~~update the records of all registered voters on the official statewide~~
2 ~~voter registration database to make additions and corrections.~~

3 ~~(3) The computer file must include, but not be limited to, each~~
4 ~~voter's last name, first name, middle initial, date of birth, residence~~
5 ~~address, gender, date of registration,)) In addition to the information~~
6 ~~maintained in the statewide database, the county database must also~~
7 ~~maintain the applicable taxing district and precinct codes for each~~
8 ~~voter in the county, and ((the last date on)) a list of elections in~~
9 ~~which the individual voted.~~

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

13 (13) Each county auditor shall allow electronic access and
14 information transfer between the county's voter registration system and
15 the official statewide voter registration list.

16 **Sec. 13.** RCW 29A.08.130 and 2003 c 111 s 210 are each amended to
17 read as follows:

18 ~~((1) Except as otherwise specified by this title, registered~~
19 ~~voters include those assigned to active and inactive status by the~~
20 ~~county auditor.~~

21 ~~(2))~~ Election officials shall not include inactive voters in the
22 count of registered voters for the purpose of dividing precincts,
23 creating vote-by-mail precincts, determining voter turnout, or other
24 purposes in law for which the determining factor is the number of
25 registered voters. Election officials shall not include persons who
26 are ongoing absentee voters under RCW 29A.40.040 in determining the
27 maximum permissible size of vote-by-mail precincts or in determining
28 the maximum permissible size of precincts. Nothing in this
29 ~~((subsection))~~ section may be construed as altering the vote tallying
30 requirements of RCW 29A.60.230.

31 **Sec. 14.** RCW 29A.08.135 and 2004 c 267 s 111 are each amended to
32 read as follows:

33 ~~((The county auditor shall acknowledge each new voter registration~~
34 ~~or transfer by providing or sending the voter a card identifying his or~~
35 ~~her current precinct and containing such other information as may be~~
36 ~~prescribed by the secretary of state.)) (1) When a person who has~~

1 previously registered to vote in another state applies for voter
2 registration in Washington, the person shall provide on the
3 registration form(~~(7)~~) all information needed to cancel any previous
4 registration. Notification must be made to the state elections office
5 of the applicant's previous state of registration.

6 (2) A county auditor receiving official information that a voter
7 has registered to vote in another state shall immediately cancel that
8 voter's registration on the official state voter registration list.

9 **Sec. 15.** RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read
10 as follows:

11 ~~((The registration files of all precincts shall be closed against~~
12 ~~transfers for thirty days immediately preceding every primary, special~~
13 ~~election, and general election to be held in such precincts.))~~

14 (1) In order to vote in any primary, special election, or general
15 election, a person who is not registered to vote in Washington must:

16 (a) Submit a registration application no later than twenty-nine
17 days before the day of the primary, special election, or general
18 election; or

19 (b) Register in person at the county auditor's office in his or her
20 county of residence no later than eight days before the day of the
21 primary, special election, or general election. A person registering
22 under this subsection will be issued an absentee ballot.

23 (2) A person who is already registered to vote in Washington may
24 update his or her registration no later than twenty-nine days before
25 the day of the primary, special election, or general election to be in
26 effect for that primary, special election, or general election. A
27 registered voter who fails to transfer his or her residential address
28 by this deadline may vote according to his or her previous registration
29 address.

30 (3) Prior to each primary and general election, the county auditor
31 shall give notice of the ~~((closing of the precinct files for transfer~~
32 ~~and notice of the special registration and voting procedure provided by~~
33 ~~RCW 29A.08.145))~~ registration deadlines by one publication in a
34 newspaper of general circulation in the county at least thirty-five
35 days before the ~~((closing of the precinct files.~~

36 ~~No person may vote at any primary, special election, or general~~
37 ~~election in a precinct polling place unless he or she has registered to~~

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

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

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

13 (1) The former address of the ~~((last former registration of the))~~
14 applicant ~~((as a voter in the state))~~ if previously registered to vote;

15 (2) The applicant's full name;

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

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

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

20 (6) The sex of the applicant;

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

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

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

32 ~~((+10))~~) (9) A check box allowing the applicant to confirm that he
33 or she is ~~((at least))~~ eighteen years of age or will be eighteen years
34 of age by the next election;

35 ~~((+11))~~) (10) Clear and conspicuous language, designed to draw the
36 applicant's attention, stating that the applicant must be a United
37 States citizen in order to register to vote;

1 ~~((+12+))~~ (11) A check box and declaration confirming that the
2 applicant is a citizen of the United States;

3 ~~((+13+))~~ (12) The following warning:

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

9 ~~((+14) The following affirmation by the applicant:~~

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

16 ~~(+15+))~~ (13) The oath required by RCW 29A.08.230 and a space for the
17 applicant's signature; and

18 ~~((+16+))~~ (14) Any other information that the secretary of state
19 determines is necessary to establish the identity of the applicant and
20 prevent duplicate or fraudulent voter registrations.

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

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

29 **Sec. 17.** RCW 29A.08.230 and 2003 c 111 s 218 are each amended to
30 read as follows:

31 For all voter registrations, the registrant shall sign the
32 following oath:

33 "I declare that the facts on this voter registration form are true.
34 I am a citizen of the United States, I am not presently denied ~~((my
35 civil rights))~~ the right to vote as a result of being convicted of a
36 felony, I will have lived in Washington at this address for thirty days

1 immediately before the next election at which I vote, and I will be at
2 least eighteen years old when I vote."

3 **Sec. 18.** RCW 29A.08.260 and 2004 c 267 s 118 are each amended to
4 read as follows:

5 The county auditor shall distribute forms by which a person may
6 register to vote by mail and transfer any previous registration in this
7 state. The county auditor shall keep a supply of voter registration
8 forms in his or her office at all times for political parties and
9 others interested in assisting in voter registration, and shall make
10 every effort to make these forms generally available to the public.
11 The county auditor shall provide voter registration forms to city and
12 town clerks, state offices, schools, fire stations, public libraries,
13 and any other locations considered appropriate by the auditor or
14 secretary of state for extending registration opportunities to all
15 areas of the county. After the initial distribution of voter
16 registration forms to a given location, a representative designated by
17 the official in charge of that location shall notify the county auditor
18 of the need for additional voter registration supplies.

19 **Sec. 19.** RCW 29A.08.310 and 2003 c 111 s 222 are each amended to
20 read as follows:

21 (1) The governor, in consultation with the secretary of state,
22 shall designate agencies to provide voter registration services in
23 compliance with federal statutes.

24 (2) Each state agency designated shall provide voter registration
25 services for employees and the public within each office of that
26 agency.

27 (3) The secretary of state shall design and provide a standard
28 notice informing the public of the availability of voter registration,
29 which notice shall be posted in each state agency where such services
30 are available.

31 ~~(4) ((The secretary of state shall design and provide standard
32 voter registration forms for use by these state agencies.~~

33 ~~(5))~~ Each institution of higher education shall put in place an
34 active prompt on its course registration web site, or similar web site
35 that students actively and regularly use, that, if selected, will link

1 the student to the secretary of state's voter registration web site.
2 The prompt must ask the student if he or she wishes to register to
3 vote.

4 **Sec. 20.** RCW 29A.08.330 and 2005 c 246 s 14 are each amended to
5 read as follows:

6 (1) The secretary of state shall prescribe the method of voter
7 registration for each designated agency. The agency shall use either
8 the state voter registration by mail form with a separate declination
9 form for the applicant to indicate that he or she declines to register
10 at this time, or the agency may use a separate form approved for use by
11 the secretary of state.

12 (2) The person providing service at the agency shall offer voter
13 registration services to every client whenever he or she applies for
14 service or assistance and with each renewal, recertification, or change
15 of address. The person providing service shall give the applicant the
16 same level of assistance with the voter registration application as is
17 offered to fill out the agency's forms and documents, including
18 information about age and citizenship requirements for voter
19 registration.

20 (3) The person providing service at the agency shall determine if
21 the prospective applicant wants to register to vote or transfer his or
22 her voter registration by asking the following question:

23 "Do you want to register to vote or transfer your voter
24 registration?"

25 If the applicant chooses to register or transfer a registration,
26 the service agent shall ask the following:

27 (a) "Are you a United States citizen?"

28 (b) "Are you or will you be eighteen years of age on or before the
29 next election?"

30 If the applicant answers in the affirmative to both questions, the
31 agent shall then provide the applicant with a voter registration form
32 and instructions and shall record that the applicant has requested to
33 register to vote or transfer a voter registration. If the applicant
34 answers in the negative to either question, the agent shall not provide
35 the applicant with a voter registration form.

1 (4) If an agency uses a computerized application process, it may,
2 in consultation with the secretary of state, develop methods to capture
3 simultaneously the information required for voter registration during
4 a person's computerized application process.

5 (5) Each designated agency shall ~~((provide for the voter~~
6 ~~registration application forms to be collected from each agency office~~
7 ~~at least once each week. The agency shall then forward the application~~
8 ~~forms to the secretary of state each week. The secretary of state~~
9 ~~shall forward the forms to the county in which the applicant has~~
10 ~~registered to vote no later than ten days after the date on which the~~
11 ~~forms were received by the secretary of state))~~ transmit the
12 applications to the secretary of state or appropriate county auditor
13 within three business days.

14 **Sec. 21.** RCW 29A.08.350 and 2004 c 267 s 120 are each amended to
15 read as follows:

16 ~~((1) The secretary of state shall provide for the voter~~
17 ~~registration forms submitted under RCW 29A.08.340 to be collected from~~
18 ~~each driver's licensing facility within five days of their completion.~~

19 ~~(2))~~ The department of licensing shall produce and transmit to the
20 secretary of state ~~((a machine-readable file containing))~~ the following
21 information from the records of each individual who requested a voter
22 registration or transfer at a driver's license facility ~~((during each~~
23 ~~period for which forms are transmitted under subsection (1) of this~~
24 ~~section))~~: The name, address, date of birth, gender of the applicant,
25 the driver's license number, and the date on which the application for
26 voter registration or transfer was submitted~~((, and the location of the~~
27 ~~office at which the application was submitted))~~. The secretary of
28 state shall process the registrations and transfers as an electronic
29 application.

30 ~~((3) The voter registration forms from the driver's licensing~~
31 ~~facilities must be forwarded to the county in which the applicant has~~
32 ~~registered to vote no later than ten days after the date on which the~~
33 ~~forms were to be collected.~~

34 (4) For a voter registration application where the address for
35 voting purposes is different from the address in the machine-readable
36 file received from the department of licensing, the secretary of state

1 shall amend the record of that application in the machine-readable file
2 to reflect the county in which the applicant has registered to vote.

3 ~~(5) The secretary of state shall sort the records in the machine-~~
4 ~~readable file according to the county in which the applicant registered~~
5 ~~to vote and produce a file of voter registration transactions for each~~
6 ~~county. The records of each county may be transmitted on or through~~
7 ~~whatever medium the county auditor determines will best facilitate the~~
8 ~~incorporation of these records into the existing voter registration~~
9 ~~files of that county.~~

10 ~~(6) The secretary of state shall produce a list of voter~~
11 ~~registration transactions for each county and transmit a copy of this~~
12 ~~list to that county with each file of voter registration transactions~~
13 ~~no later than ten days after the date on which that information was to~~
14 ~~be transmitted under subsection (1) of this section.)~~

15 **Sec. 22.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to
16 read as follows:

17 ~~((To maintain a valid voter registration,))~~ A registered voter who
18 changes his or her residence from one address to another within the
19 same county ~~((shall))~~ may transfer his or her registration to the new
20 address in one of the following ways:

21 (1) Sending ~~((to))~~ the county auditor a ~~((signed))~~ request stating
22 both the voter's present address and the address from which the voter
23 was last registered;

24 (2) Appearing in person before the county auditor and ~~((signing))~~
25 making such a request;

26 (3) ~~((transferring the registration in the manner provided by RCW~~
27 ~~29A.08.430; or~~

28 ~~(4))~~ Telephoning or e-mailing the county auditor to transfer the
29 registration~~((. The telephone call transferring a registration by~~
30 ~~telephone must be received by the auditor before the precinct~~
31 ~~registration files are closed to new registrations for the next primary~~
32 ~~or special or general election in which the voter participates))~~; or

33 (4) Submitting a voter registration application.

34 **Sec. 23.** RCW 29A.08.420 and 2004 c 267 s 122 are each amended to
35 read as follows:

36 A registered voter who changes his or her residence from one county

1 to another county must do so (~~((in writing using a prescribed))~~) by
2 submitting a voter registration form. The county auditor of the
3 voter's new county shall transfer the voter's registration from the
4 county of the previous registration.

5 **Sec. 24.** RCW 29A.08.430 and 2004 c 267 s 123 are each amended to
6 read as follows:

7 (1) A (~~(person who is)~~) registered (~~((to vote in this state))~~) voter
8 may submit a transfer of his or her voter registration on the day of a
9 primary, special election, or general election (~~((or primary under the~~
10 ~~following procedures:~~

11 ~~(a) The voter may complete, at the polling place,))~~ by completing
12 a voter registration form (~~((designed by the secretary of state and~~
13 ~~supplied by the county auditor; or~~

14 ~~(b) For a change within the county, the voter may write in his or~~
15 ~~her new residential address in the precinct list of registered voters.~~

16 ~~The county auditor shall determine which of these two procedures~~
17 ~~are to be used in the county or may determine that both procedures are~~
18 ~~to be available to voters for use in the county)).~~

19 (2) A voter who requests to transfer(~~(s)~~) his or her registration
20 (~~((in the manner authorized by this section))~~) after the deadlines
21 established in RCW 29A.08.140 shall vote in the precinct in which he or
22 she was previously registered.

23 (~~((3) The auditor shall, within sixty days, mail to each voter who~~
24 ~~has transferred a registration under this section, an acknowledgement~~
25 ~~notice detailing his or her current precinct and polling place.))~~

26 **Sec. 25.** RCW 29A.08.440 and 2003 c 111 s 231 are each amended to
27 read as follows:

28 (~~((To maintain a valid voter registration, a person))~~) A registered
29 voter who changes his or her name shall notify the county auditor
30 regarding the name change (~~((in one of the following ways:—(1) By~~
31 ~~sending the auditor))~~) by submitting a notice clearly identifying the
32 name under which he or she is registered to vote, the voter's new name,
33 and the voter's residence(~~(.—Such a notice must be signed by the voter~~
34 ~~using both this former name and the voter's new name; (2) by appearing~~
35 ~~in person before the auditor or a registration assistant and signing~~
36 ~~such a change of name notice; (3) by signing such a change of name~~

1 ~~notice at the voter's precinct polling place on the day of a primary or~~
2 ~~special or general election; (4) by properly executing a name change on~~
3 ~~a mail-in)), and providing a signature of the new name, or by~~
4 submitting a voter registration application (~~(or a prescribed state~~
5 ~~agency application)).~~

6 A properly registered voter who files a change-of-name notice at
7 the voter's precinct polling place during a primary or election and who
8 desires to vote at that primary or election shall sign the poll book
9 using the voter's former and new names (~~(in the same manner as is~~
10 ~~required for the change-of-name notice)).~~

11 **Sec. 26.** RCW 29A.08.510 and 2004 c 267 s 124 are each amended to
12 read as follows:

13 (~~In addition to case-by-case maintenance under RCW 29A.08.620 and~~
14 ~~29A.08.630 and the general program of maintenance of voter registration~~
15 ~~lists under RCW 29A.08.605,)) The registrations of deceased voters
16 (~~(will))~~ may be canceled from voter registration lists as follows:~~

17 (1) Periodically, the registrar of vital statistics of the state
18 shall prepare a list of persons who resided in each county, for whom a
19 death certificate was transmitted to the registrar and was not included
20 on a previous list, and shall supply the list to the secretary of
21 state.

22 The secretary of state shall compare this list with the
23 registration records and cancel the registrations of deceased voters
24 (~~(within at least forty five days before the next primary or~~
25 ~~election)).~~

26 (2) In addition, each county auditor may also use government
27 agencies and newspaper obituary articles as a source of information
28 (~~(in order to cancel a voter's registration from the official state~~
29 ~~voter registration list)) for identifying deceased voters and canceling~~
30 a registration. The auditor must verify the identity of the voter by
31 matching the voter's date of birth or an address. The auditor shall
32 record the date and source of the (~~(obituary))~~ information in the
33 cancellation records.

34 (3) In addition, any registered voter may sign a statement, subject
35 to the penalties of perjury, to the effect that to his or her personal
36 knowledge or belief another registered voter is deceased. This
37 statement may be filed with the county auditor or the secretary of

1 state. Upon the receipt of such signed statement, the county auditor
2 or the secretary of state shall cancel the registration (~~records~~
3 ~~concerned~~) from the official state voter registration list.

4 **Sec. 27.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
5 read as follows:

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

10 (2) The secretary of state in conjunction with the department of
11 corrections, (~~the Washington state patrol,~~) the office of the
12 administrator for the courts, and other appropriate state agencies
13 shall arrange for a quarterly comparison of a list of known felons with
14 the statewide voter registration list. If a (~~person~~) registered
15 voter is found on a (~~felon~~) reliable list (~~and the statewide voter~~
16 registration list) of felons who are ineligible to vote, the secretary
17 of state or county auditor shall confirm the match through a name and
18 date of birth comparison and suspend the voter registration from the
19 official state voter registration list. The (~~canceling authority~~)
20 secretary of state shall send to the person at his or her last known
21 voter registration address a notice of the proposed cancellation and an
22 explanation of the requirements for restoring the right to vote once
23 all terms of sentencing have been completed. If the person does not
24 respond within thirty days, the registration must be canceled.

25 (~~(+2)~~) (3) The right to vote may be restored by, for each felony
26 conviction, one of the following:

- 27 (a) A certificate of discharge issued by the sentencing court, as
28 provided in RCW 9.94A.637;
- 29 (b) A court order restoring the right, as provided in RCW 9.92.066;
- 30 (c) A final order of discharge issued by the indeterminate sentence
31 review board, as provided in RCW 9.96.050; or
- 32 (d) A certificate of restoration issued by the governor, as
33 provided in RCW 9.96.020.

34 **Sec. 28.** RCW 29A.08.610 and 2004 c 267 s 129 are each amended to
35 read as follows:

36 (~~In addition to the case by case cancellation procedure required~~

1 ~~in RCW 29A.08.420,))~~ The secretary of state(~~(7)~~) shall conduct an
2 ongoing list maintenance program designed to detect persons registered
3 in more than one county or voting in more than one county in an
4 election. This program must be applied uniformly throughout the state
5 and must be nondiscriminatory in its application. (~~The program must
6 be completed not later than thirty days before the date of a primary or
7 general election.~~)

8 The office of the secretary of state shall search the statewide
9 voter registration list to find registered voters with the same date of
10 birth and similar names. Once the potential duplicate registrations
11 are identified, the secretary of state shall refer the potential
12 duplicate registrations to the appropriate county auditors, who shall
13 compare the signatures on each voter registration record and, after
14 confirming that a duplicate registration exists properly resolve the
15 duplication.

16 If a voter is suspected of voting in two or more counties in an
17 election, the county auditors in each county shall cooperate without
18 delay to determine the voter's county of residence. The county auditor
19 of the county of residence of the voter suspected of voting in two or
20 more counties shall take action under RCW 29A.84.010 without delay.

21 **Sec. 29.** RCW 29A.08.620 and 2004 c 267 s 130 and 2004 c 266 s 8
22 are each reenacted and amended to read as follows:

23 (1) (~~(A)~~) Each county auditor must request change of address
24 information from the postal service for all absentee and mail ballots.
25 A voter who votes at the polls must be mailed an election-related
26 document, with change of address information requested, at least once
27 every two years and at least ninety days prior to the date of a primary
28 or general election for federal office.

29 (2) ~~The county auditor shall ((assign a registered voter to
30 inactive status and shall send the voter a confirmation notice if any
31 of the following documents are returned by the postal service as
32 undeliverable:~~

- 33 ~~(a) An acknowledgement of registration;~~
- 34 ~~(b) An acknowledgement of transfer to a new address;~~
- 35 ~~(c) A vote by mail ballot, absentee ballot, or application for a
36 ballot;~~
- 37 ~~(d) Notification to a voter after precinct reassignment;~~

1 ~~(e) Notification to serve on jury duty; or~~
2 ~~(f) Any other document other than a confirmation notice, required~~
3 ~~by statute, to be mailed by the county auditor to the voter.~~

4 ~~(2) A county auditor shall also assign a registered voter to~~
5 ~~inactive status and shall send the voter a confirmation notice:~~

6 ~~(a) Whenever change of address information received from the~~
7 ~~department of licensing under RCW 29A.08.350, or by any other agency~~
8 ~~designated to provide voter registration services under RCW 29A.08.310,~~
9 ~~indicates that the voter has moved to an address outside the state; or~~

10 ~~(b) If the auditor receives postal change of address information~~
11 ~~under RCW 29A.08.605, indicating)) transfer the registration of a voter~~
12 ~~and send an acknowledgement notice to the new address informing the~~
13 ~~voter of the transfer if change of address information received by the~~
14 ~~county auditor from the postal service, the department of licensing, or~~
15 ~~another agency designated to provide voter registration services~~
16 ~~indicates that the voter has moved within the county.~~

17 (3) The county auditor shall place a voter on inactive status and
18 send to all known addresses a confirmation notice and a voter
19 registration application if change of address information received by
20 the county auditor from the postal service, the department of
21 licensing, or another agency designated to provide voter registration
22 services indicates that the voter has moved from one county to another.

23 (4) The county auditor shall place a voter on inactive status and
24 send to all known addresses a confirmation notice if any of the
25 following occur:

26 (a) Any document mailed by the county auditor to a voter is
27 returned by the postal service as undeliverable without address
28 correction information; or

29 (b) Change of address information received from the postal service,
30 the department of licensing, or another state agency designated to
31 provide voter registration services indicates that the voter has moved
32 out of the state.

33 **Sec. 30.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to
34 read as follows:

35 (1) A voter whose registration has been made inactive under this
36 chapter and who ~~((offers))~~ requests to vote at an ensuing election

1 before two federal general elections have been held must be allowed to
2 vote a regular ballot applicable to the registration address, and the
3 voter's registration restored to active status.

4 (2) A voter whose registration has been properly canceled under
5 this chapter shall vote a provisional ballot. The voter shall mark the
6 provisional ballot in secrecy, the ballot placed in a security
7 envelope, the security envelope placed in a provisional ballot
8 envelope, and the reasons for the use of the provisional ballot noted.

9 (3) Upon receipt of such a voted provisional ballot the auditor
10 shall investigate the circumstances surrounding the original
11 cancellation. If he or she determines that the cancellation was in
12 error, the voter's registration must be immediately reinstated, and the
13 voter's provisional ballot must be counted. If the original
14 cancellation was not in error, the voter must be afforded the
15 opportunity to reregister at his or her correct address, and the
16 voter's provisional ballot must not be counted.

17 **Sec. 31.** RCW 29A.08.630 and 2004 c 267 s 131 are each amended to
18 read as follows:

19 The county auditor shall return an inactive voter to active voter
20 status if, (~~during the period beginning on the date the voter was~~
21 ~~assigned to inactive status and ending on the day of the second~~) prior
22 to the passage of two federal general elections (~~for federal office~~
23 ~~that occurs after the date that the voter was sent a confirmation~~
24 ~~notice~~)), the voter:

25 (1) Notifies the auditor of a change of address (~~within the~~
26 ~~county~~));

27 (2) Responds to a confirmation notice with information that (~~the~~
28 ~~voter~~) he or she continues to reside at the registration address; or

29 (3) Votes or attempts to vote in a primary (~~or a~~) special
30 election, or general election (~~and resides within the county; or signs~~
31 ~~any petition authorized by statute for which the signatures are~~
32 ~~required by law to be verified by the county auditor or secretary of~~
33 ~~state~~)). If the inactive voter fails to provide such a notice or take
34 such an action within that period, the auditor shall cancel the
35 person's voter registration.

1 **Sec. 32.** RCW 29A.08.635 and 2003 c 111 s 242 are each amended to
2 read as follows:

3 Confirmation notices must be on a form prescribed by, or approved
4 by, the secretary of state and must request that the voter confirm that
5 he or she continues to reside at the address of record and desires to
6 continue to use that address for voting purposes. The notice must
7 inform the voter that if the voter does not respond to the notice and
8 does not vote in either of the next two federal general elections, his
9 or her voter registration will be canceled.

10 **Sec. 33.** RCW 29A.08.640 and 2004 c 267 s 132 are each amended to
11 read as follows:

12 (1) If the response to the confirmation notice (~~provides the~~
13 ~~county auditor with the information indicating~~) from the voter
14 indicates that the voter has moved within the county, the auditor shall
15 transfer the voter's registration and send the voter an acknowledgement
16 notice.

17 (2) If the response from the voter indicates (~~a move out of a~~)
18 that the voter moved out of the county, but within the state, the
19 auditor shall (~~place the registration in inactive status for transfer~~
20 ~~pending acceptance by the county indicated by the new address. The~~
21 ~~auditor shall immediately notify the auditor of the county with the new~~
22 ~~address~~) cancel the voter's registration and notify the county auditor
23 of the voter's new county of residence.

24 (3) If the response from the voter indicates that the voter has
25 left the state, the auditor shall cancel the voter's registration on
26 the official state voter registration list.

27 **Sec. 34.** RCW 29A.08.720 and 2005 c 246 s 18 are each amended to
28 read as follows:

29 (1) In the case of voter registration records received through the
30 department of licensing or an agency designated under RCW 29A.08.310,
31 the identity of the office or agency at which any particular individual
32 registered to vote is not available for public inspection and shall not
33 be disclosed to the public. (~~In the case of voter registration~~
34 ~~records received through an agency designated under RCW 29A.08.310, the~~
35 ~~identity of the agency at which any particular individual registered to~~
36 ~~vote is not available for public inspection and shall not be disclosed~~

1 ~~to the public.~~) Any record of a particular individual's choice not to
2 register to vote at an office of the department of licensing or a state
3 agency designated under RCW 29A.08.310 is not available for public
4 inspection and any information regarding such a choice by a particular
5 individual shall not be disclosed to the public.

6 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,
7 poll books, precinct lists, and current lists of registered voters are
8 public records and must be made available for public inspection and
9 copying under such reasonable rules and regulations as the county
10 auditor or secretary of state may prescribe. The county auditor or
11 secretary of state shall promptly furnish current lists of registered
12 voters in his or her possession, at actual reproduction cost, to any
13 person requesting such information. The lists shall not be used for
14 the purpose of mailing or delivering any advertisement or offer for any
15 property, establishment, organization, product, or service or for the
16 purpose of mailing or delivering any solicitation for money, services,
17 or anything of value. However, the lists and labels may be used for
18 any political purpose. The county auditor or secretary of state must
19 provide a copy of RCW 29A.08.740 to the person requesting the material
20 that is released under this section.

21 (3) For the purposes of this section, "political purpose" means a
22 purpose concerned with the support of or opposition to any candidate
23 for any partisan or nonpartisan office or concerned with the support of
24 or opposition to any ballot proposition or issue. "Political purpose"
25 includes, but is not limited to, such activities as the advertising for
26 or against any candidate or ballot measure or the solicitation of
27 financial support.

28 **Sec. 35.** RCW 29A.08.760 and 2004 c 267 s 134 are each amended to
29 read as follows:

30 The secretary of state shall provide a duplicate copy of the master
31 statewide computer file or electronic data file of registered voters to
32 the department of information services for purposes of creating the
33 jury source list without cost. Restrictions as to the commercial use
34 of the information on the statewide computer tape or data file of
35 registered voters, and penalties for its misuse, shall be the same as
36 provided in RCW ((~~29A.08.730~~)) 29A.08.720 and 29A.08.740.

1 **Sec. 36.** RCW 29A.40.010 and 2003 c 111 s 1001 are each amended to
2 read as follows:

3 Any registered voter of the state or any (~~out-of-state voter~~)
4 overseas voter((~~7~~)) or service voter may vote by absentee ballot in any
5 general election, special election, or primary in the manner provided
6 in this chapter. (~~Out-of-state voters~~) Overseas voters((~~7~~)) and
7 service voters are authorized to cast the same ballots, including those
8 for special elections, as a registered voter of the state would receive
9 under this chapter.

10 **Sec. 37.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to
11 read as follows:

12 (1) Except as otherwise provided by law, a registered voter (~~or~~
13 ~~out-of-state voter~~)), overseas voter, or service voter desiring to cast
14 an absentee ballot at a single election or primary must request the
15 absentee ballot from his or her county auditor no earlier than ninety
16 days nor later than the day before the election or primary at which the
17 person seeks to vote. Except as otherwise provided by law, the request
18 may be made orally in person, by telephone, electronically, or in
19 writing. An application or request for an absentee ballot made under
20 the authority of a federal statute or regulation will be considered and
21 given the same effect as a request for an absentee ballot under this
22 chapter.

23 (2) A voter requesting an absentee ballot for a primary may also
24 request an absentee ballot for the following general election. A
25 request by an (~~out-of-state voter~~) overseas voter((~~7~~)) or service
26 voter for an absentee ballot for a primary election will be considered
27 as a request for an absentee ballot for the following general election.

28 (3) In requesting an absentee ballot, the voter shall state the
29 address to which the absentee ballot should be sent. A request for an
30 absentee ballot from an (~~out-of-state voter~~) overseas voter((~~7~~)) or
31 service voter must include the address of the last residence in the
32 state of Washington and either a written application or the oath on the
33 return envelope must include a declaration of the other qualifications
34 of the applicant as an elector of this state. A request for an
35 absentee ballot from any other voter must state the address at which
36 that voter is currently registered to vote in the state of Washington

1 or the county auditor shall verify that information from the voter
2 registration records of the county.

3 (4) A request for an absentee ballot from a registered voter who is
4 within this state must be made directly to the auditor of the county in
5 which the voter is registered. An absentee ballot request from a
6 registered voter who is temporarily outside this state or from an
7 (~~out of state voter,~~) overseas voter(~~,~~) or service voter may be
8 made either to the appropriate county auditor or to the secretary of
9 state, who shall promptly forward the request to the appropriate county
10 auditor.

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

14 **Sec. 38.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to
15 read as follows:

16 (1) The county auditor shall issue an absentee ballot for the
17 primary or election for which it was requested, or for the next
18 occurring primary or election when ongoing absentee status has been
19 requested if the information contained in a request for an absentee
20 ballot or ongoing absentee status received by the county auditor is
21 complete and correct and the applicant is qualified to vote under
22 federal or state law. Otherwise, the county auditor shall notify the
23 applicant of the reason or reasons why the request cannot be accepted.
24 Whenever two or more candidates have filed for the position of precinct
25 committee officer for the same party in the same precinct, the contest
26 for that position must be presented to absentee voters from that
27 precinct by either including the contest on the regular absentee ballot
28 or a separate absentee ballot. The ballot must provide space
29 designated for writing in the name of additional candidates.

30 (2) A registered voter may obtain a replacement ballot if the
31 ballot is destroyed, spoiled, lost, or not received by the voter. The
32 voter may obtain the ballot by telephone request, by mail,
33 electronically, or in person. The county auditor shall keep a record
34 of each replacement ballot provided under this subsection.

35 (3) A copy of the state voters' pamphlet must be sent to
36 (~~registered voters temporarily outside the state, out of state~~
37 ~~voters,~~) overseas voters(~~,~~) and service voters along with the

1 absentee ballot if such a pamphlet has been prepared for the primary or
2 election and is available to the county auditor at the time of mailing.
3 The county auditor shall mail all absentee ballots and related material
4 to overseas and service voters (~~((outside the territorial limits of the~~
5 ~~United States and the District of Columbia under 39 U.S.C. 3406))~~).

6 **Sec. 39.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to
7 read as follows:

8 The county auditor shall send each absentee voter a ballot, a
9 security envelope in which to seal the ballot after voting, a larger
10 envelope in which to return the security envelope, and instructions on
11 how to mark the ballot and how to return it to the county auditor. The
12 instructions that accompany an absentee ballot for a partisan primary
13 must include instructions for voting the applicable ballot style, as
14 provided in chapter 29A.36 RCW. The absentee voter's name and address
15 must be printed on the larger return envelope, which must also contain
16 a declaration by the absentee voter reciting his or her qualifications
17 and stating that he or she has not voted in any other jurisdiction at
18 this election, together with a summary of the penalties for any
19 violation of any of the provisions of this chapter. The declaration
20 must clearly inform the voter that it is illegal to vote if he or she
21 is not a United States citizen; it is illegal to vote if he or she has
22 been convicted of a felony and has not had his or her voting rights
23 restored; and, except as otherwise provided by law, it is illegal to
24 cast a ballot or sign an absentee envelope on behalf of another voter.
25 The return envelope must provide space for the voter to indicate the
26 date on which the ballot was voted and for the voter to sign the oath.
27 It must also contain a space so that the voter may include a telephone
28 number. A summary of the applicable penalty provisions of this chapter
29 must be printed on the return envelope immediately adjacent to the
30 space for the voter's signature. The signature of the voter on the
31 return envelope must affirm and attest to the statements regarding the
32 qualifications of that voter and to the validity of the ballot. The
33 return envelope must also have a secrecy flap that the voter may seal
34 that will cover the voter's signature and optional telephone number.
35 For (~~(out-of-state voters,)~~) overseas voters(~~(,)~~) and service voters,
36 the signed declaration on the return envelope constitutes the
37 equivalent of a voter registration for the election or primary for

1 which the ballot has been issued. The voter must be instructed to
2 either return the ballot to the county auditor by whom it was issued or
3 attach sufficient first-class postage, if applicable, and mail the
4 ballot to the appropriate county auditor no later than the day of the
5 election or primary for which the ballot was issued.

6 If the county auditor chooses to forward absentee ballots, he or
7 she must include with the ballot a clear explanation of the
8 qualifications necessary to vote in that election and must also advise
9 a voter with questions about his or her eligibility to contact the
10 county auditor. This explanation may be provided on the ballot
11 envelope, on an enclosed insert, or printed directly on the ballot
12 itself. If the information is not included, the envelope must clearly
13 indicate that the ballot is not to be forwarded and that return postage
14 is guaranteed.

15 **Sec. 40.** RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are
16 each reenacted and amended to read as follows:

17 (1) The opening and subsequent processing of return envelopes for
18 any primary or election may begin upon receipt. The tabulation of
19 absentee ballots must not commence until after 8:00 p.m. on the day of
20 the primary or election.

21 (2) All received absentee return envelopes must be placed in secure
22 locations from the time of delivery to the county auditor until their
23 subsequent opening. After opening the return envelopes, the county
24 canvassing board shall place all of the ballots in secure storage until
25 after 8:00 p.m. of the day of the primary or election. Absentee
26 ballots that are to be tabulated on an electronic vote tallying system
27 may be taken from the inner envelopes and all the normal procedural
28 steps may be performed to prepare these ballots for tabulation.

29 (3) Before opening a returned absentee ballot, the canvassing
30 board, or its designated representatives, shall examine the postmark,
31 statement, and signature on the return envelope that contains the
32 security envelope and absentee ballot. All personnel assigned to
33 verify signatures must receive training on statewide standards for
34 signature verification. Personnel shall verify that the voter's
35 signature on the return envelope is the same as the signature of that
36 voter in the registration files of the county. Verification may be
37 conducted by an automated verification system approved by the secretary

1 of state. For any absentee ballot, a variation between the signature
2 of the voter on the return envelope and the signature of that voter in
3 the registration files due to the substitution of initials or the use
4 of common nicknames is permitted so long as the surname and handwriting
5 are clearly the same.

6 (4) For registered voters casting absentee ballots, the date on the
7 return envelope to which the voter has attested determines the
8 validity, as to the time of voting for that absentee ballot if the
9 postmark is missing or is illegible. For (~~out-of-state voters,~~)
10 overseas voters(~~(,)~~) and service voters (~~(stationed in the United~~
11 ~~States)~~), the date on the return envelope to which the voter has
12 attested determines the validity as to the time of voting for that
13 absentee ballot.

14 **Sec. 41.** RCW 29A.60.235 and 2005 c 243 s 11 are each amended to
15 read as follows:

16 (1) The county auditor shall prepare, make publicly available at
17 the auditor's office or on the auditor's web site, and submit at the
18 time of certification an election reconciliation report that discloses
19 the following information:

- 20 (a) The number of registered voters;
- 21 (b) The number of ballots counted;
- 22 (c) The number of provisional ballots issued;
- 23 (d) The number of provisional ballots counted;
- 24 (e) The number of provisional ballots rejected;
- 25 (f) The number of absentee ballots issued;
- 26 (g) The number of absentee ballots counted;
- 27 (h) The number of absentee ballots rejected;
- 28 (i) The number of federal write-in ballots counted;
- 29 (j) The number of (~~out-of-state,~~) overseas(~~(,)~~) and service
30 ballots issued;
- 31 (k) The number of (~~out-of-state,~~) overseas(~~(,)~~) and service
32 ballots counted; and
- 33 (l) The number of (~~out-of-state,~~) overseas(~~(,)~~) and service
34 ballots rejected.

35 (2) The county auditor shall prepare and make publicly available at
36 the auditor's office or on the auditor's web site within thirty days of

1 certification a final election reconciliation report that discloses the
2 following information:

- 3 (a) The number of registered voters;
 - 4 (b) The total number of voters credited with voting;
 - 5 (c) The number of poll voters credited with voting;
 - 6 (d) The number of provisional voters credited with voting;
 - 7 (e) The number of absentee voters credited with voting;
 - 8 (f) The number of federal write-in voters credited with voting;
 - 9 (g) The number of (~~out-of-state~~) overseas(~~(~~) and service
10 voters credited with voting;
 - 11 (h) The total number of voters credited with voting even though
12 their ballots were postmarked after election day and were not counted;
13 and
 - 14 (i) Any other information the auditor deems necessary to reconcile
15 the number of ballots counted with the number of voters credited with
16 voting.
- 17 (3) The county auditor may also prepare such reports for
18 jurisdictions located, in whole or in part, in the county.

19 **Sec. 42.** RCW 46.20.155 and 2005 c 246 s 24 are each amended to
20 read as follows:

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

25 "Do you want to register to vote or transfer your voter
26 registration?"

27 If the applicant chooses to register or transfer a registration,
28 the agent shall ask the following:

29 (1) "Are you a United States citizen?"

30 (2) "Are you or will you be eighteen years of age on or before the
31 next election?"

32 If the applicant answers in the affirmative to both questions, the
33 agent shall then (~~provide the applicant with a voter registration form
34 and instructions and shall record that the applicant has requested to
35 register to vote or transfer a voter~~) submit the registration or

1 transfer. If the applicant answers in the negative to either question,
2 the agent shall not (~~provide the applicant with~~) submit a voter
3 registration (~~form~~) application.

4 (2) The department shall establish a procedure that substantially
5 meets the requirements of subsection (1) of this section when
6 permitting an applicant to renew a license or identicard by mail or by
7 electronic commerce.

8 NEW SECTION. Sec. 43. The following acts or parts of acts are
9 each repealed:

10 (1) RCW 29A.04.103 (Out-of-state voter) and 2003 c 111 s 118;

11 (2) RCW 29A.08.040 ("Person," "political purpose.") and 2003 c 111
12 s 202 & 1973 1st ex.s. c 111 s 1;

13 (3) RCW 29A.08.113 (Alternative forms of identification--Voting
14 procedure) and 2005 c 246 s 7;

15 (4) RCW 29A.08.145 (Late registration--Special procedure) and 2006
16 c 97 s 2, 2005 c 246 s 10, 2004 c 267 s 113, 2003 c 111 s 213, & 1993
17 c 383 s 1;

18 (5) RCW 29A.08.360 (Address changes at department of licensing) and
19 2004 c 267 s 121 & 2003 c 111 s 227;

20 (6) RCW 29A.08.605 (Registration list maintenance) and 2004 c 267
21 s 128 & 2003 c 111 s 236;

22 (7) RCW 29A.08.651 (Voter registration database) and 2005 c 246 s
23 16 & 2004 c 267 s 101; and

24 (8) RCW 29A.08.780 (State and county list interchange) and 2004 c
25 267 s 137.

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