

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE SENATE BILL 5270**

61st Legislature  
2009 Regular Session

Passed by the Senate April 20, 2009  
YEAS 32 NAYS 17

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**President of the Senate**

Passed by the House April 14, 2009  
YEAS 60 NAYS 37

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5270** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5270**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senators McDermott, Swecker, Fairley, Oemig, Tom, and Shin; by request of Secretary of State)

READ FIRST TIME 02/16/09.

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(~~(7)~~) 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 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) A provisional registration must remain on the official list of  
28 registered voters through at least two general elections for federal  
29 office. If, after two general elections for federal office, the voter  
30 still has not verified his or her identity, the provisional  
31 registration may be canceled.

32 (5) The requirements of this section do not apply to an overseas or  
33 service voter who registers to vote by signing the return envelope of  
34 an absentee ballot, or to a registered voter transferring his or her  
35 registration.

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

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

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

34 ~~((+3))~~ (2) If an ~~((acknowledgement notice card is properly mailed~~  
35 ~~as required by this section to the address listed by the voter as being~~  
36 ~~the voter's mailing address and the notice is subsequently returned to~~  
37 ~~the auditor by the postal service as being undeliverable to the voter~~  
38 ~~at that address, the auditor shall promptly send the voter a~~

1 ~~confirmation notice. The auditor shall place the voter's registration~~  
2 ~~on inactive status pending a response from the voter to the~~  
3 ~~confirmation notice)) application is not complete, the auditor shall~~  
4 ~~promptly mail a verification notice to the applicant. The verification~~  
5 ~~notice shall require the applicant to provide the missing information.~~  
6 ~~If the applicant provides the required information within forty-five~~  
7 ~~days, the applicant shall be registered to vote as of the original date~~  
8 ~~of application. The applicant shall not be placed on the official list~~  
9 ~~of registered voters until the application is complete.~~

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

12 A person or organization collecting voter registration application  
13 forms must transmit the forms to the secretary of state or a county  
14 auditor (~~at least once weekly~~) within five business days. The  
15 registration date on such forms will be the date they are received by  
16 the secretary of state or county auditor.

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

19 (1) The office of the secretary of state shall maintain a statewide  
20 voter registration database. This database must be a centralized,  
21 uniform, interactive computerized statewide voter registration list  
22 that contains the name and registration information of every registered  
23 voter in the state.

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

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

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

31 (5) The database must be coordinated with other government  
32 databases within the state including, but not limited to, the  
33 department of corrections, the department of licensing, the department  
34 of health, the administrative office of the courts, and county  
35 auditors. The database may also be coordinated with the databases of  
36 election officials in other states.

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

4 (7) Voter registration information received by each county auditor  
5 must be electronically entered into the database. The office of the  
6 secretary of state must provide support, as needed, to enable each  
7 county auditor to enter and maintain voter registration information in  
8 the state database.

9 (8) The secretary of state has data authority over all voter  
10 registration data.

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

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

14 (b) Identify duplicate voter registrations;

15 (c) Identify suspected duplicate voters;

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

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

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

23 (g) Provide access for county auditors that includes the  
24 capability to update registrations and search for duplicate  
25 registrations; and

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

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

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

1        (12) Each county auditor shall maintain a ~~((computer file~~  
2 ~~containing a copy of each record))~~ list of all registered voters within  
3 the county that are contained on the official statewide voter  
4 registration list ~~((for that county))~~.

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

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

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

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

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

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

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

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

3           ~~((The county auditor shall acknowledge each new voter registration~~  
4 ~~or transfer by providing or sending the voter a card identifying his or~~  
5 ~~her current precinct and containing such other information as may be~~  
6 ~~prescribed by the secretary of state.)) (1) When a person who has~~  
7 previously registered to vote in another state applies for voter  
8 registration in Washington, the person shall provide on the  
9 registration form~~((7))~~ all information needed to cancel any previous  
10 registration. Notification must be made to the state elections office  
11 of the applicant's previous state of registration.

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

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

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

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

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

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

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

36           (3) Prior to each primary and general election, the county auditor  
37 shall give notice of the ~~((closing of the precinct files for transfer~~



1 and notice of the special registration and voting procedure provided by  
2 RCW 29A.08.145)) registration deadlines by one publication in a  
3 newspaper of general circulation in the county at least thirty-five  
4 days before the ~~((closing of the precinct files.~~

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

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

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

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

21 (2) The applicant's full name;

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

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

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

26 (6) The sex of the applicant;

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

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

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

1        ~~((+10+))~~ (9) A check box allowing the applicant to confirm that he  
2 or she is at least eighteen years of age or will be eighteen years of  
3 age by the next election;

4        ~~((+11+))~~ (10) Clear and conspicuous language, designed to draw the  
5 applicant's attention, stating that the applicant must be a United  
6 States citizen in order to register to vote;

7        ~~((+12+))~~ (11) A check box and declaration confirming that the  
8 applicant is a citizen of the United States;

9        ~~((+13+))~~ (12) The following warning:

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

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

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

22        ~~(+15+))~~ (13) The oath required by RCW 29A.08.230 and a space for the  
23 applicant's signature; and

24        ~~((+16+))~~ (14) Any other information that the secretary of state  
25 determines is necessary to establish the identity of the applicant and  
26 prevent duplicate or fraudulent voter registrations.

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

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

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

1 For all voter registrations, the registrant shall sign the  
2 following oath:

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

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

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

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

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

30 (2) Each state agency designated shall provide voter registration  
31 services for employees and the public within each office of that  
32 agency.

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

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

3           (5)) Each institution of higher education shall put in place an  
4 active prompt on its course registration web site, or similar web site  
5 that students actively and regularly use, that, if selected, will link  
6 the student to the secretary of state's voter registration web site.  
7 The prompt must ask the student if he or she wishes to register to  
8 vote.

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

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

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

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

28           "Do you want to register to vote or transfer your voter  
29 registration?"

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

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

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

35           If the applicant answers in the affirmative to both questions, the  
36 agent shall then provide the applicant with a voter registration form

1 and instructions and shall record that the applicant has requested to  
2 register to vote or transfer a voter registration. If the applicant  
3 answers in the negative to either question, the agent shall not provide  
4 the applicant with a voter registration form.

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

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

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

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

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

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

1       ~~(4) For a voter registration application where the address for~~  
2 ~~voting purposes is different from the address in the machine-readable~~  
3 ~~file received from the department of licensing, the secretary of state~~  
4 ~~shall amend the record of that application in the machine-readable file~~  
5 ~~to reflect the county in which the applicant has registered to vote.~~

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

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

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

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

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

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

29       (3) ~~((transferring the registration in the manner provided by RCW~~  
30 ~~29A.08.430; or~~

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

36       (4) Submitting a voter registration application.

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

3       A registered voter who changes his or her residence from one county  
4 to another county must do so (~~((in writing using a prescribed))~~) by  
5 submitting a voter registration form. The county auditor of the  
6 voter's new county shall transfer the voter's registration from the  
7 county of the previous registration.

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

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

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

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

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

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

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

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

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

1 ~~using both this former name and the voter's new name; (2) by appearing~~  
2 ~~in person before the auditor or a registration assistant and signing~~  
3 ~~such a change of name notice; (3) by signing such a change of name~~  
4 ~~notice at the voter's precinct polling place on the day of a primary or~~  
5 ~~special or general election; (4) by properly executing a name change on~~  
6 ~~a mail-in)), and providing a signature of the new name, or by~~  
7 ~~submitting a voter registration application ((or a prescribed state~~  
8 ~~agency application)).~~

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

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

16 ~~((In addition to case by case maintenance under RCW 29A.08.620 and~~  
17 ~~29A.08.630 and the general program of maintenance of voter registration~~  
18 ~~lists under RCW 29A.08.605,)) The registrations of deceased voters~~  
19 ~~((will)) may be canceled from voter registration lists as follows:~~

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

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

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



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

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

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

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

29 (~~(+2)~~) (3) The right to vote may be restored by, for each felony  
30 conviction, one of the following:

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

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

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

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

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

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

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

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

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

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

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

36       ~~(a) An acknowledgement of registration;~~

37       ~~(b) An acknowledgement of transfer to a new address;~~

1 ~~(c) A vote by mail ballot, absentee ballot, or application for a~~  
2 ~~ballot;~~

3 ~~(d) Notification to a voter after precinct reassignment;~~

4 ~~(e) Notification to serve on jury duty; or~~

5 ~~(f) Any other document other than a confirmation notice, required~~  
6 ~~by statute, to be mailed by the county auditor to the voter.~~

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

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

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

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

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

29 ~~(a) Any document mailed by the county auditor to a voter is~~  
30 ~~returned by the postal service as undeliverable without address~~  
31 ~~correction information; or~~

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

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

1 (1) A voter whose registration has been made inactive under this  
2 chapter and who ~~((offers))~~ requests to vote at an ensuing election  
3 before two federal general elections have been held must be allowed to  
4 vote a regular ballot applicable to the registration address, and the  
5 voter's registration restored to active status.

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

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

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

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

27 (1) Notifies the auditor of a change of address ~~((within the  
28 county))~~;

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

31 (3) Votes or attempts to vote in a primary ~~((or a))~~, special  
32 election, or general election ~~((and resides within the county; or signs  
33 any petition authorized by statute for which the signatures are  
34 required by law to be verified by the county auditor or secretary of  
35 state))~~. If the inactive voter fails to provide such a notice or take  
36 such an action within that period, the auditor shall cancel the  
37 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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