HOUSE BILL 2680

State of Washington   **65th Legislature**   **2018 Regular Session**

By Representatives Irwin, Dolan, Muri, Frame, Jinkins, and Pollet; by request of Secretary of State

Read first time 01/12/18.   Referred to Committee on State Govt, Elections & IT.

1   AN ACT Relating to voter registration; amending RCW 29A.08.140,
2 29A.08.140,   29A.08.140,   29A.08.125,   29A.08.410,   29A.08.620,
3 29A.04.611, and 29A.40.160; providing an effective date; providing a
4 contingent effective date; providing an expiration date; and
5 providing a contingent expiration date.

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

7   **Sec. 1.**   RCW 29A.08.140 and 2011 c 10 s 15 are each amended to
8 read as follows:
9   (1) In order to vote in any primary, special election, or general
10 election, a person who is not registered to vote in Washington must:
11   (a) Submit a registration application no later than ((twenty-
12 nine)) twenty-eight days before the day of the primary, special
13 election, or general election; or
14   (b) Register in person at the county auditor's office in his or
15 her county of residence no later than eight days before the day of
16 the primary, special election, or general election.
17   (2) A person who is already registered to vote in Washington may
18 update his or her registration no later than ((twenty-nine)) twenty-
19 eight days before the day of the primary, special election, or
20 general election to be in effect for that primary, special election,
21 or general election. A registered voter who fails to transfer his or

1 her residential address by this deadline may vote according to his or
2 her previous registration address.
3   (3) A person registering to vote at a county auditor's office or
4 other location designated by a county auditor must appear in person
5 at either the county auditor's office or designated location in the
6 county in which the person resides at a time when the registration
7 facility is open to the public. The registrant must complete a voter
8 registration application by providing the information required by RCW
9 29A.08.010 and 29A.08.107.
10   (4) If a voter registration deadline falls on a state or federal
11 holiday, the deadline is moved to the next business day after the
12 holiday.

13   **Sec. 2.** RCW 29A.08.140 and 2011 c 10 s 15 are each amended to
14 read as follows:
15   (1) In order to vote in any primary, special election, or general
16 election, a person who is not registered to vote in Washington must:
17   (a) Submit a registration application pursuant to RCW 29A.08.115,
18 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or
19 29A.08.340, received by election officials no later than ((twenty-
20 nine)) eleven days before the day of the primary, special election,
21 or general election; or
22   (b) Register in person at the county auditor's office in his or
23 her county of residence no later than eight days before the day of
24 the primary, special election, or general election.
25   (2) A person who is already registered to vote in Washington may
26 update his or her registration no later than ((twenty-nine)) twenty-
27 eight days before the day of the primary, special election, or
28 general election to be in effect for that primary, special election,
29 or general election. A registered voter who fails to transfer his or
30 her residential address by this deadline may vote according to his or
31 her previous registration address.
32   (3) A person registering to vote at a county auditor's office or
33 other location designated by a county auditor must appear in person
34 at either the county auditor's office or designated location in the
35 county in which the person resides at a time when the registration
36 facility is open to the public. The registrant must complete a voter
37 registration application by providing the information required by RCW
38 29A.08.010 and 29A.08.107.

1   (4) If a voter registration deadline falls on a state or federal
2 holiday, the deadline is moved to the next business day after the
3 holiday.

4   **Sec. 3.** RCW 29A.08.140 and 2011 c 10 s 15 are each amended to
5 read as follows:
6   (1) In order to vote in any primary, special election, or general
7 election, a person who is not registered to vote in Washington must:
8   (a) Submit a registration application pursuant to RCW 29A.08.115,
9 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or
10 29A.08.340, received by election officials no later than ((twenty-
11 nine)) eleven days before the day of the primary, special election,
12 or general election; or
13   (b) Register in person at the county auditor's office in his or
14 her county of residence ((no later than eight days before the day of
15 the primary, special election, or general election)), or an alternate
16 location designated by the county auditor.
17   (2) A person who is already registered to vote in Washington may
18 update his or her registration no later than ((twenty-nine)) twenty-
19 eight days before the day of the primary, special election, or
20 general election to be in effect for that primary, special election,
21 or general election. A registered voter who fails to transfer his or
22 her residential address by this deadline may vote according to his or
23 her previous registration address.
24   (3) A person registering to vote at a county auditor's office or
25 other location designated by a county auditor must appear in person
26 at either the county auditor's office or designated location in the
27 county in which the person resides at a time when the registration
28 facility is open to the public. The registrant must complete a voter
29 registration application by providing the information required by RCW
30 29A.08.010 and 29A.08.107.
31   (4) For in-person voter registration on the day of a special
32 election, primary, or general election, a person may register to vote
33 and receive a ballot up to 8:00 p.m. at the county auditor's office
34 or designated location.
35   (5) If a voter registration deadline falls on a state or federal
36 holiday, the deadline is moved to the next business day after the
37 holiday.

Sec. 4. RCW 29A.08.125 and 2009 c 369 s 12 are each amended to
read as follows:
     (1) The office of the secretary of state shall maintain a
statewide voter registration database. This database must be a
centralized, uniform, interactive computerized statewide voter
registration list that contains the name and registration information
of every registered voter in the state.
     (2) The statewide list is the official list of registered voters
for the conduct of all elections.
     (3) The statewide list must include, but is not limited to, the
name, date of birth, residence address, signature, gender, and date
of registration of every legally registered voter in the state.
     (4) A unique identifier must be assigned to each registered voter
in the state.
     (5) The database must be coordinated with other government
databases within the state including, but not limited to, the
department of corrections, the department of licensing, the
department of health, the administrative office of the courts, and
county auditors. The database may also be coordinated with the
databases of election officials in other states.
     (6) Authorized employees of the secretary of state and each
county auditor must have immediate electronic access to the
information maintained in the database.
     (7) Voter registration information received by each county
auditor must be electronically entered into the database. The office
of the secretary of state must provide support, as needed, to enable
each county auditor to enter and maintain voter registration
information in the state database.
     (8) The secretary of state has data authority over all voter
registration data.
     (9) The voter registration database must be designed to
accomplish at a minimum, the following:
     (a) Comply with the help America vote act of 2002 (P.L. 107-252);
     (b) Identify duplicate voter registrations;
     (c) Identify suspected duplicate voters;
     (d) Screen against any available databases maintained by other
government agencies to identify voters who are ineligible to vote due
to a felony conviction, lack of citizenship, or mental incompetence;
     (e) Provide images of voters' signatures for the purpose of
checking signatures on initiative and referendum petitions;

1 (f) Provide for a comparison between the voter registration
2 database and the department of licensing change of address database;
3 (g) Provide access for county auditors that includes the
4 capability to update registrations and search for duplicate
5 registrations; ((and))
6 (h) Provide for the cancellation of registrations of voters who
7 have moved out of state; and
8 (i) Provide for the change of residence address for a voter from
9 one county to another.
10 (10) The secretary of state may, upon agreement with other
11 appropriate jurisdictions, screen against any available databases
12 maintained by election officials in other states and databases
13 maintained by federal agencies including, but not limited to, the
14 federal bureau of investigation, the federal court system, the
15 federal bureau of prisons, and the bureau of citizenship and
16 immigration services.
17 (11) The database shall retain information regarding previous
18 successful appeals of proposed cancellations of registrations in
19 order to avoid repeated cancellations for the same reason.
20 (12) Each county auditor shall maintain a list of all registered
21 voters within the county that are contained on the official statewide
22 voter registration list. In addition to the information maintained in
23 the statewide database, the county database must also maintain the
24 applicable taxing district and precinct codes for each voter in the
25 county, and a list of elections in which the individual voted.
26 (13) Each county auditor shall allow electronic access and
27 information transfer between the county's voter registration system
28 and the official statewide voter registration list.

29 **Sec. 5.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to
30 read as follows:
31 A registered voter who changes his or her residence from one
32 address to another within ((the same county)) this state may transfer
33 his or her registration to the new address in one of the following
34 ways:
35 (1) Sending the county auditor a request stating both the voter's
36 present address and the address from which the voter was last
37 registered;
38 (2) Appearing in person before the county auditor and making such
39 a request;

1 (3) Telephoning or emailing the county auditor to ((transfer
2 the)) change the residence address for voter registration; or
3 (4) Submitting a voter registration application.

4 **Sec. 6.** RCW 29A.08.620 and 2011 c 10 s 17 are each amended to
5 read as follows:
6 (1) Each county auditor must request change of address
7 information from the postal service for all mail ballots.
8 (2) The county auditor shall transfer the registration of a voter
9 and send an acknowledgment notice to the new address informing the
10 voter of the transfer if change of address information received by
11 the county auditor from the postal service, the department of
12 licensing, or another agency designated to provide voter registration
13 services indicates that the voter has moved within the ((county))
14 state.
15 (3) ((The county auditor shall place a voter on inactive status
16 and send to all known addresses a confirmation notice and a voter
17 registration application if change of address information received by
18 the county auditor from the postal service, the department of
19 licensing, or another agency designated to provide voter registration
20 services indicates that the voter has moved from one county to
21 another.
22 (4))) The county auditor shall place a voter on inactive status
23 and send to all known addresses a confirmation notice if any of the
24 following occur:
25 (a) Any document mailed by the county auditor to a voter is
26 returned by the postal service as undeliverable without address
27 correction information; or
28 (b) Change of address information received from the postal
29 service, the department of licensing, or another state agency
30 designated to provide voter registration services indicates that the
31 voter has moved out of the state.

32 **Sec. 7.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to
33 read as follows:
34 The secretary of state as chief election officer shall make
35 reasonable rules in accordance with chapter 34.05 RCW not
36 inconsistent with the federal and state election laws to effectuate
37 any provision of this title and to facilitate the execution of its
38 provisions in an orderly, timely, and uniform manner relating to any

1 federal, state, county, city, town, and district elections. To that
2 end the secretary shall assist local election officers by devising
3 uniform forms and procedures.
4   In addition to the rule-making authority granted otherwise by
5 this 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
9 filing 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
15 in 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
22 operation of counting centers where vote tallying systems are used;
23   (9) Standards and procedures to ensure the accurate tabulation
24 and canvassing of ballots;
25   (10) Consistency among the counties of the state in the
26 preparation of ballots, the operation of vote tallying systems, and
27 the canvassing 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;
30   (12) The use of substitute devices or means of voting when a
31 voting device is found to be defective, the counting of votes cast on
32 the defective device, the counting of votes cast on the substitute
33 device, and the documentation that must be submitted to the county
34 auditor regarding such circumstances;
35   (13) Procedures for the transportation of sealed containers of
36 voted ballots or sealed voting devices;
37   (14) The acceptance and filing of documents via electronic
38 transmission;
39   (15) Voter registration applications and records;

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

1 ((~~(34)~~)) <u>(35)</u> Standards and procedures to guarantee the secrecy
2 of ballots;
3 ((~~(35)~~)) <u>(36)</u> Uniformity among the counties of the state in the
4 conduct of elections;
5 ((~~(36)~~)) <u>(37)</u> Standards and procedures to accommodate overseas
6 voters and service voters;
7 ((~~(37)~~)) <u>(38)</u> The tabulation of paper ballots;
8 ((~~(38)~~)) <u>(39)</u> The accessibility of voting centers;
9 ((~~(39)~~)) <u>(40)</u> The aggregation of precinct results if reporting
10 the results of a single precinct could jeopardize the secrecy of a
11 person's ballot;
12 ((~~(40)~~)) <u>(41)</u> Procedures for conducting a statutory recount;
13 ((~~(41)~~)) <u>(42)</u> Procedures for filling vacancies in congressional
14 offices if the general statutory time requirements for availability
15 of ballots, certification, canvassing, and related procedures cannot
16 be met;
17 ((~~(42)~~)) <u>(43)</u> Procedures for the statistical sampling of
18 signatures for purposes of verifying and canvassing signatures on
19 initiative, referendum, and recall election petitions;
20 ((~~(43)~~)) <u>(44)</u> Standards and deadlines for submitting material to
21 the office of the secretary of state for the voters' pamphlet;
22 ((~~(44)~~)) <u>(45)</u> Deadlines for the filing of ballot titles for
23 referendum bills and constitutional amendments if none have been
24 provided by the legislature;
25 ((~~(45)~~)) <u>(46)</u> Procedures for the publication of a state voters'
26 pamphlet;
27 ((~~(46)~~)) <u>(47)</u> Procedures for conducting special elections
28 regarding nuclear waste sites if the general statutory time
29 requirements for availability of ballots, certification, canvassing,
30 and related procedures cannot be met;
31 ((~~(47)~~)) <u>(48)</u> Procedures for conducting partisan primary
32 elections;
33 ((~~(48)~~)) <u>(49)</u> Standards and procedures for the proper conduct of
34 voting on accessible voting devices;
35 ((~~(49)~~)) <u>(50)</u> Standards for voting technology and systems used by
36 the state or any political subdivision to be accessible for
37 individuals with disabilities, including nonvisual accessibility for
38 the blind and visually impaired, in a manner that provides the same
39 opportunity for access and participation, including privacy and
40 independence, as other voters;

1   (((50))) (51) All data formats for transferring voter
2   registration data on electronic or machine-readable media for the
3   purpose of administering the statewide voter registration list
4   required by the Help America Vote Act (P.L. 107-252);

5   (((51))) (52) Defining the interaction of electronic voter
6   registration election management systems employed by each county
7   auditor to maintain a local copy of each county's portion of the
8   official state list of registered voters;

9   (((52))) (53) Provisions and procedures to implement the state-
10   based administrative complaint procedure as required by the Help
11   America Vote Act (P.L. 107-252);

12   (((53))) (54) Facilitating the payment of local government grants
13   to local government election officers or vendors; and

14   (((54))) (55) Standards for the verification of signatures on
15   ballot declarations.

16   **Sec. 8.** RCW 29A.40.160 and 2017 c 327 s 1 are each amended to
17   read as follows:

18   (1) Each county auditor shall open a voting center each primary,
19   special election, and general election. The voting center shall be
20   open during business hours during the voting period, which begins
21   eighteen days before, and ends at 8:00 p.m. on the day of, the
22   primary, special election, or general election.

23   (2) The voting center must provide voter registration materials,
24   ballots, provisional ballots, disability access voting units, sample
25   ballots, instructions on how to properly vote the ballot, a ballot
26   drop box, and voters' pamphlets, if a voters' pamphlet has been
27   published.

28   (3) The voting center must be accessible to persons with
29   disabilities. Each state agency and entity of local government shall
30   permit the use of any of its accessible facilities as voting centers
31   when requested by a county auditor.

32   (4) The voting center must provide at least one voting unit
33   certified by the secretary of state that provides access to
34   individuals who are blind or visually impaired, enabling them to vote
35   with privacy and independence.

36   (5) No person may interfere with a voter attempting to vote in a
37   voting center. Interfering with a voter attempting to vote is a
38   violation of RCW 29A.84.510.

1 (6) Before opening the voting center, the voting equipment shall
2 be inspected to determine if it has been properly prepared for
3 voting. If the voting equipment is capable of direct tabulation of
4 each voter's choices, the county auditor shall verify that no votes
5 have been registered for any issue or office, and that the device has
6 been sealed with a unique numbered seal at the time of final
7 preparation and logic and accuracy testing. A log must be made of all
8 device numbers and seal numbers.
9 (7) The county auditor shall require any person desiring to vote
10 at a voting center to either sign a ballot declaration or provide
11 identification.
12 (a) The signature on the declaration must be compared to the
13 signature on the voter registration record before the ballot may be
14 counted. If the voter registered using a mark, or can no longer sign
15 his or her name, the election officers shall require the voter to be
16 identified by another registered voter.
17 (b) The identification must be valid photo identification, such
18 as a driver's license, state identification card, student
19 identification card, tribal identification card, or employer
20 identification card. Any individual who desires to vote in person but
21 cannot provide identification shall be issued a provisional ballot,
22 which shall be accepted if the signature on the declaration matches
23 the signature on the voter's registration record.
24 (8) Provisional ballots must be accompanied by a declaration and
25 security envelope, as required by RCW 29A.40.091, and space for the
26 voter's name, date of birth, current and former registered address,
27 reason for the provisional ballot, and disposition of the provisional
28 ballot. The voter shall vote and return the provisional ballot at the
29 voting center. The voter must be provided information on how to
30 ascertain whether the provisional ballot was counted and, if
31 applicable, the reason why the vote was not counted.
32 (9) Any voter may take printed or written material into the
33 voting device to assist in casting his or her vote. The voter shall
34 not use this material to electioneer and shall remove it when he or
35 she leaves the voting center.
36 (10) If any voter states that he or she is unable to cast his or
37 her votes due to a disability, the voter may designate a person of
38 his or her choice, or two election officers, to enter the voting
39 booth and record the votes as he or she directs.

1 (11) No voter is entitled to vote more than once at a primary,
2 special election, or general election. If a voter incorrectly marks a
3 ballot, he or she may be issued a replacement ballot.

4 (12) A voter who has already returned a ballot but requests to
5 vote at a voting center shall be issued a provisional ballot. The
6 canvassing board shall not count the provisional ballot if it finds
7 that the voter has also voted a regular ballot in that primary,
8 special election, or general election.

9 (13) The county auditor must prevent overflow of each ballot drop
10 box to allow a voter to deposit his or her ballot securely. Ballots
11 must be removed from a ballot drop box by at least two people, with a
12 record kept of the date and time ballots were removed, and the names
13 of people removing them. Ballots from drop boxes must be returned to
14 the counting center in secured transport containers. A copy of the
15 record must be placed in the container, and one copy must be
16 transported with the ballots to the counting center, where the seal
17 number must be verified by the county auditor or a designated
18 representative. All ballot drop boxes must be secured at 8:00 p.m. on
19 the day of the primary, special election, or general election.

20 (14) Any voter who is inside or in line at the voting center at
21 8:00 p.m. on the day of the primary, special election, or general
22 election must be allowed to vote.

23 (15) For each primary, special election, and general election,
24 the county auditor may provide election services at locations in
25 addition to the voting center. The county auditor has discretion to
26 establish which services will be provided at the additional
27 locations, and which days and hours the locations will be open((,
28 except that the county auditor must establish a minimum of one ballot
29 drop box per fifteen thousand registered voters in the county and a
30 minimum of one ballot drop box in each city, town, and census-
31 designated place in the county with a post office)).

32 (16) Each county auditor must establish a minimum of one ballot
33 drop box per fifteen thousand registered voters in the county and a
34 minimum of one ballot drop box in each city, town, and census-
35 designated place in the county with a post office.

36 NEW SECTION. **Sec. 9.** Section 1 of this act expires January 1,
37 2019.

1   NEW SECTION. **Sec. 10.** Section 2 of this act takes effect
2   January 1, 2019.

3   NEW SECTION. **Sec. 11.** (1) Sections 3, 5, and 6 of this act take
4   effect when the statewide voter registration database operated by the
5   secretary of state is compliant with RCW 29A.08.125, as amended by
6   this act, is fully implemented and installed in the office of the
7   secretary of state and in all county elections departments. Section 2
8   of this act expires if section 3 of this act takes effect.
9   (2) The secretary of state must provide notice to the appropriate
10   committees of the legislature of the estimated date of installation
11   by December 1, 2018.
12   (3) The secretary of state's office must provide written notice
13   to the code reviser's office when the statewide voter registration
14   database is compliant with RCW 29A.08.125, as amended by this act,
15   and is fully implemented and installed in the office of the secretary
16   of state and in all county elections departments.

--- END ---