

SB 5227 - H COMM AMD

By Committee on State Government & Tribal Relations

ADOPTED 04/16/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.04
4 RCW to read as follows:

5 "Election official" when pertaining to voter registration
6 includes any staff member of the office of the secretary of state or
7 a staff member of the county auditor's office.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04
9 RCW to read as follows:

10 "By mail" means delivery of a completed original voter
11 registration application by mail to a county auditor or the office of
12 the secretary of state.

13 **Sec. 3.** RCW 29A.08.020 and 2013 c 11 s 12 are each amended to
14 read as follows:

15 ~~((The definitions set forth in this section apply throughout this
16 chapter, unless the context clearly requires otherwise.~~

17 ~~(1) "By mail" means delivery of a completed original voter
18 registration application by mail to a county auditor or the office of
19 the secretary of state.~~

20 ~~(2) For~~) Unless the context clearly requires otherwise, for
21 voter registration applicants, ~~((("date of mailing" means the date of
22 the postal cancellation on the voter registration application. This
23 date will also be used as the date of application for the purpose
24 of~~) the date the voter registration application is received by an
25 election official will be used as the registration date for the
26 purpose of registering and meeting the registration cutoff deadline.

27 ~~((If the postal cancellation date is illegible then the date of
28 receipt by the elections official is considered the date of
29 application. If an application is received by a county auditor or the
30 office of the secretary of state by the close of business on the
31 fifth day after the cutoff date for voter registration and the postal~~

1 ~~cancellation date is illegible, the application will be considered to~~
2 ~~have arrived by the cutoff date for voter registration.))~~

3 **Sec. 4.** RCW 29A.08.140 and 2018 c 112 s 1 are each amended to
4 read as follows:

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

7 (a) Submit a registration application that is received by an
8 election official no later than eight days before the day of the
9 primary, special election, or general election. For purposes of this
10 subsection (1)(a), "received" means: (i) Being physically received by
11 an election official by the close of business of the required
12 deadline; or (ii) for applications received online or electronically,
13 by midnight, of the required deadline; or

14 (b) Register in person at the county auditor's office, the
15 division of elections if in a separate city from the county auditor's
16 office, a voting center, or other location designated by the county
17 auditor in his or her county of residence no later than 8:00 p.m. on
18 the day of the primary, special election, or general election.

19 (2) In order to change a residence address for voting in any
20 primary, special election, or general election, a person who is
21 already registered to vote in Washington may update his or her
22 registration by:

23 (a) Submitting an address change using a registration application
24 or making notification via any non-in-person method that is received
25 by election officials no later than eight days before the day of the
26 primary, special election, or general election; or

27 (b) Appearing in person, at the county auditor's office, the
28 division of elections if in a separate city from the county auditor's
29 office, a voting center, or other location designated by the county
30 auditor in his or her county of residence, no later than 8:00 p.m. on
31 the day of the primary, special election, or general election to be
32 in effect for that primary, special election, or general election.

33 (c) A registered voter who fails to (~~transfer~~) update his or
34 her residential address by this deadline may vote according to his or
35 her previous registration address.

36 (3) To register or update a voting address in person at the
37 county auditor's office, a voting center, or other location
38 designated by the county auditor, a person must appear in person at
39 the county auditor's office, a voting center, or other location

1 designated by the county auditor in the county in which the person
2 resides at a time when the facility is open and complete the voter
3 registration application by providing the information required by RCW
4 29A.08.010.

5 **Sec. 5.** RCW 29A.08.110 and 2018 c 112 s 2, 2018 c 110 s 101, and
6 2018 c 109 s 4 are each reenacted and amended to read as follows:

7 (1) For persons registering under RCW 29A.08.120, 29A.08.123,
8 29A.08.170, 29A.08.330, (~~and~~) 29A.08.340, 29A.08.362, and
9 29A.08.365, an application is considered complete only if it contains
10 the information required by RCW 29A.08.010. The applicant is
11 considered to be registered to vote as of the original date of
12 (~~mailing, date of delivery~~) receipt, or when the person will be at
13 least eighteen years old by the next election, whichever is
14 applicable. As soon as practicable, the auditor shall record the
15 appropriate precinct identification, taxing district identification,
16 and date of registration on the voter's record in the state voter
17 registration list. The secretary of state shall, pursuant to RCW
18 29A.04.611, establish procedures to enable new or updated voter
19 registrations to be recorded on an expedited basis. Any mailing
20 address provided shall be used only for mail delivery purposes, and
21 not for precinct assignment or residency purposes. Within sixty days
22 after the receipt of an application or transfer, the auditor shall
23 send to the applicant, by first-class nonforwardable mail, an
24 acknowledgment notice identifying the registrant's precinct and
25 containing such other information as may be required by the secretary
26 of state. The postal service shall be instructed not to forward a
27 voter registration card to any other address and to return to the
28 auditor any card which is not deliverable.

29 (2) If an application is not complete, the auditor shall promptly
30 mail a verification notice to the applicant. The verification notice
31 shall require the applicant to provide the missing information. If
32 the applicant provides the required information within forty-five
33 days, the applicant shall be registered to vote as of the original
34 date of application. The applicant shall not be placed on the
35 official list of registered voters until the application is complete.

36 (3) Once a future voter is no longer in pending status, as
37 described in RCW 29A.08.615, his or her application to sign up to
38 register to vote is no longer pending and is subject to this section.

1 **Sec. 6.** RCW 29A.08.330 and 2018 c 109 s 18 are each amended to
2 read as follows:

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

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

17 (3) The person providing service at the agency shall determine if
18 the prospective applicant wants to register to vote or update his or
19 her voter registration by asking the following question:

20 "Do you want to register or sign up to vote or update your voter
21 registration?"

22 If the applicant chooses to register, sign up, or update a
23 registration, the service agent shall ask the following:

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

25 (b) "Are you at least eighteen years old or are you at least
26 sixteen years old and will you vote only after you turn eighteen?"

27 If the applicant answers in the affirmative to both questions,
28 the agent shall then provide the applicant with a voter registration
29 form and instructions and shall record that the applicant has
30 requested to sign up to vote, register to vote, or update a voter
31 registration. If the applicant answers in the negative to either
32 question, the agent shall not provide the applicant with a voter
33 registration application.

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

1 (5) Each designated agency shall transmit the applications to the
2 secretary of state or appropriate county auditor within three
3 business days and must be received by the election official by the
4 required voter registration deadline.

5 (6) Information that is otherwise disclosable under this chapter
6 cannot be disclosed on the future voter until the person reaches
7 eighteen years of age, except for the purpose of processing and
8 delivering ballots.

9 **Sec. 7.** RCW 29A.08.410 and 2018 c 112 s 3 and 2018 c 110 s 204
10 are each reenacted and amended to read as follows:

11 A registered voter who changes his or her residence from one
12 address to another within the same county may transfer his or her
13 registration to the new address in one of the following ways:

14 (1) Sending the county auditor a request stating both the voter's
15 present address and the address from which the voter was last
16 registered received by an election official eight days prior to a
17 primary or election;

18 (2) Appearing in person before the county auditor, or at a voting
19 center or other location designated by the county auditor, and making
20 such a request up until 8:00 p.m. on the day of the primary or
21 election;

22 (3) Telephoning or emailing the county auditor to transfer the
23 registration by eight days prior to a primary or election;

24 (4) Submitting a voter registration application received by an
25 election official by eight days prior to a primary or election;

26 (5) Submitting information to the department of licensing and
27 received by an election official by eight days prior to a primary or
28 election;

29 (6) Submitting (~~information to~~) voter registration information
30 through the health benefit exchange and received by an election
31 official by eight days prior to a primary or election; or

32 (7) Submitting information to an agency designated under RCW
33 29A.08.365 and received by an election official by eight days prior
34 to a primary or election once automatic voter registration is
35 implemented at the agency.

36 **Sec. 8.** RCW 29A.08.359 and 2018 c 110 s 104 are each amended to
37 read as follows:

1 (1) (a) For persons age eighteen years and older registering under
2 RCW 29A.08.355, an application is considered complete only if it
3 contains the information required by RCW 29A.08.010 and other
4 information as required by the secretary of state. The applicant is
5 considered to be registered to vote as of the original date of
6 issuance or renewal or date of change of address of an enhanced
7 driver's license or identicard issued under RCW 46.20.202 or change
8 of address for an existing enhanced driver's license or identicard
9 pursuant to RCW 46.20.205. The information must be transmitted in an
10 expedited manner and must be received by an election official by the
11 required voter registration deadline. The auditor shall record the
12 appropriate precinct identification, taxing district identification,
13 and date of registration on the voter's record in the state voter
14 registration list. Any mailing address provided shall be used only
15 for mail delivery purposes, and not for precinct assignment or
16 residency purposes. Within sixty days after the receipt of an
17 application or transfer, the auditor shall send to the applicant, by
18 first-class nonforwardable mail, an acknowledgment notice identifying
19 the registrant's precinct and containing such other information as
20 may be required by the secretary of state. The United States postal
21 service shall be instructed not to forward a voter registration card
22 to any other address and to return to the auditor any card which is
23 not deliverable.

24 (b) An auditor may use other means to communicate with potential
25 and registered voters such as, but not limited to, email, phone, or
26 text messaging. The alternate form of communication must not be in
27 lieu of the first-class mail requirements. The auditor shall act in
28 compliance with all voter notification processes established in
29 federal law.

30 (2) If an application is not complete, the auditor shall promptly
31 mail a verification notice to the applicant. The verification notice
32 must require the applicant to provide the missing information. If the
33 applicant provides the required information within forty-five days,
34 the applicant must be registered to vote. The applicant must not be
35 placed on the official list of registered voters until the
36 application is complete.

37 (3) If the prospective registration applicant declines to
38 register to vote or the information provided by the department of
39 licensing does not indicate citizenship, the information must not be
40 included on the list of registered voters.

1 (4) The department of licensing is prohibited from sharing data
2 files used by the secretary of state to certify voters registered
3 through the automated process outlined in RCW 29A.08.355 with any
4 federal agency, or state agency other than the secretary of state.
5 Personal information supplied for the purposes of obtaining a
6 driver's license or identicard is exempt from public inspection
7 pursuant to RCW 42.56.230."

8 Correct the title.

EFFECT: Moves the definition of "by mail" from the voter registration chapter to the definition chapter of the elections statute.

Makes grammatical changes regarding the requirement that a voter registration application physically received be received by the close of business to clarify that the voter application must be received by the close of business of the required deadline.

Specifies that when a voter updates an address listed on his or her voter registration via the health benefit exchange (HBE), the type of information the voter must submit is voter registration information through the HBE, rather than any information to the HBE.

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