

CERTIFICATION OF ENROLLMENT

SENATE BILL 5227

66th Legislature
2019 Regular Session

Passed by the Senate April 22, 2019
Yeas 45 Nays 3

President of the Senate

Passed by the House April 16, 2019
Yeas 94 Nays 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5227** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5227

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senators Kuderer, Hunt, Takko, Nguyen, and Billig

Read first time 01/16/19. Referred to Committee on State Government,
Tribal Relations & Elections.

1 AN ACT Relating to deadlines for receipt of voter registrations
2 by election officials; amending RCW 29A.08.020, 29A.08.140,
3 29A.08.330, and 29A.08.359; reenacting and amending RCW 29A.08.110
4 and 29A.08.410; and adding new sections to chapter 29A.04 RCW.

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

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

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

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

13 "By mail" means delivery of a completed original voter
14 registration application by mail to a county auditor or the office of
15 the secretary of state.

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

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

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

4 ~~(2) For))~~ Unless the context clearly requires otherwise, for
5 voter registration applicants, ("date of mailing" means the date of
6 the postal cancellation on the voter registration application. This
7 date will also be used as the date of application for the purpose
8 of)) the date the voter registration application is received by an
9 election official will be used as the registration date for the
10 purpose of registering and meeting the registration cutoff deadline.
11 ~~((If the postal cancellation date is illegible then the date of~~
12 ~~receipt by the elections official is considered the date of~~
13 ~~application. If an application is received by a county auditor or the~~
14 ~~office of the secretary of state by the close of business on the~~
15 ~~fifth day after the cutoff date for voter registration and the postal~~
16 ~~cancellation date is illegible, the application will be considered to~~
17 ~~have arrived by the cutoff date for voter registration.))~~

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

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 that is received by an
23 election official no later than eight days before the day of the
24 primary, special election, or general election. For purposes of this
25 subsection (1)(a), "received" means: (i) Being physically received by
26 an election official by the close of business of the required
27 deadline; or (ii) for applications received online or electronically,
28 by midnight, of the required deadline; or

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

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

38 (a) Submitting an address change using a registration application
39 or making notification via any non-in-person method that is received

1 by election officials no later than eight days before the day of the
2 primary, special election, or general election; or

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

9 (c) A registered voter who fails to ((transfer)) update his or
10 her residential address by this deadline may vote according to his or
11 her previous registration address.

12 (3) To register or update a voting address in person at the
13 county auditor's office, a voting center, or other location
14 designated by the county auditor, a person must appear in person at
15 the county auditor's office, a voting center, or other location
16 designated by the county auditor in the county in which the person
17 resides at a time when the facility is open and complete the voter
18 registration application by providing the information required by RCW
19 29A.08.010.

20 **Sec. 5.** RCW 29A.08.110 and 2018 c 112 s 2, 2018 c 110 s 101, and
21 2018 c 109 s 4 are each reenacted and amended to read as follows:

22 (1) For persons registering under RCW 29A.08.120, 29A.08.123,
23 29A.08.170, 29A.08.330, ((and)) 29A.08.340, 29A.08.362, and
24 29A.08.365, an application is considered complete only if it contains
25 the information required by RCW 29A.08.010. The applicant is
26 considered to be registered to vote as of the original date of
27 ((mailing, date of delivery)) receipt, or when the person will be at
28 least eighteen years old by the next election, whichever is
29 applicable. As soon as practicable, the auditor shall record the
30 appropriate precinct identification, taxing district identification,
31 and date of registration on the voter's record in the state voter
32 registration list. The secretary of state shall, pursuant to RCW
33 29A.04.611, establish procedures to enable new or updated voter
34 registrations to be recorded on an expedited basis. Any mailing
35 address provided shall be used only for mail delivery purposes, and
36 not for precinct assignment or residency purposes. Within sixty days
37 after the receipt of an application or transfer, the auditor shall
38 send to the applicant, by first-class nonforwardable mail, an
39 acknowledgment notice identifying the registrant's precinct and

1 containing such other information as may be required by the secretary
2 of state. The postal service shall be instructed not to forward a
3 voter registration card to any other address and to return to the
4 auditor any card which is not deliverable.

5 (2) If an application is not complete, the auditor shall promptly
6 mail a verification notice to the applicant. The verification notice
7 shall require the applicant to provide the missing information. If
8 the applicant provides the required information within forty-five
9 days, the applicant shall be registered to vote as of the original
10 date of application. The applicant shall not be placed on the
11 official list of registered voters until the application is complete.

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

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

17 (1) The secretary of state shall prescribe the method of voter
18 registration for each designated agency. The agency shall use either
19 the state voter registration by mail form with a separate declination
20 form for the applicant to indicate that he or she declines to
21 register at this time, or the agency may use a separate form approved
22 for use by the secretary of state.

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

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

34 "Do you want to register or sign up to vote or update your voter
35 registration?"

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

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

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

3 If the applicant answers in the affirmative to both questions,
4 the agent shall then provide the applicant with a voter registration
5 form and instructions and shall record that the applicant has
6 requested to sign up to vote, register to vote, or update a voter
7 registration. If the applicant answers in the negative to either
8 question, the agent shall not provide the applicant with a voter
9 registration application.

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

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

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

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

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

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

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

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

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

1 (5) Submitting information to the department of licensing and
2 received by an election official by eight days prior to a primary or
3 election;

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

7 (7) Submitting information to an agency designated under RCW
8 29A.08.365 and received by an election official by eight days prior
9 to a primary or election once automatic voter registration is
10 implemented at the agency.

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

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

36 (b) An auditor may use other means to communicate with potential
37 and registered voters such as, but not limited to, email, phone, or
38 text messaging. The alternate form of communication must not be in
39 lieu of the first-class mail requirements. The auditor shall act in

1 compliance with all voter notification processes established in
2 federal law.

3 (2) If an application is not complete, the auditor shall promptly
4 mail a verification notice to the applicant. The verification notice
5 must require the applicant to provide the missing information. If the
6 applicant provides the required information within forty-five days,
7 the applicant must be registered to vote. The applicant must not be
8 placed on the official list of registered voters until the
9 application is complete.

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

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

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