
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5112

State of Washington

68th Legislature

2023 Regular Session

By Senate Transportation (originally sponsored by Senators Hunt, Hasegawa, Kuderer, Valdez, C. Wilson, and J. Wilson; by request of Secretary of State)

READ FIRST TIME 02/06/23.

1 AN ACT Relating to updating processes related to voter
2 registration; amending RCW 29A.08.010, 29A.08.030, 29A.08.110,
3 29A.08.125, 29A.08.210, 29A.08.220, 29A.08.260, 29A.08.270,
4 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.355, 29A.08.357,
5 29A.08.359, 29A.08.362, 29A.08.365, 29A.08.370, 46.20.153, 46.20.155,
6 46.20.156, 46.20.205, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.710,
7 29A.08.810, 29A.08.820, 29A.08.835, 29A.08.840, 29A.04.611,
8 29A.84.110, 29A.04.058, and 29A.08.115; reenacting and amending RCW
9 29A.08.320; adding a new section to chapter 29A.08 RCW; repealing RCW
10 29A.08.375; and providing an effective date.

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

12 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.08
13 RCW to read as follows:

14 A person applying for government services which require proof of
15 citizenship as part of that application may receive automatic voter
16 registration services by providing the following information:

17 (1) Name;

18 (2) Residential address;

19 (3) Date of birth;

20 (4) A signature attesting to the truth of the information
21 provided on the application;

1 (5) An address where the person receives mail, if different from
2 the residence address; and

3 (6) Presentation of documentation as part of another government
4 transaction confirming the individual is a United States citizen.

5 **Sec. 2.** RCW 29A.08.010 and 2019 c 6 s 1 are each amended to read
6 as follows:

7 (1) The minimum required information provided on a voter
8 registration application (~~((that is required))~~) in order to place a
9 voter registration applicant on the voter registration rolls
10 includes:

11 (a) Name;

12 (b) Residential address;

13 (c) Date of birth;

14 (d) A signature attesting to the truth of the information
15 provided on the application; (~~and~~)

16 (e) An address where the person receives mail, if different from
17 the residence address; and

18 (f) Affirmation of citizenship which confirms the individual is a
19 United States citizen, in one of the following forms:

20 (i) A check or indication in the box on a voter registration form
21 confirming ((the individual is a United States citizen)) citizenship;
22 or

23 (ii) Presentation of documents as part of another government
24 transaction confirming citizenship.

25 (2) The residential address provided must identify the actual
26 physical residence of the voter in Washington, as defined in RCW
27 29A.04.151, with detail sufficient to allow the voter to be assigned
28 to the proper precinct and to locate the voter to confirm his or her
29 residence for purposes of verifying qualification to vote under
30 Article VI, section 1 of the state Constitution. A residential
31 address may be either a traditional address or a nontraditional
32 address.

33 (a) A traditional address consists of a street number and name,
34 optional apartment number or unit number, and city or town, as
35 assigned by a local government, which serves to identify the parcel
36 or building of residence and the unit if a multiunit residence.

37 (b) A nontraditional address consists of a narrative description
38 of the location of the voter's residence, and may be used when a
39 traditional address has not been assigned or affixed to the voter's

1 residence or when a voter resides on an Indian reservation or Indian
2 lands, pursuant to the conditions in RCW 29A.08.112.

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

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

8 **Sec. 3.** RCW 29A.08.030 and 2009 c 369 s 7 are each amended to
9 read as follows:

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

12 (1) "Verification notice" means a notice sent by the county
13 auditor or secretary of state to a voter registration applicant and
14 is used to verify or collect information about the applicant in order
15 to complete the registration. The verification notice must be
16 designed to include a postage prepaid, preaddressed return form by
17 which the applicant may verify or send information.

18 (2) "Acknowledgment notice" means a notice sent by nonforwardable
19 mail by the county auditor or secretary of state to a registered
20 voter to acknowledge a voter registration transaction or an automatic
21 voter registration transaction, which can include initial
22 registration, ~~((transfer))~~ residential address change, or
23 reactivation of an inactive registration, identifying the
24 registrant's precinct and containing such other information as may be
25 required by the secretary of state. An acknowledgment notice may be a
26 voter registration card.

27 (3) "Automatic voter registration acknowledgment notice package"
28 means a package of information sent by nonforwardable mail by the
29 county auditor, to a registered voter who utilized the automatic
30 voter registration process at the department of licensing, to
31 acknowledge a voter registration transaction, which can include
32 initial registration, residential address change, or reactivation of
33 an inactive registration. The package must include:

34 (a) A postage prepaid, preaddressed return form by which the
35 individual may decline to be registered to vote or decline the
36 update;

37 (b) A statement explaining that the person has become registered
38 to vote or signed up to register to vote, as appropriate, setting
39 forth the qualifications to vote, stating that if the individual does

1 not meet the qualifications to vote, the person shall return the
2 notice and affirmatively decline in writing to register to vote, and
3 that if the person wishes to cancel the voter registration at any
4 time, that the person may contact their county auditor to do so;

5 (c) Instructions regarding how an individual can obtain more
6 information about the notice and assistance in the individual's
7 preferred language, including languages as set forth in RCW
8 29A.08.270;

9 (d) An acknowledgment notice; and

10 (e) Other information required by the secretary of state.

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

13 ~~((4))~~ (5) "Confirmation notice" means a notice sent to a
14 registered voter by first-class forwardable mail at the address
15 indicated on the voter's permanent registration record and to any
16 other address at which the county auditor or secretary of state could
17 reasonably expect mail to be received by the voter in order to
18 confirm the voter's residence address. The confirmation notice must
19 be designed to include a postage prepaid, preaddressed return form by
20 which the registrant may verify the address information.

21 **Sec. 4.** RCW 29A.08.110 and 2020 c 208 s 14 are each amended to
22 read as follows:

23 (1) For persons registering under RCW 29A.08.120, 29A.08.123,
24 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an
25 application is considered complete only if it contains the
26 information required by RCW 29A.08.010. The applicant is considered
27 to be registered to vote as of:

28 (a) The original date of receipt;

29 (b) When the person will be at least eighteen years old by the
30 next election; ~~((e))~~

31 (c) When the person will be at least seventeen years old by the
32 next primary election or presidential primary election and eighteen
33 years old by the general election, whichever is applicable; or

34 (d) For voters utilizing automatic voter registration under
35 section 1 of this act at the department of licensing, the date of the
36 original transaction, if the voter has not declined registration,
37 unless the agency transaction occurred after the deadline to register
38 to vote under RCW 29A.08.140(1)(a), in which case the applicant is
39 considered to be registered to vote as of the day after the election.

1 (2) As soon as practicable, the auditor shall record the
2 appropriate precinct identification, taxing district identification,
3 and date of registration on the voter's record in the state voter
4 registration list. The secretary of state shall, pursuant to RCW
5 29A.04.611, establish procedures to enable new or updated voter
6 registrations to be recorded on an expedited basis. Any mailing
7 address provided shall be used only for mail delivery purposes, and
8 not for precinct assignment or residency purposes. (~~Within sixty~~)

9 (3) The voter must be sent an acknowledgment notice using first-
10 class nonforwardable mail:

11 (a) For voters utilizing automatic voter registration services at
12 the department of licensing, within five business days after the
13 receipt of an application or residential address change, or, if the
14 application or residential address change is received after the
15 deadline to register to vote or update a voter registration under RCW
16 29A.08.140 (1) (a) or (2) (a) (i), within five business days after the
17 election, the auditor shall send an automatic voter registration
18 acknowledgment notice package as required by RCW 29A.08.030.

19 (b) For all other voters, within 60 days after the receipt of an
20 application or (~~transfer~~) residential address change, the auditor
21 shall send (~~to the applicant, by first-class nonforwardable mail,~~)
22 an acknowledgment notice (~~identifying the registrant's precinct and~~
23 containing such other information as may be required by the secretary
24 of state. The postal service shall be instructed not to forward a
25 voter registration card to any other address and to return to the
26 auditor any card which is not deliverable) as required by RCW
27 29A.08.030.

28 (~~(3)~~) (4) If an application is not complete, the auditor shall
29 promptly mail a verification notice to the applicant. The
30 verification notice shall require the applicant to provide the
31 missing information. If the applicant provides the required
32 information within forty-five days, the applicant shall be registered
33 to vote as of the original date of application. The applicant shall
34 not be placed on the official list of registered voters until the
35 application is complete.

36 (~~(4)~~) (5) Once a future voter is no longer in pending status,
37 as 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. 5.** RCW 29A.08.125 and 2018 c 109 s 7 are each amended to
2 read as follows:

3 (1) The office of the secretary of state shall maintain a
4 statewide voter registration database. This database must be a
5 centralized, uniform, interactive computerized statewide voter
6 registration list that contains the name and registration information
7 of every registered voter in the state.

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

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

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

15 (5) The database must be coordinated with other government
16 databases within the state including, but not limited to, the
17 department of corrections, the department of licensing, the
18 department of health, (~~the administrative office of the courts,~~)
19 and county auditors. The database may also be coordinated with the
20 databases of election officials in other states.

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

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

29 (8) The secretary of state has data authority over all voter
30 registration data.

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

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

34 (b) Identify duplicate voter registrations;

35 (c) Identify suspected duplicate voters;

36 (d) Screen against any available databases maintained by other
37 government agencies to identify voters who are ineligible to vote due
38 to serving a sentence of total confinement as the result of a felony
39 conviction, lack of citizenship, or a court finding of mental
40 incompetence;

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

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

5 (g) Provide access for county auditors that includes the
6 capability to update registrations and search for duplicate
7 registrations;

8 (h) Provide for the cancellation of registrations of voters who
9 have moved out of state; and

10 (i) Provide for the storage of pending registration records for
11 all future voters who have not yet reached eighteen years of age in a
12 manner that these records will not appear on the official list of
13 registered voters until the future registrant is no longer in pending
14 status as defined under RCW 29A.08.615.

15 (10) The secretary of state may, upon agreement with other
16 appropriate jurisdictions, screen against any available databases
17 maintained by election officials in other states and databases
18 maintained by federal agencies including, but not limited to, the
19 federal bureau of investigation, the federal court system, the
20 federal bureau of prisons, and the bureau of citizenship and
21 immigration services.

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

25 (12) Each county auditor shall maintain a list of all registered
26 voters within the county that are contained on the official statewide
27 voter registration list. In addition to the information maintained in
28 the statewide database, the county database must also maintain the
29 applicable taxing district and precinct codes for each voter in the
30 county, and a list of elections in which the individual voted.

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

34 **Sec. 6.** RCW 29A.08.210 and 2020 c 208 s 3 are each amended to
35 read as follows:

36 An applicant for voter registration shall complete an application
37 providing the following information concerning (~~his or her~~) the
38 applicant's qualifications as a voter in this state:

1 (~~1~~) (~~The former address of the applicant if previously~~
2 ~~registered to vote;~~
3 ~~(2)~~) The applicant's full name;
4 (~~(3)~~) (2) The applicant's date of birth;
5 (~~(4)~~) (3) The address of the applicant's residence for voting
6 purposes;
7 (~~(5)~~) (4) The mailing address of the applicant if that address
8 is not the same as the address in subsection (~~(4)~~) (3) of this
9 section;
10 (~~(6)~~) (5) The (~~sex~~) gender of the applicant;
11 (6) The former address of the applicant if previously registered
12 to vote;
13 (7) The applicant's Washington state driver's license number,
14 Washington state identification card number, or the last four digits
15 of the applicant's social security number if (~~he or she~~) the
16 applicant does not have a Washington state driver's license or
17 Washington state identification card;
18 (8) A check box allowing the applicant to indicate (~~that he or~~
19 ~~she is a member of~~) membership in the armed forces, national guard,
20 or reserves, or (~~that he or she is an~~) overseas voter status;
21 (~~(9) (A check box allowing the applicant to acknowledge that he~~
22 ~~or she is at least sixteen years old;~~
23 ~~(10)~~) Clear and conspicuous language, designed to draw the
24 applicant's attention, stating that:
25 (a) The applicant must be a United States citizen in order to
26 register to vote; and
27 (b) The applicant may register to vote if the applicant is at
28 least sixteen years old and may vote if the applicant will be at
29 least eighteen years old by the next general election, or is at least
30 eighteen years old for special elections;
31 (~~(11)~~) (10) A check box and declaration confirming that the
32 applicant is a citizen of the United States;
33 (~~(12)~~) (11) The following warning:
34 "If you knowingly provide false information on this voter
35 registration form or knowingly make a false declaration about your
36 qualifications for voter registration you will have committed a class
37 C felony that is punishable by imprisonment for up to five years, a
38 fine of up to ten thousand dollars, or both."
39 (~~(13)~~) (12) The oath required by RCW 29A.08.230 and a space for
40 the applicant's signature; and

1 (~~(14)~~) (13) Any other information that the secretary of state
2 determines is necessary to establish the identity of the applicant
3 and prevent duplicate or fraudulent voter registrations.

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

6 **Sec. 7.** RCW 29A.08.220 and 2013 c 11 s 13 are each amended to
7 read as follows:

8 (1) The secretary of state shall specify by rule the format of
9 all voter registration applications. These applications shall be
10 compatible with existing voter registration records. An applicant for
11 voter registration shall be required to complete only one application
12 and to provide the required information other than (~~(his or her)~~) the
13 applicant's signature no more than one time. These applications shall
14 also contain (~~(information)~~) instructions for the voter to use the
15 form to update (~~(his or her)~~) information related to the voter's
16 voter registration.

17 (2) Any application format specified by the secretary for use in
18 registering to vote in state and local elections shall satisfy the
19 requirements of the National Voter Registration Act of 1993 (P.L.
20 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for
21 registering to vote in federal elections.

22 **Sec. 8.** RCW 29A.08.260 and 2013 c 11 s 15 are each amended to
23 read as follows:

24 (1) All registration applications required under RCW 29A.08.210
25 and 29A.08.340 shall be produced and furnished by the secretary of
26 state to the county auditors and the department of licensing.

27 (2) The county auditor shall distribute forms by which a person
28 may register to vote by mail and (~~(transfer)~~) update the address for
29 any previous registration in this state. The county auditor shall
30 keep a supply of voter registration forms in (~~(his or her)~~) the
31 auditor's office at all times for (~~(political parties and others)~~)
32 people and organizations interested in assisting in voter
33 registration, and shall make every effort to make these forms
34 generally available to the public. The county auditor shall provide
35 voter registration forms to city and town clerks, state offices,
36 schools, fire stations, public libraries, and any other locations
37 considered appropriate by the auditor or secretary of state for
38 extending registration opportunities to all areas of the county.

1 After the initial distribution of voter registration forms to a given
2 location, a representative designated by the official in charge of
3 that location shall notify the county auditor of the need for
4 additional voter registration supplies.

5 **Sec. 9.** RCW 29A.08.270 and 2003 c 111 s 139 are each amended to
6 read as follows:

7 In order to encourage the broadest possible voting participation
8 by all eligible citizens, the secretary of state shall produce voter
9 registration information in the ~~((foreign))~~ various languages
10 required of state agencies.

11 **Sec. 10.** RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7
12 are each reenacted and amended to read as follows:

13 For persons not performing an automatic voter registration
14 transaction subject to section 1 of this act:

15 (1) A person may register to vote or ~~((transfer))~~ update their
16 residential address information for a voter registration when ~~((he or~~
17 ~~she applies))~~ applying for service or assistance and with each
18 renewal, recertification, or change of address at agencies designated
19 under RCW 29A.08.310.

20 (2) A prospective applicant shall initially be offered a form
21 approved by the secretary of state designed to determine whether the
22 person wishes to register to vote. The form must comply with all
23 applicable state and federal statutes regarding content.

24 The form shall also contain a box that may be checked by the
25 applicant to ~~((indicate that he or she))~~ decline~~((s))~~ to register at
26 the time of the transaction.

27 If the person indicates an interest in registering or has made no
28 indication as to a desire to register or not register to vote, the
29 person shall be given a mail-in voter registration application or a
30 prescribed agency application as provided by RCW 29A.08.330.

31 **Sec. 11.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to
32 read as follows:

33 (1) The secretary of state shall prescribe the method of voter
34 registration for each designated agency. The agency shall use either
35 the state voter registration by mail form with a separate declination
36 form for the applicant to ~~((indicate that he or she))~~ decline~~((s))~~ to

1 register at this time, or the agency may use a separate form or
2 process approved for use by the secretary of state.

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

11 (3) (a) The person providing service at the agency shall determine
12 if the prospective applicant wants to register to vote or update
13 (~~((his or her))~~) the applicant's voter registration by asking the
14 following question of all applicants age 16 or older:

15 "Do you want to register or sign up to vote or update your voter
16 registration?"

17 (b) If the applicant chooses to register, sign up, or update a
18 registration, the service agent shall ask the following:

19 (~~((a))~~) "Are you a United States citizen?"

20 (~~((b) "Are you at least sixteen years old?"))~~)

21 If the applicant answers in the affirmative to (~~((both))~~) the
22 question(~~((s))~~), the agent shall then provide the applicant with a
23 voter registration form and instructions and shall record that the
24 applicant has requested to sign up to vote, register to vote, or
25 update a voter registration. If the applicant answers in the negative
26 to (~~((either))~~) the question, the agent shall not provide the applicant
27 with a voter registration application.

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

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

36 (6) Information that is otherwise disclosable under this chapter
37 cannot be disclosed on the future voter until the person reaches

1 eight years of age, except for the purpose of processing and
2 delivering ballots.

3 **Sec. 12.** RCW 29A.08.340 and 2013 c 11 s 17 are each amended to
4 read as follows:

5 (1) A person not performing an automatic voter registration
6 transaction under section 1 of this act may register to vote or
7 update (~~(his or her)~~) the person's existing voter registration when
8 (~~(he or she applies for or renews)~~) applying for or renewing a
9 driver's license or identification card under chapter 46.20 RCW.

10 (2) To register to vote or update a registration, the applicant
11 shall provide the information required by RCW 29A.08.010.

12 (3) The driver licensing agent shall record that the applicant
13 has requested to register to vote or update a voter registration.

14 **Sec. 13.** RCW 29A.08.350 and 2018 c 110 s 106 are each amended to
15 read as follows:

16 The department of licensing shall produce and transmit to the
17 secretary of state the following information from the records of each
18 individual who requested ((a)) to register to vote or update the
19 individual's existing voter registration (~~(or update)~~) at a driver's
20 license facility: The name, address, date of birth, any gender (~~(of)~~)
21 information provided by the applicant, the driver's license number,
22 signature image, any language preference information collected, any
23 phone number provided by the voter, any email address provided by the
24 voter, and the date on which the application for voter registration
25 or update was submitted. The secretary of state shall process the
26 registrations and updates as an electronic application. If requested
27 by the secretary of state, the department shall provide copies of the
28 documents submitted to prove citizenship for an individual subject to
29 this section.

30 **Sec. 14.** RCW 29A.08.355 and 2020 c 208 s 7 are each amended to
31 read as follows:

32 (1) The department of licensing must (~~(allow a person age~~
33 ~~eighteen years or older to be registered to vote or update voter~~
34 ~~registration information)) collect and transmit to the secretary of
35 state voter registration information for all citizens applying for,
36 renewing, or updating an enhanced driver's license or enhanced~~

1 identocard by automated process at the time of registration, renewal,
2 or change of address if:

3 (a) The person meets requirements for voter registration;

4 (b) The person has received or is renewing an enhanced driver's
5 license or enhanced identocard issued under RCW 46.20.202 or is
6 changing the address for an existing enhanced driver's license or
7 enhanced identocard pursuant to RCW 46.20.205; and

8 (c) The department of licensing record associated with the
9 applicant contains:

10 (i) The data required to determine whether the applicant meets
11 requirements for voter registration under RCW 29A.08.010;

12 (ii) Other information as required by the secretary of state; and

13 (iii) A signature image.

14 (2) The department of licensing must ~~((allow a person sixteen or~~
15 ~~seventeen))~~ collect and transmit to the secretary of state voter
16 registration information for all citizens applying for, renewing, or
17 updating an enhanced driver's license or enhanced identocard 16 or 17
18 years of age ~~((to be signed up to register to vote by automated~~
19 ~~process at the time of registration, renewal, or change of address))~~
20 if:

21 (a) The person meets requirements to sign up to register to vote;

22 (b) The person has received or is renewing an enhanced driver's
23 license or enhanced identocard issued under RCW 46.20.202 or is
24 changing the address for an existing enhanced driver's license or
25 enhanced identocard pursuant to RCW 46.20.205; and

26 (c) The department of licensing record associated with the
27 applicant contains:

28 (i) The data required to determine whether the applicant meets
29 the requirements for voter registration under RCW 29A.08.210, other
30 than age;

31 (ii) Other information as required by the secretary of state; and

32 (iii) A signature image.

33 ~~((3) The person must be informed that his or her record will be~~
34 ~~used for voter registration and offered an opportunity to decline to~~
35 ~~register.))~~

36 **Sec. 15.** RCW 29A.08.357 and 2018 c 110 s 103 are each amended to
37 read as follows:

38 (1) ~~((If the applicant in))~~ For applicants served under RCW
39 29A.08.355 ~~((does not decline registration)),~~ the application is

1 submitted pursuant to RCW 29A.08.350 and marked as an automatic voter
2 registrant.

3 (2) For each such application, the secretary of state must obtain
4 a digital copy of the applicant's signature image from the department
5 of licensing.

6 **Sec. 16.** RCW 29A.08.359 and 2020 c 208 s 18 are each amended to
7 read as follows:

8 (1) (a) For persons age eighteen years and older registering under
9 RCW 29A.08.355(1), an application is considered complete only if it
10 contains the information required by RCW 29A.08.010 and other
11 information as required by the secretary of state. The applicant is
12 considered to be registered to vote as of the original date of
13 issuance or renewal or date of change of address of an enhanced
14 driver's license or enhanced identicard issued under RCW 46.20.202 or
15 change of address for an existing enhanced driver's license or
16 enhanced identicard pursuant to RCW 46.20.205.

17 (b) For persons sixteen or seventeen years of age registering
18 under RCW 29A.08.355(2), an application is considered complete only
19 if it contains the information required by RCW 29A.08.010 and other
20 information as required by the secretary of state. The applicant is
21 considered to be registered to vote as of the date set forth in RCW
22 29A.08.110(1).

23 (c) The information must be transmitted (~~(in an expedited manner~~
24 ~~and must be received by an election official by the required voter~~
25 ~~registration deadline)) daily to the secretary of state. ((The))~~

26 (i) If the information shows no name change or change of
27 residence or mailing address for an existing voter registration, the
28 auditor may choose to send the voter an acknowledgment notice.

29 (ii) If the information is an application for new registration or
30 updates any element of an existing voter registration, the auditor
31 shall update the voter's record and, if the information updates the
32 voter's name, residence address, or mailing address, record the
33 appropriate precinct identification, taxing district identification,
34 and date of registration on the voter's record in the state voter
35 registration list and send an automatic voter registration
36 acknowledgment notice package within five business days of the
37 original application, or, if the information is received after the
38 deadline to register to vote or update a voter registration under RCW
39 29A.08.140 (1) (a) or (2) (a) (i), within five business days after the

1 election. Any mailing address provided shall be used only for mail
2 delivery purposes, and not for precinct assignment or residency
3 purposes. (~~Within sixty days after the receipt of an application or~~
4 ~~transfer, the auditor shall send to the applicant, by first-class~~
5 ~~nonforwardable mail, an acknowledgment notice identifying the~~
6 ~~registrant's precinct and containing such other information as may be~~
7 ~~required by the secretary of state. The United States postal service~~
8 ~~shall be instructed not to forward a voter registration card to any~~
9 ~~other address and to return to the auditor any card which is not~~
10 ~~deliverable.~~)

11 (d) An auditor may use other means to communicate with potential
12 and registered voters such as, but not limited to, email, phone, or
13 text messaging. The alternate form of communication must not be in
14 lieu of the (~~first-class~~) mail requirements. The auditor shall act
15 in compliance with all voter notification processes established in
16 federal law.

17 (2) If an application is not complete, the auditor shall promptly
18 mail a verification notice to the applicant. The verification notice
19 must require the applicant to provide the missing information. If the
20 applicant provides the required information within forty-five days,
21 the applicant must be registered to vote. The applicant must not be
22 placed on the official list of registered voters until the
23 application is complete.

24 (3) If the prospective registration applicant responds to the
25 automatic voter registration acknowledgment notice and declines to
26 register to vote or the information provided by the department of
27 licensing does not indicate citizenship, the information must not be
28 included on the list of registered voters.

29 (4) For new registrants that reply within 15 days from the date
30 of mailing of the automatic voter registration acknowledgment notice
31 package declining registration, the voter registration record shall
32 be removed from the list of registered voters, and the person is
33 deemed to have never registered to vote.

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

1 **Sec. 17.** RCW 29A.08.362 and 2018 c 110 s 201 are each amended to
2 read as follows:

3 (1) (~~Beginning July 1, 2019, the~~) The health benefit exchange
4 shall provide the following information to the secretary of state's
5 office for consenting Washington healthplanfinder applicants who
6 affirmatively indicate that they are interested in registering to
7 vote, including applicants who file changes of address, who reside in
8 Washington, are age eighteen years or older, and are verified
9 citizens, for voter registration purposes:

10 (a) Names;

11 (b) Traditional or nontraditional residential addresses;

12 (c) Mailing addresses, if different from the traditional or
13 nontraditional residential address; and

14 (d) Dates of birth.

15 (2) The health benefit exchange shall consult with the secretary
16 of state's office to ensure that sufficient information is provided
17 to allow the secretary of state to obtain a digital copy of the
18 person's signature when available from the department of licensing
19 and establish other criteria and procedures that are secure and
20 compliant with federal and state voter registration and privacy laws
21 and rules.

22 (3) (~~If applicable, the health benefit exchange shall report any
23 known barriers or impediments to implementation of this section to
24 the appropriate committees of the legislature and the governor no
25 later than December 1, 2018.~~

26 ~~(4) If the health benefit exchange determines, in consultation
27 with the health care authority, that implementation of chapter 110,
28 Laws of 2018 requires changes subject to approval from the centers
29 for medicare and medicaid services, participation of the health
30 benefit exchange is contingent on receiving that approval.))~~ If the
31 health benefit exchange determines, in consultation with the health
32 care authority, that implementation of an automatic voter
33 registration system requires approval from the centers for medicare
34 and medicaid services, then any implementation is contingent on
35 receiving that approval.

36 **Sec. 18.** RCW 29A.08.365 and 2018 c 110 s 202 are each amended to
37 read as follows:

38 (1) The governor shall make a decision, in consultation with the
39 office of the secretary of state, as to whether each agency

1 identified in subsection ~~((3))~~ (2) of this section shall implement
2 automatic voter registration. The final decision is at the governor's
3 sole discretion.

4 ~~(2) ((a) Each agency identified in subsection (3) of this section~~
5 ~~shall submit a report to the governor and appropriate legislative~~
6 ~~committees no later than December 1, 2018, describing:~~

7 ~~(i) Steps needed to implement automatic voter registration under~~
8 ~~chapter 110, Laws of 2018 by July 1, 2019;~~

9 ~~(ii) Barriers to implementation, including ways to mitigate those~~
10 ~~barriers; and~~

11 ~~(iii) Applicable federal and state privacy protections for voter~~
12 ~~registration information.~~

13 ~~(b) In preparing the report required under this subsection, the~~
14 ~~agency may consult with the secretary of state's office to determine~~
15 ~~automatic voter registration criteria and procedures.~~

16 ~~(3))~~ This section applies to state agencies, other than the
17 health benefit exchange, providing public assistance or services to
18 persons with disabilities, designated pursuant to RCW 29A.08.310(1),
19 that collect, process, and store the following information as part of
20 providing assistance or services:

21 (a) Names;

22 (b) Traditional or nontraditional residential addresses;

23 (c) Dates of birth;

24 (d) A signature attesting to the truth of the information
25 provided on the application for assistance or services; and

26 (e) Verification of citizenship information, via social security
27 administration data match or manually verified by the agency during
28 the client transaction.

29 ~~((4))~~ (3) Once an agency has implemented automatic voter
30 registration, it shall continue to provide automatic voter
31 registration unless legislation is enacted that directs the agency to
32 do otherwise.

33 ~~((5))~~ (4) Agencies may not begin verifying citizenship as part
34 of an agency transaction for the sole purpose of providing automatic
35 voter registration.

36 **Sec. 19.** RCW 29A.08.370 and 2018 c 110 s 203 are each amended to
37 read as follows:

38 (1) If a person who is ineligible to vote becomes, in the rare
39 occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in

1 the absence of a knowing violation by that person of RCW 29A.84.140,
2 that person shall be deemed to have performed an authorized act of
3 registration and such act may not be considered as evidence of a
4 claim to citizenship.

5 (2) Unless a person willfully and knowingly votes or attempts to
6 vote knowing that he or she is not entitled to vote, a person who is
7 ineligible to vote and becomes registered to vote under RCW
8 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote
9 in an election held after the effective date of the person's
10 registration, is not guilty of violating RCW 29A.84.130, and shall be
11 deemed to have performed an authorized act, and such act may not be
12 considered as evidence of a claim to citizenship.

13 (3) A person who is ineligible to vote, who successfully
14 completes the voter registration process under RCW 29A.08.355 or
15 29A.08.362 or votes in an election, must have their voter
16 registration, or record of vote, removed from the voter registration
17 database and any other application records.

18 (4) Should an ineligible individual become registered to vote,
19 the office of the secretary of state and the relevant agency shall
20 jointly determine the cause. If the cause is found to be intentional
21 registration of ineligible persons by a person employed by the state
22 or county government tasked with assisting the public with voter
23 registration, that government employee is subject to the penalties of
24 RCW 29A.84.110.

25 **Sec. 20.** RCW 46.20.153 and 2001 c 41 s 15 are each amended to
26 read as follows:

27 The department shall post signs at each driver licensing facility
28 advertising the availability of voter registration services, of
29 automatic voter registration services for enhanced license and
30 enhanced identification card applicants, and advising of the
31 qualifications to register to vote. The information shall be visible
32 to a person conducting a licensing transaction at the time of the
33 transaction, either as a sign, or as a placard handed to the voter
34 for review. Copies of the information shall be available in the
35 various languages required of state agencies.

36 **Sec. 21.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to
37 read as follows:

1 (1) ~~((Before))~~ (a) For transactions other than enhanced driver's
2 license or enhanced identicard applicants, before issuing an original
3 license or identicard or renewing a license or identicard under this
4 chapter, the licensing agent shall determine if the applicant wants
5 to register to vote or update his or her voter registration by asking
6 the following question:

7 "Do you want to register or sign up to vote or update your voter
8 registration?"

9 The department of licensing, with the approval of the secretary
10 of state, may direct licensing agents to ask a substantially similar
11 question designed to improve applicant understanding.

12 (b) If the applicant chooses to register, sign up, or update a
13 registration, the agent shall ask the following:

14 ~~((1))~~ "Are you a United States citizen?"

15 ~~((2) "Are you at least sixteen years old?")~~

16 If the applicant answers in the affirmative to ~~((both))~~ the
17 question~~((s))~~, the agent shall then submit the registration, sign up
18 form, or update. If the applicant answers in the negative to
19 ~~((either))~~ the question, the agent shall not submit an application.
20 Information that is otherwise disclosable under chapter 29A.08 RCW
21 cannot be disclosed on the future voter until the person reaches
22 eighteen years of age, except for the purpose of processing and
23 delivering ballots.

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

28 (3) If an applicant presents a document demonstrating that the
29 applicant is not a United States citizen at the time of the driver's
30 license or identicard transaction, the licensing agent shall not ask
31 the questions described in subsection (1) of this section, and shall
32 not submit an application. The department, in consultation with the
33 secretary of state, shall determine which types of documents accepted
34 by the department for purposes of a driver's license or identicard
35 transaction demonstrate that an applicant is not a United States
36 citizen at the time of the transaction.

1 **Sec. 22.** RCW 46.20.156 and 2020 c 208 s 21 are each amended to
2 read as follows:

3 For persons eighteen years of age or older who meet requirements
4 for voter registration and persons sixteen or seventeen years of age
5 who meet requirements to sign up to register to vote, who have been
6 issued or are renewing an enhanced driver's license or identicard
7 under RCW 46.20.202 or applying for a change of address for an
8 existing enhanced driver's license or identicard pursuant to RCW
9 46.20.205, ~~((and have not declined to register to vote,))~~ the
10 department shall produce and transmit to the secretary of state the
11 following information from the records of each individual: The name,
12 address, date of birth, gender of the applicant if provided, the
13 driver's license number, signature image, any language preference
14 information collected, any phone number provided by the voter, any
15 email address provided by the voter, and the date on which the
16 application was submitted. The department and the secretary of state
17 shall process information as an automated application on a daily
18 basis. If requested by the secretary of state, the department shall
19 provide copies of the documents submitted to prove citizenship for an
20 individual subject to this section.

21 **Sec. 23.** RCW 46.20.205 and 2017 c 147 s 8 are each amended to
22 read as follows:

23 Whenever any person, after applying for or receiving a driver's
24 license or identicard, moves from the address named in the
25 application or in the license or identicard issued to him or her, or
26 changes his or her name of record, the person shall, within ten days
27 thereafter, notify the department of the name or address change as
28 provided in RCW 46.08.195. This notification information shall be
29 transmitted to the secretary of state on a daily basis, including the
30 person's name, former name, address, former address, date of birth,
31 signature image, and date of the transaction.

32 **Sec. 24.** RCW 29A.08.625 and 2009 c 369 s 30 are each amended to
33 read as follows:

34 (1) A voter whose registration has been made inactive under this
35 chapter and who requests to vote at an ensuing election before two
36 federal general elections have been held must be allowed to vote a
37 regular ballot applicable to ~~((the registration))~~ the voter's current

1 residence address, and the voter's registration record updated and
2 restored to active status.

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

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

18 **Sec. 25.** RCW 29A.08.630 and 2009 c 369 s 31 are each amended to
19 read as follows:

20 (1) The county auditor shall return an inactive voter to active
21 voter status if, prior to the passage of two federal general
22 elections, the voter:

23 ~~((1))~~ (a) Notifies the auditor of a change of address;

24 ~~((2))~~ (b) Responds to a confirmation notice with information
25 that he or she continues to reside at the registration address; or

26 ~~((3))~~ (c) Votes or attempts to vote in a primary, special
27 election, or general election.

28 (2) If the inactive voter fails to provide ~~((such))~~ a notice or
29 take ~~((such))~~ an action ~~((within that period))~~ as described in
30 subsection (1) of this section, the auditor shall cancel the person's
31 voter registration.

32 (3) The county auditor must cancel an inactive voter registration
33 when receiving information indicating that the inactive voter has
34 moved out of state or died.

35 **Sec. 26.** RCW 29A.08.635 and 2009 c 369 s 32 are each amended to
36 read as follows:

37 Confirmation notices must be on a form prescribed by, or approved
38 by, the secretary of state and must request that the voter

1 ((confirm)) verify that ((he or she)) the voter continues to reside
2 at the address of record and desires to continue to use that address
3 for voting purposes, or provide a new residence address for voting,
4 or provide information that the voter no longer resides in the state.
5 The notice must inform the voter that if the voter does not respond
6 to the notice and does not vote in either of the next two federal
7 general elections, ((his or her voter)) the voter's registration will
8 be canceled.

9 **Sec. 27.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to
10 read as follows:

11 (1) The county auditor shall have custody of the original voter
12 registration records and voter registration sign up records for each
13 county. The original voter registration form must be filed without
14 regard to precinct and is considered confidential and unavailable for
15 public inspection and copying. An automated file of all registered
16 voters must be maintained pursuant to RCW 29A.08.125. An auditor may
17 maintain the automated file in lieu of filing or maintaining the
18 original voter registration forms if the automated file includes all
19 of the information from the original voter registration forms
20 including, but not limited to, a retrievable facsimile of each
21 voter's signature.

22 (2)(a) The following information contained in voter registration
23 records or files regarding a voter or a group of voters is available
24 for public inspection and copying, except as provided in RCW
25 40.24.060 and (b) of this subsection: The voter's name, address,
26 political jurisdiction, gender, ((date)) year of birth, voting
27 record, date of registration, and registration number. No other
28 information from voter registration records or files is available for
29 public inspection or copying.

30 (b) The personally identifiable information of individuals who
31 are under the age of eighteen are exempt from public inspection and
32 copying until the subject of the record is eighteen years of age,
33 except for the purpose of processing and delivering ballots.

34 **Sec. 28.** RCW 29A.08.810 and 2020 c 208 s 6 are each amended to
35 read as follows:

36 (1) Registration of a person as a voter is presumptive evidence
37 of his or her right to vote. A challenge to the person's right to
38 vote must be based on personal knowledge of one of the following:

1 (a) The challenged voter has been convicted of a felony that
2 includes serving a sentence of total confinement under jurisdiction
3 of the department of corrections, or a felony conviction in another
4 state's court or federal court and the ~~((voter's civil rights))~~ voter
5 is serving that sentence of total confinement and the person's voting
6 rights have not been restored under RCW 29A.08.520;

7 (b) The challenged voter has been judicially declared ineligible
8 to vote due to mental incompetency under RCW 29A.08.515;

9 (c) The challenged voter ~~((does not live))~~ resides at a different
10 address than the residential address provided, and is not subject to
11 RCW 29A.04.151 or 29A.08.112, in which case the challenger must
12 either:

13 (i) Provide the challenged voter's actual residence on the
14 challenge form; or

15 (ii) Submit evidence that he or she exercised due diligence to
16 verify that the challenged voter does not reside at the address
17 provided ~~((and to attempt to contact the challenged voter to learn~~
18 ~~the challenged voter's actual residence, including))~~. Evidence
19 includes that the challenger personally:

20 (A) Sent a letter with return service requested to the challenged
21 voter's residential address provided, and to the challenged voter's
22 mailing address, if provided;

23 ~~(B) ((Visited the residential address provided and contacted~~
24 ~~persons at the address to determine whether the voter resides at the~~
25 ~~address and, if not, obtained and submitted with the challenge form a~~
26 ~~signed affidavit subject to the penalties of perjury from a person~~
27 ~~who owns or manages property, resides, or is employed at the address~~
28 ~~provided, that to his or her personal knowledge the challenged voter~~
29 ~~does not reside at the address as provided on the voter registration;~~

30 ~~(C))~~ Searched local telephone directories, including online
31 directories, to determine whether the voter maintains a telephone
32 listing at any address in the county;

33 ~~((D))~~ (C) Searched county auditor property records to determine
34 whether the challenged voter owns any property in the county; ~~((and~~

35 ~~(E))~~ (D) Searched the statewide voter registration database to
36 determine if the voter is registered at any other address in the
37 state; and

38 (E) Searched the voter registration database of another state to
39 determine if the voter is registered to vote in any other state;

1 (d) The challenged voter will not be eighteen years of age by the
2 next general election; or

3 (e) The challenged voter is not a citizen of the United States.

4 (2) A person's right to vote may be challenged by another
5 registered voter or the county prosecuting attorney.

6 (3) The challenger must file a signed affidavit subject to the
7 penalties of perjury swearing that, to his or her personal knowledge
8 and belief, having exercised due diligence to personally verify the
9 evidence presented, the challenged voter either is not qualified to
10 vote or does not reside at the address given on his or her voter
11 registration record based on one of the reasons allowed in subsection
12 (1) of this section. The challenger must provide the factual basis
13 for the challenge, including any information required by subsection
14 (1)(c) of this section, in the signed affidavit. The challenge may
15 not be based on unsupported allegations or allegations by anonymous
16 third parties. All documents pertaining to the challenge are public
17 records.

18 (4) Challenges based on a felony conviction under RCW 29A.08.520
19 must be heard according to RCW 29A.08.520 and rules adopted by the
20 secretary of state.

21 **Sec. 29.** RCW 29A.08.820 and 2013 c 11 s 20 are each amended to
22 read as follows:

23 (1) Challenges must be filed with the county auditor of the
24 county in which the challenged voter is registered no later than
25 ~~((forty-five))~~ 45 days before the election. The county auditor
26 presides over the hearing.

27 (2) ~~((Only if))~~ Challenges may be filed after 45 days before the
28 election, only when the challenged voter registered to vote less than
29 ~~((sixty))~~ 60 days before the election, or changed residence less than
30 ~~((sixty))~~ 60 days before the election without ~~((transferring his or~~
31 ~~her))~~ updating the residence address of the voter's voter
32 registration~~((, may a)).~~ A challenge may then be filed not later than
33 ~~((ten))~~ 10 days before any primary or election, general or special,
34 or within ~~((ten))~~ 10 days of the voter being added to the voter
35 registration database, whichever is later.

36 (a) If the challenge is filed ~~((within forty-five))~~ after 45 days
37 before an election at which the challenged voter is eligible to vote,
38 a notation of the challenge must be made immediately to the

1 challenged voter's registration in the voter registration system, and
2 the county canvassing board shall preside((s)) over the hearing.

3 (b) If the challenge is filed before the challenged voter's
4 ballot is received, the ballot must be ((treated)) processed as a
5 challenged ballot, and held until the challenge is resolved.

6 (c) If the challenge is filed after the challenged voter's ballot
7 is received, the challenge cannot affect the current election.
8 However, the process shall proceed until the challenge is resolved.

9 **Sec. 30.** RCW 29A.08.835 and 2006 c 320 s 1 are each amended to
10 read as follows:

11 (1) The county auditor shall, within seventy-two hours of
12 receipt, publish on the auditor's internet website the entire content
13 of any voter challenge filed under chapter 29A.08 RCW. Immediately
14 after publishing any voter challenge, the county auditor shall notify
15 any person who requests to receive such notifications on an ongoing
16 basis.

17 (2) The information on the website may be removed 45 days
18 following certification of an election. Information related to the
19 challenge must be maintained by the county auditor for the
20 appropriate retention period, and is subject to disclosure upon
21 request.

22 **Sec. 31.** RCW 29A.08.840 and 2006 c 320 s 6 are each amended to
23 read as follows:

24 (1) If the challenge is not in proper form or the factual basis
25 for the challenge does not meet the legal grounds for a challenge,
26 the county auditor may dismiss the challenge and notify the
27 challenger of the reasons for the dismissal. A challenge is not in
28 proper form if it is incomplete on its face or does not substantially
29 comply with the form issued by the secretary of state.

30 (2) If the challenge is in proper form and the factual basis
31 meets the legal grounds for a challenge, the county auditor must
32 notify the challenged voter and provide a copy of the affidavit. The
33 county auditor shall also provide to any person, upon request, a copy
34 of all materials provided to the challenged voter.

35 (a) If the challenge is to the residential address provided by
36 the voter, the challenged voter must be provided notice of the
37 exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI,
38 section 4 of the state Constitution((~~-. A challenged voter~~)), and may

1 (~~transfer~~) update the residence address on the voter's voter
2 registration, or reregister until 8:00 p.m. the day (~~before~~) of the
3 election.

4 (b) The county auditor must schedule a hearing and notify the
5 challenger and the challenged voter of the time and place for the
6 hearing.

7 (3) All notice must be by certified mail to the address provided
8 in the voter registration record, and any other addresses at which
9 the challenged voter is alleged to reside or the county auditor
10 reasonably expects the voter to receive notice. The challenger and
11 challenged voter may either appear in person or submit testimony by
12 affidavit. Personal appearance may be accomplished using video
13 telecommunications technology if the auditor or canvassing board
14 chooses.

15 (4) The challenger has the burden to prove by clear and
16 convincing evidence that the challenged voter's registration is
17 improper. The challenged voter must be provided a reasonable
18 opportunity to respond. If the challenge is to the residential
19 address provided by the voter, the challenged voter may provide
20 evidence that he or she resides at the location described in his or
21 her voter's registration records, or meets one of the exceptions
22 allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of
23 the state Constitution. If either the challenger or challenged voter
24 fails to appear at the hearing, the challenge must be resolved based
25 on the available facts.

26 (5) If the challenge is based on an allegation under RCW
27 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains
28 the challenge, the voter registration shall be canceled and any
29 challenged ballot shall not be counted. If the challenge is based on
30 an allegation under RCW 29A.08.810(1)(c) and the canvassing board
31 sustains the challenge, the board shall permit the voter to correct
32 (~~his or her~~) the residence address on the voter registration and
33 any races and ballot measures on (~~the~~) any challenged ballot that
34 the voter would have been qualified to vote for had the registration
35 been correct shall be counted.

36 (6) If the challenger fails to prove by clear and convincing
37 evidence that the registration is improper, the challenge must be
38 dismissed and (~~the~~) any pending challenged ballot must be accepted
39 as valid. (~~Challenged~~) All challenged ballots must be resolved
40 before certification of the election. The decision of the county

1 auditor or canvassing board is final subject only to judicial review
2 by the superior court under chapter 34.05 RCW.

3 **Sec. 32.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to
4 read as follows:

5 The secretary of state as chief election officer shall make
6 reasonable rules in accordance with chapter 34.05 RCW not
7 inconsistent with the federal and state election laws to effectuate
8 any provision of this title and to facilitate the execution of its
9 provisions in an orderly, timely, and uniform manner relating to any
10 federal, state, county, city, town, and district elections. To that
11 end the secretary shall assist local election officers by devising
12 uniform forms and procedures.

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

- 16 (1) The maintenance of voter registration records;
- 17 (2) The preparation, maintenance, distribution, review, and
18 filing of precinct maps;
- 19 (3) Standards for the design, layout, and production of ballots;
- 20 (4) The examination and testing of voting systems for
21 certification;
- 22 (5) The source and scope of independent evaluations of voting
23 systems that may be relied upon in certifying voting systems for use
24 in this state;
- 25 (6) Standards and procedures for the acceptance testing of voting
26 systems by counties;
- 27 (7) Standards and procedures for testing the programming of vote
28 tallying software for specific primaries and elections;
- 29 (8) Standards and procedures for the preparation and use of each
30 type of certified voting system including procedures for the
31 operation of counting centers where vote tallying systems are used;
- 32 (9) Standards and procedures to ensure the accurate tabulation
33 and canvassing of ballots;
- 34 (10) Consistency among the counties of the state in the
35 preparation of ballots, the operation of vote tallying systems, and
36 the canvassing of primaries and elections;
- 37 (11) Procedures to ensure the secrecy of a voter's ballot when a
38 small number of ballots are counted;

- 1 (12) The use of substitute devices or means of voting when a
2 voting device is found to be defective, the counting of votes cast on
3 the defective device, the counting of votes cast on the substitute
4 device, and the documentation that must be submitted to the county
5 auditor regarding such circumstances;
- 6 (13) Procedures for the transportation of sealed containers of
7 voted ballots or sealed voting devices;
- 8 (14) The acceptance and filing of documents via electronic
9 transmission;
- 10 (15) Voter registration applications and records;
- 11 (16) The use of voter registration information in the conduct of
12 elections;
- 13 (17) The coordination, delivery, and processing of voter
14 registration records accepted by driver licensing agents or the
15 department of licensing;
- 16 (18) The coordination, delivery, and processing of voter
17 registration records accepted by agencies designated by the governor
18 to provide voter registration services;
- 19 (19) Procedures to receive and distribute voter registration
20 applications by mail;
- 21 (20) Procedures for a voter to change his or her voter
22 registration address within a county by telephone;
- 23 (21) Procedures for a voter to change the name under which he or
24 she is registered to vote;
- 25 (22) Procedures for canceling dual voter registration records and
26 for maintaining records of persons whose voter registrations have
27 been canceled;
- 28 (23) Procedures for the electronic transfer of voter registration
29 records between county auditors and the office of the secretary of
30 state;
- 31 (24) Procedures and forms related to automatic voter
32 registration;
- 33 (25) Procedures and forms for declarations of candidacy;
- 34 ~~((+25))~~ (26) Procedures and requirements for the acceptance and
35 filing of declarations of candidacy by electronic means;
- 36 ~~((+26))~~ (27) Procedures for the circumstance in which two or
37 more candidates have a name similar in sound or spelling so as to
38 cause confusion for the voter;
- 39 ~~((+27))~~ (28) Filing for office;
- 40 ~~((+28))~~ (29) The order of positions and offices on a ballot;

1 (~~(29)~~) (30) Sample ballots;

2 (~~(30)~~) (31) Independent evaluations of voting systems(~~(7~~

3 ~~(31)~~The)) and the testing, approval, and certification of voting

4 systems;

5 (32) The testing of vote tallying software programming;

6 (33) Standards and procedures to prevent fraud and to facilitate

7 the accurate processing and canvassing of ballots, including

8 standards for the approval and implementation of hardware and

9 software for automated signature verification systems;

10 (34) Standards and procedures to guarantee the secrecy of

11 ballots;

12 (35) Uniformity among the counties of the state in the conduct of

13 elections;

14 (36) Standards and procedures to accommodate overseas voters and

15 service voters;

16 (37) The tabulation of paper ballots;

17 (38) The accessibility of voting centers;

18 (39) The aggregation of precinct results if reporting the results

19 of a single precinct could jeopardize the secrecy of a person's

20 ballot;

21 (40) Procedures for conducting a statutory recount;

22 (41) Procedures for filling vacancies in congressional offices if

23 the general statutory time requirements for availability of ballots,

24 certification, canvassing, and related procedures cannot be met;

25 (42) Procedures for the statistical sampling of signatures for

26 purposes of verifying and canvassing signatures on initiative,

27 referendum, and recall election petitions;

28 (43) Standards and deadlines for submitting material to the

29 office of the secretary of state for the voters' pamphlet;

30 (44) Deadlines for the filing of ballot titles for referendum

31 bills and constitutional amendments if none have been provided by the

32 legislature;

33 (45) Procedures for the publication of a state voters' pamphlet;

34 (46) Procedures for conducting special elections regarding

35 nuclear waste sites if the general statutory time requirements for

36 availability of ballots, certification, canvassing, and related

37 procedures cannot be met;

38 (47) Procedures for conducting partisan primary elections;

39 (48) Standards and procedures for the proper conduct of voting on

40 accessible voting devices;

1 (49) Standards for voting technology and systems used by the
2 state or any political subdivision to be accessible for individuals
3 with disabilities, including nonvisual accessibility for the blind
4 and visually impaired, in a manner that provides the same opportunity
5 for access and participation, including privacy and independence, as
6 other voters;

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

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

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

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

20 (54) Standards for the verification of signatures on ballot
21 declarations.

22 **Sec. 33.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended
23 to read as follows:

24 If any county auditor or registration assistant, including
25 government agency employees providing voter registration services
26 under the requirements of state law or the national voter
27 registration act of 1993:

28 (1) Willfully neglects or refuses to perform any duty required by
29 law in connection with the registration of voters; or

30 (2) Willfully neglects or refuses to perform such duty in the
31 manner required by voter registration law; or

32 (3) Enters or causes or permits to be entered on the voter
33 registration records the name of any person in any other manner or at
34 any other time than as prescribed by voter registration law or enters
35 or causes or permits to be entered on such records the name of any
36 person not entitled to be thereon; or

37 (4) Destroys, mutilates, conceals, changes, or alters any
38 registration record in connection therewith except as authorized by
39 voter registration law,

1 ((he or she)) that person is guilty of a gross misdemeanor punishable
2 to the same extent as a gross misdemeanor that is punishable under
3 RCW 9A.20.021.

4 **Sec. 34.** RCW 29A.04.058 and 2019 c 391 s 1 are each amended to
5 read as follows:

6 "Election official" when pertaining to voter registration
7 includes any staff member of the office of the secretary of state,
8 staff of state agencies or offices providing voter registration
9 services, or a staff member of ((the)) a county auditor's office.

10 **Sec. 35.** RCW 29A.08.115 and 2009 c 369 s 11 are each amended to
11 read as follows:

12 A person or organization collecting voter registration
13 application forms must transmit the forms to the secretary of state
14 or a county auditor within five business days. The registration date
15 on such forms will be the date they are received by the secretary of
16 state or county auditor. A person or organization collecting voter
17 registration forms that intentionally does not transmit the forms to
18 an election office may be subject to penalty under RCW 29A.84.030.

19 NEW SECTION. **Sec. 36.** RCW 29A.08.375 (Automatic registration—
20 Rule-making authority) and 2018 c 110 s 207 are each repealed.

21 NEW SECTION. **Sec. 37.** Sections 3, 4, 6, 11, 13 through 16, and
22 20 through 23 of this act take effect July 15, 2024.

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