

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5112

68th Legislature
2023 Regular Session

Passed by the Senate April 14, 2023
Yeas 33 Nays 13

President of the Senate

Passed by the House April 7, 2023
Yeas 57 Nays 40

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5112** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5112

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

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 that
36 an election official receives the information to register the person
37 to vote, unless:

38 (i) The voter declines registration by the deadline in RCW
39 29A.08.359(4) (a); or

1 (ii) An election official receives the information to register
2 the person to vote after the deadline to register to vote under RCW
3 29A.08.140(1)(a), in which case the applicant is considered to be
4 registered to vote as of the day after the election.

5 (2) As soon as practicable, the auditor shall record the
6 appropriate precinct identification, taxing district identification,
7 and date of registration on the voter's record in the state voter
8 registration list. The secretary of state shall, pursuant to RCW
9 29A.04.611, establish procedures to enable new or updated voter
10 registrations to be recorded on an expedited basis. Any mailing
11 address provided shall be used only for mail delivery purposes, and
12 not for precinct assignment or residency purposes. (~~Within sixty~~)

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

15 (a) For voters utilizing automatic voter registration services at
16 the department of licensing, within five business days after the
17 receipt of an application or residential address change, or, if the
18 application or residential address change is received after the
19 deadline to register to vote or update a voter registration under RCW
20 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the
21 election, the auditor shall send an automatic voter registration
22 acknowledgment notice package as required by RCW 29A.08.030.

23 (b) For all other voters, within 60 days after the receipt of an
24 application or (~~transfer~~) residential address change, the auditor
25 shall send (~~to the applicant, by first-class nonforwardable mail,~~)
26 an acknowledgment notice (~~identifying the registrant's precinct and~~
27 containing such other information as may be required by the secretary
28 of state. The postal service shall be instructed not to forward a
29 voter registration card to any other address and to return to the
30 auditor any card which is not deliverable) as required by RCW
31 29A.08.030.

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

1 (~~(4)~~) (5) Once a future voter is no longer in pending status,
2 as described in RCW 29A.08.615, his or her application to sign up to
3 register to vote is no longer pending and is subject to this section.

4 **Sec. 5.** RCW 29A.08.125 and 2018 c 109 s 7 are each amended to
5 read as follows:

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

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

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

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

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

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

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

32 (8) The secretary of state has data authority over all voter
33 registration data.

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

- 36 (a) Comply with the help America vote act of 2002 (P.L. 107-252);
- 37 (b) Identify duplicate voter registrations;
- 38 (c) Identify suspected duplicate voters;

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

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

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

10 (g) Provide access for county auditors that includes the
11 capability to update registrations and search for duplicate
12 registrations;

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

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

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

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

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

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

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

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

6 ~~(1) ((The former address of the applicant if previously~~
7 ~~registered to vote;~~

8 ~~(2))~~ The applicant's full name;

9 ~~((3))~~ (2) The applicant's date of birth;

10 ~~((4))~~ (3) The address of the applicant's residence for voting
11 purposes;

12 ~~((5))~~ (4) The mailing address of the applicant if that address
13 is not the same as the address in subsection ~~((4))~~ (3) of this
14 section;

15 ~~((6))~~ (5) The ~~((sex))~~ gender of the applicant;

16 (6) The former address of the applicant if previously registered
17 to vote;

18 (7) The applicant's Washington state driver's license number,
19 Washington state identification card number, or the last four digits
20 of the applicant's social security number if ~~((he or she))~~ the
21 applicant does not have a Washington state driver's license or
22 Washington state identification card;

23 (8) A check box allowing the applicant to indicate ~~((that he or~~
24 ~~she is a member of))~~ membership in the armed forces, national guard,
25 or reserves, or ~~((that he or she is an))~~ overseas voter status;

26 ~~(9) ((A check box allowing the applicant to acknowledge that he~~
27 ~~or she is at least sixteen years old;~~

28 ~~(10))~~ Clear and conspicuous language, designed to draw the
29 applicant's attention, stating that:

30 (a) The applicant must be a United States citizen in order to
31 register to vote; and

32 (b) The applicant may register to vote if the applicant is at
33 least sixteen years old and may vote if the applicant will be at
34 least eighteen years old by the next general election, or is at least
35 eighteen years old for special elections;

36 ~~((11))~~ (10) A check box and declaration confirming that the
37 applicant is a citizen of the United States;

38 ~~((12))~~ (11) The following warning:

39 "If you knowingly provide false information on this voter
40 registration form or knowingly make a false declaration about your

1 qualifications for voter registration you will have committed a class
2 C felony that is punishable by imprisonment for up to five years, a
3 fine of up to ten thousand dollars, or both."

4 ~~((13))~~ (12) The oath required by RCW 29A.08.230 and a space for
5 the applicant's signature; and

6 ~~((14))~~ (13) Any other information that the secretary of state
7 determines is necessary to establish the identity of the applicant
8 and prevent duplicate or fraudulent voter registrations.

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

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

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

22 (2) Any application format specified by the secretary for use in
23 registering to vote in state and local elections shall satisfy the
24 requirements of the National Voter Registration Act of 1993 (P.L.
25 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for
26 registering to vote in federal elections.

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

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

32 (2) The county auditor shall distribute forms by which a person
33 may register to vote by mail and ~~((transfer))~~ update the address for
34 any previous registration in this state. The county auditor shall
35 keep a supply of voter registration forms in ~~((his or her))~~ the
36 auditor's office at all times for ~~((political parties and others))~~
37 people and organizations interested in assisting in voter
38 registration, and shall make every effort to make these forms

1 generally available to the public. The county auditor shall provide
2 voter registration forms to city and town clerks, state offices,
3 schools, fire stations, public libraries, and any other locations
4 considered appropriate by the auditor or secretary of state for
5 extending registration opportunities to all areas of the county.
6 After the initial distribution of voter registration forms to a given
7 location, a representative designated by the official in charge of
8 that location shall notify the county auditor of the need for
9 additional voter registration supplies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (5) Each designated agency shall transmit the applications to the
37 secretary of state or appropriate county auditor within three

1 business days and must be received by the election official by the
2 required voter registration deadline.

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

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

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

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

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

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

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

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

36 (1) The department of licensing must ~~((allow a person age~~
37 ~~eighteen years or older to be registered to vote or update voter~~

1 ~~registration information))~~ collect and transmit to the secretary of
2 state voter registration information for all citizens applying for,
3 renewing, or updating an enhanced driver's license or enhanced
4 identocard by automated process at the time of registration, renewal,
5 or change of address if:

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

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

11 (c) The department of licensing record associated with the
12 applicant contains:

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

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

16 (iii) A signature image.

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

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

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

29 (c) The department of licensing record associated with the
30 applicant contains:

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

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

35 (iii) A signature image.

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

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

3 (1) (~~(If the applicant in)~~) For applicants served under RCW
4 29A.08.355 (~~(does not decline registration)~~), the application is
5 submitted pursuant to RCW 29A.08.350 and marked as an automatic voter
6 registrant.

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

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

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

21 (b) For persons sixteen or seventeen years of age registering
22 under RCW 29A.08.355(2), an application is considered complete only
23 if it contains the information required by RCW 29A.08.010 and other
24 information as required by the secretary of state. The applicant is
25 considered to be registered to vote as of the date set forth in RCW
26 29A.08.110(1).

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

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

33 (ii) If the information is an application for new registration or
34 updates any element of an existing voter registration, the auditor
35 shall update the voter's record and, if the information updates the
36 voter's name, residence address, or mailing address, record the
37 appropriate precinct identification, taxing district identification,
38 and date of registration on the voter's record in the state voter
39 registration list and send an automatic voter registration

1 acknowledgment notice package within five business days of the
2 original application, or, if the information is received after the
3 deadline to register to vote or update a voter registration under RCW
4 29A.08.140 (1) (a) or (2) (a) (i), within five business days after the
5 election. Any mailing address provided shall be used only for mail
6 delivery purposes, and not for precinct assignment or residency
7 purposes. (~~Within sixty days after the receipt of an application or~~
8 ~~transfer, the auditor shall send to the applicant, by first-class~~
9 ~~nonforwardable mail, an acknowledgment notice identifying the~~
10 ~~registrant's precinct and containing such other information as may be~~
11 ~~required by the secretary of state. The United States postal service~~
12 ~~shall be instructed not to forward a voter registration card to any~~
13 ~~other address and to return to the auditor any card which is not~~
14 ~~deliverable.))~~

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

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

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

33 (4) (a) For new registrants who decline registration in a reply
34 that is received by the auditor within 15 days from the date of
35 mailing of the automatic voter registration acknowledgment notice
36 package, the voter registration record shall be removed from the list
37 of registered voters, and the person is deemed to have never
38 registered to vote.

39 (b) If the reply declining registration is received after the
40 deadline, the auditor shall cancel the voter's registration.

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

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

17 (a) Names;

18 (b) Traditional or nontraditional residential addresses;

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

21 (d) Dates of birth.

22 (2) The health benefit exchange shall consult with the secretary
23 of state's office to ensure that sufficient information is provided
24 to allow the secretary of state to obtain a digital copy of the
25 person's signature when available from the department of licensing
26 and establish other criteria and procedures that are secure and
27 compliant with federal and state voter registration and privacy laws
28 and rules.

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

33 ~~(4) If the health benefit exchange determines, in consultation
34 with the health care authority, that implementation of chapter 110,
35 Laws of 2018 requires changes subject to approval from the centers
36 for medicare and medicaid services, participation of the health
37 benefit exchange is contingent on receiving that approval.)) If the
38 health benefit exchange determines, in consultation with the health
39 care authority, that implementation of an automatic voter~~

1 registration system requires approval from the centers for medicare
2 and medicaid services, then any implementation is contingent on
3 receiving that approval.

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

6 (1) The governor shall make a decision, in consultation with the
7 office of the secretary of state, as to whether each agency
8 identified in subsection ~~((3))~~ (2) of this section shall implement
9 automatic voter registration. The final decision is at the governor's
10 sole discretion.

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

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

16 ~~(ii) Barriers to implementation, including ways to mitigate those~~
17 ~~barriers; and~~

18 ~~(iii) Applicable federal and state privacy protections for voter~~
19 ~~registration information.~~

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

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

28 (a) Names;

29 (b) Traditional or nontraditional residential addresses;

30 (c) Dates of birth;

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

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

36 ~~((4))~~ (3) Once an agency has implemented automatic voter
37 registration, it shall continue to provide automatic voter
38 registration unless legislation is enacted that directs the agency to
39 do otherwise.

1 (~~(5)~~) (4) Agencies may not begin verifying citizenship as part
2 of an agency transaction for the sole purpose of providing automatic
3 voter registration.

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

6 (1) If a person who is ineligible to vote becomes, in the rare
7 occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in
8 the absence of a knowing violation by that person of RCW 29A.84.140,
9 that person shall be deemed to have performed an authorized act of
10 registration and such act may not be considered as evidence of a
11 claim to citizenship.

12 (2) Unless a person willfully and knowingly votes or attempts to
13 vote knowing that he or she is not entitled to vote, a person who is
14 ineligible to vote and becomes registered to vote under RCW
15 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote
16 in an election held after the effective date of the person's
17 registration, is not guilty of violating RCW 29A.84.130, and shall be
18 deemed to have performed an authorized act, and such act may not be
19 considered as evidence of a claim to citizenship.

20 (3) A person who is ineligible to vote, who successfully
21 completes the voter registration process under RCW 29A.08.355 or
22 29A.08.362 or votes in an election, must have their voter
23 registration, or record of vote, removed from the voter registration
24 database and any other application records.

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

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

34 The department shall post signs at each driver licensing facility
35 advertising the availability of voter registration services, of
36 automatic voter registration services for enhanced license and
37 enhanced identification card applicants, and advising of the
38 qualifications to register to vote. The information shall be visible

1 to a person conducting a licensing transaction at the time of the
2 transaction, either as a sign, or as a placard handed to the voter
3 for review. Copies of the information shall be available in the
4 various languages required of state agencies.

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

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

13 "Do you want to register or sign up to vote or update your voter
14 registration?"

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

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

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

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

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

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

34 (3) If an applicant presents a document demonstrating that the
35 applicant is not a United States citizen at the time of the driver's
36 license or identicard transaction, the licensing agent shall not ask
37 the questions described in subsection (1) of this section, and shall

1 not submit an application. The department, in consultation with the
2 secretary of state, shall determine which types of documents accepted
3 by the department for purposes of a driver's license or identicard
4 transaction demonstrate that an applicant is not a United States
5 citizen at the time of the transaction.

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

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

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

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

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

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

9 (2) ~~((A))~~ An eligible voter whose registration has been properly
10 canceled under this chapter shall ~~((vote a provisional ballot. The~~
11 ~~voter shall mark the provisional ballot in secrecy, the ballot placed~~
12 ~~in a security envelope, the security envelope placed in a provisional~~
13 ~~ballot envelope, and the reasons for the use of the provisional~~
14 ~~ballot noted.~~

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

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

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

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

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

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

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

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

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

6 Confirmation notices must be on a form prescribed by, or approved
7 by, the secretary of state and must request that the voter
8 (~~confirm~~) verify that (~~he or she~~) the voter continues to reside
9 at the address of record and desires to continue to use that address
10 for voting purposes, or provide a new residence address for voting,
11 or provide information that the voter no longer resides in the state.
12 The notice must inform the voter that if the voter does not respond
13 to the notice and does not vote in either of the next two federal
14 general elections, (~~his or her voter~~) the voter's registration will
15 be canceled.

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

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

29 (2)(a) The following information contained in voter registration
30 records or files regarding a voter or a group of voters is available
31 for public inspection and copying, except as provided in RCW
32 40.24.060 and (b) of this subsection: The voter's name, address,
33 political jurisdiction, gender, (~~date~~) year of birth, voting
34 record, date of registration, and registration number. No other
35 information from voter registration records or files is available for
36 public inspection or copying.

37 (b) The personally identifiable information of individuals who
38 are under the age of eighteen are exempt from public inspection and

1 copying until the subject of the record is eighteen years of age,
2 except for the purpose of processing and delivering ballots.

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

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

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

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

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

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

22 (ii) Submit evidence that he or she exercised due diligence to
23 verify that the challenged voter does not reside at the address
24 provided ~~((and to attempt to contact the challenged voter to learn~~
25 ~~the challenged voter's actual residence, including)).~~ The challenger
26 must, at minimum, provide evidence that the challenger personally:

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

30 (B) ~~((Visited the residential address provided and contacted~~
31 ~~persons at the address to determine whether the voter resides at the~~
32 ~~address and, if not, obtained and submitted with the challenge form a~~
33 ~~signed affidavit subject to the penalties of perjury from a person~~
34 ~~who owns or manages property, resides, or is employed at the address~~
35 ~~provided, that to his or her personal knowledge the challenged voter~~
36 ~~does not reside at the address as provided on the voter registration;~~

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

1 (~~(D)~~) (C) Searched county auditor property records to determine
2 whether the challenged voter owns any property in the county; (~~and~~
3 ~~(E)~~) (D) Searched the statewide voter registration database to
4 determine if the voter is registered at any other address in the
5 state; and

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

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

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

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

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

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

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

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

34 (2) (~~(Only if)~~) Challenges may be filed after 45 days before the
35 election, only when the challenged voter registered to vote less than
36 (~~(sixty)~~) 60 days before the election, or changed residence less than
37 (~~(sixty)~~) 60 days before the election without (~~(transferring his or~~
38 ~~her)~~) updating the residence address of the voter's voter
39 registration(~~(, may a)~~). A challenge may then be filed not later than

1 ((~~ten~~)) 10 days before any primary or election, general or special,
2 or within ((~~ten~~)) 10 days of the voter being added to the voter
3 registration database, whichever is later.

4 (a) If the challenge is filed ((~~within forty-five~~)) after 45 days
5 before an election at which the challenged voter is eligible to vote,
6 a notation of the challenge must be made immediately to the
7 challenged voter's registration in the voter registration system, and
8 the county canvassing board shall preside((~~s~~)) over the hearing.

9 (b) If the challenge is filed before the challenged voter's
10 ballot is received, the ballot must be ((~~treated~~)) processed as a
11 challenged ballot, and held until the challenge is resolved.

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

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

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

23 (2) The information on the website may be removed 45 days
24 following certification of an election. Information related to the
25 challenge must be maintained by the county auditor for the
26 appropriate retention period, and is subject to disclosure upon
27 request.

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

30 (1) If the challenge is not in proper form or the factual basis
31 for the challenge does not meet the legal grounds for a challenge,
32 the county auditor may dismiss the challenge and notify the
33 challenger of the reasons for the dismissal. A challenge is not in
34 proper form if it is incomplete on its face or does not substantially
35 comply with the form issued by the secretary of state.

36 (2) If the challenge is in proper form and the factual basis
37 meets the legal grounds for a challenge, the county auditor must
38 notify the challenged voter and provide a copy of the affidavit. The

1 county auditor shall also provide to any person, upon request, a copy
2 of all materials provided to the challenged voter.

3 (a) If the challenge is to the residential address provided by
4 the voter, the challenged voter must be provided notice of the
5 exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI,
6 section 4 of the state Constitution ~~((. A challenged voter))~~, and may
7 ~~((transfer))~~ update the residence address on the voter's voter
8 registration, or reregister until 8:00 p.m. the day ~~((before))~~ of the
9 election.

10 (b) The county auditor must schedule a hearing and notify the
11 challenger and the challenged voter of the time and place for the
12 hearing.

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

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

32 (5) If the challenge is based on an allegation under RCW
33 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains
34 the challenge, the voter registration shall be canceled and any
35 challenged ballot shall not be counted. If the challenge is based on
36 an allegation under RCW 29A.08.810(1)(c) and the canvassing board
37 sustains the challenge, the board shall permit the voter to correct
38 ~~((his or her))~~ the residence address on the voter registration and
39 any races and ballot measures on ~~((the))~~ any challenged ballot that

1 the voter would have been qualified to vote for had the registration
2 been correct shall be counted.

3 (6) If the challenger fails to prove by clear and convincing
4 evidence that the registration is improper, the challenge must be
5 dismissed and ~~((the))~~ any pending challenged ballot must be accepted
6 as valid. ~~((Challenged))~~ All challenged ballots must be resolved
7 before certification of the election. The decision of the county
8 auditor or canvassing board is final subject only to judicial review
9 by the superior court under chapter 34.05 RCW.

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

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

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

- 23 (1) The maintenance of voter registration records;
- 24 (2) The preparation, maintenance, distribution, review, and
25 filing of precinct maps;
- 26 (3) Standards for the design, layout, and production of ballots;
- 27 (4) The examination and testing of voting systems for
28 certification;
- 29 (5) The source and scope of independent evaluations of voting
30 systems that may be relied upon in certifying voting systems for use
31 in this state;
- 32 (6) Standards and procedures for the acceptance testing of voting
33 systems by counties;
- 34 (7) Standards and procedures for testing the programming of vote
35 tallying software for specific primaries and elections;
- 36 (8) Standards and procedures for the preparation and use of each
37 type of certified voting system including procedures for the
38 operation of counting centers where vote tallying systems are used;

- 1 (9) Standards and procedures to ensure the accurate tabulation
2 and canvassing of ballots;
- 3 (10) Consistency among the counties of the state in the
4 preparation of ballots, the operation of vote tallying systems, and
5 the canvassing of primaries and elections;
- 6 (11) Procedures to ensure the secrecy of a voter's ballot when a
7 small number of ballots are counted;
- 8 (12) The use of substitute devices or means of voting when a
9 voting device is found to be defective, the counting of votes cast on
10 the defective device, the counting of votes cast on the substitute
11 device, and the documentation that must be submitted to the county
12 auditor regarding such circumstances;
- 13 (13) Procedures for the transportation of sealed containers of
14 voted ballots or sealed voting devices;
- 15 (14) The acceptance and filing of documents via electronic
16 transmission;
- 17 (15) Voter registration applications and records;
- 18 (16) The use of voter registration information in the conduct of
19 elections;
- 20 (17) The coordination, delivery, and processing of voter
21 registration records accepted by driver licensing agents or the
22 department of licensing;
- 23 (18) The coordination, delivery, and processing of voter
24 registration records accepted by agencies designated by the governor
25 to provide voter registration services;
- 26 (19) Procedures to receive and distribute voter registration
27 applications by mail;
- 28 (20) Procedures for a voter to change his or her voter
29 registration address within a county by telephone;
- 30 (21) Procedures for a voter to change the name under which he or
31 she is registered to vote;
- 32 (22) Procedures for canceling dual voter registration records and
33 for maintaining records of persons whose voter registrations have
34 been canceled;
- 35 (23) Procedures for the electronic transfer of voter registration
36 records between county auditors and the office of the secretary of
37 state;
- 38 (24) Procedures and forms related to automatic voter
39 registration;
- 40 (25) Procedures and forms for declarations of candidacy;

- 1 (~~(25)~~) (26) Procedures and requirements for the acceptance and
2 filing of declarations of candidacy by electronic means;
- 3 (~~(26)~~) (27) Procedures for the circumstance in which two or
4 more candidates have a name similar in sound or spelling so as to
5 cause confusion for the voter;
- 6 (~~(27)~~) (28) Filing for office;
- 7 (~~(28)~~) (29) The order of positions and offices on a ballot;
- 8 (~~(29)~~) (30) Sample ballots;
- 9 (~~(30)~~) (31) Independent evaluations of voting systems(~~(~~
10 ~~31) The~~) and the testing, approval, and certification of voting
11 systems;
- 12 (32) The testing of vote tallying software programming;
- 13 (33) Standards and procedures to prevent fraud and to facilitate
14 the accurate processing and canvassing of ballots, including
15 standards for the approval and implementation of hardware and
16 software for automated signature verification systems;
- 17 (34) Standards and procedures to guarantee the secrecy of
18 ballots;
- 19 (35) Uniformity among the counties of the state in the conduct of
20 elections;
- 21 (36) Standards and procedures to accommodate overseas voters and
22 service voters;
- 23 (37) The tabulation of paper ballots;
- 24 (38) The accessibility of voting centers;
- 25 (39) The aggregation of precinct results if reporting the results
26 of a single precinct could jeopardize the secrecy of a person's
27 ballot;
- 28 (40) Procedures for conducting a statutory recount;
- 29 (41) Procedures for filling vacancies in congressional offices if
30 the general statutory time requirements for availability of ballots,
31 certification, canvassing, and related procedures cannot be met;
- 32 (42) Procedures for the statistical sampling of signatures for
33 purposes of verifying and canvassing signatures on initiative,
34 referendum, and recall election petitions;
- 35 (43) Standards and deadlines for submitting material to the
36 office of the secretary of state for the voters' pamphlet;
- 37 (44) Deadlines for the filing of ballot titles for referendum
38 bills and constitutional amendments if none have been provided by the
39 legislature;
- 40 (45) Procedures for the publication of a state voters' pamphlet;

1 (46) Procedures for conducting special elections regarding
2 nuclear waste sites if the general statutory time requirements for
3 availability of ballots, certification, canvassing, and related
4 procedures cannot be met;

5 (47) Procedures for conducting partisan primary elections;

6 (48) Standards and procedures for the proper conduct of voting on
7 accessible voting devices;

8 (49) Standards for voting technology and systems used by the
9 state or any political subdivision to be accessible for individuals
10 with disabilities, including nonvisual accessibility for the blind
11 and visually impaired, in a manner that provides the same opportunity
12 for access and participation, including privacy and independence, as
13 other voters;

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

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

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

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

27 (54) Standards for the verification of signatures on ballot
28 declarations.

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

31 If any county auditor or registration assistant, including
32 government agency employees providing voter registration services
33 under the requirements of state law or the national voter
34 registration act of 1993:

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

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

1 (3) Enters or causes or permits to be entered on the voter
2 registration records the name of any person in any other manner or at
3 any other time than as prescribed by voter registration law or enters
4 or causes or permits to be entered on such records the name of any
5 person not entitled to be thereon; or

6 (4) Destroys, mutilates, conceals, changes, or alters any
7 registration record in connection therewith except as authorized by
8 voter registration law,
9 ((he or she)) that person is guilty of a gross misdemeanor punishable
10 to the same extent as a gross misdemeanor that is punishable under
11 RCW 9A.20.021.

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

14 "Election official" when pertaining to voter registration
15 includes any staff member of the office of the secretary of state,
16 staff of state agencies or offices providing voter registration
17 services, or a staff member of ((the)) a county auditor's office.

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

20 A person or organization collecting voter registration
21 application forms must transmit the forms to the secretary of state
22 or a county auditor within five business days. The registration date
23 on such forms will be the date they are received by the secretary of
24 state or county auditor. A person or organization collecting voter
25 registration forms that intentionally does not transmit the forms to
26 an election office may be subject to penalty under RCW 29A.84.030.

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

29 NEW SECTION. **Sec. 37.** Sections 3, 4, 6, 11, 13 through 16, and
30 20 through 23 of this act take effect July 15, 2024.

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