CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5270

Chapter 369, Laws of 2009

61st Legislature
2009 Regular Session

VOTER REGISTRATION PROVISIONS

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 20, 2009
    YEAS 32   NAYS 17

BRAD OWEN

President of the Senate

Passed by the House April 14, 2009
    YEAS 60   NAYS 37

FRANK CHOPP

Speaker of the House of Representatives

Approved May 6, 2009, 2:11 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5270** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 8, 2009

Secretary of State
State of Washington

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SUBSTITUTE SENATE BILL 5270
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AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington   61st Legislature   2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by
Senators McDermott, Swecker, Fairley, Oemig, Tom, and Shin; by request
of Secretary of State)

READ FIRST TIME 02/16/09.

 1   AN ACT Relating to voter registration; amending RCW 29A.04.079,
 2   29A.04.109, 29A.04.163, 29A.04.210, 29A.08.010, 29A.08.030, 29A.08.105,
 3   29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125, 29A.08.130, 29A.08.135,
 4   29A.08.140, 29A.08.210, 29A.08.230, 29A.08.260, 29A.08.310, 29A.08.330,
 5   29A.08.350, 29A.08.410, 29A.08.420, 29A.08.430, 29A.08.440, 29A.08.510,
 6   29A.08.520, 29A.08.610, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.640,
 7   29A.08.720, 29A.08.760, 29A.40.010, 29A.40.020, 29A.40.061, 29A.40.091,
 8   29A.60.235, and 46.20.155; reenacting and amending RCW 29A.04.611,
 9   29A.08.620, and 29A.40.110; and repealing RCW 29A.04.103, 29A.08.040,
10   29A.08.113,   29A.08.145,   29A.08.360,   29A.08.605,   29A.08.651,   and
11   29A.08.780.

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

13   **Sec. 1.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to
14   read as follows:
15   An "infamous crime" is a crime punishable by death in the state
16   penitentiary or imprisonment in a state correctional facility. Neither
17   an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor a
18   conviction for a misdemeanor or gross misdemeanor, is an "infamous
19   crime."

1   **Sec. 2.** RCW 29A.04.109 and 2003 c 111 s 119 are each amended to
2   read as follows:
3   "Overseas voter" means any elector of the state of Washington
4   outside the territorial limits of the United States ((or the District
5   of Columbia)).

6   **Sec. 3.** RCW 29A.04.163 and 2003 c 111 s 127 are each amended to
7   read as follows:
8   "Service voter" means any elector of the state of Washington who is
9   a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in
10   active service, is a member of a reserve component of the armed forces,
11   is a student or member of the faculty at a United States military
12   academy, is a member of the merchant marine of the United States, ((is
13   a program participant as defined in RCW 40.24.020,)) or is a member of
14   a religious group or welfare agency officially attached to and serving
15   with the armed forces of the United States.

16   **Sec. 4.** RCW 29A.04.210 and 2003 c 111 s 133 are each amended to
17   read as follows:
18   Except for service and overseas voters, only ((a)) persons
19   registered ((voter)) to vote shall be permitted to vote:
20   (1) At any election held for the purpose of electing persons to
21   public office;
22   (2) At any recall election of a public officer;
23   (3) At any election held for the submission of a measure to any
24   voting constituency;
25   (4) At any primary election.
26   This section does not apply to elections where being registered to
27   vote is not a prerequisite to voting.

28   **Sec. 5.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are
29   each reenacted and amended to read as follows:
30   The secretary of state as chief election officer shall make
31   reasonable rules in accordance with chapter 34.05 RCW not inconsistent
32   with the federal and state election laws to effectuate any provision of
33   this title and to facilitate the execution of its provisions in an
34   orderly, timely, and uniform manner relating to any federal, state,

county, city, town, and district elections. To that end the secretary
shall assist local election officers by devising uniform forms and
procedures.

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

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing
of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for
certification;

(5) The source and scope of independent evaluations of voting
systems that may be relied upon in certifying voting systems for use in
this state;

(6) Standards and procedures for the acceptance testing of voting
systems by counties;

(7) Standards and procedures for testing the programming of vote
tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each
type of certified voting system including procedures for the operation
of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and
canvassing of ballots;

(10) Consistency among the counties of the state in the preparation
of ballots, the operation of vote tallying systems, and the canvassing
of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a
small number of ballots are counted at the polls or at a counting
center;

(12) The use of substitute devices or means of voting when a voting
device at the polling place is found to be defective, the counting of
votes cast on the defective device, the counting of votes cast on the
substitute device, and the documentation that must be submitted to the
county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of
voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic facsimile;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

(26) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

(30) Independent evaluations of voting systems;

(31) The testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail

ballots, including standards for the approval and implementation of
hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of absentee
ballots and mail ballots;

(35) Uniformity among the counties of the state in the conduct of
absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate ((out-of-state
voters,)) overseas voters((,)) and service voters;

(37) The tabulation of paper ballots before the close of the polls;

(38) The accessibility of polling places and registration
facilities that are accessible to elderly and disabled persons;

(39) The aggregation of precinct results if reporting the results
of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if
the general statutory time requirements for availability of absentee
ballots, certification, canvassing, and related procedures cannot be
met;

(42) Procedures for the statistical sampling of signatures for
purposes of verifying and canvassing signatures on initiative,
referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office
of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills
and constitutional amendments if none have been provided by the
legislature;

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

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

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting
during the early voting period to provide accessability for the blind
or visually impaired;

(49) Standards for voting technology and systems used by the state
or any political subdivision to be accessible for individuals with
disabilities, including nonvisual accessibility for the blind and

1   visually impaired, in a manner that provides the same opportunity for
2   access and participation, including privacy and independence, as other
3   voters;
4   (50) All data formats for transferring voter registration data on
5   electronic or machine-readable media for the purpose of administering
6   the statewide voter registration list required by the Help America Vote
7   Act (P.L. 107-252);
8   (51) Defining the interaction of electronic voter registration
9   election management systems employed by each county auditor to maintain
10 a local copy of each county's portion of the official state list of
11 registered voters;
12   (52) Provisions and procedures to implement the state-based
13 administrative complaint procedure as required by the Help America Vote
14 Act (P.L. 107-252);
15   (53) Facilitating the payment of local government grants to local
16 government election officers or vendors; and
17   (54) Standards for the verification of signatures on absentee,
18 mail, and provisional ballot envelopes.

19   **Sec. 6.** RCW 29A.08.010 and 2006 c 320 s 2 are each amended to read
20 as follows:
21   ((As used in this chapter: "Information required for voter
22 registration" means)) (1) The minimum information provided on a voter
23 registration application that is required ((by the county auditor)) in
24 order to place a voter registration applicant on the voter registration
25 rolls((. This information)) includes:
26   ((+(1)+)) (a) Name;
27   ((+(2)+)) (b) Residential address;
28   ((+(3)+)) (c) Date of birth;
29   ((+(4) Washington state driver's license number or Washington state
30 identification card number, or the last four digits of the applicant's
31 Social Security number if the applicant does not have a Washington
32 state driver's license or Washington state identification card;
33   (5))) (d) A signature attesting to the truth of the information
34 provided on the application; and
35   ((+(6)+)) (e) A check or indication in the box confirming the
36 individual is a United States citizen.

1   (2) The residential address provided must identify the actual
2 physical residence of the voter in Washington, as defined in RCW
3 29A.04.151, with detail sufficient to allow the voter to be assigned to
4 the proper precinct and to locate the voter to confirm his or her
5 residence for purposes of verifying qualification to vote under Article
6 VI, section 1 of the state Constitution. A residential address may be
7 either a traditional address or a nontraditional address. A
8 traditional address consists of a street number and name, optional
9 apartment number or unit number, and city or town, as assigned by a
10 local government, which serves to identify the parcel or building of
11 residence and the unit if a multiunit residence. A nontraditional
12 address consists of a narrative description of the location of the
13 voter's residence, and may be used when a traditional address has not
14 been assigned to the voter's residence. ((~~If the postal service does~~
15 ~~not deliver mail to the voter's residential address, or the voter~~
16 ~~prefers to receive mail at a different address, the voter may~~
17 ~~separately provide the mailing address at which they receive mail. Any~~
18 ~~mailing address provided shall be used only for mail delivery purposes~~
19 ~~and not for precinct assignment or confirmation of residence for voter~~
20 ~~qualification purposes.~~
21 ~~If the individual does not have a driver's license, state~~
22 ~~identification card, or Social Security number, the registrant must be~~
23 ~~issued a unique voter registration number in order to be placed on the~~
24 ~~voter registration rolls.~~))
25   (3) All other information supplied is ancillary and not to be used
26 as grounds for not registering an applicant to vote.
27   (4) Modification of the language of the official Washington state
28 voter registration form by the voter will not be accepted and will
29 cause the rejection of the registrant's application.

30   **Sec. 7.** RCW 29A.08.030 and 2005 c 246 s 3 are each amended to read
31 as follows:
32   The definitions set forth in this section apply throughout this
33 chapter, unless the context clearly requires otherwise.
34   (1) "Verification notice" means a notice sent by the county auditor
35 or secretary of state to a voter registration applicant and is used to
36 verify or collect information about the applicant in order to complete

the registration. The verification notice must be designed to include
a postage prepaid, preaddressed return form by which the applicant may
verify or send information.

(2) "Acknowledgement notice" means a notice sent by nonforwardable
mail by the county auditor or secretary of state to a registered voter
to acknowledge a voter registration transaction, which can include
initial registration, transfer, or reactivation of an inactive
registration. An acknowledgement notice may be a voter registration
card.

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

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

Sec. 8. RCW 29A.08.105 and 2004 c 267 s 105 are each amended to
read as follows:

(1) In compliance with the Help America Vote Act (P.L. 107-252),
the centralized statewide voter registration list maintained by the
secretary of state is the official list of eligible voters for all
elections.

(2) In all counties, the county auditor shall be the chief
registrar of voters for every precinct within the county. ((The
auditor may appoint registration assistants to assist in registering
persons residing in the county. Each registration assistant holds
office at the pleasure of the county auditor and must be a registered
voter.

(3) The county auditor shall ensure that mail-in voter registration
application forms are readily available to the public at locations to
include but not limited to the elections office, and all common
schools, fire stations, and public libraries.))

1   **Sec. 9.** RCW 29A.08.107 and 2005 c 246 s 4 are each amended to read
2   as follows:
3   (1) ((The secretary of state must review the information provided
4   by each voter registration applicant to ensure that)) If the
5   ((provided)) driver's license number, state identification card number,
6   or last four digits of the Social Security number provided by the
7   applicant match the information maintained by the Washington department
8   of licensing or the Social Security administration, and the applicant
9   provided all information required by RCW 29A.08.010, the applicant must
10   be registered to vote. ((If a match cannot be made, the secretary of
11   state or county auditor must correspond with the applicant to resolve
12   the discrepancy.
13   (2) If the applicant fails to respond to any correspondence
14   required in this section to confirm information provided on a voter
15   registration application within forty-five days, the applicant will not
16   be registered to vote.   The secretary of state shall forward the
17   application to the appropriate county auditor for document storage.
18   (3) Only after the secretary of state has confirmed that the
19   provided driver's license number, state identification card number, or
20   last four digits of the applicant's Social Security number match
21   existing records with the Washington department of licensing or the
22   Social Security administration, or determined that the applicant does
23   not have a driver's license number, state identification card number,
24   or Social Security number may the applicant be placed on the official
25   list of registered voters.
26   (4) In order to prevent duplicate registration records, all
27   complete voter registration applications must be screened against
28   existing voter registration records in the official statewide voter
29   registration list. If a match of an existing record is found in the
30   official list, the record must be updated with the new information
31   provided on the application. If the new information indicates that the
32   voter has changed his or her county of residence, the application must
33   be forwarded to the voter's new county of residence for processing.))
34   (2) If the driver's license number, state identification card
35   number, or last four digits of the Social Security number provided by
36   the applicant do not match the information maintained by the Washington
37   department of licensing or the Social Security administration, or if
38   the applicant does not provide a Washington driver's license, a

Washington state identification card, or a Social Security number, the
applicant must be provisionally registered to vote. An identification
notice must be sent to the voter to obtain the correct driver's license
number, state identification card number, last four digits of the
Social Security number, or one of the following forms of alternate
identification:

(a) Valid photo identification;

(b) A valid enrollment card of a federally recognized Indian tribe
in Washington state;

(c) A copy of a current utility bill;

(d) A current bank statement;

(e) A copy of a current government check;

(f) A copy of a current paycheck; or

(g) A government document, other than a voter registration card,
that shows both the name and address of the voter.

(3) The ballot of a provisionally registered voter may not be
counted until the voter provides a driver's license number, a state
identification card number, or the last four digits of a Social
Security number that matches the information maintained by the
Washington department of licensing or the Social Security
administration, or until the voter provides alternate identification.
The identification must be provided no later than the day before
certification of the primary or election. If the voter provides one of
the forms of identification in subsection (2) of this section, the
voter's registration status must be changed from provisionally
registered to registered.

(4) A provisional registration must remain on the official list of
registered voters through at least two general elections for federal
office. If, after two general elections for federal office, the voter
still has not verified his or her identity, the provisional
registration may be canceled.

(5) The requirements of this section do not apply to an overseas or
service voter who registers to vote by signing the return envelope of
an absentee ballot, or to a registered voter transferring his or her
registration.

Sec. 10. RCW 29A.08.110 and 2005 c 246 s 5 are each amended to
read as follows:

1   (1) An application is considered complete only if it contains the
2 ((applicant's name, complete valid residence address, date of birth,
3 signature attesting to the truth of the information provided, a mark in
4 the check-off box confirming United States citizenship, and an
5 indication that the provided driver's license number, state
6 identification card number, or Social Security number has been
7 confirmed by the secretary of state. If it is not complete, the
8 auditor shall promptly mail a verification notice of the deficiency to
9 the applicant. This verification notice shall require the applicant to
10 provide the missing information. If the verification notice is not
11 returned by the applicant within forty-five days or is returned as
12 undeliverable, the name of the applicant shall not be placed on the
13 official list of registered voters. If the applicant provides the
14 required verified information, the applicant shall be registered to
15 vote as of the original date of mailing or date of delivery, whichever
16 is applicable.

17   (2) If the information required in subsection (1) of this section
18 is complete,)) information required by RCW 29A.08.010. The applicant
19 is considered to be registered to vote as of the original date of
20 mailing or date of delivery, whichever is applicable. The auditor
21 shall record the appropriate precinct identification, taxing district
22 identification, and date of registration on the voter's record in the
23 state voter registration list. Any mailing address provided shall be
24 used only for mail delivery purposes, and not for precinct assignment
25 or residency purposes. Within ((forty-five)) sixty days after the
26 receipt of an application ((but no later than seven days before the
27 next primary, special election, or general election)) or transfer, the
28 auditor shall send to the applicant, by first-class nonforwardable
29 mail, an acknowledgement notice identifying the registrant's precinct
30 and containing such other information as may be required by the
31 secretary of state. The postal service shall be instructed not to
32 forward a voter registration card to any other address and to return to
33 the auditor any card which is not deliverable.

34   (((3))) (2) If an ((acknowledgement notice card is properly mailed
35 as required by this section to the address listed by the voter as being
36 the voter's mailing address and the notice is subsequently returned to
37 the auditor by the postal service as being undeliverable to the voter
38 at that address, the auditor shall promptly send the voter a

confirmation notice. The auditor shall place the voter's registration
~~on inactive status pending a response from the voter to the~~
~~confirmation notice~~)) application is not complete, the auditor shall
promptly mail a verification notice to the applicant. The verification
notice shall require the applicant to provide the missing information.
If the applicant provides the required information within forty-five
days, the applicant shall be registered to vote as of the original date
of application. The applicant shall not be placed on the official list
of registered voters until the application is complete.

Sec. 11. RCW 29A.08.115 and 2005 c 246 s 8 are each amended to
read as follows:
    A person or organization collecting voter registration application
forms must transmit the forms to the secretary of state or a county
auditor ((~~at least once weekly~~)) within five business days. The
registration date on such forms will be the date they are received by
the secretary of state or county auditor.

Sec. 12. RCW 29A.08.125 and 2005 c 246 s 9 are each amended to
read as follows:
    (1) The office of the secretary of state shall maintain a statewide
voter registration database. This database must be a centralized,
uniform, interactive computerized statewide voter registration list
that contains the name and registration information of every registered
voter in the state.
    (2) The statewide list is the official list of registered voters
for the conduct of all elections.
    (3) The statewide list must include, but is not limited to, the
name, date of birth, residence address, signature, gender, and date of
registration of every legally registered voter in the state.
    (4) A unique identifier must be assigned to each registered voter
in the state.
    (5) The database must be coordinated with other government
databases within the state including, but not limited to, the
department of corrections, the department of licensing, the department
of health, the administrative office of the courts, and county
auditors. The database may also be coordinated with the databases of
election officials in other states.

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

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

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

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

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

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

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

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

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

(h) Provide for the cancellation of registrations of voters who have moved out of state.

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

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

1   (12) Each county auditor shall maintain a ((computer—file
2   containing a copy of each record)) list of all registered voters within
3   the county that are contained on the official statewide voter
4   registration list ((for that county)).
5   (((2) The secretary of state shall at least quarterly review and
6   update the records of all registered voters on the official statewide
7   voter registration database to make additions and corrections.
8   (3) The computer file must include, but not be limited to, each
9   voter's last name, first name, middle initial, date of birth, residence
10   address, gender, date of registration,)) In addition to the information
11   maintained in the statewide database, the county database must also
12   maintain the applicable taxing district and precinct codes for each
13   voter in the county, and ((the last date on)) a list of elections in
14   which the individual voted.
15   (((4) The county auditor shall subsequently record each consecutive
16   date—upon—which—the—individual—has—voted—and—retain—all—such
17   consecutive dates.))
18   (13) Each county auditor shall allow electronic access and
19   information transfer between the county's voter registration system and
20   the official statewide voter registration list.

21   **Sec. 13.** RCW 29A.08.130 and 2003 c 111 s 210 are each amended to
22   read as follows:
23   (((1)—Except—as—otherwise—specified—by—this—title,—registered
24   voters—include—those—assigned—to—active—and—inactive—status—by—the
25   county auditor.
26   (2))) Election officials shall not include inactive voters in the
27   count of registered voters for the purpose of dividing precincts,
28   creating vote-by-mail precincts, determining voter turnout, or other
29   purposes in law for which the determining factor is the number of
30   registered voters. Election officials shall not include persons who
31   are ongoing absentee voters under RCW 29A.40.040 in determining the
32   maximum permissible size of vote-by-mail precincts or in determining
33   the maximum permissible size of precincts. Nothing in this
34   ((subsection)) section may be construed as altering the vote tallying
35   requirements of RCW 29A.60.230.

1   **Sec. 14.** RCW 29A.08.135 and 2004 c 267 s 111 are each amended to
2   read as follows:
3   ((~~The county auditor shall acknowledge each new voter registration~~
4   ~~or transfer by providing or sending the voter a card identifying his or~~
5   ~~her current precinct and containing such other information as may be~~
6   ~~prescribed by the secretary of state.~~)) (1) When a person who has
7   previously registered to vote in another state applies for voter
8   registration in Washington, the person shall provide on the
9   registration form((~~,~~)) all information needed to cancel any previous
10   registration. Notification must be made to the state elections office
11   of the applicant's previous state of registration.
12   (2) A county auditor receiving official information that a voter
13   has registered to vote in another state shall immediately cancel that
14   voter's registration on the official state voter registration list.

15   **Sec. 15.** RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read
16   as follows:
17   ((~~The registration files of all precincts shall be closed against~~
18   ~~transfers for thirty days immediately preceding every primary, special~~
19   ~~election, and general election to be held in such precincts.~~))
20   (1) In order to vote in any primary, special election, or general
21   election, a person who is not registered to vote in Washington must:
22   (a) Submit a registration application no later than twenty-nine
23   days before the day of the primary, special election, or general
24   election; or
25   (b) Register in person at the county auditor's office in his or her
26   county of residence no later than eight days before the day of the
27   primary, special election, or general election. A person registering
28   under this subsection will be issued an absentee ballot.
29   (2) A person who is already registered to vote in Washington may
30   update his or her registration no later than twenty-nine days before
31   the day of the primary, special election, or general election to be in
32   effect for that primary, special election, or general election. A
33   registered voter who fails to transfer his or her residential address
34   by this deadline may vote according to his or her previous registration
35   address.
36   (3) Prior to each primary and general election, the county auditor
37   shall give notice of the ((~~closing of the precinct files for transfer~~

1 ~~and notice of the special registration and voting procedure provided by~~
2 ~~RCW 29A.08.145~~)) registration deadlines by one publication in a
3 newspaper of general circulation in the county at least thirty-five
4 days before the ((~~closing of the precinct files.~~
5 ~~No person may vote at any primary, special election, or general~~
6 ~~election in a precinct polling place unless he or she has registered to~~
7 ~~vote at least thirty days before that primary or election and appears~~
8 ~~on the official statewide voter registration list. If a person,~~
9 ~~otherwise qualified to vote in the state, county, and precinct in which~~
10 ~~he or she applies for registration, does not register at least thirty~~
11 ~~days before any primary, special election, or general election, he or~~
12 ~~she may register and vote by absentee ballot for that primary or~~
13 ~~election under RCW 29A.08.145~~)) primary or general election.

14 **Sec. 16.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to
15 read as follows:
16 An applicant for voter registration shall complete an application
17 providing the following information concerning his or her
18 qualifications as a voter in this state:
19 (1) The former address of the ((~~last former registration of the~~))
20 applicant ((~~as a voter in the state~~)) if previously registered to vote;
21 (2) The applicant's full name;
22 (3) The applicant's date of birth;
23 (4) The address of the applicant's residence for voting purposes;
24 (5) The mailing address of the applicant if that address is not the
25 same as the address in subsection (4) of this section;
26 (6) The sex of the applicant;
27 (7) The applicant's Washington state driver's license number
28 ((~~or~~))_ Washington state identification card number, or the last four
29 digits of the applicant's Social Security number if he or she does not
30 have a Washington state driver's license or Washington state
31 identification card;
32 (8) ((~~A check box for the applicant to indicate that he or she does~~
33 ~~not have a Washington state driver's license, Washington state~~
34 ~~identification card, or Social Security number;~~
35 ~~(9)~~)) A check box allowing the applicant to indicate that he or she
36 is a member of the armed forces, national guard, or reserves, or that
37 he or she is an overseas voter;

1   (((10))) (9) A check box allowing the applicant to confirm that he
2   or she is at least eighteen years of age or will be eighteen years of
3   age by the next election;
4   (((11))) (10) Clear and conspicuous language, designed to draw the
5   applicant's attention, stating that the applicant must be a United
6   States citizen in order to register to vote;
7   (((12))) (11) A check box and declaration confirming that the
8   applicant is a citizen of the United States;
9   (((13))) (12) The following warning:
10   "If you knowingly provide false information on this voter
11   registration form or knowingly make a false declaration about your
12   qualifications for voter registration you will have committed a class
13   C felony that is punishable by imprisonment for up to five years, a
14   fine of up to ten thousand dollars, or both."
15   (((14) The following affirmation by the applicant:
16   "By signing this document, I hereby assert, under penalty of
17   perjury, that I am legally eligible to vote. If I am found to have
18   voted illegally, I may be prosecuted and/or fined for this illegal act.
19   In addition, I hereby acknowledge that my name and last known address
20   will be forwarded to the appropriate state and/or federal authorities
21   if I am found to have voted illegally."
22   (15))) (13) The oath required by RCW 29A.08.230 and a space for the
23   applicant's signature; and
24   (((16))) (14) Any other information that the secretary of state
25   determines is necessary to establish the identity of the applicant and
26   prevent duplicate or fraudulent voter registrations.
27   This information shall be recorded on a single registration form to
28   be prescribed by the secretary of state.
29   ((If the applicant fails to provide the information required for
30   voter registration, the auditor shall send the applicant a verification
31   notice. The applicant may not be registered until the required
32   information is provided. If a verification notice is returned as
33   undeliverable or the applicant fails to respond to the notice within
34   forty-five days, the applicant shall not be registered to vote.))

35   **Sec. 17.** RCW 29A.08.230 and 2003 c 111 s 218 are each amended to
36   read as follows:

1   For all voter registrations, the registrant shall sign the
2   following oath:

3   "I declare that the facts on this voter registration form are true.
4   I am a citizen of the United States, I am not presently denied ((my
5   civil rights)) the right to vote as a result of being convicted of a
6   felony, I will have lived in Washington at this address for thirty days
7   immediately before the next election at which I vote, and I will be at
8   least eighteen years old when I vote."

9   **Sec. 18.** RCW 29A.08.260 and 2004 c 267 s 118 are each amended to
10   read as follows:
11   The county auditor shall distribute forms by which a person may
12   register to vote by mail and transfer any previous registration in this
13   state. The county auditor shall keep a supply of voter registration
14   forms in his or her office at all times for political parties and
15   others interested in assisting in voter registration, and shall make
16   every effort to make these forms generally available to the public.
17   The county auditor shall provide voter registration forms to city and
18   town clerks, state offices, schools, fire stations, public libraries,
19   and any other locations considered appropriate by the auditor or
20   secretary of state for extending registration opportunities to all
21   areas of the county. After the initial distribution of voter
22   registration forms to a given location, a representative designated by
23   the official in charge of that location shall notify the county auditor
24   of the need for additional voter registration supplies.

25   **Sec. 19.** RCW 29A.08.310 and 2003 c 111 s 222 are each amended to
26   read as follows:
27   (1) The governor, in consultation with the secretary of state,
28   shall designate agencies to provide voter registration services in
29   compliance with federal statutes.
30   (2) Each state agency designated shall provide voter registration
31   services for employees and the public within each office of that
32   agency.
33   (3) The secretary of state shall design and provide a standard
34   notice informing the public of the availability of voter registration,
35   which notice shall be posted in each state agency where such services
36   are available.

1   (4) ((The secretary of state shall design and provide standard
2   voter registration forms for use by these state agencies.

3   (5))) Each institution of higher education shall put in place an
4   active prompt on its course registration web site, or similar web site
5   that students actively and regularly use, that, if selected, will link
6   the student to the secretary of state's voter registration web site.
7   The prompt must ask the student if he or she wishes to register to
8   vote.

9   **Sec. 20.** RCW 29A.08.330 and 2005 c 246 s 14 are each amended to
10   read as follows:
11   (1) The secretary of state shall prescribe the method of voter
12   registration for each designated agency. The agency shall use either
13   the state voter registration by mail form with a separate declination
14   form for the applicant to indicate that he or she declines to register
15   at this time, or the agency may use a separate form approved for use by
16   the secretary of state.
17   (2) The person providing service at the agency shall offer voter
18   registration services to every client whenever he or she applies for
19   service or assistance and with each renewal, recertification, or change
20   of address. The person providing service shall give the applicant the
21   same level of assistance with the voter registration application as is
22   offered to fill out the agency's forms and documents, including
23   information about age and citizenship requirements for voter
24   registration.
25   (3) The person providing service at the agency shall determine if
26   the prospective applicant wants to register to vote or transfer his or
27   her voter registration by asking the following question:

28   "Do you want to register to vote or transfer your voter
29   registration?"

30   If the applicant chooses to register or transfer a registration,
31   the service agent shall ask the following:

32   (a) "Are you a United States citizen?"
33   (b) "Are you or will you be eighteen years of age on or before the
34   next election?"

35   If the applicant answers in the affirmative to both questions, the
36   agent shall then provide the applicant with a voter registration form

1 and instructions and shall record that the applicant has requested to
 2 register to vote or transfer a voter registration. If the applicant
 3 answers in the negative to either question, the agent shall not provide
 4 the applicant with a voter registration form.
 5   (4) If an agency uses a computerized application process, it may,
 6 in consultation with the secretary of state, develop methods to capture
 7 simultaneously the information required for voter registration during
 8 a person's computerized application process.
 9   (5) Each designated agency shall ((provide — for — the — voter
10 registration application forms to be collected from each agency office
11 at least once each week. The agency shall then forward the application
12 forms—to—the—secretary—of—state—each—week. The—secretary—of—state
13 shall—forward—the—forms—to—the—county—in—which—the—applicant—has
14 registered to vote no later than ten days after the date on which the
15 forms — were — received — by — the — secretary — of — state)) transmit   the
16 applications to the secretary of state or appropriate county auditor
17 within three business days.

18   **Sec. 21.** RCW 29A.08.350 and 2004 c 267 s 120 are each amended to
19 read as follows:
20   (((1) — The — secretary — of — state — shall — provide — for — the — voter
21 registration forms submitted under RCW 29A.08.340 to be collected from
22 each driver's licensing facility within five days of their completion.
23   (2))) The department of licensing shall produce and transmit to the
24 secretary of state ((a machine-readable file containing)) the following
25 information from the records of each individual who requested a voter
26 registration or transfer at a driver's license facility ((during each
27 period-for-which-forms-are-transmitted-under-subsection-(1)-of-this
28 section)): The name, address, date of birth, gender of the applicant,
29 the driver's license number, and the date on which the application for
30 voter registration or transfer was submitted((, and the location of the
31 office—at—which—the—application—was—submitted)).   The secretary of
32 state shall process the registrations and transfers as an electronic
33 application.
34   (((3)-The-voter-registration-forms-from-the-driver's-licensing
35 facilities must be forwarded to the county in which the applicant has
36 registered to vote no later than ten days after the date on which the
37 forms were to be collected.

1 ((~~(4) For a voter registration application where the address for~~
2 ~~voting purposes is different from the address in the machine-readable~~
3 ~~file received from the department of licensing, the secretary of state~~
4 ~~shall amend the record of that application in the machine-readable file~~
5 ~~to reflect the county in which the applicant has registered to vote.~~
6 ~~(5) The secretary of state shall sort the records in the machine-~~
7 ~~readable file according to the county in which the applicant registered~~
8 ~~to vote and produce a file of voter registration transactions for each~~
9 ~~county. The records of each county may be transmitted on or through~~
10 ~~whatever medium the county auditor determines will best facilitate the~~
11 ~~incorporation of these records into the existing voter registration~~
12 ~~files of that county.~~
13 ~~(6) The secretary of state shall produce a list of voter~~
14 ~~registration transactions for each county and transmit a copy of this~~
15 ~~list to that county with each file of voter registration transactions~~
16 ~~no later than ten days after the date on which that information was to~~
17 ~~be transmitted under subsection (1) of this section.~~))

18   **Sec. 22.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to
19 read as follows:
20   ((~~To maintain a valid voter registration,~~)) <u>A</u> registered voter who
21 changes his or her residence from one address to another within the
22 same county ((~~shall~~)) <u>may</u> transfer his or her registration to the new
23 address in one of the following ways:
24   (1) Sending ((~~to~~)) the county auditor a ((~~signed~~)) request stating
25 <u>both</u> the voter's present address and the address from which the voter
26 was last registered;
27   (2) <u>Appearing in person before the <u>county</u> auditor and ((~~signing~~))
28 <u>making</u> such a request;
29   (3) ((~~transferring the registration in the manner provided by RCW~~
30 ~~29A.08.430; or~~
31   ~~(4)~~)) <u>Telephoning <u>or e-mailing</u> the county auditor to transfer the
32 registration((~~. The telephone call transferring a registration by~~
33 ~~telephone must be received by the auditor before the precinct~~
34 ~~registration files are closed to new registrations for the next primary~~
35 ~~or special or general election in which the voter participates~~))<u>; or</u>
36   (4) <u>Submitting a voter registration application.</u>

1   **Sec. 23.** RCW 29A.08.420 and 2004 c 267 s 122 are each amended to
2   read as follows:
3   A registered voter who changes his or her residence from one county
4   to another county must do so ((in—writing—using—a—prescribed)) by
5   submitting a voter registration form.   The county auditor of the
6   voter's new county shall transfer the voter's registration from the
7   county of the previous registration.

8   **Sec. 24.** RCW 29A.08.430 and 2004 c 267 s 123 are each amended to
9   read as follows:
10   (1) A ((person—who—is)) registered ((to—vote—in—this—state)) voter
11   may submit a transfer of his or her voter registration on the day of a
12   primary, special election, or general election ((or—primary—under—the
13   following—procedures:
14   (a)—The—voter—may—complete,—at—the—polling—place,)) by completing
15   a voter registration form ((designed—by—the—secretary—of—state—and
16   supplied—by—the—county—auditor;—or
17   (b)—For—a—change—within—the—county,—the—voter—may—write—in—his—or
18   her—new—residential—address—in—the—precinct—list—of—registered—voters.
19   The—county—auditor—shall—determine—which—of—these—two—procedures
20   are—to—be—used—in—the—county—or—may—determine—that—both—procedures—are
21   to—be—available—to—voters—for—use—in—the—county)).
22   (2) A voter who requests to transfer((s)) his or her registration
23   ((in—the—manner—authorized—by—this—section)) after the deadlines
24   established in RCW 29A.08.140 shall vote in the precinct in which he or
25   she was previously registered.
26   (((3)—The—auditor—shall,—within—sixty—days,—mail—to—each—voter—who
27   has—transferred—a—registration—under—this—section,—an—acknowledgement
28   notice—detailing—his—or—her—current—precinct—and—polling—place.))

29   **Sec. 25.** RCW 29A.08.440 and 2003 c 111 s 231 are each amended to
30   read as follows:
31   ((To—maintain—a—valid—voter—registration,—a—person)) A registered
32   voter who changes his or her name shall notify the county auditor
33   regarding the name change ((in—one—of—the—following—ways: (1)—By
34   sending—the—auditor)) by submitting a notice clearly identifying the
35   name under which he or she is registered to vote, the voter's new name,
36   and the voter's residence((. Such—a—notice—must—be—signed—by—the—voter

1 ~~using both this former name and the voter's new name; (2) by appearing~~
2 ~~in person before the auditor or a registration assistant and signing~~
3 ~~such a change-of-name notice; (3) by signing such a change-of-name~~
4 ~~notice at the voter's precinct polling place on the day of a primary or~~
5 ~~special or general election; (4) by properly executing a name change on~~
6 ~~a mail-in~~)), __and providing a signature of the new name, or by__
7 __submitting a voter__ registration application ((~~or a prescribed state~~
8 ~~agency application~~)).

9   A properly registered voter who files a change-of-name notice at
10 the voter's precinct polling place during a primary or election and who
11 desires to vote at that primary or election shall sign the poll book
12 using the voter's former and new names ((~~in the same manner as is~~
13 ~~required for the change-of-name notice~~)).

14   **Sec. 26.** RCW 29A.08.510 and 2004 c 267 s 124 are each amended to
15 read as follows:
16   ((~~In addition to case-by-case maintenance under RCW 29A.08.620 and~~
17 ~~29A.08.630 and the general program of maintenance of voter registration~~
18 ~~lists under RCW 29A.08.605,~~)) __The registrations of__ deceased voters
19 ((~~will~~)) __may__ be canceled from voter registration lists as follows:
20   (1) Periodically, the registrar of vital statistics of the state
21 shall prepare a list of persons who resided in each county, for whom a
22 death certificate was transmitted to the registrar and was not included
23 on a previous list, and shall supply the list to the secretary of
24 state.
25   The secretary of state shall compare this list with the
26 registration records and cancel the registrations of deceased voters
27 ((~~within at least forty-five days before the next primary or~~
28 ~~election~~)).
29   (2) In addition, each county auditor may also use __government__
30 __agencies and__ newspaper obituary articles as a source of information
31 ((~~in order to cancel a voter's registration from the official state~~
32 ~~voter registration list~~)) __for identifying deceased voters and canceling__
33 __a registration__. The auditor must verify the identity of the voter by
34 matching the voter's date of birth or an address. The auditor shall
35 record the date and source of the ((~~obituary~~)) __information__ in the
36 cancellation records.

1   (3) In addition, any registered voter may sign a statement, subject
2   to the penalties of perjury, to the effect that to his or her personal
3   knowledge or belief another registered voter is deceased. This
4   statement may be filed with the county auditor or the secretary of
5   state. Upon the receipt of such signed statement, the county auditor
6   or the secretary of state shall cancel the registration ((records
7   concerned)) from the official state voter registration list.

8   **Sec. 27.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
9   read as follows:
10   (1) Upon receiving official notice of a person's conviction of a
11   felony in either state or federal court, if the convicted person is a
12   registered voter in the county, the county auditor shall cancel the
13   defendant's voter registration. ((Additionally,))
14   (2) The secretary of state in conjunction with the department of
15   corrections, ((the—Washington—state—patrol,)) the office of the
16   administrator for the courts, and other appropriate state agencies
17   shall arrange for a quarterly comparison of a list of known felons with
18   the statewide voter registration list. If a ((person)) registered
19   voter is found on a ((felon)) reliable list ((and the statewide voter
20   registration list)) of felons who are ineligible to vote, the secretary
21   of state or county auditor shall confirm the match through a name and
22   date of birth comparison and suspend the voter registration from the
23   official state voter registration list. The ((canceling authority))
24   secretary of state shall send to the person at his or her last known
25   voter registration address a notice of the proposed cancellation and an
26   explanation of the requirements for restoring the right to vote once
27   all terms of sentencing have been completed. If the person does not
28   respond within thirty days, the registration must be canceled.
29   (((2))) (3) The right to vote may be restored by, for each felony
30   conviction, one of the following:
31   (a) A certificate of discharge issued by the sentencing court, as
32   provided in RCW 9.94A.637;
33   (b) A court order restoring the right, as provided in RCW 9.92.066;
34   (c) A final order of discharge issued by the indeterminate sentence
35   review board, as provided in RCW 9.96.050; or
36   (d) A certificate of restoration issued by the governor, as
37   provided in RCW 9.96.020.

1   **Sec. 28.** RCW 29A.08.610 and 2004 c 267 s 129 are each amended to
2   read as follows:
3   ((~~In addition to the case-by-case cancellation procedure required~~
4   ~~in RCW 29A.08.420,~~)) The secretary of state((~~,~~)) shall conduct an
5   ongoing list maintenance program designed to detect persons registered
6   in more than one county or voting in more than one county in an
7   election.   This program must be applied uniformly throughout the state
8   and must be nondiscriminatory in its application. ((~~The program must~~
9   ~~be completed not later than thirty days before the date of a primary or~~
10   ~~general election.~~))
11   The office of the secretary of state shall search the statewide
12   voter registration list to find registered voters with the same date of
13   birth and similar names. Once the potential duplicate registrations
14   are identified, the secretary of state shall refer the potential
15   duplicate registrations to the appropriate county auditors, who shall
16   compare the signatures on each voter registration record and, after
17   confirming that a duplicate registration exists properly resolve the
18   duplication.
19   If a voter is suspected of voting in two or more counties in an
20   election, the county auditors in each county shall cooperate without
21   delay to determine the voter's county of residence.   The county auditor
22   of the county of residence of the voter suspected of voting in two or
23   more counties shall take action under RCW 29A.84.010 without delay.

24   **Sec. 29.** RCW 29A.08.620 and 2004 c 267 s 130 and 2004 c 266 s 8
25   are each reenacted and amended to read as follows:
26   (1) ((~~A~~)) Each county auditor must request change of address
27   information from the postal service for all absentee and mail ballots.
28   A voter who votes at the polls must be mailed an election-related
29   document, with change of address information requested, at least once
30   every two years and at least ninety days prior to the date of a primary
31   or general election for federal office.
32   (2) The county auditor shall ((~~assign a registered voter to~~
33   ~~inactive status and shall send the voter a confirmation notice if any~~
34   ~~of the following documents are returned by the postal service as~~
35   ~~undeliverable:~~
36   ~~(a) An acknowledgement of registration;~~
37   ~~(b) An acknowledgement of transfer to a new address;~~

1   (c) A vote-by-mail ballot, absentee ballot, or application for a
2   ballot;
3   (d) Notification to a voter after precinct reassignment;
4   (e) Notification to serve on jury duty; or
5   (f) Any other document other than a confirmation notice, required
6   by statute, to be mailed by the county auditor to the voter.
7   (2) A county auditor shall also assign a registered voter to
8   inactive status and shall send the voter a confirmation notice:
9   (a) Whenever change of address information received from the
10   department of licensing under RCW 29A.08.350, or by any other agency
11   designated to provide voter registration services under RCW 29A.08.310,
12   indicates that the voter has moved to an address outside the state; or
13   (b) If the auditor receives postal change of address information
14   under RCW 29A.08.605, indicating)) transfer the registration of a voter
15   and send an acknowledgement notice to the new address informing the
16   voter of the transfer if change of address information received by the
17   county auditor from the postal service, the department of licensing, or
18   another agency designated to provide voter registration services
19   indicates that the voter has moved within the county.
20   (3) The county auditor shall place a voter on inactive status and
21   send to all known addresses a confirmation notice and a voter
22   registration application if change of address information received by
23   the county auditor from the postal service, the department of
24   licensing, or another agency designated to provide voter registration
25   services indicates that the voter has moved from one county to another.
26   (4) The county auditor shall place a voter on inactive status and
27   send to all known addresses a confirmation notice if any of the
28   following occur:
29   (a) Any document mailed by the county auditor to a voter is
30   returned by the postal service as undeliverable without address
31   correction information; or
32   (b) Change of address information received from the postal service,
33   the department of licensing, or another state agency designated to
34   provide voter registration services indicates that the voter has moved
35   out of the state.

36   **Sec. 30.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to
37   read as follows:

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

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

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

19   **Sec. 31.** RCW 29A.08.630 and 2004 c 267 s 131 are each amended to
20   read as follows:
21   The county auditor shall return an inactive voter to active voter
22   status if, ((during the period beginning on the date the voter was
23   assigned to inactive status and ending on the day of the second)) prior
24   to the passage of two federal general elections ((for federal office
25   that occurs after the date that the voter was sent a confirmation
26   notice)), the voter:
27   (1) Notifies the auditor of a change of address ((within the
28   county));
29   (2) Responds to a confirmation notice with information that ((the
30   voter)) he or she continues to reside at the registration address; or
31   (3) Votes or attempts to vote in a primary ((or a)), special
32   election, or general election ((and resides within the county; or signs
33   any petition authorized by statute for which the signatures are
34   required by law to be verified by the county auditor or secretary of
35   state)). If the inactive voter fails to provide such a notice or take
36   such an action within that period, the auditor shall cancel the
37   person's voter registration.

1   **Sec. 32.** RCW 29A.08.635 and 2003 c 111 s 242 are each amended to
 2   read as follows:
 3   Confirmation notices must be on a form prescribed by, or approved
 4   by, the secretary of state and must request that the voter confirm that
 5   he or she continues to reside at the address of record and desires to
 6   continue to use that address for voting purposes. The notice must
 7   inform the voter that if the voter does not respond to the notice and
 8   does not vote in either of the next two federal <u>general</u> elections, his
 9   or her voter registration will be canceled.

10   **Sec. 33.** RCW 29A.08.640 and 2004 c 267 s 132 are each amended to
11   read as follows:
12   <u>(1)</u> If the response to the confirmation notice ((<s>provides the</s>
13   <s>county auditor with the information indicating</s>)) <u>from the voter</u>
14   <u>indicates</u> that the voter has moved within the county, the auditor shall
15   transfer the voter's registration <u>and send the voter an acknowledgement</u>
16   <u>notice</u>.
17   <u>(2)</u> If the response <u>from the voter</u> indicates ((<s>a move out of a</s>))
18   <u>that the voter moved out of the</u> county, but within the state, the
19   auditor shall ((<s>place the registration in inactive status for transfer</s>
20   <s>pending acceptance by the county indicated by the new address. The</s>
21   <s>auditor shall immediately notify the auditor of the county with the new</s>
22   <s>address</s>)) <u>cancel the voter's registration and notify the county auditor</u>
23   <u>of the voter's new county of residence</u>.
24   <u>(3)</u> If the response <u>from the voter</u> indicates that the voter has
25   left the state, the auditor shall cancel the voter's registration on
26   the official state voter registration list.

27   **Sec. 34.** RCW 29A.08.720 and 2005 c 246 s 18 are each amended to
28   read as follows:
29   (1) In the case of voter registration records received through the
30   department of licensing <u>or an agency designated under RCW 29A.08.310</u>,
31   the identity of the office <u>or agency</u> at which any particular individual
32   registered to vote is not available for public inspection and shall not
33   be disclosed to the public. ((<s>In the case of voter registration</s>
34   <s>records received through an agency designated under RCW 29A.08.310, the</s>
35   <s>identity of the agency at which any particular individual registered to</s>
36   <s>vote is not available for public inspection and shall not be disclosed</s>

1 ~~to the public.~~)) Any record of a particular individual's choice not to
2 register to vote at an office of the department of licensing or a state
3 agency designated under RCW 29A.08.310 is not available for public
4 inspection and any information regarding such a choice by a particular
5 individual shall not be disclosed to the public.

6   (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,
7 poll books, precinct lists, and current lists of registered voters are
8 public records and must be made available for public inspection and
9 copying under such reasonable rules and regulations as the county
10 auditor or secretary of state may prescribe. The county auditor or
11 secretary of state shall promptly furnish current lists of registered
12 voters in his or her possession, at actual reproduction cost, to any
13 person requesting such information. The lists shall not be used for
14 the purpose of mailing or delivering any advertisement or offer for any
15 property, establishment, organization, product, or service or for the
16 purpose of mailing or delivering any solicitation for money, services,
17 or anything of value. However, the lists and labels may be used for
18 any political purpose. The county auditor or secretary of state must
19 provide a copy of RCW 29A.08.740 to the person requesting the material
20 that is released under this section.

21   (3) For the purposes of this section, "political purpose" means a
22 purpose concerned with the support of or opposition to any candidate
23 for any partisan or nonpartisan office or concerned with the support of
24 or opposition to any ballot proposition or issue. "Political purpose"
25 includes, but is not limited to, such activities as the advertising for
26 or against any candidate or ballot measure or the solicitation of
27 financial support.

28   **Sec. 35.** RCW 29A.08.760 and 2004 c 267 s 134 are each amended to
29 read as follows:
30   The secretary of state shall provide a duplicate copy of the master
31 statewide computer file or electronic data file of registered voters to
32 the department of information services for purposes of creating the
33 jury source list without cost. Restrictions as to the commercial use
34 of the information on the statewide computer tape or data file of
35 registered voters, and penalties for its misuse, shall be the same as
36 provided in RCW ((29A.08.730)) 29A.08.720 and 29A.08.740.

1   **Sec. 36.** RCW 29A.40.010 and 2003 c 111 s 1001 are each amended to
 2   read as follows:
 3   Any registered voter of the state or any ((out-of-state voter,))
 4   overseas voter((,)) or service voter may vote by absentee ballot in any
 5   general election, special election, or primary in the manner provided
 6   in this chapter.   ((Out-of-state voters,)) Overseas voters((,)) and
 7   service voters are authorized to cast the same ballots, including those
 8   for special elections, as a registered voter of the state would receive
 9   under this chapter.

10   **Sec. 37.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to
11   read as follows:
12   (1) Except as otherwise provided by law, a registered voter ((or
13   out-of-state voter)), overseas voter, or service voter desiring to cast
14   an absentee ballot at a single election or primary must request the
15   absentee ballot from his or her county auditor no earlier than ninety
16   days nor later than the day before the election or primary at which the
17   person seeks to vote. Except as otherwise provided by law, the request
18   may be made orally in person, by telephone, electronically, or in
19   writing. An application or request for an absentee ballot made under
20   the authority of a federal statute or regulation will be considered and
21   given the same effect as a request for an absentee ballot under this
22   chapter.
23   (2) A voter requesting an absentee ballot for a primary may also
24   request an absentee ballot for the following general election.   A
25   request by an ((out-of-state voter,)) overseas voter((,)) or service
26   voter for an absentee ballot for a primary election will be considered
27   as a request for an absentee ballot for the following general election.
28   (3) In requesting an absentee ballot, the voter shall state the
29   address to which the absentee ballot should be sent. A request for an
30   absentee ballot from an ((out-of-state voter,)) overseas voter((,)) or
31   service voter must include the address of the last residence in the
32   state of Washington and either a written application or the oath on the
33   return envelope must include a declaration of the other qualifications
34   of the applicant as an elector of this state.   A request for an
35   absentee ballot from any other voter must state the address at which
36   that voter is currently registered to vote in the state of Washington

1 or the county auditor shall verify that information from the voter
2 registration records of the county.

3   (4) A request for an absentee ballot from a registered voter who is
4 within this state must be made directly to the auditor of the county in
5 which the voter is registered. An absentee ballot request from a
6 registered voter who is temporarily outside this state or from an
7 ((out-of-state voter,)) overseas voter((,)) or service voter may be
8 made either to the appropriate county auditor or to the secretary of
9 state, who shall promptly forward the request to the appropriate county
10 auditor.

11   (5) No person, organization, or association may distribute absentee
12 ballot applications within this state that contain a return address
13 other than that of the appropriate county auditor.

14   **Sec. 38.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to
15 read as follows:
16   (1) The county auditor shall issue an absentee ballot for the
17 primary or election for which it was requested, or for the next
18 occurring primary or election when ongoing absentee status has been
19 requested if the information contained in a request for an absentee
20 ballot or ongoing absentee status received by the county auditor is
21 complete and correct and the applicant is qualified to vote under
22 federal or state law. Otherwise, the county auditor shall notify the
23 applicant of the reason or reasons why the request cannot be accepted.
24 Whenever two or more candidates have filed for the position of precinct
25 committee officer for the same party in the same precinct, the contest
26 for that position must be presented to absentee voters from that
27 precinct by either including the contest on the regular absentee ballot
28 or a separate absentee ballot. The ballot must provide space
29 designated for writing in the name of additional candidates.
30   (2) A registered voter may obtain a replacement ballot if the
31 ballot is destroyed, spoiled, lost, or not received by the voter. The
32 voter may obtain the ballot by telephone request, by mail,
33 electronically, or in person. The county auditor shall keep a record
34 of each replacement ballot provided under this subsection.
35   (3) A copy of the state voters' pamphlet must be sent to
36 ((registered voters temporarily outside the state, out-of-state
37 voters,)) overseas voters((,)) and service voters along with the

1 absentee ballot if such a pamphlet has been prepared for the primary or
2 election and is available to the county auditor at the time of mailing.
3 The county auditor shall mail all absentee ballots and related material
4 to <u>overseas and service</u> voters ((~~outside the territorial limits of the~~
5 ~~United States and the District of Columbia~~)) under 39 U.S.C. 3406.

6   **Sec. 39.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to
7 read as follows:
8   The county auditor shall send each absentee voter a ballot, a
9 security envelope in which to seal the ballot after voting, a larger
10 envelope in which to return the security envelope, and instructions on
11 how to mark the ballot and how to return it to the county auditor. The
12 instructions that accompany an absentee ballot for a partisan primary
13 must include instructions for voting the applicable ballot style, as
14 provided in chapter 29A.36 RCW. The absentee voter's name and address
15 must be printed on the larger return envelope, which must also contain
16 a declaration by the absentee voter reciting his or her qualifications
17 and stating that he or she has not voted in any other jurisdiction at
18 this election, together with a summary of the penalties for any
19 violation of any of the provisions of this chapter. The declaration
20 must clearly inform the voter that it is illegal to vote if he or she
21 is not a United States citizen; it is illegal to vote if he or she has
22 been convicted of a felony and has not had his or her voting rights
23 restored; and, except as otherwise provided by law, it is illegal to
24 cast a ballot or sign an absentee envelope on behalf of another voter.
25 The return envelope must provide space for the voter to indicate the
26 date on which the ballot was voted and for the voter to sign the oath.
27 It must also contain a space so that the voter may include a telephone
28 number. A summary of the applicable penalty provisions of this chapter
29 must be printed on the return envelope immediately adjacent to the
30 space for the voter's signature. The signature of the voter on the
31 return envelope must affirm and attest to the statements regarding the
32 qualifications of that voter and to the validity of the ballot. The
33 return envelope must also have a secrecy flap that the voter may seal
34 that will cover the voter's signature and optional telephone number.
35 For ((~~out-of-state voters,~~)) overseas voters((~~,~~)) and service voters,
36 the signed declaration on the return envelope constitutes the
37 equivalent of a voter registration for the election or primary for

which the ballot has been issued. The voter must be instructed to
either return the ballot to the county auditor by whom it was issued or
attach sufficient first-class postage, if applicable, and mail the
ballot to the appropriate county auditor no later than the day of the
election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or
she must include with the ballot a clear explanation of the
qualifications necessary to vote in that election and must also advise
a voter with questions about his or her eligibility to contact the
county auditor. This explanation may be provided on the ballot
envelope, on an enclosed insert, or printed directly on the ballot
itself. If the information is not included, the envelope must clearly
indicate that the ballot is not to be forwarded and that return postage
is guaranteed.

Sec. 40. RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are
each reenacted and amended to read as follows:
(1) The opening and subsequent processing of return envelopes for
any primary or election may begin upon receipt. The tabulation of
absentee ballots must not commence until after 8:00 p.m. on the day of
the primary or election.
(2) All received absentee return envelopes must be placed in secure
locations from the time of delivery to the county auditor until their
subsequent opening. After opening the return envelopes, the county
canvassing board shall place all of the ballots in secure storage until
after 8:00 p.m. of the day of the primary or election. Absentee
ballots that are to be tabulated on an electronic vote tallying system
may be taken from the inner envelopes and all the normal procedural
steps may be performed to prepare these ballots for tabulation.
(3) Before opening a returned absentee ballot, the canvassing
board, or its designated representatives, shall examine the postmark,
statement, and signature on the return envelope that contains the
security envelope and absentee ballot. All personnel assigned to
verify signatures must receive training on statewide standards for
signature verification. Personnel shall verify that the voter's
signature on the return envelope is the same as the signature of that
voter in the registration files of the county. Verification may be
conducted by an automated verification system approved by the secretary

1 of state. For any absentee ballot, a variation between the signature
2 of the voter on the return envelope and the signature of that voter in
3 the registration files due to the substitution of initials or the use
4 of common nicknames is permitted so long as the surname and handwriting
5 are clearly the same.
6   (4) For registered voters casting absentee ballots, the date on the
7 return envelope to which the voter has attested determines the
8 validity, as to the time of voting for that absentee ballot if the
9 postmark is missing or is illegible. For ((out-of-state voters,))
10 overseas voters((,)) and service voters ((stationed in the United
11 States)), the date on the return envelope to which the voter has
12 attested determines the validity as to the time of voting for that
13 absentee ballot.

14   **Sec. 41.** RCW 29A.60.235 and 2005 c 243 s 11 are each amended to
15 read as follows:
16   (1) The county auditor shall prepare, make publicly available at
17 the auditor's office or on the auditor's web site, and submit at the
18 time of certification an election reconciliation report that discloses
19 the following information:
20   (a) The number of registered voters;
21   (b) The number of ballots counted;
22   (c) The number of provisional ballots issued;
23   (d) The number of provisional ballots counted;
24   (e) The number of provisional ballots rejected;
25   (f) The number of absentee ballots issued;
26   (g) The number of absentee ballots counted;
27   (h) The number of absentee ballots rejected;
28   (i) The number of federal write-in ballots counted;
29   (j) The number of ((out-of-state,)) overseas((,)) and service
30 ballots issued;
31   (k) The number of ((out-of-state,)) overseas((,)) and service
32 ballots counted; and
33   (l) The number of ((out-of-state,)) overseas((,)) and service
34 ballots rejected.
35   (2) The county auditor shall prepare and make publicly available at
36 the auditor's office or on the auditor's web site within thirty days of

1   certification a final election reconciliation report that discloses the

2   following information:

3   (a) The number of registered voters;

4   (b) The total number of voters credited with voting;

5   (c) The number of poll voters credited with voting;

6   (d) The number of provisional voters credited with voting;

7   (e) The number of absentee voters credited with voting;

8   (f) The number of federal write-in voters credited with voting;

9   (g) The number of ((out-of-state,)) overseas((,)) and service

10   voters credited with voting;

11   (h) The total number of voters credited with voting even though

12   their ballots were postmarked after election day and were not counted;

13   and

14   (i) Any other information the auditor deems necessary to reconcile

15   the number of ballots counted with the number of voters credited with

16   voting.

17   (3) The county auditor may also prepare such reports for

18   jurisdictions located, in whole or in part, in the county.

19   **Sec. 42.** RCW 46.20.155 and 2005 c 246 s 24 are each amended to

20   read as follows:

21   (1) Before issuing an original license or identicard or renewing a

22   license or identicard under this chapter, the licensing agent shall

23   determine if the applicant wants to register to vote or transfer his or

24   her voter registration by asking the following question:

25   "Do you want to register to vote or transfer your voter

26   registration?"

27   If the applicant chooses to register or transfer a registration,

28   the agent shall ask the following:

29   (1) "Are you a United States citizen?"

30   (2) "Are you or will you be eighteen years of age on or before the

31   next election?"

32   If the applicant answers in the affirmative to both questions, the

33   agent shall then ((provide the applicant with a voter registration form

34   and instructions and shall record that the applicant has requested to

35   register to vote or transfer a voter)) submit the registration or

1 transfer. If the applicant answers in the negative to either question,
2 the agent shall not ((provide—the—applicant—with)) submit a voter
3 registration ((form)) application.
4   (2) The department shall establish a procedure that substantially
5 meets the requirements of subsection (1) of this section when
6 permitting an applicant to renew a license or identicard by mail or by
7 electronic commerce.

8   NEW SECTION. **Sec. 43.** The following acts or parts of acts are
9 each repealed:
10   (1) RCW 29A.04.103 (Out-of-state voter) and 2003 c 111 s 118;
11   (2) RCW 29A.08.040 ("Person," "political purpose.") and 2003 c 111
12 s 202 & 1973 1st ex.s. c 111 s 1;
13   (3) RCW 29A.08.113 (Alternative forms of identification--Voting
14 procedure) and 2005 c 246 s 7;
15   (4) RCW 29A.08.145 (Late registration--Special procedure) and 2006
16 c 97 s 2, 2005 c 246 s 10, 2004 c 267 s 113, 2003 c 111 s 213, & 1993
17 c 383 s 1;
18   (5) RCW 29A.08.360 (Address changes at department of licensing) and
19 2004 c 267 s 121 & 2003 c 111 s 227;
20   (6) RCW 29A.08.605 (Registration list maintenance) and 2004 c 267
21 s 128 & 2003 c 111 s 236;
22   (7) RCW 29A.08.651 (Voter registration database) and 2005 c 246 s
23 16 & 2004 c 267 s 101; and
24   (8) RCW 29A.08.780 (State and county list interchange) and 2004 c
25 267 s 137.
      Passed by the Senate April 20, 2009.
      Passed by the House April 14, 2009.
      Approved by the Governor May 6, 2009.
      Filed in Office of Secretary of State May 8, 2009.