

E2SSB 5112 - H COMM AMD

By Committee on State Government & Tribal Relations

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

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

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

8 (1) Name;

9 (2) Residential address;

10 (3) Date of birth;

11 (4) A signature attesting to the truth of the information
12 provided on the application;

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

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

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

19 (1) The minimum required information provided on a voter
20 registration application (~~(that is required)~~) in order to place a
21 voter registration applicant on the voter registration rolls
22 includes:

23 (a) Name;

24 (b) Residential address;

25 (c) Date of birth;

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

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

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

1 (i) A check or indication in the box on a voter registration form
2 confirming (~~the individual is a United States citizen~~) citizenship;
3 or

4 (ii) Presentation of documents as part of another government
5 transaction confirming citizenship.

6 (2) The residential address provided must identify the actual
7 physical residence of the voter in Washington, as defined in RCW
8 29A.04.151, with detail sufficient to allow the voter to be assigned
9 to the proper precinct and to locate the voter to confirm his or her
10 residence for purposes of verifying qualification to vote under
11 Article VI, section 1 of the state Constitution. A residential
12 address may be either a traditional address or a nontraditional
13 address.

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

18 (b) A nontraditional address consists of a narrative description
19 of the location of the voter's residence, and may be used when a
20 traditional address has not been assigned or affixed to the voter's
21 residence or when a voter resides on an Indian reservation or Indian
22 lands, pursuant to the conditions in RCW 29A.08.112.

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

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

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

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

32 (1) "Verification notice" means a notice sent by the county
33 auditor or secretary of state to a voter registration applicant and
34 is used to verify or collect information about the applicant in order
35 to complete the registration. The verification notice must be
36 designed to include a postage prepaid, preaddressed return form by
37 which the applicant may verify or send information.

38 (2) "Acknowledgment notice" means a notice sent by nonforwardable
39 mail by the county auditor or secretary of state to a registered

1 voter to acknowledge a voter registration transaction or an automatic
2 voter registration transaction, which can include initial
3 registration, ~~((transfer))~~ residential address change, or
4 reactivation of an inactive registration, identifying the
5 registrant's precinct and containing such other information as may be
6 required by the secretary of state. An acknowledgment notice may be a
7 voter registration card.

8 (3) "Automatic voter registration acknowledgment notice package"
9 means a package of information sent by nonforwardable mail by the
10 county auditor, to a registered voter who utilized the automatic
11 voter registration process at the department of licensing, to
12 acknowledge a voter registration transaction, which can include
13 initial registration, residential address change, or reactivation of
14 an inactive registration. The package must include:

15 (a) A postage prepaid, preaddressed return form by which the
16 individual may decline to be registered to vote or decline the
17 update;

18 (b) A statement explaining that the person has become registered
19 to vote or signed up to register to vote, as appropriate, setting
20 forth the qualifications to vote, stating that if the individual does
21 not meet the qualifications to vote, the person shall return the
22 notice and affirmatively decline in writing to register to vote, and
23 that if the person wishes to cancel the voter registration at any
24 time, that the person may contact their county auditor to do so;

25 (c) Instructions regarding how an individual can obtain more
26 information about the notice and assistance in the individual's
27 preferred language, including languages as set forth in RCW
28 29A.08.270;

29 (d) An acknowledgment notice; and

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

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

33 ~~((4))~~ (5) "Confirmation notice" means a notice sent to a
34 registered voter by first-class forwardable mail at the address
35 indicated on the voter's permanent registration record and to any
36 other address at which the county auditor or secretary of state could
37 reasonably expect mail to be received by the voter in order to
38 confirm the voter's residence address. The confirmation notice must
39 be designed to include a postage prepaid, preaddressed return form by
40 which the registrant may verify the address information.

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

3 (1) For persons registering under RCW 29A.08.120, 29A.08.123,
4 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an
5 application is considered complete only if it contains the
6 information required by RCW 29A.08.010. The applicant is considered
7 to be registered to vote as of:

8 (a) The original date of receipt;

9 (b) When the person will be at least eighteen years old by the
10 next election; ~~((or))~~

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

14 (d) For voters utilizing automatic voter registration under
15 section 1 of this act at the department of licensing, the date that
16 an election official receives the information to register the person
17 to vote, unless:

18 (i) The voter declines registration by the deadline in RCW
19 29A.08.359(4) (a); or

20 (ii) An election official receives the information to register
21 the person to vote after the deadline to register to vote under RCW
22 29A.08.140(1) (a), in which case the applicant is considered to be
23 registered to vote as of the day after the election.

24 (2) As soon as practicable, the auditor shall record the
25 appropriate precinct identification, taxing district identification,
26 and date of registration on the voter's record in the state voter
27 registration list. The secretary of state shall, pursuant to RCW
28 29A.04.611, establish procedures to enable new or updated voter
29 registrations to be recorded on an expedited basis. Any mailing
30 address provided shall be used only for mail delivery purposes, and
31 not for precinct assignment or residency purposes. ~~((Within sixty))~~

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

34 (a) For voters utilizing automatic voter registration services at
35 the department of licensing, within five business days after the
36 receipt of an application or residential address change, or, if the
37 application or residential address change is received after the
38 deadline to register to vote or update a voter registration under RCW
39 29A.08.140 (1) (a) or (2) (a) (i), within five business days after the

1 election, the auditor shall send an automatic voter registration
2 acknowledgment notice package as required by RCW 29A.08.030.

3 (b) For all other voters, within 60 days after the receipt of an
4 application or (~~(transfer)~~) residential address change, the auditor
5 shall send (~~(to the applicant, by first-class nonforwardable mail,)~~)
6 an acknowledgment notice (~~(identifying the registrant's precinct and~~
7 ~~containing such other information as may be required by the secretary~~
8 ~~of state. The postal service shall be instructed not to forward a~~
9 ~~voter registration card to any other address and to return to the~~
10 ~~auditor any card which is not deliverable)~~) as required by RCW
11 29A.08.030.

12 ~~((3))~~ (4) If an application is not complete, the auditor shall
13 promptly mail a verification notice to the applicant. The
14 verification notice shall require the applicant to provide the
15 missing information. If the applicant provides the required
16 information within forty-five days, the applicant shall be registered
17 to vote as of the original date of application. The applicant shall
18 not be placed on the official list of registered voters until the
19 application is complete.

20 ~~((4))~~ (5) Once a future voter is no longer in pending status,
21 as described in RCW 29A.08.615, his or her application to sign up to
22 register to vote is no longer pending and is subject to this section.

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

25 (1) The office of the secretary of state shall maintain a
26 statewide voter registration database. This database must be a
27 centralized, uniform, interactive computerized statewide voter
28 registration list that contains the name and registration information
29 of every registered voter in the state.

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

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

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

37 (5) The database must be coordinated with other government
38 databases within the state including, but not limited to, the
39 department of corrections, the department of licensing, the

1 department of health, (~~the administrative office of the courts,~~)
2 and county auditors. The database may also be coordinated with the
3 databases of election officials in other states.

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

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

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

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

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

17 (b) Identify duplicate voter registrations;

18 (c) Identify suspected duplicate voters;

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

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

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

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

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

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

38 (10) The secretary of state may, upon agreement with other
39 appropriate jurisdictions, screen against any available databases
40 maintained by election officials in other states and databases

1 maintained by federal agencies including, but not limited to, the
2 federal bureau of investigation, the federal court system, the
3 federal bureau of prisons, and the bureau of citizenship and
4 immigration services.

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

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

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

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

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

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

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

25 ~~((3))~~ (2) The applicant's date of birth;

26 ~~((4))~~ (3) The address of the applicant's residence for voting
27 purposes;

28 ~~((5))~~ (4) The mailing address of the applicant if that address
29 is not the same as the address in subsection ~~((4))~~ (3) of this
30 section;

31 ~~((6))~~ (5) The ~~((sex))~~ gender of the applicant;

32 (6) The former address of the applicant if previously registered
33 to vote;

34 (7) The applicant's Washington state driver's license number,
35 Washington state identification card number, or the last four digits
36 of the applicant's social security number if ~~((he or she))~~ the
37 applicant does not have a Washington state driver's license or
38 Washington state identification card;

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

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

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

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

10 (b) The applicant may register to vote if the applicant is at
11 least sixteen years old and may vote if the applicant will be at
12 least eighteen years old by the next general election, or is at least
13 eighteen years old for special elections;

14 (~~(11)~~) (10) A check box and declaration confirming that the
15 applicant is a citizen of the United States;

16 (~~(12)~~) (11) The following warning:

17 "If you knowingly provide false information on this voter
18 registration form or knowingly make a false declaration about your
19 qualifications for voter registration you will have committed a class
20 C felony that is punishable by imprisonment for up to five years, a
21 fine of up to ten thousand dollars, or both."

22 (~~(13)~~) (12) The oath required by RCW 29A.08.230 and a space for
23 the applicant's signature; and

24 (~~(14)~~) (13) Any other information that the secretary of state
25 determines is necessary to establish the identity of the applicant
26 and prevent duplicate or fraudulent voter registrations.

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

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

31 (1) The secretary of state shall specify by rule the format of
32 all voter registration applications. These applications shall be
33 compatible with existing voter registration records. An applicant for
34 voter registration shall be required to complete only one application
35 and to provide the required information other than (~~his or her~~) the
36 applicant's signature no more than one time. These applications shall
37 also contain (~~information~~) instructions for the voter to use the
38 form to update (~~his or her~~) information related to the voter's
39 voter registration.

1 (2) Any application format specified by the secretary for use in
2 registering to vote in state and local elections shall satisfy the
3 requirements of the National Voter Registration Act of 1993 (P.L.
4 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for
5 registering to vote in federal elections.

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

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

11 (2) The county auditor shall distribute forms by which a person
12 may register to vote by mail and (~~transfer~~) update the address for
13 any previous registration in this state. The county auditor shall
14 keep a supply of voter registration forms in (~~his or her~~) the
15 auditor's office at all times for (~~political parties and others~~)
16 people and organizations interested in assisting in voter
17 registration, and shall make every effort to make these forms
18 generally available to the public. The county auditor shall provide
19 voter registration forms to city and town clerks, state offices,
20 schools, fire stations, public libraries, and any other locations
21 considered appropriate by the auditor or secretary of state for
22 extending registration opportunities to all areas of the county.
23 After the initial distribution of voter registration forms to a given
24 location, a representative designated by the official in charge of
25 that location shall notify the county auditor of the need for
26 additional voter registration supplies.

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

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

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

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

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

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

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

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

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

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

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

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

37 "Do you want to register or sign up to vote or update your voter
38 registration?"

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

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

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

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

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

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

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

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

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

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

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

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

1 The department of licensing shall produce and transmit to the
2 secretary of state the following information from the records of each
3 individual who requested ((a)) to register to vote or update the
4 individual's existing voter registration ((or update)) at a driver's
5 license facility: The name, address, date of birth, any gender ((of))
6 information provided by the applicant, the driver's license number,
7 signature image, any language preference information collected, any
8 phone number provided by the voter, any email address provided by the
9 voter, and the date on which the application for voter registration
10 or update was submitted. The secretary of state shall process the
11 registrations and updates as an electronic application. If requested
12 by the secretary of state, the department shall provide copies of the
13 documents submitted to prove citizenship for an individual subject to
14 this section.

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

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

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

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 requirements for voter registration under RCW 29A.08.010;

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

34 (iii) A signature image.

35 (2) The department of licensing must ((allow a person sixteen or
36 seventeen)) collect and transmit to the secretary of state voter
37 registration information for all citizens applying for, renewing, or
38 updating an enhanced driver's license or enhanced identocard 16 or 17
39 years of age ((to be signed up to register to vote by automated

1 ~~process at the time of registration, renewal, or change of address))~~
2 if:

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

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

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

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

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

14 (iii) A signature image.

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

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

20 (1) ~~((If the applicant in))~~ For applicants served under RCW
21 29A.08.355 ~~((does not decline registration))~~, the application is
22 submitted pursuant to RCW 29A.08.350 and marked as an automatic voter
23 registrant.

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

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

29 (1)(a) For persons age eighteen years and older registering under
30 RCW 29A.08.355(1), an application is considered complete only if it
31 contains the information required by RCW 29A.08.010 and other
32 information as required by the secretary of state. The applicant is
33 considered to be registered to vote as of the original date of
34 issuance or renewal or date of change of address of an enhanced
35 driver's license or enhanced identicard issued under RCW 46.20.202 or
36 change of address for an existing enhanced driver's license or
37 enhanced identicard pursuant to RCW 46.20.205.

1 (b) For persons sixteen or seventeen years of age registering
2 under RCW 29A.08.355(2), an application is considered complete only
3 if it contains the information required by RCW 29A.08.010 and other
4 information as required by the secretary of state. The applicant is
5 considered to be registered to vote as of the date set forth in RCW
6 29A.08.110(1).

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

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

13 (ii) If the information is an application for new registration or
14 updates any element of an existing voter registration, the auditor
15 shall update the voter's record and, if the information updates the
16 voter's name, residence address, or mailing address, record the
17 appropriate precinct identification, taxing district identification,
18 and date of registration on the voter's record in the state voter
19 registration list and send an automatic voter registration
20 acknowledgment notice package within five business days of the
21 original application, or, if the information is received after the
22 deadline to register to vote or update a voter registration under RCW
23 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the
24 election. Any mailing address provided shall be used only for mail
25 delivery purposes, and not for precinct assignment or residency
26 purposes. (~~Within sixty days after the receipt of an application or~~
27 ~~transfer, the auditor shall send to the applicant, by first-class~~
28 ~~nonforwardable mail, an acknowledgment notice identifying the~~
29 ~~registrant's precinct and containing such other information as may be~~
30 ~~required by the secretary of state. The United States postal service~~
31 ~~shall be instructed not to forward a voter registration card to any~~
32 ~~other address and to return to the auditor any card which is not~~
33 ~~deliverable.))~~

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

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

8 (3) If the prospective registration applicant responds to the
9 automatic voter registration acknowledgment notice and declines to
10 register to vote or the information provided by the department of
11 licensing does not indicate citizenship, the information must not be
12 included on the list of registered voters.

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

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

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

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

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

37 (a) Names;

38 (b) Traditional or nontraditional residential addresses;

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

3 (d) Dates of birth.

4 (2) The health benefit exchange shall consult with the secretary
5 of state's office to ensure that sufficient information is provided
6 to allow the secretary of state to obtain a digital copy of the
7 person's signature when available from the department of licensing
8 and establish other criteria and procedures that are secure and
9 compliant with federal and state voter registration and privacy laws
10 and rules.

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

15 ~~(4) If the health benefit exchange determines, in consultation
16 with the health care authority, that implementation of chapter 110,
17 Laws of 2018 requires changes subject to approval from the centers
18 for medicare and medicaid services, participation of the health
19 benefit exchange is contingent on receiving that approval.))~~ If the
20 health benefit exchange determines, in consultation with the health
21 care authority, that implementation of an automatic voter
22 registration system requires approval from the centers for medicare
23 and medicaid services, then any implementation is contingent on
24 receiving that approval.

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

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

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

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

37 ~~(ii) Barriers to implementation, including ways to mitigate those
38 barriers; and~~

1 ~~(iii) Applicable federal and state privacy protections for voter~~
2 ~~registration information.~~

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

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

11 (a) Names;

12 (b) Traditional or nontraditional residential addresses;

13 (c) Dates of birth;

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

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

19 ~~((4))~~ (3) Once an agency has implemented automatic voter
20 registration, it shall continue to provide automatic voter
21 registration unless legislation is enacted that directs the agency to
22 do otherwise.

23 ~~((5))~~ (4) Agencies may not begin verifying citizenship as part
24 of an agency transaction for the sole purpose of providing automatic
25 voter registration.

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

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

34 (2) Unless a person willfully and knowingly votes or attempts to
35 vote knowing that he or she is not entitled to vote, a person who is
36 ineligible to vote and becomes registered to vote under RCW
37 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote
38 in an election held after the effective date of the person's
39 registration, is not guilty of violating RCW 29A.84.130, and shall be

1 deemed to have performed an authorized act, and such act may not be
2 considered as evidence of a claim to citizenship.

3 (3) A person who is ineligible to vote, who successfully
4 completes the voter registration process under RCW 29A.08.355 or
5 29A.08.362 or votes in an election, must have their voter
6 registration, or record of vote, removed from the voter registration
7 database and any other application records.

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

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

17 The department shall post signs at each driver licensing facility
18 advertising the availability of voter registration services, of
19 automatic voter registration services for enhanced license and
20 enhanced identification card applicants, and advising of the
21 qualifications to register to vote. The information shall be visible
22 to a person conducting a licensing transaction at the time of the
23 transaction, either as a sign, or as a placard handed to the voter
24 for review. Copies of the information shall be available in the
25 various languages required of state agencies.

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

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

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

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

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

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

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

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

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

20 (3) If an applicant presents a document demonstrating that the
21 applicant is not a United States citizen at the time of the driver's
22 license or identicard transaction, the licensing agent shall not ask
23 the questions described in subsection (1) of this section, and shall
24 not submit an application. The department, in consultation with the
25 secretary of state, shall determine which types of documents accepted
26 by the department for purposes of a driver's license or identicard
27 transaction demonstrate that an applicant is not a United States
28 citizen at the time of the transaction.

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

31 For persons eighteen years of age or older who meet requirements
32 for voter registration and persons sixteen or seventeen years of age
33 who meet requirements to sign up to register to vote, who have been
34 issued or are renewing an enhanced driver's license or identicard
35 under RCW 46.20.202 or applying for a change of address for an
36 existing enhanced driver's license or identicard pursuant to RCW
37 46.20.205, ~~((and have not declined to register to vote,))~~ the
38 department shall produce and transmit to the secretary of state the

1 following information from the records of each individual: The name,
2 address, date of birth, gender of the applicant if provided, the
3 driver's license number, signature image, any language preference
4 information collected, any phone number provided by the voter, any
5 email address provided by the voter, and the date on which the
6 application was submitted. The department and the secretary of state
7 shall process information as an automated application on a daily
8 basis. If requested by the secretary of state, the department shall
9 provide copies of the documents submitted to prove citizenship for an
10 individual subject to this section.

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

13 Whenever any person, after applying for or receiving a driver's
14 license or identicard, moves from the address named in the
15 application or in the license or identicard issued to him or her, or
16 changes his or her name of record, the person shall, within ten days
17 thereafter, notify the department of the name or address change as
18 provided in RCW 46.08.195. This notification information shall be
19 transmitted to the secretary of state on a daily basis, including the
20 person's name, former name, address, former address, date of birth,
21 signature image, and date of the transaction.

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

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

30 (2) ~~((A))~~ An eligible voter whose registration has been properly
31 canceled under this chapter shall ~~((vote a provisional ballot. The~~
32 ~~voter shall mark the provisional ballot in secrecy, the ballot placed~~
33 ~~in a security envelope, the security envelope placed in a provisional~~
34 ~~ballot envelope, and the reasons for the use of the provisional~~
35 ~~ballot noted.~~

36 ~~(3) Upon receipt of such a voted provisional ballot the auditor~~
37 ~~shall investigate the circumstances surrounding the original~~
38 ~~cancellation. If he or she determines that the cancellation was in~~

1 ~~error, the voter's registration must be immediately reinstated, and~~
2 ~~the voter's provisional ballot must be counted. If the original~~
3 ~~cancellation was not in error, the voter must be afforded the~~
4 ~~opportunity to reregister at his or her correct address, and the~~
5 ~~voter's provisional ballot must not be counted)) be allowed to~~
6 ~~register to vote at the voter's current residence address.~~

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

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

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

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

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

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

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

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

26 Confirmation notices must be on a form prescribed by, or approved
27 by, the secretary of state and must request that the voter
28 ~~((confirm))~~ verify that ~~((he or she))~~ the voter continues to reside
29 at the address of record and desires to continue to use that address
30 for voting purposes, or provide a new residence address for voting,
31 or provide information that the voter no longer resides in the state.

32 The notice must inform the voter that if the voter does not respond
33 to the notice and does not vote in either of the next two federal
34 general elections, ~~((his or her voter))~~ the voter's registration will
35 be canceled.

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

1 (1) The county auditor shall have custody of the original voter
2 registration records and voter registration sign up records for each
3 county. The original voter registration form must be filed without
4 regard to precinct and is considered confidential and unavailable for
5 public inspection and copying. An automated file of all registered
6 voters must be maintained pursuant to RCW 29A.08.125. An auditor may
7 maintain the automated file in lieu of filing or maintaining the
8 original voter registration forms if the automated file includes all
9 of the information from the original voter registration forms
10 including, but not limited to, a retrievable facsimile of each
11 voter's signature.

12 (2)(a) The following information contained in voter registration
13 records or files regarding a voter or a group of voters is available
14 for public inspection and copying, except as provided in RCW
15 40.24.060 and (b) of this subsection: The voter's name, address,
16 political jurisdiction, gender, (~~date~~) year of birth, voting
17 record, date of registration, and registration number. No other
18 information from voter registration records or files is available for
19 public inspection or copying.

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

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

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

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

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

37 (c) The challenged voter (~~does not live~~) resides at a different
38 address than the residential address provided, and is not subject to

1 RCW 29A.04.151 or 29A.08.112, in which case the challenger must
2 either:

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

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

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

13 (B) (~~Visited the residential address provided and contacted~~
14 ~~persons at the address to determine whether the voter resides at the~~
15 ~~address and, if not, obtained and submitted with the challenge form a~~
16 ~~signed affidavit subject to the penalties of perjury from a person~~
17 ~~who owns or manages property, resides, or is employed at the address~~
18 ~~provided, that to his or her personal knowledge the challenged voter~~
19 ~~does not reside at the address as provided on the voter registration;~~

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

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

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

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

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

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

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

35 (3) The challenger must file a signed affidavit subject to the
36 penalties of perjury swearing that, to his or her personal knowledge
37 and belief, having exercised due diligence to personally verify the
38 evidence presented, the challenged voter either is not qualified to
39 vote or does not reside at the address given on his or her voter
40 registration record based on one of the reasons allowed in subsection

1 (1) of this section. The challenger must provide the factual basis
2 for the challenge, including any information required by subsection
3 (1)(c) of this section, in the signed affidavit. The challenge may
4 not be based on unsupported allegations or allegations by anonymous
5 third parties. All documents pertaining to the challenge are public
6 records.

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

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

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

16 (2) (~~Only if~~) Challenges may be filed after 45 days before the
17 election, only when the challenged voter registered to vote less than
18 (~~sixty~~) 60 days before the election, or changed residence less than
19 (~~sixty~~) 60 days before the election without (~~transferring his or~~
20 ~~her~~) updating the residence address of the voter's voter
21 registration(, may a). A challenge may then be filed not later than
22 (~~ten~~) 10 days before any primary or election, general or special,
23 or within (~~ten~~) 10 days of the voter being added to the voter
24 registration database, whichever is later.

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

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

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

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

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

7 (2) The information on the website may be removed 45 days
8 following certification of an election. Information related to the
9 challenge must be maintained by the county auditor for the
10 appropriate retention period, and is subject to disclosure upon
11 request.

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

14 (1) If the challenge is not in proper form or the factual basis
15 for the challenge does not meet the legal grounds for a challenge,
16 the county auditor may dismiss the challenge and notify the
17 challenger of the reasons for the dismissal. A challenge is not in
18 proper form if it is incomplete on its face or does not substantially
19 comply with the form issued by the secretary of state.

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

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

32 (b) The county auditor must schedule a hearing and notify the
33 challenger and the challenged voter of the time and place for the
34 hearing.

35 (3) All notice must be by certified mail to the address provided
36 in the voter registration record, and any other addresses at which
37 the challenged voter is alleged to reside or the county auditor
38 reasonably expects the voter to receive notice. The challenger and
39 challenged voter may either appear in person or submit testimony by

1 affidavit. Personal appearance may be accomplished using video
2 telecommunications technology if the auditor or canvassing board
3 chooses.

4 (4) The challenger has the burden to prove by clear and
5 convincing evidence that the challenged voter's registration is
6 improper. The challenged voter must be provided a reasonable
7 opportunity to respond. If the challenge is to the residential
8 address provided by the voter, the challenged voter may provide
9 evidence that he or she resides at the location described in his or
10 her voter's registration records, or meets one of the exceptions
11 allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of
12 the state Constitution. If either the challenger or challenged voter
13 fails to appear at the hearing, the challenge must be resolved based
14 on the available facts.

15 (5) If the challenge is based on an allegation under RCW
16 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains
17 the challenge, the voter registration shall be canceled and any
18 challenged ballot shall not be counted. If the challenge is based on
19 an allegation under RCW 29A.08.810(1)(c) and the canvassing board
20 sustains the challenge, the board shall permit the voter to correct
21 ((his or her)) the residence address on the voter registration and
22 any races and ballot measures on ((the)) any challenged ballot that
23 the voter would have been qualified to vote for had the registration
24 been correct shall be counted.

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

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

34 The secretary of state as chief election officer shall make
35 reasonable rules in accordance with chapter 34.05 RCW not
36 inconsistent with the federal and state election laws to effectuate
37 any provision of this title and to facilitate the execution of its
38 provisions in an orderly, timely, and uniform manner relating to any
39 federal, state, county, city, town, and district elections. To that

1 end the secretary shall assist local election officers by devising
2 uniform forms and procedures.

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

6 (1) The maintenance of voter registration records;

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

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

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

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

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

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

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

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

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

27 (11) Procedures to ensure the secrecy of a voter's ballot when a
28 small number of ballots are counted;

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

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

36 (14) The acceptance and filing of documents via electronic
37 transmission;

38 (15) Voter registration applications and records;

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

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

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

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

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

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

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

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

19 (24) Procedures and forms related to automatic voter
20 registration;

21 (25) Procedures and forms for declarations of candidacy;

22 ~~((25))~~ (26) Procedures and requirements for the acceptance and
23 filing of declarations of candidacy by electronic means;

24 ~~((26))~~ (27) Procedures for the circumstance in which two or
25 more candidates have a name similar in sound or spelling so as to
26 cause confusion for the voter;

27 ~~((27))~~ (28) Filing for office;

28 ~~((28))~~ (29) The order of positions and offices on a ballot;

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

30 ~~((30))~~ (31) Independent evaluations of voting systems(~~(~~
31 ~~-31) The~~) and the testing, approval, and certification of voting
32 systems;

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

34 (33) Standards and procedures to prevent fraud and to facilitate
35 the accurate processing and canvassing of ballots, including
36 standards for the approval and implementation of hardware and
37 software for automated signature verification systems;

38 (34) Standards and procedures to guarantee the secrecy of
39 ballots;

- 1 (35) Uniformity among the counties of the state in the conduct of
2 elections;
- 3 (36) Standards and procedures to accommodate overseas voters and
4 service voters;
- 5 (37) The tabulation of paper ballots;
- 6 (38) The accessibility of voting centers;
- 7 (39) The aggregation of precinct results if reporting the results
8 of a single precinct could jeopardize the secrecy of a person's
9 ballot;
- 10 (40) Procedures for conducting a statutory recount;
- 11 (41) Procedures for filling vacancies in congressional offices if
12 the general statutory time requirements for availability of ballots,
13 certification, canvassing, and related procedures cannot be met;
- 14 (42) Procedures for the statistical sampling of signatures for
15 purposes of verifying and canvassing signatures on initiative,
16 referendum, and recall election petitions;
- 17 (43) Standards and deadlines for submitting material to the
18 office of the secretary of state for the voters' pamphlet;
- 19 (44) Deadlines for the filing of ballot titles for referendum
20 bills and constitutional amendments if none have been provided by the
21 legislature;
- 22 (45) Procedures for the publication of a state voters' pamphlet;
- 23 (46) Procedures for conducting special elections regarding
24 nuclear waste sites if the general statutory time requirements for
25 availability of ballots, certification, canvassing, and related
26 procedures cannot be met;
- 27 (47) Procedures for conducting partisan primary elections;
- 28 (48) Standards and procedures for the proper conduct of voting on
29 accessible voting devices;
- 30 (49) Standards for voting technology and systems used by the
31 state or any political subdivision to be accessible for individuals
32 with disabilities, including nonvisual accessibility for the blind
33 and visually impaired, in a manner that provides the same opportunity
34 for access and participation, including privacy and independence, as
35 other voters;
- 36 (50) All data formats for transferring voter registration data on
37 electronic or machine-readable media for the purpose of administering
38 the statewide voter registration list required by the Help America
39 Vote Act (P.L. 107-252);

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

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

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

10 (54) Standards for the verification of signatures on ballot
11 declarations.

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

14 If any county auditor or registration assistant, including
15 government agency employees providing voter registration services
16 under the requirements of state law or the national voter
17 registration act of 1993:

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

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

22 (3) Enters or causes or permits to be entered on the voter
23 registration records the name of any person in any other manner or at
24 any other time than as prescribed by voter registration law or enters
25 or causes or permits to be entered on such records the name of any
26 person not entitled to be thereon; or

27 (4) Destroys, mutilates, conceals, changes, or alters any
28 registration record in connection therewith except as authorized by
29 voter registration law,

30 (~~he or she~~) that person is guilty of a gross misdemeanor punishable
31 to the same extent as a gross misdemeanor that is punishable under
32 RCW 9A.20.021.

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

35 "Election official" when pertaining to voter registration
36 includes any staff member of the office of the secretary of state,
37 staff of state agencies or offices providing voter registration
38 services, or a staff member of (~~the~~) a county auditor's office.

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

3 A person or organization collecting voter registration
4 application forms must transmit the forms to the secretary of state
5 or a county auditor within five business days. The registration date
6 on such forms will be the date they are received by the secretary of
7 state or county auditor. A person or organization collecting voter
8 registration forms that intentionally does not transmit the forms to
9 an election office may be subject to penalty under RCW 29A.84.030.

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

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

14 Correct the title.

EFFECT: Specifies that a voter utilizing automatic voter registration at the Department of Licensing is considered registered to vote as of the time that an election official receives their information, not as of the date of the transaction. Clarifies that a person who has been automatically registered to vote must decline registration in a reply that is received by the auditor within 15 days in order to be deemed never to have registered to vote. Specifies what auditors must do when they receive replies declining to register to vote after the 15-day deadline. Makes a nonsubstantive change to provisions related to questions asked by agency service providers.

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