
SECOND SUBSTITUTE HOUSE BILL 3159

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Chandler, Roach, Dunn, Bailey, and McCune)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to voter registration integrity; amending RCW
2 2.36.072, 29A.08.010, 29A.08.110, 29A.08.210, 29A.08.440, 29A.08.510,
3 and 29A.08.520; adding a new section to chapter 29A.08 RCW; creating a
4 new section; and providing an effective date.

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

6 **Sec. 1.** RCW 2.36.072 and 1993 c 408 s 9 are each amended to read
7 as follows:

8 (1) Each court shall establish a means to preliminarily determine
9 by a written declaration signed under penalty of perjury by the person
10 summoned, the qualifications set forth in RCW 2.36.070 of each person
11 summoned for jury duty prior to their appearance at the court to which
12 they are summoned to serve.

13 (2) Upon receipt by the summoning court of a written declaration
14 stating that a declarant does not meet the qualifications set forth in
15 RCW 2.36.070, that declarant shall be excused from appearing in
16 response to the summons. If a person summoned to appear for jury duty
17 fails to sign and return a declaration of his or her qualifications to
18 serve as a juror prior to appearing in response to a summons and is

1 later determined to be unqualified for one of the reasons set forth in
2 RCW 2.36.070, that person shall not be entitled to any compensation as
3 provided in RCW 2.36.150.

4 (3) Information provided to the court for preliminary determination
5 of statutory qualification for jury duty may only be used for the term
6 such person is summoned and may not be used for any other purpose,
7 except ((that)) under the following circumstances:

8 (a) The court, or designee, may report a change of address or
9 nondelivery of summons of persons summoned for jury duty to the county
10 auditor; and

11 (b) The summoning court must immediately notify the applicant,
12 county auditor, and secretary of state if it receives a written
13 declaration or otherwise learns that a declarant does not meet the
14 qualifications set forth in RCW 2.36.070 (1), (2), (3), or (5).

15 **Sec. 2.** RCW 29A.08.010 and 2006 c 320 s 2 are each amended to read
16 as follows:

17 As used in this chapter: "Information required for voter
18 registration" means the minimum information provided on a voter
19 registration application that is required by the county auditor in
20 order to place a voter registration applicant on the voter registration
21 rolls. This information includes:

- 22 (1) Name and full legal name, if different;
- 23 (2) Residential address;
- 24 (3) Date of birth;
- 25 (4) Washington state driver's license number or Washington state
26 identification card number, or the last four digits of the applicant's
27 Social Security number if the applicant does not have a Washington
28 state driver's license or Washington state identification card;
- 29 (5) A signature attesting to the truth of the information provided
30 on the application; ~~((and))~~

31 (6) A check or indication in the box confirming the individual is
32 a United States citizen; and

33 (7) A check or indication confirming that the individual has not
34 been convicted of a felony and, if the individual has been convicted of
35 a felony, that voting rights have been restored.

36 The residential address provided must identify the actual physical
37 residence of the voter in Washington, as defined in RCW 29A.04.151,

1 with detail sufficient to allow the voter to be assigned to the proper
2 precinct and to locate the voter to confirm his or her residence for
3 purposes of verifying qualification to vote under Article VI, section
4 1 of the state Constitution. A residential address may be either a
5 traditional address or a nontraditional address. A traditional address
6 consists of a street number and name, optional apartment number or unit
7 number, and city or town, as assigned by a local government, which
8 serves to identify the parcel or building of residence and the unit if
9 a multiunit residence. A nontraditional address consists of a
10 narrative description of the location of the voter's residence, and may
11 be used when a traditional address has not been assigned to the voter's
12 residence. If the postal service does not deliver mail to the voter's
13 residential address, or the voter prefers to receive mail at a
14 different address, the voter may separately provide the mailing address
15 at which they receive mail. Any mailing address provided shall be used
16 only for mail delivery purposes and not for precinct assignment or
17 confirmation of residence for voter qualification purposes.

18 If the individual does not have a driver's license, state
19 identification card, or Social Security number, the registrant must be
20 issued a unique voter registration number in order to be placed on the
21 voter registration rolls. All other information supplied is ancillary
22 and not to be used as grounds for not registering an applicant to vote.
23 Modification of the language of the official Washington state voter
24 registration form by the voter will not be accepted and will cause the
25 rejection of the registrant's application.

26 **Sec. 3.** RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read
27 as follows:

28 (1) An application is considered complete only if it contains the
29 applicant's name and full legal name, if different, complete valid
30 residence address, date of birth, signature attesting to the truth of
31 the information provided, a mark in the check-off box confirming United
32 States citizenship, a mark in the check-off box confirming no felony
33 conviction or, if the applicant has a felony conviction, proof of
34 restoration of voting rights, and an indication that the provided
35 driver's license number, state identification card number, or Social
36 Security number has been confirmed by the secretary of state. If it is
37 not complete, the auditor shall promptly mail a verification notice of

1 the deficiency to the applicant. This verification notice shall
2 require the applicant to provide the missing information. If the
3 verification notice is not returned by the applicant within forty-five
4 days or is returned as undeliverable, the name of the applicant shall
5 not be placed on the official list of registered voters. If the
6 applicant provides the required verified information, the applicant
7 shall be registered to vote as of the original date of mailing or date
8 of delivery, whichever is applicable.

9 (2) If the information required in subsection (1) of this section
10 is complete, the applicant is considered to be registered to vote as of
11 the original date of mailing or date of delivery, whichever is
12 applicable. The auditor shall record the appropriate precinct
13 identification, taxing district identification, and date of
14 registration on the voter's record in the state voter registration
15 list. Within forty-five days after the receipt of an application but
16 no later than seven days before the next primary, special election, or
17 general election, the auditor shall send to the applicant, by first-
18 class mail, an acknowledgement notice identifying the registrant's
19 precinct and containing such other information as may be required by
20 the secretary of state. The postal service shall be instructed not to
21 forward a voter registration card to any other address and to return to
22 the auditor any card which is not deliverable.

23 (3) If an acknowledgement notice card is properly mailed as
24 required by this section to the address listed by the voter as being
25 the voter's mailing address and the notice is subsequently returned to
26 the auditor by the postal service as being undeliverable to the voter
27 at that address, the auditor shall promptly send the voter a
28 confirmation notice. The auditor shall place the voter's registration
29 on inactive status pending a response from the voter to the
30 confirmation notice.

31 **Sec. 4.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to
32 read as follows:

33 An applicant for voter registration shall complete an application
34 providing the following information concerning his or her
35 qualifications as a voter in this state:

36 (1) The address of the last former registration of the applicant as
37 a voter in the state;

1 (2) The applicant's full name and full legal name, if different;
2 (3) The applicant's date of birth;
3 (4) The address of the applicant's residence for voting purposes;
4 (5) The mailing address of the applicant if that address is not the
5 same as the address in subsection (4) of this section;
6 (6) The sex of the applicant;
7 (7) The applicant's Washington state driver's license number or
8 Washington state identification card number, or the last four digits of
9 the applicant's Social Security number if he or she does not have a
10 Washington state driver's license or Washington state identification
11 card;
12 (8) A check box for the applicant to indicate that he or she does
13 not have a Washington state driver's license, Washington state
14 identification card, or Social Security number;
15 (9) A check box allowing the applicant to indicate that he or she
16 is a member of the armed forces, national guard, or reserves, or that
17 he or she is an overseas voter;
18 (10) A check box allowing the applicant to confirm that he or she
19 is at least eighteen years of age;
20 (11) A check box allowing the applicant to indicate whether he or
21 she has ever been convicted of a felony;
22 (12) Clear and conspicuous language, designed to draw the
23 applicant's attention, stating that the applicant must be a United
24 States citizen in order to register to vote;
25 ~~((12))~~ (13) A check box and declaration confirming that the
26 applicant is a citizen of the United States;
27 ~~((13))~~ (14) The following warning:
28 "If you knowingly provide false information on this voter
29 registration form or knowingly make a false declaration about your
30 qualifications for voter registration you will have committed a class
31 C felony that is punishable by imprisonment for up to five years, a
32 fine of up to ten thousand dollars, or both."
33 ~~((14))~~ (15) The following affirmation by the applicant:
34 "By signing this document, I hereby assert, under penalty of
35 perjury, that I am legally eligible to vote. If I am found to have
36 voted illegally, I may be prosecuted and/or fined for this illegal act.
37 In addition, I hereby acknowledge that my name and last known address

1 will be forwarded to the appropriate state and/or federal authorities
2 if I am found to have voted illegally."

3 ~~((+15+))~~ (16) The oath required by RCW 29A.08.230 and a space for
4 the applicant's signature; and

5 ~~((+16+))~~ (17) Any other information that the secretary of state
6 determines is necessary to establish the identity of the applicant and
7 prevent duplicate or fraudulent voter registrations.

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

10 If the applicant fails to provide the information required for
11 voter registration, the auditor shall send the applicant a verification
12 notice. The applicant may not be registered until the required
13 information is provided. If a verification notice is returned as
14 undeliverable or the applicant fails to respond to the notice within
15 forty-five days, the applicant shall not be registered to vote.

16 **Sec. 5.** RCW 29A.08.440 and 2003 c 111 s 231 are each amended to
17 read as follows:

18 To maintain a valid voter registration, a person who changes his or
19 her legal name shall notify the county auditor regarding the name
20 change in one of the following ways: (1) By sending the auditor a
21 notice clearly identifying the name under which he or she is registered
22 to vote, the voter's new full legal name, and the voter's residence.
23 Such a notice must be signed by the voter using both this former name
24 and the voter's new full legal name; (2) by appearing in person before
25 the auditor or a registration assistant and signing such a change-of-
26 name notice; (3) by signing such a change-of-name notice at the voter's
27 precinct polling place on the day of a primary or special or general
28 election; (4) by properly executing a name change on a mail-in
29 registration application or a prescribed state agency application.

30 A properly registered voter who files a change-of-name notice at
31 the voter's precinct polling place during a primary or election and who
32 desires to vote at that primary or election shall sign the poll book
33 using the voter's former and new names in the same manner as is
34 required for the change-of-name notice.

35 **Sec. 6.** RCW 29A.08.510 and 2004 c 267 s 124 are each amended to
36 read as follows:

1 (~~In addition to case by case maintenance under RCW 29A.08.620 and~~
2 ~~29A.08.630 and the general program of maintenance of voter registration~~
3 ~~lists under RCW 29A.08.605,~~) Deceased voters will be canceled from
4 voter registration lists as follows:

5 (1) (~~Periodically~~) Monthly, the registrar of vital statistics of
6 the state shall prepare a list of persons who resided in each county,
7 for whom a death certificate was transmitted to the registrar and was
8 not included on a previous list, and shall supply the list to the
9 secretary of state.

10 The secretary of state shall compare this monthly list with the
11 registration records and cancel the registrations of deceased voters
12 (~~within at least forty five days before the next primary or~~
13 ~~election~~)).

14 (2) In addition, each county auditor may also use newspaper
15 obituary articles as a source of information in order to cancel a
16 voter's registration from the official state voter registration list.
17 The auditor must verify the identity of the voter by matching the
18 voter's date of birth or an address. The auditor shall record the date
19 and source of the obituary in the cancellation records.

20 (3) In addition, any registered voter may sign a statement, subject
21 to the penalties of perjury, to the effect that to his or her personal
22 knowledge or belief another registered voter is deceased. This
23 statement may be filed with the county auditor or the secretary of
24 state. Upon the receipt of such signed statement, the county auditor
25 or the secretary of state shall cancel the registration (~~records~~
26 ~~concerned~~) from the official state voter registration list.

27 (4) Once each year, the secretary of state shall conduct an audit
28 of county registration records regarding cancellation of deceased
29 voters. The audit shall consist of a comparison of the deceased voter
30 information received with the county registration records to ensure
31 that the appropriate cancellations are made.

32 **Sec. 7.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
33 read as follows:

34 (1) Upon receiving official notice of a person's conviction of a
35 felony in either state or federal court, if the convicted person is a
36 registered voter in the county, the county auditor shall cancel the
37 defendant's voter registration. (~~Additionally,~~)

1 (2) The secretary of state in conjunction with the department of
2 corrections, the Washington state patrol, the office of the
3 administrator for the courts, and other appropriate state agencies
4 shall arrange for a (~~quarterly~~) semiannual comparison of a list of
5 known felons with the statewide voter registration list. If a person
6 is found on a felon list and the statewide voter registration list, the
7 secretary of state or county auditor shall confirm the match through a
8 date of birth comparison and suspend the voter registration from the
9 official state voter registration list. The canceling authority shall
10 send to the person at his or her last known voter registration address
11 a notice of the proposed cancellation and an explanation of the
12 requirements for restoring the right to vote once all terms of
13 sentencing have been completed. If the person does not respond within
14 thirty days, the registration must be canceled.

15 (~~(+2)~~) (3) The right to vote may be restored by, for each felony
16 conviction, one of the following:

17 (a) A certificate of discharge issued by the sentencing court, as
18 provided in RCW 9.94A.637;

19 (b) A court order restoring the right, as provided in RCW 9.92.066;

20 (c) A final order of discharge issued by the indeterminate sentence
21 review board, as provided in RCW 9.96.050; or

22 (d) A certificate of restoration issued by the governor, as
23 provided in RCW 9.96.020.

24 (4) Once each year, the secretary of state shall conduct an audit
25 of county registration records regarding cancellation of felon voters.
26 The audit shall consist of a comparison of the felon voter information
27 received and the county registration records to ensure that the
28 appropriate cancellations are made.

29 NEW SECTION. Sec. 8. A new section is added to chapter 29A.08 RCW
30 to read as follows:

31 (1) Whenever the secretary of state or a county auditor receives
32 information from the courts regarding a juror's ineligibility to serve
33 based on age, citizenship, residence, or felony conviction pursuant to
34 RCW 2.36.072(3)(b), the county auditor shall verify the reason for
35 ineligibility and take appropriate action to cancel or transfer the
36 registration. If the reason for ineligibility for jury duty is based
37 on felony conviction, procedures in RCW 29A.08.520 must be followed.

1 (2) Once each year, the secretary of state shall conduct an audit
2 of county registration records regarding cancellation of voters based
3 on information received about their ineligibility to serve on a jury.
4 The audit shall consist of a comparison of the ineligible juror
5 information received from the courts and the county registration
6 records to ensure that the appropriate cancellations and transfers are
7 made.

8 NEW SECTION. **Sec. 9.** Sections 2 through 5 of this act take effect
9 January 1, 2009.

10 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
11 this act, referencing this act by bill or chapter number, is not
12 provided by June 30, 2008, in the omnibus appropriations act, this act
13 is null and void.

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