

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1739

Chapter 41, Laws of 2001

57th Legislature
2001 Regular Legislative Session

ELECTIONS--VOTER PARTICIPATION

EFFECTIVE DATE: 7/22/01

Passed by the House March 13, 2001
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 4, 2001
Yeas 48 Nays 0

ROSA FRANKLIN
President of the Senate

Approved April 17, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1739** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 17, 2001 - 9:05 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1739

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By House Committee on State Government (originally sponsored by Representatives Bush, D. Schmidt, Romero, Miloscia, Anderson, Campbell, Talcott, Esser and Casada; by request of Secretary of State)

Read first time . Referred to Committee on .

1 AN ACT Relating to protecting the integrity of elections; amending
2 RCW 29.07.092, 29.07.440, 29.08.080, 29.10.125, 29.10.185, 29.60.030,
3 46.20.155, and 29.07.260; adding a new section to chapter 29.07 RCW;
4 adding new sections to chapter 29.04 RCW; adding new sections to
5 chapter 29.85 RCW; adding a new section to chapter 46.20 RCW; creating
6 a new section; and prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** It is the policy of the state of Washington
9 to encourage every eligible person to register to vote and to
10 participate fully in all elections, and to protect the integrity of the
11 electoral process by providing equal access to the process while
12 guarding against discrimination and fraud. The election registration
13 laws and the voting laws of the state of Washington, and the
14 requirements of this act, must be administered without discrimination
15 based upon race, creed, color, national origin, sex, or political
16 affiliation.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.07 RCW
18 to read as follows:

1 An election officer or a person who intentionally disenfranchises
2 an eligible citizen or discriminates against a person eligible to vote
3 by denying voter registration is guilty of a misdemeanor punishable
4 under RCW 9A.20.021.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.04 RCW
6 to read as follows:

7 In order to encourage the broadest possible voting participation by
8 all eligible citizens, the secretary of state shall produce voter
9 registration information in the foreign languages required of state
10 agencies. This information must be available no later than January 1,
11 2002.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 29.04 RCW
13 to read as follows:

14 The secretary of state shall cause to be produced a "voter guide"
15 detailing what constitutes voter fraud and discrimination under state
16 election laws. This voter guide must be provided to every county
17 election officer and auditor, and any other person upon request, no
18 later than January 1, 2002.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 29.04 RCW
20 to read as follows:

21 The secretary of state shall provide a toll-free media and web page
22 designed to allow voter communication with the office of the secretary
23 of state.

24 **Sec. 6.** RCW 29.07.092 and 1975 1st ex.s. c 184 s 1 are each
25 amended to read as follows:

26 The county auditor shall acknowledge each new voter registration or
27 transfer by providing or sending the voter a card identifying his
28 current precinct and containing such other information as may be
29 prescribed by the secretary of state. When a person who has previously
30 registered to vote in a jurisdiction applies for voter registration in
31 a new jurisdiction, the person shall provide on the registration form,
32 all information needed to cancel any previous registration. The county
33 auditor shall forward any information pertaining to the voter's prior
34 voter registration to the county where the voter was previously
35 registered, so that registration may be canceled. If the prior voter

1 registration is in another state, the notification must be made to the
2 state elections office of that state. A county auditor receiving
3 official information that a voter has registered to vote in another
4 jurisdiction shall immediately cancel that voter's registration.

5 **Sec. 7.** RCW 29.07.440 and 1994 c 57 s 28 are each amended to read
6 as follows:

7 (1) The secretary of state shall prescribe the method of voter
8 registration for each designated agency. The agency shall use either
9 the state voter registration by mail form with a separate declination
10 form for the applicant to indicate that he or she declines to register
11 at this time, or the agency may use a separate form approved for use by
12 the secretary of state.

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

21 (3) If an agency uses a computerized application process, it may,
22 in consultation with the secretary of state, develop methods to
23 capture simultaneously the information required for voter registration
24 during a person's computerized application process.

25 (4) Each designated agency shall provide for the voter registration
26 application forms to be collected from each agency office at least once
27 each week. The agency shall then forward the application forms to the
28 secretary of state each week. The secretary of state shall forward the
29 forms to the county in which the applicant has registered to vote no
30 later than ten days after the date on which the forms were received by
31 the secretary of state.

32 **Sec. 8.** RCW 29.08.080 and 1999 c 298 s 7 are each amended to read
33 as follows:

34 The secretary of state shall furnish registration forms necessary
35 to carry out the registration of voters as provided by this chapter
36 without cost to the respective counties. All voter registration forms
37 printed after January 1, 2002, must include clear and conspicuous

1 language, designed to draw an applicant's attention, stating that the
2 applicant must be a United States citizen in order to register to vote.

3 **Sec. 9.** RCW 29.10.125 and 1987 c 288 s 1 are each amended to read
4 as follows:

5 Registration of a person as a voter is presumptive evidence of his
6 or her right to vote at any primary or election, general or special.
7 A person's right to vote may be challenged at the polls only by a
8 precinct (~~(election officer)~~) judge or inspector. A challenge may be
9 made only upon the belief or knowledge of the challenging officer that
10 the voter is unqualified. The challenge must be supported by evidence
11 or testimony given to the county canvassing board under RCW 29.10.127
12 and may not be based on unsupported allegations or allegations by
13 anonymous third parties. The identity of the challenger, and any third
14 person involved in the challenge, shall be public record and shall be
15 announced at the time the challenge is made.

16 Challenges initiated by a registered voter must be filed not later
17 than the day before any primary or election, general or special, at the
18 office of the appropriate county auditor. A challenged voter may
19 properly transfer or reregister until three days before the primary or
20 election, general or special, by applying personally to the county
21 auditor. Challenges may also be initiated by the office of the county
22 prosecuting attorney and must be filed in the same manner as challenges
23 initiated by a registered voter.

24 **Sec. 10.** RCW 29.10.185 and 1999 c 100 s 4 are each amended to read
25 as follows:

26 In addition to the case-by-case cancellation procedure required in
27 RCW 29.10.040, the county auditor, in conjunction with the office of
28 the secretary of state, shall participate in an annual list maintenance
29 program designed to detect persons registered in more than one county
30 or voting in more than one county in an election. This program must be
31 applied uniformly throughout the county and must be nondiscriminatory
32 in its application. The program must be completed not later than
33 thirty days before the date of a primary or general election.

34 The office of the secretary of state shall cause to be created a
35 list of registered voters with the same date of birth and similar names
36 who appear on two or more county lists of registered voters. The
37 office of the secretary of state shall forward this list to each county

1 auditor so that they may properly cancel the previous registration of
2 voters who have subsequently registered in a different county. The
3 county auditor of the county where the previous registration was made
4 shall cancel the registration of the voter if it appears that the
5 signatures in the registration and the signature provided to the new
6 county on the voter's new registration were made by the same person.
7 The office of the secretary of state shall adopt rules to facilitate
8 this process.

9 If a voter is suspected of voting in two or more counties in an
10 election, the county auditors in each county shall cooperate without
11 delay to determine the voter's county of residence. The county auditor
12 of the county of residence of the voter suspected of voting in two or
13 more counties shall take action under section 12 of this act without
14 delay.

15 **Sec. 11.** RCW 29.60.030 and 1992 c 163 s 5 are each amended to read
16 as follows:

17 The secretary of state shall:

18 (1) Establish and operate, or provide by contract, training and
19 certification programs for state and county elections administration
20 officials and personnel, including training on the various types of
21 election law violations and discrimination, and training programs for
22 political party observers which conform to the rules for such programs
23 established under RCW 29.60.020;

24 (2) Administer tests for state and county officials and personnel
25 who have received such training and issue certificates to those who
26 have successfully completed the training and passed such tests;

27 (3) Maintain a record of those individuals who have received such
28 training and certificates; and

29 (4) Provide the staffing and support services required by the board
30 created under RCW 29.60.010.

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 29.85 RCW
32 to read as follows:

33 (1) A county auditor who suspects a person of fraudulent voter
34 registration, vote tampering, or irregularities in voting shall
35 transmit his or her suspicions and observations without delay to the
36 canvassing board.

1 (2) The county auditor shall make a good faith effort to contact
2 the person in question without delay. If the county auditor is unable
3 to contact the person, or if, after contacting the person, the auditor
4 still suspects fraudulent voter registration, vote tampering, or
5 irregularities in voting, the auditor shall refer the issue to the
6 county prosecuting attorney to determine if further action is
7 warranted.

8 (3) When a complaint providing information concerning fraudulent
9 voter registration, vote tampering, or irregularities in voting are
10 presented to the office of the prosecuting attorney, that office shall
11 file charges in all cases where warranted.

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 29.85 RCW
13 to read as follows:

14 A person who knows that he or she does not possess the legal
15 qualifications of a voter and who registers to vote is guilty of a
16 misdemeanor punishable under RCW 9A.20.021.

17 **Sec. 14.** RCW 46.20.155 and 1990 c 143 s 6 are each amended to read
18 as follows:

19 Before issuing an original license or identification card or
20 renewing a license or identification card under this chapter, the
21 licensing agent shall determine if the applicant wants to register to
22 vote or transfer his or her voter registration(~~(-)~~) by asking the
23 following question:

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

26 If the applicant chooses to register or transfer a registration,
27 the agent shall state the following:

28 "I would like to remind you that you must be a United States
29 citizen and at least eighteen years of age in order to vote."

30 The agent shall then provide the applicant with a voter
31 registration form and instructions and shall record that the applicant
32 has requested to register to vote or transfer a voter registration.

33 NEW SECTION. **Sec. 15.** A new section is added to chapter 46.20 RCW
34 to read as follows:

1 The department shall post signs at each driver licensing facility
2 advertising the availability of voter registration services and
3 advising of the qualifications to register to vote.

4 **Sec. 16.** RCW 29.07.260 and 1999 c 298 s 6 are each amended to read
5 as follows:

6 (1) A person may register to vote, transfer a voter registration,
7 or change his or her name for voter registration purposes when he or
8 she applies for or renews a driver's license or identification card
9 under chapter 46.20 RCW.

10 (2) To register to vote, transfer his or her voter registration, or
11 change his or her name for voter registration purposes under this
12 section, the applicant shall provide the following:

13 (a) His or her full name;

14 (b) Whether the address in the driver's license file is the same as
15 his or her residence for voting purposes;

16 (c) The address of the residence for voting purposes if it is
17 different from the address in the driver's license file;

18 (d) His or her mailing address if it is not the same as the address
19 in (c) of this subsection;

20 (e) Additional information on the geographic location of that
21 voting residence if it is only identified by route or box;

22 (f) The last address at which he or she was registered to vote in
23 this state;

24 (g) A declaration that he or she is a citizen of the United States;
25 and

26 (h) Any other information, other than an applicant's social
27 security number, that the secretary of state determines is necessary to
28 establish the identity of the applicant and to prevent duplicate or
29 fraudulent voter registrations.

30 (3) The following warning shall appear in a conspicuous place on
31 the voter registration form:

32 "If you knowingly provide false information on this voter
33 registration form or knowingly make a false declaration about your
34 qualifications for voter registration you will have committed a class
35 C felony that is punishable by imprisonment for up to five years, or by
36 a fine of up to ten thousand dollars, or both imprisonment and fine."

1 (4) The applicant shall sign a portion of the form that can be used
2 as an initiative signature card for the verification of petition
3 signatures by the secretary of state and shall sign and attest to the
4 following oath:

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

10 (5) The driver licensing agent shall record that the applicant has
11 requested to register to vote or transfer a voter registration.

Passed the House March 13, 2001.

Passed the Senate April 4, 2001.

Approved by the Governor April 17, 2001.

Filed in Office of Secretary of State April 17, 2001.