

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6419**

Chapter 267, Laws of 2004

58th Legislature  
2004 Regular Session

HELP AMERICA VOTE ACT

EFFECTIVE DATE: Sections 103, 104, and 115 through 118 become effective 3/31/04; sections 119, 140, 201 through 203, 321, 401, 501, and 702 become effective 7/1/04; sections 301 through 320 become effective 1/1/05; and sections 101, 102, 105 through 114, 120 through 139, 601, 701, and 704 become effective 1/1/06.

Passed by the Senate March 8, 2004  
YEAS 49 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House March 3, 2004  
YEAS 96 NAYS 0

FRANK CHOPP

**Speaker of the House of Representatives**

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6419** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

**Secretary**

Approved March 31, 2004.

FILED

March 31, 2004 - 3:18 p.m.

GARY F. LOCKE

**Governor of the State of Washington**

**Secretary of State  
State of Washington**



1        NEW SECTION.    **Sec. 101.**    (1) The office of the secretary of state  
2 shall create and maintain a statewide voter registration data base.  
3 This data base must be a single, uniform, official, centralized,  
4 interactive computerized statewide voter registration list defined,  
5 maintained, and administered at the state level that contains the name  
6 and registration information of every legally registered voter in the  
7 state and assigns a unique identifier to each legally registered voter  
8 in the state.

9        (2) The computerized list must serve as the single system for  
10 storing and maintaining the official list of registered voters  
11 throughout the state.

12        (3) The computerized list must contain the name and registration  
13 information of every legally registered voter in the state.

14        (4) Under the computerized list, a unique identifier is assigned to  
15 each legally registered voter in the state.

16        (5) The computerized list must be coordinated with other agency  
17 data bases within the state, including but not limited to the  
18 department of corrections, the department of licensing, and the  
19 department of health.

20        (6) Any election officer in the state, including any local election  
21 officer, may obtain immediate electronic access to the information  
22 contained in the computerized list.

23        (7) All voter registration information obtained by any local  
24 election officer in the state must be electronically entered into the  
25 computerized list on an expedited basis at the time the information is  
26 provided to the local officer.

27        (8) The chief state election officer shall provide support, as may  
28 be required, so that local election officers are able to enter  
29 information as described in subsection (3) of this section.

30        (9) The computerized list serves as the official voter registration  
31 list for the conduct of all elections.

32        (10) The secretary of state has data authority on all voter  
33 registration data.

34        (11) The voter registration data base must be designed to  
35 accomplish at a minimum, the following:

36        (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

37        (b) Identify duplicate voter registrations;

38        (c) Identify suspected duplicate voters;

1 (d) Screen against the department of corrections data base to aid  
2 in the cancellation of voter registration of felons;

3 (e) Provide up-to-date signatures of voters for the purposes of  
4 initiative signature checking;

5 (f) Provide for a comparison between the voter registration data  
6 base and the department of licensing change of address data base;

7 (g) Provide online access for county auditors with the goal of real  
8 time duplicate checking and update capabilities; and

9 (h) Provide for the cancellation of voter registration for persons  
10 who have moved to other states and surrendered their Washington state  
11 drivers' licenses.

12 **Sec. 102.** RCW 29A.08.010 and 2003 c 111 s 201 are each amended to  
13 read as follows:

14 As used in this chapter: "Information required for voter  
15 registration" means the minimum information provided on a voter  
16 registration application that is required by the county auditor in  
17 order to place a voter registration applicant on the voter registration  
18 rolls. This information includes the applicant's name, complete  
19 residence address, date of birth, ~~((and))~~ Washington state driver's  
20 license number, Washington state identification card, or the last four  
21 digits of the applicant's social security number, a signature attesting  
22 to the truth of the information provided on the application, and a  
23 check or indication in the box confirming the individual is a United  
24 States citizen. If the individual does not have a driver's license or  
25 social security number the registrant must be issued a unique voter  
26 registration number and placed on the voter registration rolls. All  
27 other information supplied is ancillary and not to be used as grounds  
28 for not registering an applicant to vote. Modification of the language  
29 of the official Washington state voter registration form by the voter  
30 will not be accepted and will cause the rejection of the registrant's  
31 application.

32 **Sec. 103.** RCW 29A.08.020 and 2003 c 111 s 204 are each amended to  
33 read as follows:

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

1 (1) "By mail" means delivery of a completed original voter  
2 registration application by mail (~~(or by personal delivery)~~) to the  
3 office of the secretary of state.

4 (2) For voter registration applicants, "date of mailing" means the  
5 date of the postal cancellation on the voter registration application.  
6 This date will also be used as the date of application for the purpose  
7 of meeting the registration cutoff deadline. If the postal  
8 cancellation date is illegible then the date of receipt by the  
9 elections official is considered the date of application. If an  
10 application is received by the elections official by the close of  
11 business on the fifth day after the cutoff date for voter registration  
12 and the postal cancellation date is illegible, the application will be  
13 considered to have arrived by the cutoff date for voter registration.

14 **Sec. 104.** RCW 29A.08.030 and 2003 c 111 s 203 are each amended to  
15 read as follows:

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

18 (1) "Verification notice" means a notice sent by the county auditor  
19 or secretary of state to a voter registration applicant and is used to  
20 verify or collect information about the applicant in order to complete  
21 the registration.

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

28 (3) "Confirmation notice" means a notice sent to a registered voter  
29 by first class forwardable mail at the address indicated on the voter's  
30 permanent registration record and to any other address at which the  
31 county auditor or secretary of state could reasonably expect mail to be  
32 received by the voter in order to confirm the voter's residence  
33 address. The confirmation notice must be designed so that the voter  
34 may update his or her current residence address.

35 **Sec. 105.** RCW 29A.08.105 and 2003 c 111 s 205 are each amended to  
36 read as follows:

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

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

10       ~~((2) The county auditor shall be the custodian of the official~~  
11 ~~registration records of the county.))~~

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

16       **NEW SECTION. Sec. 106.** (1) The secretary of state must review the  
17 information provided by each voter registration applicant to ensure  
18 that either the driver's license number or the last four digits of the  
19 social security number match the information maintained by the  
20 Washington department of licensing or the social security  
21 administration. If a match cannot be made the secretary of state must  
22 correspond with the applicant to resolve the discrepancy.

23       (2) If the applicant fails to respond to any correspondence  
24 required in this section to confirm information provided on a voter  
25 registration application, within thirty days the secretary of state  
26 shall forward the application to the appropriate county auditor for  
27 document storage.

28       (3) Only after the secretary of state has confirmed that an  
29 applicant's driver's license number or the last four digits of the  
30 applicant's social security number match existing records with the  
31 Washington department of licensing or the social security  
32 administration or determined that the applicant does not have either a  
33 driver's license number or social security number may the applicant be  
34 placed on the official list of registered voters.

35       **Sec. 107.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to  
36 read as follows:

1 (1) On receipt of an application for voter registration (~~under~~  
2 ~~this chapter~~)), the county auditor shall review the application to  
3 determine whether the information supplied is complete. An application  
4 (~~that~~) is considered complete only if it contains the applicant's  
5 name, complete valid residence address, date of birth, and signature  
6 attesting to the truth of the information provided (~~on the application~~  
7 ~~is complete~~) and an indication the license information or social  
8 security number has been confirmed by the secretary of state. If it is  
9 not complete, the auditor shall promptly mail a verification notice of  
10 the deficiency to the applicant. This verification notice shall  
11 require the applicant to provide the missing information. If the  
12 verification notice is not returned by the applicant or is returned as  
13 undeliverable the auditor shall not place the name of the applicant on  
14 the county voter list. If the applicant provides the required verified  
15 information, the applicant shall be registered to vote as of the date  
16 of mailing of the original voter registration application.

17 (2) In order to prevent duplicate registration records, all  
18 complete voter registration applications must be screened against  
19 existing voter registration records in the official statewide voter  
20 registration list. If a match of an existing record is found in the  
21 official list the record must be updated with the new information  
22 provided on the application. If the new information indicates that the  
23 voter has changed his or her county of residence, the application must  
24 be forwarded to the voter's new county of residence for processing. If  
25 the new information indicates that the voter remains in the same county  
26 of residence or if the applicant is a new voter the application must be  
27 processed by the county of residence.

28 (3) If the information required in subsection (1) of this section  
29 is complete, the applicant is considered to be registered to vote as of  
30 the date of mailing. The auditor shall record the appropriate precinct  
31 identification, taxing district identification, and date of  
32 registration on the voter's record in the state voter registration  
33 list. Within forty-five days after the receipt of an application but  
34 no later than seven days before the next primary, special election, or  
35 general election, the auditor shall send to the applicant, by first  
36 class mail, an acknowledgement notice identifying the registrant's  
37 precinct and containing such other information as may be required by  
38 the secretary of state. The postal service shall be instructed not to

1 forward a voter registration card to any other address and to return to  
2 the auditor any card which is not deliverable. ~~((If the applicant has  
3 indicated that he or she is registered to vote in another county in  
4 Washington but has also provided an address within the auditor's county  
5 that is for voter registration purposes, the auditor shall send, on  
6 behalf of the registrant, a registration cancellation notice to the  
7 auditor of that other county and the auditor receiving the notice shall  
8 cancel the registrant's voter registration in that other county.))~~ If  
9 the registrant has indicated on the form that he or she is registered  
10 to vote within the county but has provided a new address within the  
11 county that is for voter registration purposes, the auditor shall  
12 transfer the voter's registration.

13 ~~((3))~~ (4) If an acknowledgement notice card is properly mailed as  
14 required by this section to the address listed by the voter as being  
15 the voter's mailing address and the notice is subsequently returned to  
16 the auditor by the postal service as being undeliverable to the voter  
17 at that address, the auditor shall promptly send the voter a  
18 confirmation notice. The auditor shall place the voter's registration  
19 on inactive status pending a response from the voter to the  
20 confirmation notice.

21 **Sec. 108.** RCW 29A.08.115 and 2003 c 111 s 207 are each amended to  
22 read as follows:

23 ~~((Every registration assistant shall keep registration supplies at  
24 his or her usual place of residence or usual place of business.))~~ A  
25 person or organization collecting voter registration application forms  
26 must transmit the forms to the secretary of state or a designee at  
27 least once weekly.

28 **Sec. 109.** RCW 29A.08.120 and 2003 c 111 s 208 are each amended to  
29 read as follows:

30 Any elector of this state may register to vote by mail under this  
31 ~~((chapter))~~ title.

32 **Sec. 110.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to  
33 read as follows:

34 Each county auditor shall maintain a computer file containing ~~((the  
35 records))~~ a copy of each record of all registered voters within the



1 county contained on the official statewide voter registration list for  
2 that county. (~~The auditor may provide for the establishment and~~  
3 ~~maintenance of such files by private contract or through interlocal~~  
4 ~~agreement as provided by chapter 39.34 RCW.~~) The computer file must  
5 include, but not be limited to, each voter's last name, first name,  
6 middle initial, date of birth, residence address, gender, date of  
7 registration, applicable taxing district and precinct codes, and the  
8 last date on which the individual voted. The county auditor shall  
9 subsequently record each consecutive date upon which the individual has  
10 voted and retain (~~at least the last five~~) all such consecutive dates.  
11 (~~If the voter has not voted at least five times since establishing his~~  
12 ~~or her current registration record, only the available dates will be~~  
13 ~~included.~~)

14 **Sec. 111.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to  
15 read as follows:

16 The county auditor shall acknowledge each new voter registration or  
17 transfer by providing or sending the voter a card identifying his or  
18 her current precinct and containing such other information as may be  
19 prescribed by the secretary of state. When a person who has previously  
20 registered to vote in (~~a jurisdiction~~) another state applies for  
21 voter registration (~~in a new jurisdiction~~), the person shall provide  
22 on the registration form, all information needed to cancel any previous  
23 registration. (~~The county auditor shall forward any information~~  
24 ~~pertaining to the voter's prior voter registration to the county where~~  
25 ~~the voter was previously registered, so that registration may be~~  
26 ~~canceled. If the prior voter registration is in another state, the~~)  
27 Notification must be made to the state elections office of (~~that~~) the  
28 applicant's previous state of registration. A county auditor receiving  
29 official information that a voter has registered to vote in another  
30 (~~jurisdiction~~) state shall immediately cancel that voter's  
31 registration on the official state voter registration list.

32 **Sec. 112.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to  
33 read as follows:

34 The registration files of all precincts shall be closed against  
35 original registration or transfers for thirty days immediately

1 preceding every primary, special election, and general election to be  
2 held in such precincts.

3 The county auditor shall give notice of the closing of the precinct  
4 files for original registration and transfer and notice of the special  
5 registration and voting procedure provided by RCW 29A.08.145 by one  
6 publication in a newspaper of general circulation in the county at  
7 least five days before the closing of the precinct files.

8 No person may vote at any primary, special election, or general  
9 election in a precinct polling place unless he or she has registered to  
10 vote at least thirty days before that primary or election and appears  
11 on the official statewide voter registration list. If a person,  
12 otherwise qualified to vote in the state, county, and precinct in which  
13 he or she applies for registration, does not register at least thirty  
14 days before any primary, special election, or general election, he or  
15 she may register and vote by absentee ballot for that primary or  
16 election under RCW 29A.08.145.

17 **Sec. 113.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to  
18 read as follows:

19 This section establishes a special procedure which an elector may  
20 use to register to vote or transfer a voter registration by changing  
21 his or her address during the period beginning after the closing of  
22 registration for voting at the polls under RCW 29A.08.140 and ending on  
23 the fifteenth day before a primary, special election, or general  
24 election. A qualified elector in the ((~~county~~)) state may register to  
25 vote or change his or her registration address in person in the office  
26 of the county auditor or at a voter registration location specifically  
27 designated for this purpose by the county auditor of the county in  
28 which the applicant resides, and apply for an absentee ballot for that  
29 primary or election. The auditor or registration assistant shall  
30 register that individual in the manner provided in this chapter. The  
31 application for an absentee ballot executed by the newly registered or  
32 transferred voter for the primary or election that follows the  
33 execution of the registration shall be promptly transmitted to the  
34 auditor with the completed voter registration form.

35 **Sec. 114.** RCW 29A.08.155 and 2003 c 111 s 215 are each amended to  
36 read as follows:

1 To compensate counties with fewer than ten thousand registered  
2 voters at the time of the most recent state general election for  
3 unrecoverable costs incident to the maintenance of voter registration  
4 records on electronic data processing systems, the secretary of state  
5 shall, in June of each year, pay such counties an amount equal to  
6 (~~thirty cents~~) one dollar for each registered voter in the county at  
7 the time of the most recent state general election, as long as funds  
8 provided for elections by the Help America Vote Act of 2002 (P.L. 107-  
9 252) are available.

10 **Sec. 115.** RCW 29A.08.220 and 2003 c 111 s 217 are each amended to  
11 read as follows:

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

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

24 (~~(2) (The secretary of state shall adopt by rule a uniform data~~  
25 ~~format for transferring voter registration records on machine-readable~~  
26 ~~media.~~

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

30 (~~(4) The secretary of state shall produce and distribute any~~  
31 ~~instructional material and other supplies needed to implement RCW~~  
32 ~~29A.08.340 and 46.20.155.~~

33 ~~(5) Any notice or statement that must be provided under the~~  
34 ~~National Voter Registration Act of 1993 (P.L. 103-31) to prospective~~  
35 ~~registrants concerning registering to vote in federal elections shall~~  
36 ~~also be provided to prospective registrants concerning registering to~~

1 ~~vote under this title in state and local elections as well as federal~~  
2 ~~elections.))~~

3 **Sec. 116.** RCW 29A.08.240 and 2003 c 111 s 219 are each amended to  
4 read as follows:

5 (1) Until January 1, 2006, at the time of registering, a voter  
6 shall sign his or her name upon a signature card to be transmitted to  
7 the secretary of state. The voter shall also provide his or her first  
8 name followed by the last name or names and the name of the county in  
9 which he or she is registered. Once each week the county auditor shall  
10 transmit all such cards to the secretary of state. The secretary of  
11 state may exempt a county auditor who is providing electronic voter  
12 registration and electronic voter signature information to the  
13 secretary of state from the requirements of this section.

14 (2) This section expires January 1, 2006.

15 **Sec. 117.** RCW 29A.08.250 and 2003 c 111 s 220 are each amended to  
16 read as follows:

17 The secretary of state shall furnish registration forms necessary  
18 to carry out the registration of voters as provided by this chapter  
19 without cost to the respective counties. All voter registration forms  
20 must include clear and conspicuous language, designed to draw an  
21 applicant's attention, stating that the applicant must be a United  
22 States citizen in order to register to vote. Voter registration  
23 application forms must also contain a space for the applicant to  
24 provide his or her driver's license number or the last four digits of  
25 his or her social security number as well as check boxes intended to  
26 allow the voter to indicate age and United States citizenship  
27 eligibility under the Help America Vote Act of 2002 (P.L. 107-252).

28 **Sec. 118.** RCW 29A.08.260 and 2003 c 111 s 221 are each amended to  
29 read as follows:

30 The county auditor shall distribute forms by which a person may  
31 register to vote by mail and ~~((cancel))~~ transfer any previous  
32 registration in this state. The county auditor shall keep a supply of  
33 voter registration forms in his or her office at all times for  
34 political parties and others interested in assisting in voter  
35 registration, and shall make every effort to make these forms generally

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

9 **Sec. 119.** RCW 29A.08.320 and 2003 c 111 s 223 are each amended to  
10 read as follows:

11 (1) A person may register to vote or transfer a voter registration  
12 when he or she applies for service or assistance and with each renewal,  
13 recertification, or change of address at agencies designated under RCW  
14 ((29.07.420)) 29A.08.310.

15 (2) A prospective applicant shall initially be offered a form  
16 ((adopted)) approved by the secretary of state ((that is)) designed to  
17 determine whether the person wishes to register to vote. The form must  
18 comply with all applicable state and federal statutes regarding  
19 content.

20 The form shall also contain a box that may be checked by the  
21 applicant to indicate that he or she declines to register.

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

26 **Sec. 120.** RCW 29A.08.350 and 2003 c 111 s 226 are each amended to  
27 read as follows:

28 (1) The secretary of state shall provide for the voter registration  
29 forms submitted under RCW 29A.08.340 to be collected from each driver's  
30 licensing facility within five days of their completion.

31 (2) The department of licensing shall produce and transmit to the  
32 secretary of state a machine-readable file containing the following  
33 information from the records of each individual who requested a voter  
34 registration or transfer at a driver's license facility during each  
35 period for which forms are transmitted under subsection (1) of this  
36 section: The name, address, date of birth, gender of the applicant,

1 the driver's license number, the date on which the application for  
2 voter registration or transfer was submitted, and the location of the  
3 office at which the application was submitted.

4 (3) The voter registration forms from the driver's licensing  
5 facilities must be forwarded to the county in which the applicant has  
6 registered to vote no later than ten days after the date on which the  
7 forms were to be collected.

8 (4) For a voter registration application where the address for  
9 voting purposes is different from the address in the machine-readable  
10 file received from the department of licensing, the secretary of state  
11 shall amend the record of that application in the machine-readable file  
12 to reflect the county in which the applicant has registered to vote.

13 (5) The secretary of state shall sort the records in the machine-  
14 readable file according to the county in which the applicant registered  
15 to vote and produce a file of voter registration transactions for each  
16 county. The records of each county may be transmitted on or through  
17 whatever medium the county auditor determines will best facilitate the  
18 incorporation of these records into the existing voter registration  
19 files of that county.

20 (6) The secretary of state shall produce a list of voter  
21 registration transactions for each county and transmit a copy of this  
22 list to that county with each file of voter registration transactions  
23 no later than ten days after the date on which that information was to  
24 be transmitted under subsection (1) of this section.

25 ~~((7) If a registrant has indicated on the voter registration  
26 application form that he or she is registered to vote in another county  
27 in Washington but has also provided an address within the auditor's  
28 county that is for voter registration purposes, the auditor shall send,  
29 on behalf of the registrant, a registration cancellation notice to the  
30 auditor of that other county and the auditor receiving the notice shall  
31 cancel the registrant's voter registration in that other county. If  
32 the registrant has indicated on the form that he or she is registered  
33 to vote within the county but has provided a new address within the  
34 county that is for voter registration purposes, the auditor shall  
35 transfer the voter's registration.))~~

36 **Sec. 121.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to  
37 read as follows:

1 (1) The department of licensing shall provide information on all  
2 persons changing their address on change of address forms submitted to  
3 the department unless the voter has indicated that the address change  
4 is not for voting purposes. This information will be transmitted to  
5 the secretary of state each week in a machine-readable file containing  
6 the following information on persons changing their address: The name,  
7 address, date of birth, gender of the applicant, the applicant's  
8 driver's license number, the applicant's former address, the county  
9 code for the applicant's former address, and the date that the request  
10 for address change was received.

11 (2) The secretary of state shall forward this information to the  
12 appropriate county each week. When the information indicates that the  
13 voter has moved (~~((within the county))~~), the county auditor shall use the  
14 change of address information to transfer the voter's registration and  
15 send the voter an acknowledgement notice of the transfer. (~~((If the  
16 information indicates that the new address is outside the voter's  
17 original county, the county auditor shall send the voter a registration  
18 by mail form at the voter's new address and advise the voter of the  
19 need to reregister in the new county. The auditor shall then place the  
20 voter on inactive status.))~~)

21 **Sec. 122.** RCW 29A.08.420 and 2003 c 111 s 229 are each amended to  
22 read as follows:

23 A registered voter who changes his or her residence from one county  
24 to another county (~~(, shall be required to register anew. The voter  
25 shall sign an authorization to cancel his or her current registration.  
26 An authorization to cancel a voter's registration must be forwarded  
27 promptly to the county auditor of the county in which the voter was  
28 previously registered))~~ must do so in writing using a prescribed voter  
29 registration form. The county auditor of the voter's new county  
30 (~~((where the previous registration was made shall cancel the  
31 registration of the voter if it appears that the signatures in the  
32 registration record and on the cancellation authorization form were  
33 made by the same person))~~ shall transfer the voter's registration from  
34 the county of the previous registration.

35 **Sec. 123.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to  
36 read as follows:

1 (1) A person who is registered to vote in this state may transfer  
2 his or her voter registration on the day of a special or general  
3 election or primary under the following procedures:

4 (a) The voter may complete, at the polling place, a voter  
5 registration (~~((transfer))~~) form designed by the secretary of state and  
6 supplied by the county auditor; or

7 (b) For a change within the county, the voter may write in his or  
8 her new residential address in the precinct list of registered voters.

9 The county auditor shall determine which of these two procedures  
10 are to be used in the county or may determine that both procedures are  
11 to be available to voters for use in the county.

12 (2) A voter who transfers his or her registration in the manner  
13 authorized by this section shall vote in the precinct in which he or  
14 she was previously registered.

15 (3) The auditor shall, within (~~((ninety))~~) sixty days, mail to each  
16 voter who has transferred a registration under this section (~~((a))~~), an  
17 acknowledgement notice (~~((of))~~) detailing his or her current precinct and  
18 polling place.

19 **Sec. 124.** RCW 29A.08.510 and 2003 c 111 s 232 are each amended to  
20 read as follows:

21 In addition to case-by-case maintenance under RCW 29A.08.620 and  
22 29A.08.630 and the general program of maintenance of voter registration  
23 lists under RCW 29A.08.605, deceased voters will be canceled from voter  
24 registration lists as follows:

25 (1) (~~((Every month))~~) Periodically, the registrar of vital statistics  
26 of the state shall prepare a (~~((separate))~~) list of persons who resided  
27 in each county, for whom a death certificate was transmitted to the  
28 registrar and was not included on a previous list, and shall supply the  
29 (~~((appropriate))~~) list to (~~((each county auditor))~~) the secretary of state.

30 (~~((A county auditor))~~) The secretary of state shall compare this list  
31 with the registration records and cancel the registrations of deceased  
32 voters within at least forty-five days before the next primary or  
33 election (~~((held in the county after the auditor receives the list))~~).

34 (2) In addition, (~~((the))~~) each county auditor may also use newspaper  
35 obituary articles as a source of information in order to cancel a  
36 voter's registration from the official state voter registration list.



1 The auditor must verify the identity of the voter by matching the  
2 voter's date of birth or an address. The auditor shall record the date  
3 and source of the obituary in the cancellation records.

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

12 NEW SECTION. Sec. 125. Upon receiving official notice that a  
13 court has imposed a guardianship for an incapacitated person and has  
14 determined that the person is incompetent for the purpose of rationally  
15 exercising the right to vote, under chapter 11.88 RCW, if the  
16 incapacitated person is a registered voter in the county, the county  
17 auditor shall cancel the incapacitated person's voter registration.

18 **Sec. 126.** RCW 29A.08.520 and 2003 c 111 s 233 are each amended to  
19 read as follows:

20 Upon receiving official notice of a person's conviction of a felony  
21 in either state or federal court, if the convicted person is a  
22 registered voter in the county, the county auditor shall cancel the  
23 defendant's voter registration. Additionally, the secretary of state  
24 in conjunction with the department of corrections shall arrange for a  
25 periodic comparison of a list of known felons with the statewide voter  
26 registration list. If a person is found on the department of  
27 corrections felon list and the statewide voter registration list, the  
28 secretary of state or county auditor shall confirm the match through a  
29 date of birth comparison and cancel the voter registration from the  
30 official state voter registration list. The canceling authority shall  
31 send notice of the proposed cancellation to the person at his or her  
32 last known voter registration address.

33 **Sec. 127.** RCW 29A.08.540 and 2003 c 111 s 235 are each amended to  
34 read as follows:

35 (~~Every county auditor shall carefully preserve in a separate file~~

1 ~~or list the~~) Registration records of persons whose voter registrations  
2 have been canceled as authorized under this title(~~(. The files or~~  
3 ~~lists shall be kept)~~) must be preserved in the manner prescribed by  
4 rule by the secretary of state. Information from such canceled  
5 registration records is available for public inspection and copying to  
6 the same extent established by RCW 29A.08.710 for other voter  
7 registration information.

8 ~~((The county auditor may destroy the voter registration information~~  
9 ~~and records of any person whose voter registration has been canceled~~  
10 ~~for a period of two years or more.))~~

11 **Sec. 128.** RCW 29A.08.605 and 2003 c 111 s 236 are each amended to  
12 read as follows:

13 In addition to the case-by-case maintenance required under RCW  
14 29A.08.620 and 29A.08.630 and the canceling of registrations under RCW  
15 29A.08.510, the secretary of state and the county auditor shall  
16 cooperatively establish a general program of voter registration list  
17 maintenance. This program must be a thorough review that is applied  
18 uniformly throughout the county and must be nondiscriminatory in its  
19 application. Any program established must be completed at least once  
20 every two years and not later than ninety days before the date of a  
21 primary or general election for federal office. ~~((The county may~~  
22 ~~fulfill its obligations under this section))~~ This obligation may be  
23 fulfilled in one of the following ways:

24 (1) The ~~((county auditor))~~ secretary of state may enter into one or  
25 more contracts with the United States postal service, or its licensee,  
26 which permit the ~~((auditor to))~~ use of postal service change-of-address  
27 information. If the ~~((auditor receives))~~ change of address information  
28 is received from the United States postal service that indicates that  
29 a voter has changed his or her residence address within the ~~((county))~~  
30 state, the auditor shall transfer the registration of that voter and  
31 send a confirmation notice informing the voter of the transfer to the  
32 new address(~~(. If the auditor receives postal change of address~~  
33 ~~information indicating that the voter has moved out of the county, the~~  
34 ~~auditor shall send a confirmation notice to the voter and advise the~~  
35 ~~voter of the need to reregister in the new county. The auditor shall~~  
36 ~~place the voter's registration on inactive status))~~);

1 (2) A direct, nonforwardable, nonprofit or first-class mailing to  
2 every registered voter (~~((within the county))~~) bearing the postal  
3 endorsement "Return Service Requested." If address correction  
4 information for a voter is received by the county auditor after this  
5 mailing, the auditor shall place that voter on inactive status and  
6 shall send to the voter a confirmation notice;

7 (3) Any other method approved by the secretary of state.

8 **Sec. 129.** RCW 29A.08.610 and 2003 c 111 s 237 are each amended to  
9 read as follows:

10 In addition to the case-by-case cancellation procedure required in  
11 RCW 29A.08.420, (~~((the county auditor, in conjunction with the office~~  
12 ~~of))~~) the secretary of state, shall (~~((participate in an annual))~~) conduct  
13 an ongoing list maintenance program designed to detect persons  
14 registered in more than one county or voting in more than one county in  
15 an election. This program must be applied uniformly throughout the  
16 (~~(county))~~ state and must be nondiscriminatory in its application. The  
17 program must be completed not later than thirty days before the date of  
18 a primary or general election.

19 The office of the secretary of state shall (~~((cause to be created a~~  
20 ~~list of))~~) search the statewide voter registration list to find  
21 registered voters with the same date of birth and similar names (~~((who~~  
22 ~~appear on two or more county lists of registered voters))~~). The  
23 (~~((office of the))~~) secretary of state shall (~~((forward this list to each~~  
24 ~~county auditor so that they may properly cancel the previous~~  
25 ~~registration of voters who have subsequently registered in a different~~  
26 ~~county. The county auditor of the county where the previous~~  
27 ~~registration was made shall cancel the registration of the voter if it~~  
28 ~~appears that the signatures in the registration and the signature~~  
29 ~~provided to the new county on the voter's new registration were made by~~  
30 ~~the same person))~~) compare the signatures on each voter registration  
31 record and after confirming that a duplicate registration exists  
32 properly resolve the duplication.

33 If a voter is suspected of voting in two or more counties in an  
34 election, the county auditors in each county shall cooperate without  
35 delay to determine the voter's county of residence. The county auditor  
36 of the county of residence of the voter suspected of voting in two or  
37 more counties shall take action under RCW 29A.84.010 without delay.

1           **Sec. 130.** RCW 29A.08.620 and 2003 c 111 s 239 are each amended to  
2 read as follows:

3           (1) A county auditor shall assign a registered voter to inactive  
4 status and shall send the voter a confirmation notice if any of the  
5 following documents are returned by the postal service as  
6 undeliverable:

7           (a) An acknowledgement of registration;

8           (b) An acknowledgement of transfer to a new address;

9           (c) A vote-by-mail ballot, absentee ballot, or application for a  
10 ballot;

11           (d) Notification to a voter after precinct reassignment;

12           (e) Notification to serve on jury duty; or

13           (f) Any other document other than a confirmation notice, required  
14 by statute, to be mailed by the county auditor to the voter.

15           (2) A county auditor shall also assign a registered voter to  
16 inactive status and shall send the voter a confirmation notice:

17           (a) Whenever change of address information received from the  
18 department of licensing under RCW 29A.08.350, or by any other agency  
19 designated to provide voter registration services under RCW  
20 ((29.07.420)) 29A.08.310, indicates that the voter has moved to an  
21 address outside the ((county)) state; or

22           (b) If the auditor receives postal change of address information  
23 under RCW 29A.08.605, indicating that the voter has moved out of the  
24 ((county)) state.

25           **Sec. 131.** RCW 29A.08.630 and 2003 c 111 s 241 are each amended to  
26 read as follows:

27           The county auditor shall return an inactive voter to active voter  
28 status if, during the period beginning on the date the voter was  
29 assigned to inactive status and ending on the day of the second general  
30 election for federal office that occurs after the date that the voter  
31 was sent a confirmation notice, the voter: Notifies the auditor of a  
32 change of address within the county; responds to a confirmation notice  
33 with information that the voter continues to reside at the registration  
34 address; votes or attempts to vote in a primary or a special or general  
35 election and resides within the county; or signs any petition  
36 authorized by statute for which the signatures are required by law to  
37 be verified by the county auditor or secretary of state. If the

1 inactive voter fails to provide such a notice or take such an action  
2 within that period, the auditor shall cancel the person's voter  
3 registration.

4 **Sec. 132.** RCW 29A.08.640 and 2003 c 111 s 243 are each amended to  
5 read as follows:

6 If the response to the confirmation notice provides the county  
7 auditor with the information indicating that the voter has moved within  
8 the county, the auditor shall transfer the voter's registration. If  
9 the response indicates a move out of a county, but within the state,  
10 the auditor shall place the registration in inactive status for  
11 transfer pending acceptance by the county indicated by the new address.  
12 The auditor shall immediately notify the auditor of the county with the  
13 new address. If the response indicates that the voter has left the  
14 ((county)) state, the auditor shall cancel the voter's registration on  
15 the official state voter registration list.

16 **Sec. 133.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to  
17 read as follows:

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

28 (2) The following information contained in voter registration  
29 records or files regarding a voter or a group of voters is available  
30 for public inspection and copying: The voter's name, gender, voting  
31 record, date of registration, and registration number. The address and  
32 political jurisdiction of a registered voter are available for public  
33 inspection and copying except as provided by chapter 40.24 RCW. No  
34 other information from voter registration records or files is available  
35 for public inspection or copying.

1           **Sec. 134.** RCW 29A.08.760 and 2003 c 111 s 251 are each amended to  
2 read as follows:

3           ~~((As soon as any or all of the voter registration data from the~~  
4 ~~counties has been received under RCW 29A.08.750 and processed, the~~  
5 ~~secretary of state shall provide a duplicate copy of this data to the~~  
6 ~~political party organization or other individual making the request, at~~  
7 ~~cost, shall provide a duplicate copy of the master statewide computer~~  
8 ~~tape or data file of registered voters to the statute law committee~~  
9 ~~without cost, and)) The secretary of state shall provide a duplicate~~  
10 copy of the master statewide computer ~~((tape))~~ file or electronic data  
11 file of registered voters to the department of information services for  
12 purposes of creating the jury source list without cost. Restrictions  
13 as to the commercial use of the information on the statewide computer  
14 tape or data file of registered voters, and penalties for its misuse,  
15 shall be the same as provided in RCW 29A.08.730 and 29A.08.740.

16           **Sec. 135.** RCW 29A.08.770 and 2003 c 111 s 252 are each amended to  
17 read as follows:

18           The secretary of state and each county auditor shall maintain for  
19 at least two years and shall make available for public inspection and  
20 copying all records concerning the implementation of programs and  
21 activities conducted for the purpose of insuring the accuracy and  
22 currency of official lists of eligible voters. These records must  
23 include lists of the names and addresses of all persons to whom notices  
24 are sent and information concerning whether or not each person has  
25 responded to the notices. These records must contain lists of all  
26 persons removed from the list of eligible voters and the reasons why  
27 the voters were removed.

28           NEW SECTION. **Sec. 136.** Only voters who appear on the official  
29 statewide voter registration list are eligible to participate in  
30 elections. Each county shall maintain a copy of that county's portion  
31 of the state list. The county must ensure that data used for the  
32 production of poll lists and other lists and mailings done in the  
33 administration of each election are drawn from the official statewide  
34 voter registration list.

1        NEW SECTION.    **Sec. 137.**    Each county shall ensure complete freedom  
2 of electronic access and information transfer between the county's  
3 election management and voter registration system and the secretary of  
4 state's official statewide voter registration list.

5        NEW SECTION.    **Sec. 138.**    Any state or local election officer, or a  
6 designee, who has access to any county or statewide voter registration  
7 data base who knowingly uses or alters information in the data base  
8 inconsistent with the performance of his or her duties is guilty of a  
9 class C felony, punishable under RCW 9A.20.021.

10        **Sec. 139.**    RCW 11.88.010 and 1991 c 289 s 1 are each amended to  
11 read as follows:

12        (1) The superior court of each county shall have power to appoint  
13 guardians for the persons and/or estates of incapacitated persons, and  
14 guardians for the estates of nonresidents of the state who have  
15 property in the county needing care and attention.

16        (a) For purposes of this chapter, a person may be deemed  
17 incapacitated as to person when the superior court determines the  
18 individual has a significant risk of personal harm based upon a  
19 demonstrated inability to adequately provide for nutrition, health,  
20 housing, or physical safety.

21        (b) For purposes of this chapter, a person may be deemed  
22 incapacitated as to the person's estate when the superior court  
23 determines the individual is at significant risk of financial harm  
24 based upon a demonstrated inability to adequately manage property or  
25 financial affairs.

26        (c) A determination of incapacity is a legal not a medical  
27 decision, based upon a demonstration of management insufficiencies over  
28 time in the area of person or estate. Age, eccentricity, poverty, or  
29 medical diagnosis alone shall not be sufficient to justify a finding of  
30 incapacity.

31        (d) A person may also be determined incapacitated if he or she is  
32 under the age of majority as defined in RCW 26.28.010.

33        (e) For purposes of giving informed consent for health care  
34 pursuant to RCW 7.70.050 and 7.70.065, an "incompetent" person is any  
35 person who is (i) incompetent by reason of mental illness,  
36 developmental disability, senility, habitual drunkenness, excessive use

1 of drugs, or other mental incapacity, of either managing his or her  
2 property or caring for himself or herself, or both, or (ii)  
3 incapacitated as defined in (a), (b), or (d) of this subsection.

4 (f) For purposes of the terms "incompetent," "disabled," or "not  
5 legally competent," as those terms are used in the Revised Code of  
6 Washington to apply to persons incapacitated under this chapter, those  
7 terms shall be interpreted to mean "incapacitated" persons for purposes  
8 of this chapter.

9 (2) The superior court for each county shall have power to appoint  
10 limited guardians for the persons and estates, or either thereof, of  
11 incapacitated persons, who by reason of their incapacity have need for  
12 protection and assistance, but who are capable of managing some of  
13 their personal and financial affairs. After considering all evidence  
14 presented as a result of such investigation, the court shall impose, by  
15 order, only such specific limitations and restrictions on an  
16 incapacitated person to be placed under a limited guardianship as the  
17 court finds necessary for such person's protection and assistance. A  
18 person shall not be presumed to be incapacitated nor shall a person  
19 lose any legal rights or suffer any legal disabilities as the result of  
20 being placed under a limited guardianship, except as to those rights  
21 and disabilities specifically set forth in the court order establishing  
22 such a limited guardianship. In addition, the court order shall state  
23 the period of time for which it shall be applicable.

24 (3) Venue for petitions for guardianship or limited guardianship  
25 shall lie in the county wherein the alleged incapacitated person is  
26 domiciled, or if such person resides in a facility supported in whole  
27 or in part by local, state, or federal funding sources, in either the  
28 county where the facility is located, the county of domicile prior to  
29 residence in the supported facility, or the county where a parent or  
30 spouse of the alleged incapacitated person is domiciled.

31 If the alleged incapacitated person's residency has changed within  
32 one year of the filing of the petition, any interested person may move  
33 for a change of venue for any proceedings seeking the appointment of a  
34 guardian or a limited guardian under this chapter to the county of the  
35 alleged incapacitated person's last place of residence of one year or  
36 more. The motion shall be granted when it appears to the court that  
37 such venue would be in the best interests of the alleged incapacitated



1 person and would promote more complete consideration of all relevant  
2 matters.

3 (4) Under RCW 11.94.010, a principal may nominate, by a durable  
4 power of attorney, the guardian or limited guardian of his or her  
5 estate or person for consideration by the court if guardianship  
6 proceedings for the principal's person or estate are thereafter  
7 commenced. The court shall make its appointment in accordance with the  
8 principal's most recent nomination in a durable power of attorney  
9 except for good cause or disqualification.

10 (5) When a court imposes a full guardianship for an incapacitated  
11 person, the person shall be considered incompetent for purposes of  
12 rationally exercising the right to vote and shall lose the right to  
13 vote, unless the court specifically finds that the person is rationally  
14 capable of exercising the franchise. Imposition of a limited  
15 guardianship for an incapacitated person shall not result in the loss  
16 of the right to vote unless the court determines that the person is  
17 incompetent for purposes of rationally exercising the franchise. When  
18 a court determines that the person is incompetent for the purpose of  
19 rationally exercising the right to vote, the court shall notify the  
20 appropriate county auditor.

21 NEW SECTION. Sec. 140. In developing the technical standards of  
22 data formats for transferring voter registration data, the secretary  
23 shall consult with the information services board. The board shall  
24 review and make recommendations regarding proposed technical standards  
25 prior to implementation.

26 **PART II**

27 **LOCAL GOVERNMENT GRANT PROGRAM**

28 NEW SECTION. Sec. 201. The secretary of state shall establish a  
29 competitive local government grant program to solicit and prioritize  
30 project proposals from county election offices. Potential projects  
31 proposals must be new projects designed to help the county election  
32 office comply with the requirements of the Help America Vote Act (P.L.  
33 107-252). Grant funds will not be allocated to fund existing statutory  
34 functions of local elections offices, and in order to be eligible for

1 a grant, local election offices must maintain an elections budget at or  
2 above the local elections budget by the effective date of this section.

3 NEW SECTION. **Sec. 202.** The secretary of state will administer the  
4 grant program and disburse funds from the election account established  
5 in the state treasury by the legislature in chapter 48, Laws of 2003.  
6 Only grant proposals from local government election offices will be  
7 reviewed. The secretary of state and any local government grant  
8 recipient shall enter into an agreement outlining the terms of the  
9 grant and a payment schedule. The payment schedule may allow the  
10 secretary of state to make payments directly to vendors contracted by  
11 the local government election office from Help America Vote Act (P.L.  
12 107-252) funds. The secretary of state shall adopt any rules necessary  
13 to facilitate this section.

14 NEW SECTION. **Sec. 203.** (1) The secretary of state shall create an  
15 advisory committee and adopt rules governing project eligibility,  
16 evaluation, awarding of grants, and other criteria for administering  
17 the local government grant program, which may include a preference for  
18 grants that include a match of local funds.

19 (2) The advisory committee shall review grant proposals and  
20 establish a prioritized list of projects to be considered for funding  
21 by the third Tuesday in May of each year beginning in 2004 and  
22 continuing as long as funds in the election account established by  
23 chapter 48, Laws of 2003 are available. The grant award may have an  
24 effective date other than the date the project is placed on the  
25 prioritized list, including money spent previously by the county that  
26 would qualify for reimbursement under the Help America Vote Act (P.L.  
27 107-252).

28 (3) Examples of projects that would be eligible for local  
29 government grant funding include, but are not limited to the following:

30 (a) Replacement or upgrade of voting equipment, including the  
31 replacement of punchcard voting systems;

32 (b) Purchase of additional voting equipment, including the purchase  
33 of equipment to meet the disability requirements of the Help America  
34 Vote Act (P.L. 107-252);

35 (c) Purchase of new election management system hardware and

1 software capable of integrating with the statewide voter registration  
2 system required by the Help America Vote Act (P.L. 107-252);

3 (d) Development and production of poll worker recruitment and  
4 training materials;

5 (e) Voter education programs;

6 (f) Publication of a local voters pamphlet;

7 (g) Toll-free access system to provide notice of the outcome of  
8 provisional ballots; and

9 (h) Training for local election officials.

10  
11

**PART III**  
**DISABILITY ACCESS VOTING**

12 NEW SECTION. **Sec. 301.** "Disability access voting location" means  
13 a location designated by the county auditor for the conduct of in-  
14 person disability access voting.

15 NEW SECTION. **Sec. 302.** "Disability access voting period" means  
16 the period of time starting twenty days before an election until one  
17 day before the election.

18 NEW SECTION. **Sec. 303.** "In-person disability access voting" means  
19 a procedure in which a voter may come in person to a disability access  
20 location and cast a ballot during the disability access voting period.

21 NEW SECTION. **Sec. 304.** At the discretion of the county auditor,  
22 in-person disability access voting may take place during the period  
23 starting twenty days before the day of a primary or election and ending  
24 the day before the election. The auditor shall maintain a system or  
25 systems to prevent multiple voting. The end of the disability access  
26 voting period in each county will be determined by the auditor's need  
27 and ability to print and distribute poll books to the polls in order to  
28 prevent multiple voting.

29 NEW SECTION. **Sec. 305.** The county auditor has sole discretion for  
30 determining locations within the county and operating hours for  
31 disability access voting locations.

1        NEW SECTION.    **Sec. 306.** In-person disability access voting must be  
2 conducted using disability access voting devices at locations that are  
3 acceptable and comply with federal and state access requirements.

4        NEW SECTION.    **Sec. 307.** No person may interfere with a voter in  
5 any way within the disability access voting location. This does not  
6 prevent the voter from receiving assistance in preparing his or her  
7 ballot as provided in this chapter.

8        NEW SECTION.    **Sec. 308.** (1) During posted disability access voting  
9 hours, no person may, within the voting location, or in any public area  
10 within three hundred feet of an entrance to the voting location:

11        (a) Suggest or persuade or attempt to suggest or persuade a voter  
12 to vote for or against a candidate or ballot measure;

13        (b) Circulate cards or handbills of any kind;

14        (c) Solicit signatures to any kind of petition; or

15        (d) Engage in a practice that interferes with the freedom of voters  
16 to exercise their franchise or disrupts the administration of the early  
17 voting location.

18        (2) No person may obstruct the doors or entries to a building  
19 containing the voting location or prevent free access to and from the  
20 voting location. Any sheriff, deputy sheriff, or municipal law  
21 enforcement officer shall prevent the obstruction, and may arrest a  
22 person creating such an obstruction.

23        (3) No person may:

24        (a) Except as provided in RCW 29A.44.050, remove a ballot from the  
25 disability access voting location before the closing of the polls; or

26        (b) Solicit a voter to show his or her ballot.

27        (4) No person other than a voting election official may receive  
28 from a voter a voted ballot or deliver a blank ballot to the voter.

29        (5) A violation of this section is a gross misdemeanor, punishable  
30 to the same extent as a gross misdemeanor that is punishable under RCW  
31 9A.20.021, and the person convicted may be ordered to pay the costs of  
32 prosecution.

33        NEW SECTION.    **Sec. 309.** A disability access voting election  
34 officer who does any electioneering during the voting period is guilty

1 of a misdemeanor, and upon conviction must be fined a sum not exceeding  
2 one hundred dollars and pay the costs of prosecution.

3 NEW SECTION. **Sec. 310.** A voter desiring to vote at a disability  
4 access voting site shall give his or her name to the voting election  
5 officer who has the precinct list of registered voters. This officer  
6 shall announce the name to the election officer who has the copy of the  
7 list of voters. If the right of this voter to participate in the  
8 primary or election is not challenged, the voter must be issued a  
9 ballot or permitted to enter a voting booth and operate a voting  
10 device. The number of the ballot or the voter must be recorded by the  
11 election officers. If the right of the voter to participate is  
12 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

13 NEW SECTION. **Sec. 311.** Disability access voting locations must  
14 remain open continuously until the time specified in the notice of  
15 disability access voting. At the time of closing, the election  
16 officers shall announce that the disability access voting location is  
17 closed.

18 NEW SECTION. **Sec. 312.** If at the time of closing the disability  
19 access voting location, there are voters in the location who have not  
20 voted, they must be allowed to vote after the location has been closed.

21 NEW SECTION. **Sec. 313.** Immediately after the daily close of the  
22 disability access voting location and the completion of voting, the  
23 election officers shall count the number of votes cast and make a  
24 record of any discrepancy between this number and the number of voters  
25 who signed the poll book for that day, complete the certifications in  
26 the poll book, prepare the ballots for transfer to the counting center  
27 if necessary, and seal the voting devices.

28 NEW SECTION. **Sec. 314.** (1) At the direction of the county  
29 auditor, a team or teams composed of a representative of at least two  
30 major political parties shall stop at disability access voting  
31 locations and pick up the sealed containers of ballots or electronic  
32 ballot media for delivery to the counting center. This process must  
33 occur daily at the closing hour for the voting location. Two election

1 officials, representing two major political parties, shall seal the  
2 containers furnished by the county auditor and properly identified with  
3 his or her address with uniquely prenumbered seals.

4 (2) At the counting center or the collection stations where the  
5 sealed ballot containers are delivered by the designated  
6 representatives of the major political parties, the county auditor or  
7 a designated representative of the county auditor shall receive the  
8 sealed ballot containers, record the time, date, voting location, and  
9 seal number of each ballot container.

10 **Sec. 315.** RCW 29A.16.010 and 2003 c 111 s 401 are each amended to  
11 read as follows:

12 The intent of this chapter is to require state and local election  
13 officials to designate and use polling places and disability access  
14 voting locations in all elections and permanent registration locations  
15 which are accessible to elderly and disabled persons. County auditors  
16 shall:

17 (1) Make modifications such as installation of temporary ramps or  
18 relocation of polling places within buildings, where appropriate;

19 (2) Designate new, accessible polling places to replace those that  
20 are inaccessible; and

21 (3) Continue to use polling places and voter registration locations  
22 which are accessible to elderly and disabled persons.

23 **Sec. 316.** RCW 29A.16.130 and 2003 c 111 s 409 are each amended to  
24 read as follows:

25 Each state agency and entity of local government shall permit the  
26 use of any of its buildings and the most suitable locations therein as  
27 polling places or disability access voting locations when required by  
28 a county auditor to provide accessible places in each precinct.

29 **Sec. 317.** RCW 29A.44.030 and 2003 c 111 s 1103 are each amended to  
30 read as follows:

31 Any voter may take into the voting booth or voting device any  
32 printed or written material to assist in casting his or her vote. The  
33 voter shall not use this material to electioneer and shall remove the  
34 material when he or she leaves the polls or the disability access  
35 voting location.

1           **Sec. 318.** RCW 29A.44.040 and 2003 c 111 s 1104 are each amended to  
2 read as follows:

3           No ballots may be used in any polling place or disability access  
4 voting location other than those prepared by the county auditor. No  
5 voter is entitled to vote more than once at a primary or a general or  
6 special election, except that if a voter incorrectly marks a ballot, he  
7 or she may return it and be issued a new ballot. The precinct election  
8 officers shall void the incorrectly marked ballot and return it to the  
9 county auditor.

10           **Sec. 319.** RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to  
11 read as follows:

12           On signing the precinct list of registered voters or being issued  
13 a ballot, the voter shall, without leaving the polling place or  
14 disability access location, proceed to one of the voting booths or  
15 voting devices to cast his or her vote. When county election  
16 procedures so provide, the election officers may tear off and retain  
17 the numbered stub from the ballot before delivering the ballot to the  
18 voter. If an election officer has not already done so, when the voter  
19 has finished, he or she shall either (1) remove the numbered stub from  
20 the ballot, place the ballot in the ballot box, and return the number  
21 to the ((precinct)) election officers, or (2) deliver the entire ballot  
22 to the ((precinct)) election officers, who shall remove the numbered  
23 stub from the ballot and place the ballot in the ballot box. If poll-  
24 site ballot counting devices are used, the voter shall put the ballot  
25 in the device.

26           **Sec. 320.** RCW 29A.44.350 and 2003 c 111 s 1133 are each amended to  
27 read as follows:

28           If a poll-site ballot counting device fails to operate at any time  
29 during polling hours or disability access voting hours, voting must  
30 continue, and the ballots must be deposited for later tabulation in a  
31 secure ballot compartment separate from the tabulated ballots.

32           NEW SECTION. **Sec. 321.** In developing technical standards for  
33 voting technology and systems to be accessible for individuals with  
34 disabilities, the secretary shall consult with the information services

1 board. The board shall review and make recommendations regarding  
2 proposed technical standards prior to implementation.

3 **PART IV**

4 **ADMINISTRATIVE COMPLAINT PROCEDURE**

5 NEW SECTION. **Sec. 401.** The state-based administrative complaint  
6 procedures required in the Help America Vote Act (P.L. 107-252) and  
7 detailed in administrative rule apply to all primary, general, and  
8 special elections administered under this title.

9 **PART V**

10 **PROVISIONAL BALLOT AFTER THE POLLS CLOSE**

11 NEW SECTION. **Sec. 501.** (1) An individual who votes in an election  
12 for federal office as a result of a federal or state court order or any  
13 other order extending the time for closing the polls, may vote in that  
14 election only by casting a provisional ballot. As to court orders  
15 extending the time for closing the polls, this section does not apply  
16 to any voters who were present in the polling place at the statutory  
17 closing time and as a result are permitted to vote under RCW  
18 29A.44.070. This section does not, by itself, authorize any court to  
19 order that any individual be permitted to vote or to extend the time  
20 for closing the polls, but this section is intended to comply with 42  
21 U.S.C. Sec. 15482(c) with regard to federal elections.

22 (2) Any ballot cast under subsection (1) of this section must be  
23 separated and held apart from other provisional ballots cast by those  
24 not affected by the order.

25 **PART VI**

26 **VOTING SYSTEM**

27 NEW SECTION. **Sec. 601.** As used in this chapter, "voting system"  
28 means:

29 (1) The total combination of mechanical, electromechanical, or  
30 electronic equipment including, but not limited to, the software,  
31 firmware, and documentation required to program, control, and support  
32 the equipment, that is used:



- 1 (a) To define ballots;
- 2 (b) To cast and count votes;
- 3 (c) To report or display election results from the voting system;
- 4 (d) To maintain and produce any audit trail information; and
- 5 (2) The practices and associated documentation used:
- 6 (a) To identify system components and versions of such components;
- 7 (b) To test the system during its development and maintenance;
- 8 (c) To maintain records of system errors and defects;
- 9 (d) To determine specific system changes to be made to a system
- 10 after the initial qualification of the system; and
- 11 (e) To make available any materials to the voter such as notices,
- 12 instructions, forms, or paper ballots.

13 **PART VII**

14 **CONFORMING AMENDMENTS, REPEALERS, AND EFFECTIVE DATES**

15 **Sec. 701.** RCW 29.33.305 and 2003 c 110 s 1 are each amended to

16 read as follows:

17 ~~((The secretary of state shall adopt rules and establish~~

18 ~~standards for voting technology and systems used by the state or any~~

19 ~~political subdivision to be accessible for individuals with~~

20 ~~disabilities, including nonvisual accessibility for the blind and~~

21 ~~visually impaired, in a manner that provides the same opportunity for~~

22 ~~access and participation, including privacy and independence, as other~~

23 ~~voters.~~

24 ~~(2))~~ At each polling location, at least one voting unit certified

25 by the secretary of state shall provide access to individuals who are

26 blind or visually impaired.

27 ~~((3))~~ (2) Compliance with this provision in regard to voting

28 technology and systems purchased prior to July 27, 2003, shall be

29 achieved at the time of procurement of an upgrade of technology

30 compatible with nonvisual voting methods or replacement of existing

31 voting equipment or systems.

32 ~~((4))~~ (3) Compliance with subsection ~~((s))~~ (2) ~~((and (3))~~ of this

33 section is contingent on available funds to implement this provision.

34 ~~((5))~~ (4) For purposes of this section, the following definitions

35 apply:

1 (a) "Accessible" includes receiving, using, selecting, and  
2 manipulating voter data and controls.

3 (b) "Nonvisual" includes synthesized speech, Braille, and other  
4 output methods.

5 (c) "Blind and visually impaired" excludes persons who are both  
6 deaf and blind.

7 (~~(6)~~) (5) This section does not apply to voting by absentee  
8 ballot.

9 **Sec. 702.** RCW 29A.04.610 and 2003 c 111 s 161 are each amended to  
10 read as follows:

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

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

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

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

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

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

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

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

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

18 (15) Voter registration applications and records;

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

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

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

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

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

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

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

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

1 (24) Procedures and forms for declarations of candidacy;  
2 (25) Procedures and requirements for the acceptance and filing of  
3 declarations of candidacy by electronic means;  
4 (26) Procedures for the circumstance in which two or more  
5 candidates have a name similar in sound or spelling so as to cause  
6 confusion for the voter;  
7 (27) Filing for office;  
8 (28) The order of positions and offices on a ballot;  
9 (29) Sample ballots;  
10 (30) Independent evaluations of voting systems;  
11 (31) The testing, approval, and certification of voting systems;  
12 (32) The testing of vote tallying software programming;  
13 (33) Standards and procedures to prevent fraud and to facilitate  
14 the accurate processing and canvassing of absentee ballots and mail  
15 ballots;  
16 (34) Standards and procedures to guarantee the secrecy of absentee  
17 ballots and mail ballots;  
18 (35) Uniformity among the counties of the state in the conduct of  
19 absentee voting and mail ballot elections;  
20 (36) Standards and procedures to accommodate out-of-state voters,  
21 overseas voters, and service voters;  
22 (37) The tabulation of paper ballots before the close of the polls;  
23 (38) The accessibility of polling places and registration  
24 facilities that are accessible to elderly and disabled persons;  
25 (39) The aggregation of precinct results if reporting the results  
26 of a single precinct could jeopardize the secrecy of a person's ballot;  
27 (40) Procedures for conducting a statutory recount;  
28 (41) Procedures for filling vacancies in congressional offices if  
29 the general statutory time requirements for availability of absentee  
30 ballots, certification, canvassing, and related procedures cannot be  
31 met;  
32 (42) Procedures for the statistical sampling of signatures for  
33 purposes of verifying and canvassing signatures on initiative,  
34 referendum, and recall election petitions;  
35 (43) Standards and deadlines for submitting material to the office  
36 of the secretary of state for the voters' pamphlet;  
37 (44) Deadlines for the filing of ballot titles for referendum bills

1 and constitutional amendments if none have been provided by the  
2 legislature;

3 (45) Procedures for the publication of a state voters' pamphlet;  
4 (~~and~~)

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

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

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

18 (49) All data formats for transferring voter registration data on  
19 electronic or machine-readable media for the purpose of administering  
20 the statewide voter registration list required by the Help America Vote  
21 Act (P.L. 107-252);

22 (50) Defining the interaction of electronic voter registration  
23 election management systems employed by each county auditor to maintain  
24 a local copy of each county's portion of the official state list of  
25 registered voters;

26 (51) Provisions and procedures to implement the state based  
27 administrative complaint procedure as required by the Help America Vote  
28 Act (P.L. 107-252); and

29 (52) Facilitating the payment of local government grants to local  
30 government election officers or vendors.

31 NEW SECTION. Sec. 703. The following acts or parts of acts are  
32 each repealed:

33 (1) RCW 29A.04.181 (Voting system, device, tallying system) and  
34 2003 c 111 s 131;

35 (2) RCW 29A.08.530 (Weekly report of cancellations and name  
36 changes) and 2003 c 111 s 234, 1999 c 298 s 8, 1994 c 57 s 43, 1971  
37 ex.s. c 202 s 31, & 1965 c 9 s 29.10.100;

1 (3) RCW 29A.08.645 (Electronic file format) and 2003 c 111 s 244 &  
2 1999 c 100 s 5; and  
3 (4) RCW 29A.08.650 (Voter registration data base) and 2003 c 111 s  
4 245 & 2002 c 21 s 2.

5 NEW SECTION. **Sec. 704.** RCW 29A.08.750 (Computer file of  
6 registered voters--County records to secretary of state--Reimbursement)  
7 and 2003 c 111 s 250 are each repealed.

8 NEW SECTION. **Sec. 705.** (1) Sections 101, 106, 125, 136, 137, and  
9 140 of this act are each added to chapter 29A.08 RCW.  
10 (2) Sections 201 through 203, 401, and 501 of this act are each  
11 added to chapter 29A.04 RCW.  
12 (3) Sections 138 and 309 of this act are each added to chapter  
13 29A.84 RCW.  
14 (4) Sections 321 and 601 of this act are each added to chapter  
15 29A.12 RCW.

16 NEW SECTION. **Sec. 706.** Sections 301 through 308 and 310 through  
17 314 of this act constitute a new chapter in Title 29A RCW.

18 NEW SECTION. **Sec. 707.** (1) Sections 103, 104, and 115 through 118  
19 of this act are necessary for the immediate preservation of the public  
20 peace, health, or safety, or support of the state government and its  
21 existing public institutions, and take effect immediately.  
22 (2) Sections 119, 140, 201 through 203, 321, 401, 501, and 702 of  
23 this act take effect July 1, 2004.  
24 (3) Sections 301 through 320 of this act take effect January 1,  
25 2005.  
26 (4) Sections 101, 102, 105 through 114, 120 through 139, 601, 701,  
27 and 704 of this act take effect January 1, 2006.

28 NEW SECTION. **Sec. 708.** Part headings used in this act are not any  
29 part of the law.

Passed by the Senate March 8, 2004.

Passed by the House March 3, 2004.

Approved by the Governor March 31, 2004.

Filed in Office of Secretary of State March 31, 2004.