

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5743

Chapter 246, Laws of 2005

59th Legislature
2005 Regular Session

ELECTIONS--VOTER REGISTRATION

EFFECTIVE DATE: 1/01/06

Passed by the Senate April 23, 2005
YEAS 30 NAYS 18

BRAD OWEN

President of the Senate

Passed by the House April 22, 2005
YEAS 97 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 3, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5743** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 3, 2005 - 3:49 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5743

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Fairley, Benson, Berkey, Haugen, McAuliffe, Shin, Parlette, Keiser, Mulliken and Rockefeller; by request of Secretary of State)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to voter registration procedures; amending RCW
2 29A.08.010, 29A.08.030, 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125,
3 29A.08.145, 29A.08.210, 29A.08.250, 29A.08.330, 29A.08.520, 29A.08.651,
4 29A.08.710, 29A.08.720, 29A.08.775, 29A.40.091, 29A.84.140, 46.20.118,
5 and 46.20.155; reenacting and amending RCW 29A.08.740; adding a new
6 section to chapter 10.64 RCW; adding new sections to chapter 29A.08
7 RCW; repealing RCW 29A.08.155 and 29A.08.730; and providing an
8 effective date.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.64 RCW
11 to read as follows:

12 When a person is convicted of a felony, the court shall require the
13 defendant to sign a statement acknowledging that:

14 (1) The defendant's right to vote has been lost due to the felony
15 conviction;

16 (2) If the defendant is registered to vote, the voter registration
17 will be canceled;

18 (3) The right to vote may be restored by:

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

3 (b) A court order issued by the sentencing court restoring the
4 right, as provided in RCW 9.92.066;

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

7 (d) A certificate of restoration issued by the governor, as
8 provided in RCW 9.96.020; and

9 (4) Voting before the right is restored is a class C felony under
10 RCW 29A.84.660.

11 **Sec. 2.** RCW 29A.08.010 and 2004 c 267 s 102 are each amended to
12 read as follows:

13 As used in this chapter: "Information required for voter
14 registration" means the minimum information provided on a voter
15 registration application that is required by the county auditor in
16 order to place a voter registration applicant on the voter registration
17 rolls. This information includes (~~the applicant's~~):

18 (1) Name(~~, complete residence~~);

19 (2) Residential address(~~)~~;

20 (3) Date of birth(~~)~~;

21 (4) Washington state driver's license number(~~)~~ or Washington
22 state identification card number, or the last four digits of the
23 applicant's Social Security number(~~)~~ if the applicant does not have
24 a Washington state driver's license or Washington state identification
25 card;

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

28 (6) A check or indication in the box confirming the individual is
29 a United States citizen.

30 If the individual does not have a driver's license, state
31 identification card, or Social Security number, the registrant must be
32 issued a unique voter registration number (~~and~~) in order to be placed
33 on the voter registration rolls. All other information supplied is
34 ancillary and not to be used as grounds for not registering an
35 applicant to vote. Modification of the language of the official
36 Washington state voter registration form by the voter will not be
37 accepted and will cause the rejection of the registrant's application.

1 **Sec. 3.** RCW 29A.08.030 and 2004 c 267 s 104 are each amended to
2 read as follows:

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

5 (1) "Verification notice" means a notice sent by the county auditor
6 or secretary of state to a voter registration applicant and is used to
7 verify or collect information about the applicant in order to complete
8 the registration. The verification notice must be designed to include
9 a postage prepaid, preaddressed return form by which the applicant may
10 verify or send information.

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

17 (3) "Confirmation notice" means a notice sent to a registered voter
18 by first class forwardable mail at the address indicated on the voter's
19 permanent registration record and to any other address at which the
20 county auditor or secretary of state could reasonably expect mail to be
21 received by the voter in order to confirm the voter's residence
22 address. The confirmation notice must be designed (~~so that the voter~~
23 ~~may update his or her current residence address~~) to include a postage
24 prepaid, preaddressed return form by which the registrant may verify
25 the address information.

26 **Sec. 4.** RCW 29A.08.107 and 2004 c 267 s 106 are each amended to
27 read as follows:

28 (1) The secretary of state must review the information provided by
29 each voter registration applicant to ensure that (~~either~~) the
30 provided driver's license number, state identification card number, or
31 (~~the~~) last four digits of the Social Security number match the
32 information maintained by the Washington department of licensing or the
33 Social Security administration. If a match cannot be made, the
34 secretary of state or county auditor must correspond with the applicant
35 to resolve the discrepancy.

36 (2) If the applicant fails to respond to any correspondence
37 required in this section to confirm information provided on a voter

1 registration application(~~(7)~~) within (~~(thirty)~~) forty-five days, the
2 applicant will not be registered to vote. The secretary of state shall
3 forward the application to the appropriate county auditor for document
4 storage.

5 (3) Only after the secretary of state has confirmed that (~~an~~
6 ~~applicant's~~) the provided driver's license number, state
7 identification card number, or (~~the~~) last four digits of the
8 applicant's Social Security number match existing records with the
9 Washington department of licensing or the Social Security
10 administration, or determined that the applicant does not have
11 (~~either~~) a driver's license number, state identification card number,
12 or Social Security number may the applicant be placed on the official
13 list of registered voters.

14 (4) In order to prevent duplicate registration records, all
15 complete voter registration applications must be screened against
16 existing voter registration records in the official statewide voter
17 registration list. If a match of an existing record is found in the
18 official list, the record must be updated with the new information
19 provided on the application. If the new information indicates that the
20 voter has changed his or her county of residence, the application must
21 be forwarded to the voter's new county of residence for processing.

22 **Sec. 5.** RCW 29A.08.110 and 2004 c 267 s 107 are each amended to
23 read as follows:

24 (1) (~~On receipt of an application for voter registration, the~~
25 ~~county auditor shall review the application to determine whether the~~
26 ~~information supplied is complete.)) An application is considered
27 complete only if it contains the applicant's name, complete valid
28 residence address, date of birth, (~~and~~) signature attesting to the
29 truth of the information provided, a mark in the check-off box
30 confirming United States citizenship, and an indication (~~the license~~
31 ~~information)) that the provided driver's license number, state
32 identification card number, or Social Security number has been
33 confirmed by the secretary of state. If it is not complete, the
34 auditor shall promptly mail a verification notice of the deficiency to
35 the applicant. This verification notice shall require the applicant to
36 provide the missing information. If the verification notice is not
37 returned by the applicant within forty-five days or is returned as~~~~

1 undeliverable (~~the auditor shall not place~~), the name of the
2 applicant shall not be placed on the (~~county voter~~) official list of
3 registered voters. If the applicant provides the required verified
4 information, the applicant shall be registered to vote as of the
5 original date of mailing (~~of the original voter registration~~
6 ~~application~~) or date of delivery, whichever is applicable.

7 (2) (~~In order to prevent duplicate registration records, all~~
8 ~~complete voter registration applications must be screened against~~
9 ~~existing voter registration records in the official statewide voter~~
10 ~~registration list. If a match of an existing record is found in the~~
11 ~~official list the record must be updated with the new information~~
12 ~~provided on the application. If the new information indicates that the~~
13 ~~voter has changed his or her county of residence, the application must~~
14 ~~be forwarded to the voter's new county of residence for processing. If~~
15 ~~the new information indicates that the voter remains in the same county~~
16 ~~of residence or if the applicant is a new voter the application must be~~
17 ~~processed by the county of residence.~~

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

36 (4)) (3) If an acknowledgement notice card is properly mailed as
37 required by this section to the address listed by the voter as being
38 the voter's mailing address and the notice is subsequently returned to

1 the auditor by the postal service as being undeliverable to the voter
2 at that address, the auditor shall promptly send the voter a
3 confirmation notice. The auditor shall place the voter's registration
4 on inactive status pending a response from the voter to the
5 confirmation notice.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.08 RCW
7 to read as follows:

8 No person registering to vote, who meets all the qualifications of
9 a registered voter in the state of Washington, shall be disqualified
10 because of a nontraditional address being used as a residence address.
11 Voters using such an address will be registered and assigned to a
12 precinct based on the location provided. Voters without a traditional
13 address will be registered at the county courthouse, city hall, or
14 other public building near the area that the voter considers his or her
15 residence. Registering at a nontraditional address will not disqualify
16 a voter from requesting ongoing absentee voter status if the voter
17 designates a valid mailing address.

18 For the purposes of this section, "nontraditional address" includes
19 shelters, parks, or other identifiable locations that the voter deems
20 to be his or her residence.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.08 RCW
22 to read as follows:

23 (1) If a voter who registered by mail indicates on the voter
24 registration form that he or she does not have a Washington state
25 driver's license, Washington state identification card, or Social
26 Security number, he or she must provide one of the following forms of
27 identification the first time he or she votes after registering:

- 28 (a) Valid photo identification;
- 29 (b) A valid enrollment card of a federally recognized Indian tribe
30 in Washington state;
- 31 (c) A copy of a current utility bill;
- 32 (d) A current bank statement;
- 33 (e) A copy of a current government check;
- 34 (f) A copy of a current paycheck; or
- 35 (g) A government document that shows both the name and address of
36 the voter.

1 (2) If the voter fails to provide one of the above forms of
2 identification prior to or at the time of voting, the ballot must be
3 treated as a provisional ballot regardless of whether the voter is
4 voting at a poll site or by mail. The ballot may only be counted if
5 the voter's signature on the outside envelope matches the signature in
6 the voter registration records.

7 (3) The requirements of this section do not apply to an out-of-
8 state, overseas, or service voter who registers to vote by signing the
9 return envelope of the absentee ballot.

10 **Sec. 8.** RCW 29A.08.115 and 2004 c 267 s 108 are each amended to
11 read as follows:

12 A person or organization collecting voter registration application
13 forms must transmit the forms to the secretary of state or a
14 ((designee)) county auditor at least once weekly. The registration
15 date on such forms will be the date they are received by the secretary
16 of state or county auditor.

17 **Sec. 9.** RCW 29A.08.125 and 2004 c 267 s 110 are each amended to
18 read as follows:

19 (1) Each county auditor shall maintain a computer file containing
20 a copy of each record of all registered voters within the county
21 contained on the official statewide voter registration list for that
22 county.

23 (2) The secretary of state shall at least quarterly review and
24 update the records of all registered voters on the official statewide
25 voter registration data base to make additions and corrections.

26 (3) The computer file must include, but not be limited to, each
27 voter's last name, first name, middle initial, date of birth, residence
28 address, gender, date of registration, applicable taxing district and
29 precinct codes, and the last date on which the individual voted.

30 (4) The county auditor shall subsequently record each consecutive
31 date upon which the individual has voted and retain all such
32 consecutive dates.

33 **Sec. 10.** RCW 29A.08.145 and 2004 c 267 s 113 are each amended to
34 read as follows:

35 This section establishes a special procedure which an elector may

1 use to register to vote or transfer a voter registration by changing
2 his or her address during the period beginning after the closing of
3 registration for voting at the polls under RCW 29A.08.140 and ending on
4 the fifteenth day before a primary, special election, or general
5 election. A qualified elector in the state may register to vote or
6 change his or her registration address in person in the office of the
7 county auditor of the county in which the applicant resides, or at a
8 voter registration location specifically designated for this purpose by
9 the county auditor (~~(of the county in which the applicant resides)~~) or
10 secretary of state, and apply for an absentee ballot for that primary
11 or election. The auditor or registration assistant shall register that
12 individual in the manner provided in this chapter. The application for
13 an absentee ballot executed by the newly registered or transferred
14 voter for the primary or election that follows the execution of the
15 registration shall be promptly transmitted to the auditor with the
16 completed voter registration form.

17 **Sec. 11.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to
18 read as follows:

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

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

24 (2) The applicant's full name;

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

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

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

29 (6) The sex of the applicant;

30 (7) The applicant's Washington state driver's license number or
31 Washington state identification card number, or the last four digits of
32 the applicant's Social Security number if he or she does not have a
33 Washington state driver's license or Washington state identification
34 card;

35 (8) A check box for the applicant to indicate that he or she does
36 not have a Washington state driver's license, Washington state
37 identification card, or Social Security number;

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

4 (10) A check box allowing the applicant to confirm that he or she
5 is at least eighteen years of age;

6 (11) Clear and conspicuous language, designed to draw the
7 applicant's attention, stating that the applicant must be a United
8 States citizen in order to register to vote;

9 (12) A check box and declaration confirming that the applicant is
10 a citizen of the United States;

11 ~~((+8))~~ (13) The following warning:

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

17 (14) The following affirmation by the applicant:

18 "By signing this document, I hereby assert, under penalty of
19 perjury, that I am legally eligible to vote. If I am found to have
20 voted illegally, I may be prosecuted and/or fined for this illegal act.
21 In addition, I hereby acknowledge that my name and last known address
22 will be forwarded to the appropriate state and/or federal authorities
23 if I am found to have voted illegally."

24 (15) The oath required by RCW 29A.08.230 and a space for the
25 applicant's signature; and

26 ~~((+9))~~ (16) Any other information that the secretary of state
27 determines is necessary to establish the identity of the applicant and
28 prevent duplicate or fraudulent voter registrations.

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

31 If the applicant fails to provide the information required for
32 voter registration, the auditor shall send the applicant a verification
33 notice. ~~The ((auditor shall not register the))~~ applicant may not be
34 registered until the required information is provided. If a
35 verification notice is returned as undeliverable or the applicant fails
36 to respond to the notice within forty-five days, ~~the ((auditor shall~~
37 ~~not register the))~~ applicant shall not be registered to vote.

1 ~~((The following warning shall appear in a conspicuous place on the~~
2 ~~voter registration form:~~

3 ~~"If you knowingly provide false information on this voter~~
4 ~~registration form or knowingly make a false declaration about your~~
5 ~~qualifications for voter registration you will have committed a class~~
6 ~~C felony that is punishable by imprisonment for up to five years, or by~~
7 ~~a fine of up to ten thousand dollars, or both imprisonment and fine."))~~

8 NEW SECTION. **Sec. 12.** A new section is added to chapter 29A.08
9 RCW to read as follows:

10 (1) When a felony offender has completed all the requirements of
11 his or her sentence, the county clerk shall immediately transmit this
12 information to the secretary of state along with information about the
13 county where the conviction occurred and the county that is the last
14 known residence of the offender. The secretary of state shall maintain
15 such records as part of the elections data base.

16 (2) If the offender has completed all the requirements of all of
17 his or her sentences for all of his or her felony convictions, the
18 secretary of state shall transmit information about the restoration of
19 the former felon's voting rights to the county auditor where the
20 conviction took place and, if different, the county where the felon was
21 last known to reside.

22 **Sec. 13.** RCW 29A.08.250 and 2004 c 267 s 117 are each amended to
23 read as follows:

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

1 **Sec. 14.** RCW 29A.08.330 and 2003 c 111 s 224 are each amended to
2 read as follows:

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

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

17 (3) The person providing service at the agency shall determine if
18 the prospective applicant wants to register to vote or transfer his or
19 her voter registration by asking the following question:

20 "Do you want to register to vote or transfer your voter
21 registration?"

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

24 (a) "Are you a United States citizen?"

25 (b) "Are you or will you be eighteen years of age on or before the
26 next election?"

27 If the applicant answers in the affirmative to both questions, the
28 agent shall then provide the applicant with a voter registration form
29 and instructions and shall record that the applicant has requested to
30 register to vote or transfer a voter registration. If the applicant
31 answers in the negative to either question, the agent shall not provide
32 the applicant with a voter registration form.

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

1 ~~((4))~~ (5) Each designated agency shall provide for the voter
2 registration application forms to be collected from each agency office
3 at least once each week. The agency shall then forward the application
4 forms to the secretary of state each week. The secretary of state
5 shall forward the forms 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 received by the secretary of state.

8 **Sec. 15.** RCW 29A.08.520 and 2004 c 267 s 126 are each amended to
9 read as follows:

10 (1) Upon receiving official notice of a person's conviction of a
11 felony in either state or federal court, if the convicted person is a
12 registered voter in the county, the county auditor shall cancel the
13 defendant's voter registration. Additionally, the secretary of state
14 in conjunction with the department of corrections, the Washington state
15 patrol, the office of the administrator for the courts, and other
16 appropriate state agencies shall arrange for a ~~((periodic))~~ quarterly
17 comparison of a list of known felons with the statewide voter
18 registration list. If a person is found on ~~((the department of~~
19 ~~corrections))~~ a felon list and the statewide voter registration list,
20 the secretary of state or county auditor shall confirm the match
21 through a date of birth comparison and ~~((cancel))~~ suspend the voter
22 registration from the official state voter registration list. The
23 canceling authority shall send ~~((notice of the proposed cancellation))~~
24 to the person at his or her last known voter registration address a
25 notice of the proposed cancellation and an explanation of the
26 requirements for restoring the right to vote once all terms of
27 sentencing have been completed. If the person does not respond within
28 thirty days, the registration must be canceled.

29 (2) The right to vote may be restored by, for each felony
30 conviction, one of the following:

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

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

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

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

1 **Sec. 16.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended to
2 read as follows:

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

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

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

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

17 (5) The computerized list must be coordinated with other agency
18 data bases within the state, including but not limited to the
19 department of corrections, the department of licensing, ~~((and))~~ the
20 department of health, the Washington state patrol, and the office of
21 the administrator for the courts. The computerized list may also be
22 coordinated with the data bases of election officials in other states.

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

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

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

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

35 (10) The secretary of state has data authority on all voter
36 registration data.

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

1 (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);
2 (b) Identify duplicate voter registrations;
3 (c) Identify suspected duplicate voters;
4 (d) Screen against the department of corrections, the Washington
5 state patrol, and other appropriate state agency data bases to aid in
6 the cancellation of voter registration of felons, of persons who have
7 declined to serve on juries by virtue of not being citizens of the
8 United States, and of persons determined to be legally incompetent to
9 vote;

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

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

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

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

19 (12) In order to maintain the statewide voter registration data
20 base, the secretary of state may, upon agreement with other appropriate
21 jurisdictions, screen against data bases maintained by election
22 officials in other states and data bases maintained by federal agencies
23 including, but not limited to, the federal bureau of investigation, the
24 federal court system, the federal bureau of prisons, and the bureau of
25 citizenship and immigration services.

26 (13) The secretary of state shall retain information regarding
27 previous successful appeals of proposed cancellations of registrations
28 in order to avoid repeated cancellations for the same reason.

29 (14) The secretary of state must review and update the records of
30 all registered voters on the computerized list on a quarterly basis to
31 make additions and corrections.

32 **Sec. 17.** RCW 29A.08.710 and 2004 c 267 s 133 are each amended to
33 read as follows:

34 (1) The county auditor shall have custody of the original voter
35 registration records for each county. The original voter registration
36 form must be filed without regard to precinct and is considered
37 confidential and unavailable for public inspection and copying. An

1 automated file of all registered voters must be maintained pursuant to
2 RCW 29A.08.125. An auditor may maintain the automated file in lieu of
3 filing or maintaining the original voter registration forms if the
4 automated file includes all of the information from the original voter
5 registration forms including, but not limited to, a retrievable
6 facsimile of each voter's signature.

7 (2) The following information contained in voter registration
8 records or files regarding a voter or a group of voters is available
9 for public inspection and copying, except as provided in RCW 40.24.060:
10 The voter's name, address, political jurisdiction, gender, date of
11 birth, voting record, date of registration, and registration number.
12 (~~The address and political jurisdiction of a registered voter are~~
13 ~~available for public inspection and copying except as provided by~~
14 ~~chapter 40.24 RCW.~~) No other information from voter registration
15 records or files is available for public inspection or copying.

16 **Sec. 18.** RCW 29A.08.720 and 2004 c 266 s 9 are each amended to
17 read as follows:

18 (1) In the case of voter registration records received through the
19 department of licensing, the identity of the office at which any
20 particular individual registered to vote is not available for public
21 inspection and shall not be disclosed to the public. In the case of
22 voter registration records received through an agency designated under
23 RCW 29A.08.310, the identity of the agency at which any particular
24 individual registered to vote is not available for public inspection
25 and shall not be disclosed to the public. Any record of a particular
26 individual's choice not to register to vote at an office of the
27 department of licensing or a state agency designated under RCW
28 29A.08.310 is not available for public inspection and any information
29 regarding such a choice by a particular individual shall not be
30 disclosed to the public.

31 (2) (~~All~~) Subject to the restrictions of RCW 29A.08.710, poll
32 books (~~or~~), precinct lists, and current lists of registered voters (~~or~~
33 ~~except original voter registration forms or their images, shall be~~)
34 are public records and must be made available for public inspection and
35 copying under such reasonable rules and regulations as the county
36 auditor or secretary of state may prescribe. The county auditor or
37 secretary of state shall promptly furnish current lists (~~or mailing~~

1 ~~labels~~) of registered voters in his or her possession, at actual
2 reproduction cost, to any person requesting such information. The
3 lists (~~and labels~~) shall not be used for the purpose of mailing or
4 delivering any advertisement or offer for any property, establishment,
5 organization, product, or service or for the purpose of mailing or
6 delivering any solicitation for money, services, or anything of value.
7 However, the lists and labels may be used for any political purpose.
8 The county auditor or secretary of state must provide a copy of RCW
9 29A.08.740 to the person requesting the material that is released under
10 this section.

11 **Sec. 19.** RCW 29A.08.740 and 2003 c 111 s 249 and 2003 c 53 s 176
12 are each reenacted and amended to read as follows:

13 (1) Any person who uses registered voter data furnished under RCW
14 29A.08.720 (~~or 29A.08.730~~) for the purpose of mailing or delivering
15 any advertisement or offer for any property, establishment,
16 organization, product, or service or for the purpose of mailing or
17 delivering any solicitation for money, services, or anything of value
18 is guilty of a class C felony punishable by imprisonment in a state
19 correctional facility for a period of not more than five years or a
20 fine of not more than ten thousand dollars or both such fine and
21 imprisonment, and is liable to each person provided such advertisement
22 or solicitation, without the person's consent, for the nuisance value
23 of such person having to dispose of it, which value is herein
24 established at five dollars for each item mailed or delivered to the
25 person's residence. However, a person who mails or delivers any
26 advertisement, offer, or solicitation for a political purpose is not
27 liable under this section unless the person is liable under subsection
28 (2) of this section. For purposes of this subsection, two or more
29 attached papers or sheets or two or more papers that are enclosed in
30 the same envelope or container or are folded together are one item.
31 Merely having a mailbox or other receptacle for mail on or near the
32 person's residence is not an indication that the person consented to
33 receive the advertisement or solicitation. A class action may be
34 brought to recover damages under this section, and the court may award
35 a reasonable attorney's fee to any party recovering damages under this
36 section.

1 (2) Each person furnished data under RCW 29A.08.720 (~~or~~
2 ~~29A.08.730~~) shall take reasonable precautions designed to assure that
3 the data is not used for the purpose of mailing or delivering any
4 advertisement or offer for any property, establishment, organization,
5 product, or service or for the purpose of mailing or delivering any
6 solicitation for money, services, or anything of value. However, the
7 data may be used for any political purpose. Where failure to exercise
8 due care in carrying out this responsibility results in the data being
9 used for such purposes, then such person is jointly and severally
10 liable for damages under subsection (1) of this section along with any
11 other person liable under subsection (1) of this section for the misuse
12 of such data.

13 **Sec. 20.** RCW 29A.08.775 and 2004 c 267 s 136 are each amended to
14 read as follows:

15 Only voters who appear on the official statewide voter registration
16 list are eligible to participate in elections. Each county shall
17 maintain a copy of that county's portion of the state list. The county
18 must ensure that data used for the production of poll lists and other
19 lists and mailings done in the administration of each election are
20 (~~drawn from~~) the same as the official statewide voter registration
21 list.

22 **Sec. 21.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
23 read as follows:

24 The county auditor shall send each absentee voter a ballot, a
25 security envelope in which to seal the ballot after voting, a larger
26 envelope in which to return the security envelope, and instructions on
27 how to mark the ballot and how to return it to the county auditor. The
28 instructions that accompany an absentee ballot for a partisan primary
29 must include instructions for voting the applicable ballot style, as
30 provided in chapter 29A.36 RCW. The absentee voter's name and address
31 must be printed on the larger return envelope, which must also contain
32 a declaration by the absentee voter reciting his or her qualifications
33 and stating that he or she has not voted in any other jurisdiction at
34 this election, together with a summary of the penalties for any
35 violation of any of the provisions of this chapter. The declaration
36 must clearly inform the voter that it is illegal to vote if he or she

1 is not a United States citizen; it is illegal to vote if he or she has
2 been convicted of a felony and has not had his or her voting rights
3 restored; and, except as otherwise provided by law, it is illegal to
4 cast a ballot or sign an absentee envelope on behalf of another voter.
5 The return envelope must provide space for the voter to indicate the
6 date on which the ballot was voted and for the voter to sign the oath.
7 It must also contain a space so that the voter may include a telephone
8 number. A summary of the applicable penalty provisions of this chapter
9 must be printed on the return envelope immediately adjacent to the
10 space for the voter's signature. The signature of the voter on the
11 return envelope must affirm and attest to the statements regarding the
12 qualifications of that voter and to the validity of the ballot. The
13 return envelope must also have a secrecy flap that the voter may seal
14 that will cover the voter's signature and optional telephone number.
15 For out-of-state voters, overseas voters, and service voters, the
16 signed declaration on the return envelope constitutes the equivalent of
17 a voter registration for the election or primary for which the ballot
18 has been issued. The voter must be instructed to either return the
19 ballot to the county auditor by whom it was issued or attach sufficient
20 first class postage, if applicable, and mail the ballot to the
21 appropriate county auditor no later than the day of the election or
22 primary for which the ballot was issued.

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

32 **Sec. 22.** RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to
33 read as follows:

34 A person who knows that he or she does not possess the legal
35 qualifications of a voter and who registers to vote is guilty of a
36 (~~(misdemeanor punishable under RCW 9A.20.021)~~) class C felony.

1 **Sec. 23.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to
2 read as follows:

3 The department shall maintain a negative file. It shall contain
4 negatives of all pictures taken by the department of licensing as
5 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file
6 shall not be available for public inspection and copying under chapter
7 42.17 RCW. The department may make the file available to official
8 governmental enforcement agencies to assist in the investigation by the
9 agencies of suspected criminal activity. The department shall make the
10 file available to the office of the secretary of state, at the expense
11 of the secretary of state, to assist in maintenance of the statewide
12 voter registration data base. The department may also provide a print
13 to the driver's next of kin in the event the driver is deceased.

14 **Sec. 24.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to read
15 as follows:

16 (1) Before issuing an original license or identicard or renewing a
17 license or identicard under this chapter, the licensing agent shall
18 determine if the applicant wants to register to vote or transfer his or
19 her voter registration by asking the following question:

20 "Do you want to register to vote or transfer your voter
21 registration?"

22 If the applicant chooses to register or transfer a registration,
23 the agent shall ((state)) ask the following:

24 (~~("I would like to remind you that you must be a United States~~
25 ~~citizen and at least eighteen years of age in order to vote.")~~)

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

27 (2) "Are you or will you be eighteen years of age on or before the
28 next election?"

29 If the applicant answers in the affirmative to both questions, the
30 agent shall then provide the applicant with a voter registration form
31 and instructions and shall record that the applicant has requested to
32 register to vote or transfer a voter registration. If the applicant
33 answers in the negative to either question, the agent shall not provide
34 the applicant with a voter registration form.

35 (2) The department shall establish a procedure that substantially

1 meets the requirements of subsection (1) of this section when
2 permitting an applicant to renew a license or identicard by mail or by
3 electronic commerce.

4 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 29A.08.155 (Payment for maintenance of electronic records)
7 and 2004 c 267 s 114 & 2003 c 111 s 215; and

8 (2) RCW 29A.08.730 (Registration, voting--Furnishing data upon
9 request--Cost--Use restricted) and 2003 c 111 s 248, 1994 c 57 s 6, &
10 1973 1st ex.s. c 111 s 3.

11 NEW SECTION. **Sec. 26.** This act takes effect January 1, 2006.

Passed by the Senate April 23, 2005.

Passed by the House April 22, 2005.

Approved by the Governor May 3, 2005.

Filed in Office of Secretary of State May 3, 2005.