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HOUSE BILL 1292

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Walsh, Dolan, Gregerson, and Goehner

Read first time 01/18/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to deadlines for receipt of voter registrations  
2 by election officials; amending RCW 29A.08.020, 29A.08.140,  
3 29A.08.330, and 29A.08.359; reenacting and amending RCW 29A.08.110  
4 and 29A.08.410; and adding a new section to chapter 29A.04 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.04  
7 RCW to read as follows:

8 "Election official" when pertaining to voter registration  
9 includes any staff member of the office of the secretary of state or  
10 a staff member of the county auditor's office.

11 **Sec. 2.** RCW 29A.08.020 and 2013 c 11 s 12 are each amended to  
12 read as follows:

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

15 (1) "By mail" means delivery of a completed original voter  
16 registration application by mail to a county auditor or the office of  
17 the secretary of state.

18 (2) For voter registration applicants, (~~"date of mailing" means~~  
19 ~~the date of the postal cancellation on the voter registration~~  
20 ~~application. This date will also be used as the date of application~~

1 ~~for the purpose of)) the date the voter registration application is~~  
2 ~~received by an election official will be used as the registration~~  
3 ~~date for the purpose of registering and meeting the registration~~  
4 ~~cutoff deadline. ((If the postal cancellation date is illegible then~~  
5 ~~the date of receipt by the elections official is considered the date~~  
6 ~~of application. If an application is received by a county auditor or~~  
7 ~~the office of the secretary of state by the close of business on the~~  
8 ~~fifth day after the cutoff date for voter registration and the postal~~  
9 ~~cancellation date is illegible, the application will be considered to~~  
10 ~~have arrived by the cutoff date for voter registration.))~~

11 **Sec. 3.** RCW 29A.08.140 and 2018 c 112 s 1 are each amended to  
12 read as follows:

13 (1) In order to vote in any primary, special election, or general  
14 election, a person who is not registered to vote in Washington must:

15 (a) Submit a registration application that is received by an  
16 election official no later than eight days before the day of the  
17 primary, special election, or general election. For purposes of this  
18 subsection (1)(a), "received" means being physically received by an  
19 election official by the close of business or, for applications  
20 received online or electronically, by midnight, of the required  
21 deadline; or

22 (b) Register in person at the county auditor's office, the  
23 division of elections if in a separate city from the county auditor's  
24 office, a voting center, or other location designated by the county  
25 auditor in his or her county of residence no later than 8:00 p.m. on  
26 the day of the primary, special election, or general election.

27 (2) In order to change a residence address for voting in any  
28 primary, special election, or general election, a person who is  
29 already registered to vote in Washington may update his or her  
30 registration by:

31 (a) Submitting an address change using a registration application  
32 or making notification via any non-in-person method that is received  
33 by election officials no later than eight days before the day of the  
34 primary, special election, or general election; or

35 (b) Appearing in person, at the county auditor's office, the  
36 division of elections if in a separate city from the county auditor's  
37 office, a voting center, or other location designated by the county  
38 auditor in his or her county of residence, no later than 8:00 p.m. on

1 the day of the primary, special election, or general election to be  
2 in effect for that primary, special election, or general election.

3 (c) A registered voter who fails to (~~(transfer)~~) update his or  
4 her residential address by this deadline may vote according to his or  
5 her previous registration address.

6 (3) To register or update a voting address in person at the  
7 county auditor's office, a voting center, or other location  
8 designated by the county auditor, a person must appear in person at  
9 the county auditor's office, a voting center, or other location  
10 designated by the county auditor in the county in which the person  
11 resides at a time when the facility is open and complete the voter  
12 registration application by providing the information required by RCW  
13 29A.08.010.

14 **Sec. 4.** RCW 29A.08.110 and 2018 c 112 s 2, 2018 c 110 s 101, and  
15 2018 c 109 s 4 are each reenacted and amended to read as follows:

16 (1) For persons registering under RCW 29A.08.120, 29A.08.123,  
17 29A.08.170, 29A.08.330, (~~(and)~~) 29A.08.340, 29A.08.362, and  
18 29A.08.365, an application is considered complete only if it contains  
19 the information required by RCW 29A.08.010. The applicant is  
20 considered to be registered to vote as of the original date of  
21 (~~(mailing, date of delivery)~~) receipt, or when the person will be at  
22 least eighteen years old by the next election, whichever is  
23 applicable. As soon as practicable, the auditor shall record the  
24 appropriate precinct identification, taxing district identification,  
25 and date of registration on the voter's record in the state voter  
26 registration list. The secretary of state shall, pursuant to RCW  
27 29A.04.611, establish procedures to enable new or updated voter  
28 registrations to be recorded on an expedited basis. Any mailing  
29 address provided shall be used only for mail delivery purposes, and  
30 not for precinct assignment or residency purposes. Within sixty days  
31 after the receipt of an application or transfer, the auditor shall  
32 send to the applicant, by first-class nonforwardable mail, an  
33 acknowledgment notice identifying the registrant's precinct and  
34 containing such other information as may be required by the secretary  
35 of state. The postal service shall be instructed not to forward a  
36 voter registration card to any other address and to return to the  
37 auditor any card which is not deliverable.

38 (2) If an application is not complete, the auditor shall promptly  
39 mail a verification notice to the applicant. The verification notice

1 shall require the applicant to provide the missing information. If  
2 the applicant provides the required information within forty-five  
3 days, the applicant shall be registered to vote as of the original  
4 date of application. The applicant shall not be placed on the  
5 official list of registered voters until the application is complete.

6 (3) Once a future voter is no longer in pending status, as  
7 described in RCW 29A.08.615, his or her application to sign up to  
8 register to vote is no longer pending and is subject to this section.

9 **Sec. 5.** RCW 29A.08.330 and 2018 c 109 s 18 are each amended to  
10 read as follows:

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

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

25 (3) The person providing service at the agency shall determine if  
26 the prospective applicant wants to register to vote or update his or  
27 her voter registration by asking the following question:

28 "Do you want to register or sign up to vote or update your voter  
29 registration?"

30 If the applicant chooses to register, sign up, or update a  
31 registration, the service agent shall ask the following:

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

33 (b) "Are you at least eighteen years old or are you at least  
34 sixteen years old and will you vote only after you turn eighteen?"

35 If the applicant answers in the affirmative to both questions,  
36 the agent shall then provide the applicant with a voter registration  
37 form and instructions and shall record that the applicant has

1 requested to sign up to vote, register to vote, or update a voter  
2 registration. If the applicant answers in the negative to either  
3 question, the agent shall not provide the applicant with a voter  
4 registration application.

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

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

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

17 **Sec. 6.** RCW 29A.08.410 and 2018 c 112 s 3 and 2018 c 110 s 204  
18 are each reenacted and amended to read as follows:

19 A registered voter who changes his or her residence from one  
20 address to another within the same county may transfer his or her  
21 registration to the new address in one of the following ways:

22 (1) Sending the county auditor a request stating both the voter's  
23 present address and the address from which the voter was last  
24 registered received by an election official eight days prior to a  
25 primary or election;

26 (2) Appearing in person before the county auditor, or at a voting  
27 center or other location designated by the county auditor, and making  
28 such a request up until 8:00 p.m. on the day of the primary or  
29 election;

30 (3) Telephoning or emailing the county auditor to transfer the  
31 registration by eight days prior to a primary or election;

32 (4) Submitting a voter registration application received by an  
33 election official by eight days prior to a primary or election;

34 (5) Submitting information to the department of licensing and  
35 received by an election official by eight days prior to a primary or  
36 election;

37 (6) Submitting information to the health benefit exchange and  
38 received by an election official by eight days prior to a primary or  
39 election; or

1 (7) Submitting information to an agency designated under RCW  
2 29A.08.365 and received by an election official by eight days prior  
3 to a primary or election once automatic voter registration is  
4 implemented at the agency.

5 **Sec. 7.** RCW 29A.08.359 and 2018 c 110 s 104 are each amended to  
6 read as follows:

7 (1)(a) For persons age eighteen years and older registering under  
8 RCW 29A.08.355, an application is considered complete only if it  
9 contains the information required by RCW 29A.08.010 and other  
10 information as required by the secretary of state. The applicant is  
11 considered to be registered to vote as of the original date of  
12 issuance or renewal or date of change of address of an enhanced  
13 driver's license or identicard issued under RCW 46.20.202 or change  
14 of address for an existing enhanced driver's license or identicard  
15 pursuant to RCW 46.20.205. The information must be transmitted in an  
16 expedited manner and must be received by an election official by the  
17 required voter registration deadline. The auditor shall record the  
18 appropriate precinct identification, taxing district identification,  
19 and date of registration on the voter's record in the state voter  
20 registration list. Any mailing address provided shall be used only  
21 for mail delivery purposes, and not for precinct assignment or  
22 residency purposes. Within sixty days after the receipt of an  
23 application or transfer, the auditor shall send to the applicant, by  
24 first-class nonforwardable mail, an acknowledgment notice identifying  
25 the registrant's precinct and containing such other information as  
26 may be required by the secretary of state. The United States postal  
27 service shall be instructed not to forward a voter registration card  
28 to any other address and to return to the auditor any card which is  
29 not deliverable.

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

36 (2) If an application is not complete, the auditor shall promptly  
37 mail a verification notice to the applicant. The verification notice  
38 must require the applicant to provide the missing information. If the  
39 applicant provides the required information within forty-five days,

1 the applicant must be registered to vote. The applicant must not be  
2 placed on the official list of registered voters until the  
3 application is complete.

4 (3) If the prospective registration applicant declines to  
5 register to vote or the information provided by the department of  
6 licensing does not indicate citizenship, the information must not be  
7 included on the list of registered voters.

8 (4) The department of licensing is prohibited from sharing data  
9 files used by the secretary of state to certify voters registered  
10 through the automated process outlined in RCW 29A.08.355 with any  
11 federal agency, or state agency other than the secretary of state.  
12 Personal information supplied for the purposes of obtaining a  
13 driver's license or identicard is exempt from public inspection  
14 pursuant to RCW 42.56.230.

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