
SENATE BILL 5434

State of Washington

67th Legislature

2021 Regular Session

By Senators Wagoner, Braun, Fortunato, Padden, Rivers, Schoesler, Short, Warnick, and Wilson, J.

Read first time 02/08/21. Referred to Committee on State Government & Elections.

1 AN ACT Relating to creating the Washington voter confidence act;
2 amending RCW 29A.08.140, 46.20.155, 46.20.155, 46.20.202, and
3 29A.08.610; adding a new section to chapter 29A.08 RCW; adding a new
4 section to chapter 29A.84 RCW; creating new sections; providing
5 effective dates; and providing expiration dates.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Washingtonians expect voter registration requirements and
9 processes to ensure only eligible people under Article VI, section 1
10 of the Washington state Constitution and chapter 29A.08 RCW be
11 granted the ability to vote in elections conducted in the state of
12 Washington.

13 (2) Article VI, section 1 of the Washington state Constitution
14 explicitly states that all persons 18 years of age or older who are
15 United States citizens and who have lived in the state, county, and
16 precinct 30 days immediately preceding the election at which they
17 offer to vote shall be entitled to vote at all elections.

18 (3) Same-day voter registration laws enable people 18 years of
19 age or older who are United States citizens to submit an address
20 change to their voter registration within 30 days of an election at
21 which they offer to vote.

1 (4) Voters need additional assurance that only one ballot per
2 voter will be accepted by local elections officials, even if more
3 than one ballot is returned for a voter.

4 (5) To meet eligibility requirements to vote, including when a
5 person is provided an opportunity to register to vote through
6 obtaining a driver's license or identicard with the department of
7 licensing, a person must submit a signed attestation that they are a
8 United States citizen on their voter registration form.

9 (6) Financial barriers exist for applicants of enhanced driver's
10 licenses, which require proof of United States citizenship, and
11 disproportionately affect low-income people.

12 (7) All eligible people in Washington state should have access to
13 voter registration methods that provide the greatest level of
14 confidence that they are eligible to vote.

15 (8) Local elections officials should have immediate access to
16 comprehensive tools and information to conduct thorough searches of
17 potentially duplicate voter registrations and active registrations of
18 deceased voters.

19 (9) Misinformation and disinformation, as well as incomplete
20 information about the level of voter fraud committed in Washington
21 state, contributes to an ongoing lack of trust in election integrity.

22 (10) In order to defer future acts of voter fraud, the
23 legislature requires more detailed accounts of the number of
24 potential cases of improper voting referred to county prosecuting
25 attorneys and of those cases compared to the number of cases found to
26 be fraudulent.

27 **UPDATE TO REGISTRATION TRANSFER DEADLINE**

28 **Sec. 2.** RCW 29A.08.140 and 2020 c 208 s 22 are each amended to
29 read as follows:

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

32 (a) Submit a registration application that is received by an
33 election official no later than eight days before the day of the
34 primary, special election, or general election. For purposes of this
35 subsection (1)(a), "received" means: (i) Being physically received by
36 an election official by the close of business of the required
37 deadline; or (ii) for applications received online or electronically,
38 by midnight, of the required deadline; or

1 (b) Register in person at a county auditor's office, the division
2 of elections if in a separate city from the county auditor's office,
3 a voting center, a student engagement hub, or other location
4 designated by the county auditor no later than 8:00 p.m. on the day
5 of the primary, special election, or general election.

6 (2) (a) ~~((In order to change a residence address for voting in any
7 primary, special election, or general election, a))~~ A person who is
8 already registered to vote in Washington may update his or her
9 registration by(~~(~~

10 ~~(i) Submitting))~~ submitting an address change (~~(using a
11 registration application or making notification via any non-in-person
12 method that is received by election officials))~~ no later than
13 ~~((eight))~~ 28 days before the day of the primary, special election, or
14 general election(~~(; or~~

15 ~~(ii) Appearing in person, at a county auditor's office, the
16 division of elections if in a separate city from the county auditor's
17 office, a voting center, or other location designated by the county
18 auditor, no later than 8:00 p.m. on the day of the primary, special
19 election, or general election to be in effect for that primary,
20 special election, or general election)).~~

21 (b) A registered voter who fails to update his or her residential
22 address by this deadline may vote according to his or her previous
23 registration address.

24 (3) To register or update a voting address in person at a county
25 auditor's office, a voting center, or other location designated by
26 the county auditor, a person must appear in person at a county
27 auditor's office, a voting center, or other location designated by
28 the county auditor at a time when the facility is open and complete
29 the voter registration application by providing the information
30 required by RCW 29A.08.010.

31 **WSP SIGNATURE AUDIT**

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.08
33 RCW to read as follows:

34 (1) The Washington state patrol, in coordination with the office
35 of the secretary of state and local elections officials, must conduct
36 an audit of signatures on returned voter ballot envelopes from the
37 2020 general election. Such audit must include a comparison to
38 measure the accuracy of signatures on voter registrations against

1 signatures on ballot return envelopes using a sample size of between
2 5,000 to 10,000 voter registration signatures randomly selected from
3 each county based on the number of registered voters therein.

4 (2) The Washington state patrol must report the result of the
5 audit to the legislature and the secretary of state by December 1,
6 2021.

7 (3) This section expires July 1, 2022.

8 **DOL VOTER SERVICES & INDIGENT REAL IDs**

9 **Sec. 4.** RCW 46.20.155 and 2018 c 109 s 15 are each amended to
10 read as follows:

11 (1) Before issuing an original license or identicard or renewing
12 a license or identicard under this chapter, the licensing agent shall
13 determine if the applicant wants to register to vote or update his or
14 her voter registration by asking the following question:

15 "Do you want to register or sign up to vote or update your voter
16 registration?"

17 If the applicant chooses to register, sign up, or update a
18 registration, the agent shall ~~((ask))~~ provide the applicant with a
19 signature pad that displays the requirements for voter registration
20 under Article VI, section 1 of the Washington state Constitution and
21 asks the applicant to affirm each of the following:

22 (1) "I declare that the facts on this voter registration form are
23 true."

24 (2) "~~((Are you))~~ I am a United States citizen~~((?))~~."

25 ~~((?))~~ (3) "I will have lived at this address in Washington for
26 at least 30 days immediately before the next election at which I
27 vote."

28 (4) "~~((Are you))~~ I am at least eighteen years old or ~~((are you))~~
29 I am at least sixteen years old and will ~~((you))~~ vote only after
30 ~~((you))~~ I turn eighteen~~((?))~~."

31 (5) "I am not disqualified from voting due to a court order, and
32 I am not under department of corrections supervision for a Washington
33 felony conviction."

34 If the applicant ~~((answers in the affirmative to both~~
35 questions,)) affirms all prompts, the applicant must record a
36 signature on the pad, then the agent shall ~~((then))~~ submit the

1 registration, sign up form, or update. If the applicant (~~answers in~~
2 ~~the negative to either question~~) does not affirm all prompts, the
3 agent shall not submit an application. Information that is otherwise
4 disclosable under chapter 29A.08 RCW cannot be disclosed on the
5 future voter until the person reaches eighteen years of age, except
6 for the purpose of processing and delivering ballots.

7 (2) The department shall establish a procedure that substantially
8 meets the requirements of subsection (1) of this section when
9 permitting an applicant to renew a license or identicard by mail or
10 by electronic commerce.

11 **Sec. 5.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to
12 read as follows:

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

17 "Do you want to register or sign up to vote or update your voter
18 registration?"

19 If the applicant chooses to register, sign up, or update a
20 registration, the agent shall (~~ask~~) provide the applicant with a
21 signature pad that displays the requirements for voter registration
22 under Article VI, section 1 of the Washington state Constitution and
23 asks the applicant to affirm each of the following:

24 (1) "I declare that the facts on this voter registration form are
25 true."

26 (2) "(~~Are you~~) I am a United States citizen(~~?~~)."

27 (~~(2)~~) (3) "I will have lived at this address in Washington for
28 at least 30 days immediately before the next election at which I
29 vote."

30 (4) "(~~Are you~~) I am at least sixteen years old(~~?~~)."

31 (5) "I am not disqualified from voting due to a court order, and
32 I am not under department of corrections supervision for a Washington
33 felony conviction."

34 If the applicant (~~answers in the affirmative to both~~
35 ~~questions,~~) affirms all prompts, the applicant must record a
36 signature on the pad, then the agent shall (~~then~~) submit the
37 registration, sign up form, or update. If the applicant (~~answers in~~

1 ~~the negative to either question))~~ does not affirm all prompts, the
2 agent shall not submit an application. Information that is otherwise
3 disclosable under chapter 29A.08 RCW cannot be disclosed on the
4 future voter until the person reaches eighteen years of age, except
5 for the purpose of processing and delivering ballots.

6 (2) The department shall establish a procedure that substantially
7 meets the requirements of subsection (1) of this section when
8 permitting an applicant to renew a license or identicard by mail or
9 by electronic commerce.

10 **Sec. 6.** RCW 46.20.202 and 2017 c 310 s 3 are each amended to
11 read as follows:

12 (1) The department may enter into a memorandum of understanding
13 with any federal agency for the purposes of facilitating the crossing
14 of the border between the state of Washington and the Canadian
15 province of British Columbia.

16 (2) The department may enter into an agreement with the Canadian
17 province of British Columbia for the purposes of implementing a
18 border-crossing initiative.

19 (3)(a) The department may issue an enhanced driver's license or
20 identicard for the purposes of crossing the border between the state
21 of Washington and the Canadian province of British Columbia to an
22 applicant who provides the department with proof of: United States
23 citizenship, identity, and state residency. The department shall
24 continue to offer a standard driver's license and identicard. If the
25 department chooses to issue an enhanced driver's license, the
26 department must allow each applicant to choose between a standard
27 driver's license or identicard, or an enhanced driver's license or
28 identicard.

29 (b) The department shall implement a one-to-many biometric
30 matching system for the enhanced driver's license or identicard. An
31 applicant for an enhanced driver's license or identicard shall submit
32 a biometric identifier as designated by the department. The biometric
33 identifier must be used solely for the purpose of verifying the
34 identity of the holders and for any purpose set out in RCW 46.20.037.
35 Applicants are required to sign a declaration acknowledging their
36 understanding of the one-to-many biometric match.

37 (c) The enhanced driver's license or identicard must include
38 reasonable security measures to protect the privacy of Washington
39 state residents, including reasonable safeguards to protect against

1 unauthorized disclosure of data about Washington state residents. If
2 the enhanced driver's license or identicard includes a radio
3 frequency identification chip, or similar technology, the department
4 shall ensure that the technology is encrypted or otherwise secure
5 from unauthorized data access.

6 (d) The requirements of this subsection are in addition to the
7 requirements otherwise imposed on applicants for a driver's license
8 or identicard. The department shall adopt such rules as necessary to
9 meet the requirements of this subsection. From time to time the
10 department shall review technological innovations related to the
11 security of identity cards and amend the rules related to enhanced
12 driver's licenses and identicards as the director deems consistent
13 with this section and appropriate to protect the privacy of
14 Washington state residents.

15 (e) Notwithstanding RCW 46.20.118, the department may make images
16 associated with enhanced drivers' licenses or identicards from the
17 negative file available to United States customs and border agents
18 for the purposes of verifying identity.

19 (4) (a) Beginning on July 23, 2017, the fee for an enhanced
20 driver's license or enhanced identicard is twenty-four dollars, which
21 is in addition to the fees for any regular driver's license or
22 identicard. If the enhanced driver's license or enhanced identicard
23 is issued, renewed, or extended for a period other than six years,
24 the fee for each class is four dollars for each year that the
25 enhanced driver's license or enhanced identicard is issued, renewed,
26 or extended.

27 (b) No fee shall be charged for an enhanced driver's license or
28 enhanced identicard to an applicant whose current gross family income
29 is 200 percent or less of the federal poverty level.

30 (5) The enhanced driver's license and enhanced identicard fee
31 under this section must be deposited into the highway safety fund
32 unless prior to July 1, 2023, the actions described in (a) or (b) of
33 this subsection occur, in which case the portion of the revenue that
34 is the result of the fee increased in section 209, chapter 44, Laws
35 of 2015 3rd sp. sess. must be distributed to the connecting
36 Washington account created under RCW 46.68.395.

37 (a) Any state agency files a notice of rule making under chapter
38 34.05 RCW for a rule regarding a fuel standard based upon or defined
39 by the carbon intensity of fuel, including a low carbon fuel standard
40 or clean fuel standard.

1 (b) Any state agency otherwise enacts, adopts, orders, or in any
2 way implements a fuel standard based upon or defined by the carbon
3 intensity of fuel, including a low carbon fuel standard or clean fuel
4 standard.

5 (c) Nothing in this subsection acknowledges, establishes, or
6 creates legal authority for the department of ecology or any other
7 state agency to enact, adopt, order, or in any way implement a fuel
8 standard based upon or defined by the carbon intensity of fuel,
9 including a low carbon fuel standard or clean fuel standard.

10 **LIST MAINTENANCE TOOLS FOR COUNTIES**

11 **Sec. 7.** RCW 29A.08.610 and 2009 c 369 s 28 are each amended to
12 read as follows:

13 The secretary of state shall conduct an ongoing list maintenance
14 program designed to detect persons registered in more than one county
15 or voting in more than one county in an election. This program must
16 be applied uniformly throughout the state and must be
17 nondiscriminatory in its application.

18 The office of the secretary of state shall search the statewide
19 voter registration list to find registered voters with the same date
20 of birth and similar names. Once the potential duplicate
21 registrations are identified, the secretary of state shall refer the
22 potential duplicate registrations to the appropriate county auditors,
23 who shall compare the signatures on each voter registration record
24 and, after confirming that a duplicate registration exists properly
25 resolve the duplication.

26 The secretary of state shall provide each county auditor, without
27 cost, access to a legal research data service that includes death and
28 court records covering the United States to assist in the list
29 maintenance program.

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

36 **FRAUD ENFORCEMENT**

