

ESSB 5743 - CONF REPT
By Conference Committee

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 10.64 RCW
4 to read as follows:

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

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

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

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

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

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

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

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

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

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

24 As used in this chapter: "Information required for voter
25 registration" means the minimum information provided on a voter
26 registration application that is required by the county auditor in
27 order to place a voter registration applicant on the voter registration
28 rolls. This information includes (~~the applicant's~~):

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

30 (2) Residential address(~~(,)~~);

1 (3) Date of birth((τ));
2 (4) Washington state driver's license number((τ)) or Washington
3 state identification card number, or the last four digits of the
4 applicant's Social Security number((τ)) if the applicant does not have
5 a Washington state driver's license or Washington state identification
6 card;

7 (5) A signature attesting to the truth of the information provided
8 on the application((τ)); and

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

11 If the individual does not have a driver's license, state
12 identification card, or Social Security number, the registrant must be
13 issued a unique voter registration number ((and)) in order to be placed
14 on the voter registration rolls. All other information supplied is
15 ancillary and not to be used as grounds for not registering an
16 applicant to vote. Modification of the language of the official
17 Washington state voter registration form by the voter will not be
18 accepted and will cause the rejection of the registrant's application.

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

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

23 (1) "Verification notice" means a notice sent by the county auditor
24 or secretary of state to a voter registration applicant and is used to
25 verify or collect information about the applicant in order to complete
26 the registration. The verification notice must be designed to include
27 a postage prepaid, preaddressed return form by which the applicant may
28 verify or send information.

29 (2) "Acknowledgement notice" means a notice sent by nonforwardable
30 mail by the county auditor or secretary of state to a registered voter
31 to acknowledge a voter registration transaction, which can include
32 initial registration, transfer, or reactivation of an inactive
33 registration. An acknowledgement notice may be a voter registration
34 card.

35 (3) "Confirmation notice" means a notice sent to a registered voter
36 by first class forwardable mail at the address indicated on the voter's
37 permanent registration record and to any other address at which the

1 county auditor or secretary of state could reasonably expect mail to be
2 received by the voter in order to confirm the voter's residence
3 address. The confirmation notice must be designed (~~((so that the voter
4 may update his or her current residence address))~~) to include a postage
5 prepaid, preaddressed return form by which the registrant may verify
6 the address information.

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

9 (1) The secretary of state must review the information provided by
10 each voter registration applicant to ensure that (~~((either))~~) the
11 provided driver's license number, state identification card number, or
12 (~~((the))~~) last four digits of the Social Security number match the
13 information maintained by the Washington department of licensing or the
14 Social Security administration. If a match cannot be made, the
15 secretary of state or county auditor must correspond with the applicant
16 to resolve the discrepancy.

17 (2) If the applicant fails to respond to any correspondence
18 required in this section to confirm information provided on a voter
19 registration application(~~((7))~~) within (~~((thirty))~~) forty-five days, the
20 applicant will not be registered to vote. The secretary of state shall
21 forward the application to the appropriate county auditor for document
22 storage.

23 (3) Only after the secretary of state has confirmed that (~~((an
24 applicant's))~~) the provided driver's license number, state
25 identification card number, or (~~((the))~~) last four digits of the
26 applicant's Social Security number match existing records with the
27 Washington department of licensing or the Social Security
28 administration, or determined that the applicant does not have
29 (~~((either))~~) a driver's license number, state identification card number,
30 or Social Security number may the applicant be placed on the official
31 list of registered voters.

32 (4) In order to prevent duplicate registration records, all
33 complete voter registration applications must be screened against
34 existing voter registration records in the official statewide voter
35 registration list. If a match of an existing record is found in the
36 official list, the record must be updated with the new information

1 provided on the application. If the new information indicates that the
2 voter has changed his or her county of residence, the application must
3 be forwarded to the voter's new county of residence for processing.

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

6 (1) (~~On receipt of an application for voter registration, the~~
7 ~~county auditor shall review the application to determine whether the~~
8 ~~information supplied is complete.)) An application is considered
9 complete only if it contains the applicant's name, complete valid
10 residence address, date of birth, (~~and~~) signature attesting to the
11 truth of the information provided, a mark in the check-off box
12 confirming United States citizenship, and an indication (~~the license~~
13 ~~information)) that the provided driver's license number, state
14 identification card number, or Social Security number has been
15 confirmed by the secretary of state. If it is not complete, the
16 auditor shall promptly mail a verification notice of the deficiency to
17 the applicant. This verification notice shall require the applicant to
18 provide the missing information. If the verification notice is not
19 returned by the applicant within forty-five days or is returned as
20 undeliverable (~~the auditor shall not place~~), the name of the
21 applicant shall not be placed on the (~~county voter~~) official list of
22 registered voters. If the applicant provides the required verified
23 information, the applicant shall be registered to vote as of the
24 original date of mailing (~~of the original voter registration~~
25 ~~application)) or date of delivery, whichever is applicable.~~~~~~

26 (2) (~~In order to prevent duplicate registration records, all~~
27 ~~complete voter registration applications must be screened against~~
28 ~~existing voter registration records in the official statewide voter~~
29 ~~registration list. If a match of an existing record is found in the~~
30 ~~official list the record must be updated with the new information~~
31 ~~provided on the application. If the new information indicates that the~~
32 ~~voter has changed his or her county of residence, the application must~~
33 ~~be forwarded to the voter's new county of residence for processing. If~~
34 ~~the new information indicates that the voter remains in the same county~~
35 ~~of residence or if the applicant is a new voter the application must be~~
36 ~~processed by the county of residence.~~

1 ~~(3))~~ If the information required in subsection (1) of this section
2 is complete, the applicant is considered to be registered to vote as of
3 the original date of mailing or date of delivery, whichever is
4 applicable. The auditor shall record the appropriate precinct
5 identification, taxing district identification, and date of
6 registration on the voter's record in the state voter registration
7 list. Within forty-five days after the receipt of an application but
8 no later than seven days before the next primary, special election, or
9 general election, the auditor shall send to the applicant, by first
10 class mail, an acknowledgement notice identifying the registrant's
11 precinct and containing such other information as may be required by
12 the secretary of state. The postal service shall be instructed not to
13 forward a voter registration card to any other address and to return to
14 the auditor any card which is not deliverable. ~~((If the registrant has~~
15 ~~indicated on the form that he or she is registered to vote within the~~
16 ~~county but has provided a new address within the county that is for~~
17 ~~voter registration purposes, the auditor shall transfer the voter's~~
18 ~~registration.~~

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

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

29 No person registering to vote, who meets all the qualifications of
30 a registered voter in the state of Washington, shall be disqualified
31 because of a nontraditional address being used as a residence address.
32 Voters using such an address will be registered and assigned to a
33 precinct based on the location provided. Voters without a traditional
34 address will be registered at the county courthouse, city hall, or
35 other public building near the area that the voter considers his or her
36 residence. Registering at a nontraditional address will not disqualify

1 a voter from requesting ongoing absentee voter status if the voter
2 designates a valid mailing address.

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

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

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

- 13 (a) Valid photo identification;
- 14 (b) A valid enrollment card of a federally recognized Indian tribe
15 in Washington state;
- 16 (c) A copy of a current utility bill;
- 17 (d) A current bank statement;
- 18 (e) A copy of a current government check;
- 19 (f) A copy of a current paycheck; or
- 20 (g) A government document that shows both the name and address of
21 the voter.

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

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

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

33 A person or organization collecting voter registration application
34 forms must transmit the forms to the secretary of state or a
35 ((designee)) county auditor at least once weekly. The registration

1 date on such forms will be the date they are received by the secretary
2 of state or county auditor.

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

5 (1) Each county auditor shall maintain a computer file containing
6 a copy of each record of all registered voters within the county
7 contained on the official statewide voter registration list for that
8 county.

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

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

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

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

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

1 registration shall be promptly transmitted to the auditor with the
2 completed voter registration form.

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

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

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

10 (2) The applicant's full name;

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

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

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

15 (6) The sex of the applicant;

16 (7) The applicant's Washington state driver's license number or
17 Washington state identification card number, or the last four digits of
18 the applicant's Social Security number if he or she does not have a
19 Washington state driver's license or Washington state identification
20 card;

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

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

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

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

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

34 ~~((+8))~~ (13) The following warning:

35 "If you knowingly provide false information on this voter
36 registration form or knowingly make a false declaration about your

1 qualifications for voter registration you will have committed a class
2 C felony that is punishable by imprisonment for up to five years, a
3 fine of up to ten thousand dollars, or both."

4 (14) The following affirmation by the applicant:

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

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

13 ~~((9))~~ (16) Any other information that the secretary of state
14 determines is necessary to establish the identity of the applicant and
15 prevent duplicate or fraudulent voter registrations.

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

18 If the applicant fails to provide the information required for
19 voter registration, the auditor shall send the applicant a verification
20 notice. ~~The ((auditor shall not register the))~~ applicant may not be
21 registered until the required information is provided. If a
22 verification notice is returned as undeliverable or the applicant fails
23 to respond to the notice within forty-five days, ~~the ((auditor shall~~
24 ~~not register the))~~ applicant shall not be registered to vote.

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

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

32 NEW SECTION. Sec. 12. A new section is added to chapter 29A.08
33 RCW to read as follows:

34 (1) When a felony offender has completed all the requirements of
35 his or her sentence, the county clerk shall immediately transmit this
36 information to the secretary of state along with information about the

1 county where the conviction occurred and the county that is the last
2 known residence of the offender. The secretary of state shall maintain
3 such records as part of the elections data base.

4 (2) If the offender has completed all the requirements of all of
5 his or her sentences for all of his or her felony convictions, the
6 secretary of state shall transmit information about the restoration of
7 the former felon's voting rights to the county auditor where the
8 conviction took place and, if different, the county where the felon was
9 last known to reside.

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

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

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

25 (1) The secretary of state shall prescribe the method of voter
26 registration for each designated agency. The agency shall use either
27 the state voter registration by mail form with a separate declination
28 form for the applicant to indicate that he or she declines to register
29 at this time, or the agency may use a separate form approved for use by
30 the secretary of state.

31 (2) The person providing service at the agency shall offer voter
32 registration services to every client whenever he or she applies for
33 service or assistance and with each renewal, recertification, or change
34 of address. The person providing service shall give the applicant the
35 same level of assistance with the voter registration application as is

1 offered to fill out the agency's forms and documents, including
2 information about age and citizenship requirements for voter
3 registration.

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

7 "Do you want to register to vote or transfer your voter
8 registration?"

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

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

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

14 If the applicant answers in the affirmative to both questions, the
15 agent shall then provide the applicant with a voter registration form
16 and instructions and shall record that the applicant has requested to
17 register to vote or transfer a voter registration. If the applicant
18 answers in the negative to either question, the agent shall not provide
19 the applicant with a voter registration form.

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

24 ~~((+4))~~ (5) Each designated agency shall provide for the voter
25 registration application forms to be collected from each agency office
26 at least once each week. The agency shall then forward the application
27 forms to the secretary of state each week. The secretary of state
28 shall forward the forms to the county in which the applicant has
29 registered to vote no later than ten days after the date on which the
30 forms were received by the secretary of state.

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

33 (1) Upon receiving official notice of a person's conviction of a
34 felony in either state or federal court, if the convicted person is a
35 registered voter in the county, the county auditor shall cancel the
36 defendant's voter registration. Additionally, the secretary of state

1 in conjunction with the department of corrections, the Washington state
2 patrol, the office of the administrator for the courts, and other
3 appropriate state agencies shall arrange for a (~~periodic~~) quarterly
4 comparison of a list of known felons with the statewide voter
5 registration list. If a person is found on (~~the department of~~
6 ~~corrections~~) a felon list and the statewide voter registration list,
7 the secretary of state or county auditor shall confirm the match
8 through a date of birth comparison and (~~cancel~~) suspend the voter
9 registration from the official state voter registration list. The
10 canceling authority shall send (~~notice of the proposed cancellation~~)
11 to the person at his or her last known voter registration address a
12 notice of the proposed cancellation and an explanation of the
13 requirements for restoring the right to vote once all terms of
14 sentencing have been completed. If the person does not respond within
15 thirty days, the registration must be canceled.

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

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

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

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

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

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

27 (1) The office of the secretary of state shall create and maintain
28 a statewide voter registration data base. This data base must be a
29 single, uniform, official, centralized, interactive computerized
30 statewide voter registration list defined, maintained, and administered
31 at the state level that contains the name and registration information
32 of every legally registered voter in the state and assigns a unique
33 identifier to each legally registered voter in the state.

34 (2) The computerized list must serve as the single system for
35 storing and maintaining the official list of registered voters
36 throughout the state.

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

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

5 (5) The computerized list must be coordinated with other agency
6 data bases within the state, including but not limited to the
7 department of corrections, the department of licensing, (~~and~~) the
8 department of health, the Washington state patrol, and the office of
9 the administrator for the courts. The computerized list may also be
10 coordinated with the data bases of election officials in other states.

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

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

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

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

23 (10) The secretary of state has data authority on all voter
24 registration data.

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

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

28 (b) Identify duplicate voter registrations;

29 (c) Identify suspected duplicate voters;

30 (d) Screen against the department of corrections, the Washington
31 state patrol, and other appropriate state agency data bases to aid in
32 the cancellation of voter registration of felons, of persons who have
33 declined to serve on juries by virtue of not being citizens of the
34 United States, and of persons determined to be legally incompetent to
35 vote;

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

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

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

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

8 (12) In order to maintain the statewide voter registration data
9 base, the secretary of state may, upon agreement with other appropriate
10 jurisdictions, screen against data bases maintained by election
11 officials in other states and data bases maintained by federal agencies
12 including, but not limited to, the federal bureau of investigation, the
13 federal court system, the federal bureau of prisons, and the bureau of
14 citizenship and immigration services.

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

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

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

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

33 (2) The following information contained in voter registration
34 records or files regarding a voter or a group of voters is available
35 for public inspection and copying, except as provided in RCW 40.24.060:
36 The voter's name, address, political jurisdiction, gender, date of
37 birth, voting record, date of registration, and registration number.

1 (~~The address and political jurisdiction of a registered voter are~~
2 ~~available for public inspection and copying except as provided by~~
3 ~~chapter 40.24 RCW.~~) No other information from voter registration
4 records or files is available for public inspection or copying.

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

7 (1) In the case of voter registration records received through the
8 department of licensing, the identity of the office at which any
9 particular individual registered to vote is not available for public
10 inspection and shall not be disclosed to the public. In the case of
11 voter registration records received through an agency designated under
12 RCW 29A.08.310, the identity of the agency at which any particular
13 individual registered to vote is not available for public inspection
14 and shall not be disclosed to the public. Any record of a particular
15 individual's choice not to register to vote at an office of the
16 department of licensing or a state agency designated under RCW
17 29A.08.310 is not available for public inspection and any information
18 regarding such a choice by a particular individual shall not be
19 disclosed to the public.

20 (2) ~~((All))~~ Subject to the restrictions of RCW 29A.08.710, poll
21 books ~~((or)), precinct lists, and current lists of registered voters~~
22 ~~((except original voter registration forms or their images, shall be))~~
23 are public records and must be made available for public inspection and
24 copying under such reasonable rules and regulations as the county
25 auditor or secretary of state may prescribe. The county auditor or
26 secretary of state shall promptly furnish current lists ~~((or mailing~~
27 ~~labels))~~ of registered voters in his or her possession, at actual
28 reproduction cost, to any person requesting such information. The
29 lists ~~((and labels))~~ shall not be used for the purpose of mailing or
30 delivering any advertisement or offer for any property, establishment,
31 organization, product, or service or for the purpose of mailing or
32 delivering any solicitation for money, services, or anything of value.
33 However, the lists and labels may be used for any political purpose.
34 The county auditor or secretary of state must provide a copy of RCW
35 29A.08.740 to the person requesting the material that is released under
36 this section.

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

3 (1) Any person who uses registered voter data furnished under RCW
4 29A.08.720 (~~or 29A.08.730~~) for the purpose of mailing or delivering
5 any advertisement or offer for any property, establishment,
6 organization, product, or service or for the purpose of mailing or
7 delivering any solicitation for money, services, or anything of value
8 is guilty of a class C felony punishable by imprisonment in a state
9 correctional facility for a period of not more than five years or a
10 fine of not more than ten thousand dollars or both such fine and
11 imprisonment, and is liable to each person provided such advertisement
12 or solicitation, without the person's consent, for the nuisance value
13 of such person having to dispose of it, which value is herein
14 established at five dollars for each item mailed or delivered to the
15 person's residence. However, a person who mails or delivers any
16 advertisement, offer, or solicitation for a political purpose is not
17 liable under this section unless the person is liable under subsection
18 (2) of this section. For purposes of this subsection, two or more
19 attached papers or sheets or two or more papers that are enclosed in
20 the same envelope or container or are folded together are one item.
21 Merely having a mailbox or other receptacle for mail on or near the
22 person's residence is not an indication that the person consented to
23 receive the advertisement or solicitation. A class action may be
24 brought to recover damages under this section, and the court may award
25 a reasonable attorney's fee to any party recovering damages under this
26 section.

27 (2) Each person furnished data under RCW 29A.08.720 (~~or~~
28 ~~29A.08.730~~) shall take reasonable precautions designed to assure that
29 the data is not used for the purpose of mailing or delivering any
30 advertisement or offer for any property, establishment, organization,
31 product, or service or for the purpose of mailing or delivering any
32 solicitation for money, services, or anything of value. However, the
33 data may be used for any political purpose. Where failure to exercise
34 due care in carrying out this responsibility results in the data being
35 used for such purposes, then such person is jointly and severally
36 liable for damages under subsection (1) of this section along with any
37 other person liable under subsection (1) of this section for the misuse
38 of such data.

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

3 Only voters who appear on the official statewide voter registration
4 list are eligible to participate in elections. Each county shall
5 maintain a copy of that county's portion of the state list. The county
6 must ensure that data used for the production of poll lists and other
7 lists and mailings done in the administration of each election are
8 (~~drawn from~~) the same as the official statewide voter registration
9 list.

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

12 The county auditor shall send each absentee voter a ballot, a
13 security envelope in which to seal the ballot after voting, a larger
14 envelope in which to return the security envelope, and instructions on
15 how to mark the ballot and how to return it to the county auditor. The
16 instructions that accompany an absentee ballot for a partisan primary
17 must include instructions for voting the applicable ballot style, as
18 provided in chapter 29A.36 RCW. The absentee voter's name and address
19 must be printed on the larger return envelope, which must also contain
20 a declaration by the absentee voter reciting his or her qualifications
21 and stating that he or she has not voted in any other jurisdiction at
22 this election, together with a summary of the penalties for any
23 violation of any of the provisions of this chapter. The declaration
24 must clearly inform the voter that it is illegal to vote if he or she
25 is not a United States citizen; it is illegal to vote if he or she has
26 been convicted of a felony and has not had his or her voting rights
27 restored; and, except as otherwise provided by law, it is illegal to
28 cast a ballot or sign an absentee envelope on behalf of another voter.
29 The return envelope must provide space for the voter to indicate the
30 date on which the ballot was voted and for the voter to sign the oath.
31 It must also contain a space so that the voter may include a telephone
32 number. A summary of the applicable penalty provisions of this chapter
33 must be printed on the return envelope immediately adjacent to the
34 space for the voter's signature. The signature of the voter on the
35 return envelope must affirm and attest to the statements regarding the
36 qualifications of that voter and to the validity of the ballot. The
37 return envelope must also have a secrecy flap that the voter may seal

1 that will cover the voter's signature and optional telephone number.
2 For out-of-state voters, overseas voters, and service voters, the
3 signed declaration on the return envelope constitutes the equivalent of
4 a voter registration for the election or primary for which the ballot
5 has been issued. The voter must be instructed to either return the
6 ballot to the county auditor by whom it was issued or attach sufficient
7 first class postage, if applicable, and mail the ballot to the
8 appropriate county auditor no later than the day of the election or
9 primary for which the ballot was issued.

10 If the county auditor chooses to forward absentee ballots, he or
11 she must include with the ballot a clear explanation of the
12 qualifications necessary to vote in that election and must also advise
13 a voter with questions about his or her eligibility to contact the
14 county auditor. This explanation may be provided on the ballot
15 envelope, on an enclosed insert, or printed directly on the ballot
16 itself. If the information is not included, the envelope must clearly
17 indicate that the ballot is not to be forwarded and that return postage
18 is guaranteed.

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

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

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

26 The department shall maintain a negative file. It shall contain
27 negatives of all pictures taken by the department of licensing as
28 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file
29 shall not be available for public inspection and copying under chapter
30 42.17 RCW. The department may make the file available to official
31 governmental enforcement agencies to assist in the investigation by the
32 agencies of suspected criminal activity. The department shall make the
33 file available to the office of the secretary of state, at the expense
34 of the secretary of state, to assist in maintenance of the statewide
35 voter registration data base. The department may also provide a print
36 to the driver's next of kin in the event the driver is deceased.

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

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

7 "Do you want to register to vote or transfer your voter
8 registration?"

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

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

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

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

16 If the applicant answers in the affirmative to both questions, the
17 agent shall then provide the applicant with a voter registration form
18 and instructions and shall record that the applicant has requested to
19 register to vote or transfer a voter registration. If the applicant
20 answers in the negative to either question, the agent shall not provide
21 the applicant with a voter registration form.

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

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

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

30 (2) RCW 29A.08.730 (Registration, voting--Furnishing data upon
31 request--Cost--Use restricted) and 2003 c 111 s 248, 1994 c 57 s 6, &
32 1973 1st ex.s. c 111 s 3.

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

2 Correct the title.

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