

---

**SENATE BILL 5679**

---

**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Wagoner, J. Wilson, Gildon, and Short

Prefiled 01/05/22. Read first time 01/10/22. Referred to Committee on State Government & Elections.

1 AN ACT Relating to creating the Washington voter confidence act;  
2 amending RCW 46.20.155, 46.20.155, and 29A.08.610; reenacting and  
3 amending RCW 46.20.202; adding a new section to chapter 29A.08 RCW;  
4 adding a new section to chapter 29A.84 RCW; creating new sections;  
5 providing an effective date; 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 **WSP SIGNATURE SURVEY**

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08  
29 RCW to read as follows:

30 (1) The Washington state patrol, in coordination with the office  
31 of the secretary of state and local elections officials, must conduct  
32 a survey of signatures on returned voter ballot envelopes from the  
33 2022 general election. Such survey must include a comparison to  
34 measure the accuracy of signatures on voter registrations against  
35 signatures on ballot return envelopes using a sample size of between  
36 5,000 to 10,000 voter registration signatures randomly selected from  
37 each county based on the number of registered voters therein.

1 (2) The Washington state patrol must report the result of the  
2 survey to the legislature and the secretary of state by December 1,  
3 2023.

4 (3) This section expires July 1, 2024.

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

6 **Sec. 3.** RCW 46.20.155 and 2018 c 109 s 15 are each amended to  
7 read as follows:

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

12 "Do you want to register or sign up to vote or update your voter  
13 registration?"

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

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

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

22 ~~((+2))~~ (3) "I will have lived at this address in Washington for  
23 at least 30 days immediately before the next election at which I  
24 vote."

25 (4) "((Are you)) I am at least eighteen years old or ((are you))  
26 I am at least sixteen years old and will ((you)) vote only after  
27 ((you)) I turn eighteen((?))."

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

31 If the applicant ~~((answers in the affirmative to both~~  
32 ~~questions,))~~ affirms all prompts, the applicant must record a  
33 signature on the pad, then the agent shall ~~((then))~~ submit the  
34 registration, sign up form, or update. If the applicant ~~((answers in~~  
35 ~~the negative to either question))~~ does not affirm all prompts, the  
36 agent shall not submit an application. Information that is otherwise

1 disclosable under chapter 29A.08 RCW cannot be disclosed on the  
2 future voter until the person reaches eighteen years of age, except  
3 for the purpose of processing and delivering ballots.

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

8 **Sec. 4.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to  
9 read as follows:

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

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

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

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

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

24 ~~((+2))~~ (3) "I will have lived at this address in Washington for  
25 at least 30 days immediately before the next election at which I  
26 vote."

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

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

31 If the applicant ~~((answers in the affirmative to both~~  
32 ~~questions,))~~ affirms all prompts, the applicant must record a  
33 signature on the pad, then the agent shall ~~((then))~~ submit the  
34 registration, sign up form, or update. If the applicant ~~((answers in~~  
35 ~~the negative to either question))~~ does not affirm all prompts, the  
36 agent shall not submit an application. Information that is otherwise  
37 disclosable under chapter 29A.08 RCW cannot be disclosed on the

1 future voter until the person reaches eighteen years of age, except  
2 for the purpose of processing and delivering ballots.

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

7 **Sec. 5.** RCW 46.20.202 and 2021 c 317 s 21 and 2021 c 158 s 9 are  
8 each reenacted and amended to read as follows:

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

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

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

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

34 (c) The enhanced driver's license or identicard must include  
35 reasonable security measures to protect the privacy of Washington  
36 state residents, including reasonable safeguards to protect against  
37 unauthorized disclosure of data about Washington state residents. If  
38 the enhanced driver's license or identicard includes a radio  
39 frequency identification chip, or similar technology, the department

1 shall ensure that the technology is encrypted or otherwise secure  
2 from unauthorized data access.

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

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

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

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

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

34 (a) Any state agency files a notice of rule making under chapter  
35 34.05 RCW, absent explicit legislative authorization enacted  
36 subsequent to July 1, 2015, for a rule regarding a fuel standard  
37 based upon or defined by the carbon intensity of fuel, including a  
38 low carbon fuel standard or clean fuel standard.

39 (b) Any state agency otherwise enacts, adopts, orders, or in any  
40 way implements a fuel standard based upon or defined by the carbon

1 intensity of fuel, including a low carbon fuel standard or clean fuel  
2 standard, without explicit legislative authorization enacted  
3 subsequent to July 1, 2015.

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

9 **LIST MAINTENANCE TOOLS FOR COUNTIES**

10 **Sec. 6.** RCW 29A.08.610 and 2009 c 369 s 28 are each amended to  
11 read as follows:

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

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

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

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

35 **FRAUD ENFORCEMENT**

