

SHB 1753 - H AMD

By Representative Hinkle

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

3 "**Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended
4 to read as follows:

5 As used in this title:

6 (1) "Ballot" means, as the context implies, either:

7 (a) The issues and offices to be voted upon in a jurisdiction
8 or portion of a jurisdiction at a particular primary, general
9 election, or special election;

10 (b) A facsimile of the contents of a particular ballot whether
11 printed on a paper ballot or ballot card or as part of a voting
12 machine or voting device;

13 (c) A physical or electronic record of the choices of an
14 individual voter in a particular primary, general election, or
15 special election; or

16 (d) The physical document on which the voter's choices are to
17 be recorded;

18 (2) "Paper ballot" means a piece of paper on which the ballot
19 for a particular election or primary has been printed, on which a
20 voter may record his or her choices for any candidate or for or
21 against any measure, and that is to be tabulated manually;

22 (3) "Ballot card" means any type of card or piece of paper of
23 any size on which a voter may record his or her choices for any
24 candidate and for or against any measure and that is to be
25 tabulated on a vote tallying system;

26 (4) "Sample ballot" means a printed facsimile of all the issues
27 and offices on the ballot in a jurisdiction and is intended to give
28 voters notice of the issues, offices, and candidates that are to be
29 voted on at a particular primary, general election, or special
30 election;

1 (5) "Provisional ballot" means a ballot issued to a voter at
2 the polling place on election day by the precinct election board,
3 for one of the following reasons:

4 (a) The voter's name does not appear in the poll book for the
5 precinct at which the voter appears and who therefore cannot be
6 verified as a registered voter;

7 (b) There is an indication in the poll book that (~~the voter~~
8 ~~has requested~~) an absentee ballot(~~(, but the voter wishes to vote~~
9 ~~at the polling place)~~) has been issued;

10 (c) There is a question on the part of the voter concerning the
11 issues or candidates on which the voter is qualified to vote;

12 (6) "Party ballot" means a primary election ballot specific to
13 a particular major political party that lists all partisan offices
14 to be voted on at that primary, and the candidates for those
15 offices who affiliate with that same major political party;

16 (7) "Nonpartisan ballot" means a primary election ballot that
17 lists all nonpartisan races and ballot measures to be voted on at
18 that primary.

19 **Sec. 2.** RCW 29A.04.109 and 2003 c 111 s 119 are each amended
20 to read as follows:

21 "Overseas voter" means any (~~elector~~) registered voter of the
22 state of Washington outside the territorial limits of the United
23 States or the District of Columbia.

24 **Sec. 3.** RCW 29A.04.163 and 2003 c 111 s 127 are each amended
25 to read as follows:

26 "Service voter" means any (~~elector~~) registered voter of the
27 state of Washington who is a member of the armed forces under 42
28 U.S.C. Sec. 1973 ff-6 while in active service, is a student or
29 member of the faculty at a United States military academy, is a
30 member of the merchant marine of the United States, is a program
31 participant as defined in RCW 40.24.020, or is a member of a
32 religious group or welfare agency officially attached to and
33 serving with the armed forces of the United States.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.08
35 RCW to read as follows:

1 The registration of a person who registered to vote before July
2 1, 2005, is moved to inactive status on July 1, 2007. That person
3 must reregister in order to vote anything other than a provisional
4 ballot at an election held after that date. The registration of a
5 person who first registers to vote or reregisters after June 30,
6 2005, continues to be valid after July 1, 2007, unless canceled or
7 inactivated as otherwise provided by law.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.08
9 RCW to read as follows:

10 In order to vote at any election or primary, whether at a
11 polling place or by absentee or mail ballot, a person must have
12 registered to vote at least thirty days before the election or
13 primary, regardless of the person's status as an absentee, mail
14 ballot, out-of-state, overseas, or service voter.

15 **Sec. 6.** RCW 29A.08.010 and 2004 c 267 s 102 are each amended
16 to read as follows:

17 As used in this chapter: "Information required for voter
18 registration" or "required information" means the minimum
19 information provided on a voter registration application that is
20 required by the county auditor in order to place a voter
21 registration applicant on the voter registration rolls. ~~((This))~~
22 Required information includes proof that the applicant is a United
23 States citizen, the applicant's name, complete valid residence
24 address, date of birth, Washington state driver's license number,
25 Washington state identification card, or the last four digits of
26 the applicant's social security number, and a signature attesting
27 to the truth of the information provided on the application(~~(, and~~
28 ~~a check or indication in the box confirming the individual is a~~
29 ~~United States citizen)~~). If the individual does not have a
30 driver's license or social security number the registrant must be
31 issued a unique voter registration number and placed on the voter
32 registration rolls. All other information supplied is ancillary
33 and not to be used as grounds for not registering an applicant to
34 vote. The person who is seeking to register must be instructed to
35 list as his or her residence address, the physical location of
36 where the person in fact lives. Each person may have only one

1 primary residence for voting purposes. The voter may also
2 designate a mailing address where he or she wishes to receive
3 ballots and information, but the ballot the voter is eligible to
4 receive will be determined by the physical location of the voter's
5 primary residence. A primary residence may not include a private
6 or public post office box or any other place where a person could
7 not live. Persons who are without a primary residence or whose
8 identity is legally protected may list the county courthouse as
9 their primary residence. Modification of the language of the
10 official Washington state voter registration form by the voter will
11 not be accepted and will cause the rejection of the registrant's
12 application. Proof of citizenship is not required if an applicant
13 is transferring his or her voter registration within a county or
14 between counties in this state.

15 **Sec. 7.** RCW 29A.08.030 and 2004 c 267 s 104 are each amended
16 to read as follows:

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

19 (1) "Verification notice" means a notice sent by the county
20 auditor or secretary of state to a voter registration applicant and
21 is used to verify or collect information about the applicant in
22 order to complete the registration.

23 (2) "Acknowledgement notice" means a notice sent by
24 nonforwardable mail by the county auditor or secretary of state to
25 a registered voter to acknowledge a voter registration transaction,
26 which can include initial registration, transfer, or reactivation
27 of an inactive registration. An acknowledgement notice may be a
28 voter registration card.

29 (3) "Confirmation notice" means a notice sent to a registered
30 voter by first class forwardable mail at the address indicated on
31 the voter's permanent registration record and to any other address
32 at which the county auditor or secretary of state could reasonably
33 expect mail to be received by the voter in order to confirm the
34 voter's residence address. The confirmation notice must be
35 designed (~~so that the voter may update his or her current~~
36 ~~residence address~~) to include a postage prepaid, preaddressed

1 return form by which the registrant may verify the address
2 information.

3 **Sec. 8.** RCW 29A.04.103 and 2003 c 111 s 118 are each amended
4 to read as follows:

5 "Out-of-state voter" means any (~~elector~~) registered voter of
6 the state of Washington outside the state but not outside the
7 territorial limits of the United States or the District of
8 Columbia.

9 **Sec. 9.** RCW 29A.08.107 and 2004 c 267 s 106 are each amended
10 to read as follows:

11 (1) The secretary of state must review the information provided
12 by each voter registration applicant to ensure that (~~either~~) the
13 driver's license number, state identification card number, or the
14 last four digits of the social security number match the
15 information maintained by the Washington department of licensing or
16 the social security administration. If a match cannot be made, the
17 secretary of state or county auditor must correspond with the
18 applicant to (~~resolve the discrepancy~~) obtain from the applicant
19 a copy of a current photo identification, utility bill, bank
20 statement, paycheck, or government check or another government
21 document that shows the applicant's name and address.

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

28 (3) Only after the secretary of state has confirmed (~~that an~~
29 ~~applicant's driver's license number or the last four digits of the~~
30 ~~applicant's social security number match existing records with the~~
31 ~~Washington department of licensing or the social security~~
32 ~~administration or determined that the applicant does not have~~
33 ~~either a driver's license number or social security number~~) the
34 applicant's identity, as required by subsection (1) of this
35 section, may the applicant be placed on the official list of
36 registered voters.

1 **Sec. 10.** RCW 29A.08.110 and 2004 c 267 s 107 are each amended
2 to read as follows:

3 (1) On receipt of an application for voter registration, the
4 county auditor shall review the application to determine whether
5 the information supplied is complete. An application is considered
6 complete only if it contains proof that the applicant is a United
7 States citizen, the applicant's name, complete valid residence
8 address, date of birth, and signature attesting to the truth of the
9 information provided and an indication the license information or
10 social security number has been confirmed by the secretary of
11 state. Proof of citizenship is not required if an applicant is
12 transferring his or her voter registration within a county or
13 between counties in this state. If the application is complete,
14 the auditor shall confirm the validity of the citizenship
15 information provided and upon confirmation that such information is
16 valid, the applicant is considered to be registered to vote as of
17 the date of mailing. If it is not complete, the auditor shall
18 promptly mail a verification notice of the deficiency to the
19 applicant. This verification notice shall require the applicant to
20 provide the missing information. If the verification notice is not
21 returned by the applicant or is returned as undeliverable the
22 auditor shall not place the name of the applicant on the county
23 voter list. If the applicant provides the required verified
24 information, the auditor shall confirm the validity of the
25 citizenship information provided, and upon confirmation that such
26 information is valid, the applicant shall be registered to vote as
27 of the date of mailing of the original voter registration
28 application.

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

1 if the applicant is a new voter the application must be processed
2 by the county of residence.

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

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

30 NEW SECTION. **Sec. 11.** A new section is added to chapter
31 29A.08 RCW to read as follows:

32 No person registering to vote, who meets all the qualifications
33 of a registered voter in the state of Washington, shall be
34 disqualified because of a nontraditional address being used as a
35 residence address. Voters using such an address will be registered
36 and assigned to a precinct based on the location provided. Voters
37 without a traditional address will be registered at the county
38 courthouse, city hall, or other public building near the area that

1 the voter considers his or her residence. Registering at a
2 nontraditional address will not disqualify a voter from requesting
3 ongoing absentee voter status if the voter designates a valid
4 mailing address.

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

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

10 A person may prove that he or she is a United States citizen
11 with an original or certified copy of any one of the following:

12 (1) A United States passport;

13 (2) A certified birth certificate issued by the city, county,
14 or state. A certified birth certificate has a registrar's raised,
15 embossed, impressed, or multicolored seal, registrar's signature,
16 and the date the certificate was filed with the registrar's office,
17 which must be within one year of birth;

18 (3) A consular report of birth abroad or certification of
19 birth;

20 (4) A naturalization certificate; or

21 (5) A certificate of citizenship.

22 **Sec. 13.** RCW 29A.08.115 and 2004 c 267 s 108 are each amended
23 to read as follows:

24 A person or organization collecting voter registration
25 application forms must transmit the forms to the secretary of state
26 or a ((designee)) county auditor at least once weekly. The
27 registration date on such forms will be the date they are received
28 by the secretary of state or county auditor.

29 **Sec. 14.** RCW 29A.08.140 and 2004 c 267 s 112 are each amended
30 to read as follows:

31 The registration files of all precincts shall be closed against
32 original registration or transfers for thirty days immediately
33 preceding every primary, special election, and general election to
34 be held in such precincts.

35 The county auditor shall give notice of the closing of the
36 precinct files for original registration and transfer ((and notice

1 of the special registration and voting procedure provided by RCW
2 29A.08.145)) by one publication in a newspaper of general
3 circulation in the county at least five days before the closing of
4 the precinct files.

5 No person may vote at any primary, special election, or general
6 election in a precinct polling place unless he or she has
7 registered to vote at least thirty days before that primary or
8 election and appears on the official statewide voter registration
9 list. (~~(If a person, otherwise qualified to vote in the state,
10 county, and precinct in which he or she applies for registration,
11 does not register at least thirty days before any primary, special
12 election, or general election, he or she may register and vote by
13 absentee ballot for that primary or election under RCW
14 29A.08.145.)~~)

15 **Sec. 15.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended
16 to read as follows:

17 (1) An applicant for voter registration shall complete an
18 application providing the following information concerning his or
19 her qualifications as a voter in this state:

20 ~~((1))~~ (a) Proof that the applicant is a United States
21 citizen;

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

24 ~~((2))~~ (c) The applicant's full name;

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

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

28 ~~((5))~~ (f) The mailing address of the applicant if that
29 address is not the same as the address in (e) of this subsection
30 ~~((4) of this section));~~

31 ~~((6))~~ (g) The sex of the applicant;

32 ~~((7) A declaration that the applicant is a citizen of the
33 United States;~~

34 ~~(8))~~ (h) The applicant's signature; and

35 ~~((9))~~ (i) Any other information that the secretary of state
36 determines is necessary to establish the identity of the applicant
37 and prevent duplicate or fraudulent voter registrations.

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

3 If the applicant fails to provide the information required for
4 voter registration, the auditor shall send the applicant a
5 verification notice. The auditor shall not register the applicant
6 until the required information is provided. If a verification
7 notice is returned as undeliverable or the applicant fails to
8 respond to the notice within forty-five days, the auditor shall not
9 register the applicant to vote.

10 (2) The applicant shall sign and attest to the following
11 declaration:

12 "I declare that the facts on this voter registration form are
13 true. I am a citizen of the United States, I am not presently
14 denied my civil rights as a result of being convicted of a felony,
15 I will have lived in Washington at this address for thirty days
16 before the next election at which I vote, and I will be at least
17 eighteen years old when I vote."

18 (3) The following warning shall appear in a conspicuous place
19 on the voter registration form:

20 "If you knowingly provide false information on this voter
21 registration form or knowingly make a false declaration about your
22 qualifications for voter registration you will have committed a
23 class C felony that is punishable by imprisonment for up to five
24 years, or by a fine of up to ten thousand dollars, or both
25 imprisonment and fine."

26 **Sec. 16.** RCW 29A.08.220 and 2004 c 267 s 115 are each amended
27 to read as follows:

28 (1) The secretary of state shall specify by rule the format of
29 all voter registration applications. These applications shall be
30 compatible with existing voter registration records. An applicant
31 for voter registration shall be required to complete only one
32 application and to provide the required information other than his
33 or her signature no more than one time. If an applicant transfers
34 his or her voter registration within a county or between counties
35 of this state, he or she is not required to provide proof of
36 citizenship. These applications shall also contain information for
37 the voter to transfer his or her registration.

1 Any application format specified by the secretary for use in
2 registering to vote in state and local elections shall satisfy the
3 requirements of the National Voter Registration Act of 1993 (P.L.
4 103- 31) and the Help America Vote Act of 2002 (P.L. 107-252) for
5 registering to vote in federal elections.

6 (2) All registration applications required under RCW 29A.08.210
7 and 29A.08.340 shall be produced and furnished by the secretary of
8 state to the county auditors and the department of licensing.

9 **Sec. 17.** RCW 29A.08.250 and 2004 c 267 s 117 are each amended
10 to read as follows:

11 The secretary of state shall furnish registration forms
12 necessary to carry out the registration of voters as provided by
13 this chapter without cost to the respective counties. All voter
14 registration forms must include clear and conspicuous language,
15 designed to draw an applicant's attention, stating that the
16 applicant must ~~((be))~~ provide proof that the applicant is 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
20 of his or her social security number as well as check boxes
21 intended to allow the voter to indicate age and United States
22 citizenship ~~((eligibility))~~ under the Help America Vote Act of 2002
23 (P.L. 107-252).

24 **Sec. 18.** RCW 29A.08.520 and 2004 c 267 s 126 are each amended
25 to read as follows:

26 (1) Upon receiving official notice of a person's conviction of
27 a felony in either state or federal court, if the convicted person
28 is a registered voter in the county, the county auditor shall
29 cancel the defendant's voter registration. Additionally, the
30 secretary of state in conjunction with the department of
31 corrections and the Washington state patrol shall arrange for a
32 ~~((periodic))~~ monthly comparison of ~~((a))~~ any lists of known felons
33 maintained by the department of corrections and the Washington
34 state patrol with the statewide voter registration list. If a
35 person is found on the department of corrections felon list or the
36 Washington state patrol felon list and the statewide voter
37 registration list, the secretary of state or county auditor shall

1 confirm the match through a date of birth comparison and, if the
2 person has not had his or her right to vote restored, immediately
3 cancel the voter registration from the official state voter
4 registration list. The canceling authority shall send notice of
5 the proposed cancellation to the person at his or her last known
6 voter registration address, which notice must set forth a method of
7 appealing the action.

8 (2) Felons who have been granted a certificate of discharge by
9 a court shall provide a certified copy of the certificate of
10 discharge to the department of corrections and the Washington state
11 patrol within thirty days from the day the court grants the
12 certificate, and shall provide a certified copy of their
13 certificate of discharge to the elections officer at the time they
14 register to vote.

15 NEW SECTION. Sec. 19. A new section is added to chapter
16 29A.08 RCW to read as follows:

17 In addition to any legal obligations of local election
18 officers, the secretary of state in conjunction with the department
19 of health shall arrange for a monthly comparison of any lists of
20 known deaths maintained by the department of health with the
21 statewide voter registration list. If a person is found on the
22 department of health death list and the statewide voter
23 registration list, the secretary of state or county auditor shall
24 immediately cancel the voter registration from the official state
25 voter registration list. The canceling authority shall send notice
26 of the cancellation to the presumed deceased person at his or her
27 last known voter registration address. The notice will set forth
28 a method of appealing the action.

29 NEW SECTION. Sec. 20. A new section is added to chapter
30 29A.08 RCW to read as follows:

31 In addition to any legal obligations of local election
32 officers, the secretary of state in conjunction with the department
33 of health, the department of social and health services, and the
34 administrator for the courts shall arrange for a monthly comparison
35 of any lists of persons known to have been declared mentally
36 incompetent and unable to vote or known to have been placed under
37 the care of a full guardianship due to their mental capacity and

1 who have not otherwise been declared able to vote. If a person is
2 found on the department of health, the department of social and
3 health services, or the administrator for the courts lists and the
4 statewide voter registration list, the secretary of state or county
5 auditor shall immediately cancel the voter registration from the
6 official state voter registration list. The canceling authority
7 shall send notice of the cancellation to the person at the address
8 for which registration has been canceled. The notice will set
9 forth a method of appealing the action.

10 The administrator for the courts shall collect and maintain a
11 list of all judicial determinations of full guardianship under RCW
12 11.88.010 and other cases where the court has ordered someone
13 unable to vote.

14 NEW SECTION. **Sec. 21.** A new section is added to chapter
15 29A.08 RCW to read as follows:

16 In addition to any legal obligations of local election
17 officers, the secretary of state in conjunction with local election
18 officers shall make at a minimum a monthly comparison of names on
19 the statewide voter registration list, and if a person is found
20 registered more than once on the statewide voter registration list,
21 the secretary of state or county auditor shall immediately cancel
22 all voter registrations for that voter in excess of one from the
23 official state voter registration list. The canceling authority
24 shall send notice of the cancellation to the person at the address
25 for which registration has been canceled. The notice will set
26 forth a method of appealing the action.

27 **Sec. 22.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended
28 to read as follows:

29 (1) A voter whose registration or reregistration occurred after
30 June 30, 2005, and who has been made inactive under this chapter
31 and who offers to vote at an ensuing election before two federal
32 elections have been held must be allowed to vote a ((regular))
33 provisional ballot and the voter's registration restored to active
34 status.

35 (2) A voter whose registration has been made inactive because
36 it occurred on or before June 30, 2005, or which has been properly
37 canceled under this chapter shall vote a provisional ballot. The

1 voter shall mark the provisional ballot in secrecy, the ballot
2 placed in a security envelope, the security envelope placed in a
3 provisional ballot envelope, and the reasons for the use of the
4 provisional ballot noted.

5 (3) Upon receipt of such a voted provisional ballot the auditor
6 shall investigate the circumstances surrounding the original
7 cancellation. If he or she determines that the cancellation was in
8 error, the voter's registration must be immediately reinstated, and
9 the voter's provisional ballot must be counted. If the original
10 cancellation was not in error, the voter must be afforded the
11 opportunity to reregister at his or her correct address, and the
12 voter's provisional ballot must not be counted. If the voter was
13 given a provisional ballot only because he or she had not
14 registered or reregistered after June 30, 2005, the ballot must be
15 counted. The voter will continue to vote provisional ballots until
16 such time as he or she chooses to register.

17 (4) The names and addresses of provisional voters is not a
18 matter of public record, and no one other than an election officer
19 may contact an individual provisional voter. The election officer
20 shall contact the voter via first class mail within forty-eight
21 hours of discovery and shall inform the voter of relevant
22 deadlines.

23 **Sec. 23.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended
24 to read as follows:

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

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

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

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

3 (5) The computerized list must be coordinated with other agency
4 data bases within the state, including but not limited to the
5 department of corrections, the department of licensing, ((and)) the
6 department of health, the Washington state patrol, and the office
7 of the administrator for the courts.

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

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

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

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

20 (10) The secretary of state has data authority on all voter
21 registration data.

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

24 (a) Comply with the Help America Vote Act of 2002 (P.L. 107-
25 252);

26 (b) Identify duplicate voter registrations;

27 (c) Identify suspected duplicate voters;

28 (d) Screen against the department of corrections, the
29 Washington state patrol, and other appropriate state agency data
30 bases to aid in the cancellation of voter registration of felons;

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

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

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

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

4 **Sec. 24.** RCW 29A.08.775 and 2004 c 267 s 136 are each amended
5 to read as follows:

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

13 **Sec. 25.** RCW 29A.08.830 and 2003 c 111 s 255 are each amended
14 to read as follows:

15 (1) Any registered voter may request that the registration of
16 another voter be canceled if he or she believes that the voter does
17 not meet the requirements of Article VI, section 1 of the state
18 Constitution or that voter no longer maintains a legal voting
19 residence at the address shown on his or her registration record.
20 The challenger shall file with the county auditor a signed
21 affidavit subject to the penalties of perjury, to the effect that
22 to his or her personal knowledge and belief another registered
23 voter does not actually reside at the address as given on his or
24 her registration record or is otherwise not a qualified voter and
25 that the voter in question is not protected by the provisions of
26 Article VI, section 4, of the Constitution of the state of
27 Washington. The person filing the challenge must furnish the
28 address at which the challenged voter actually resides.

29 (2) Any such challenge of a voter's registration and right to
30 vote made less than thirty days before a primary or election,
31 special or general, shall be administered under RCW 29A.08.820.
32 The county auditor shall notify the challenged voter and the
33 precinct election officers in the voter's precinct that a challenge
34 has been filed, provide the name of the challenger, and instruct
35 both the precinct election officers and the voter that, in the
36 event the challenged voter desires to vote at the ensuing primary

1 or election, a ((challenged)) provisional ballot will be provided.
2 The voter shall also be informed that the status of his or her
3 registration and the disposition of any ((challenged)) provisional
4 ballot will be determined by the county canvassing board in the
5 manner provided by RCW 29A.08.820. If the challenged voter does
6 not vote at the ensuing primary or election, the challenge shall be
7 processed in the same manner as challenges made more than thirty
8 days prior to the primary or election under RCW 29A.08.840.

9 NEW SECTION. **Sec. 26.** A new section is added to chapter
10 29A.84 RCW to read as follows:

11 The secretary of state and the appropriate county auditor shall
12 refer all cases of violations of the following statutes that they
13 discover or suspect to have occurred to the local prosecuting
14 attorney: RCW 29A.84.130, 29A.84.140, 29A.84.650, 29A.84.655,
15 29A.84.660, 29A.84.670, and 29A.84.680. The prosecutor to whom the
16 violations were referred shall submit to the secretary of state a
17 list of all such referrals, the basis of the referrals, and the
18 final disposition of the referrals.

19 **Sec. 27.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended
20 to read as follows:

21 If any county auditor or registration assistant:

22 (1) Willfully neglects or refuses to perform any duty required
23 by law in connection with the registration of voters; or

24 (2) Willfully neglects or refuses to perform such duty in the
25 manner required by voter registration law; or

26 (3) Enters or causes or permits to be entered on the voter
27 registration records the name of any person in any other manner or
28 at any other time than as prescribed by voter registration law or
29 enters or causes or permits to be entered on such records the name
30 of any person not entitled to be thereon; or

31 (4) Destroys, mutilates, conceals, changes, or alters any
32 registration record in connection therewith except as authorized by
33 voter registration law,

34 he or she is guilty of a ((~~gross misdemeanor punishable to the same~~
35 ~~extent as a gross misdemeanor that is~~)) class C felony punishable
36 under RCW 9A.20.021.

1 **Sec. 28.** RCW 29A.84.140 and 2003 c 111 s 2108 are each amended
2 to read as follows:

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

6 NEW SECTION. **Sec. 29.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 29A.08.145 (Late registration--Special procedure) and
9 2004 c 267 s 113, 2003 c 111 s 213, & 1993 c 383 s 1; and

10 (2) RCW 29A.08.230 (Oath of applicant) and 2003 c 111 s 218,
11 1994 c 57 s 12, 1990 c 143 s 8, 1973 1st ex.s. c 21 s 4, 1971 ex.s.
12 c 202 s 10, & 1965 c 9 s 29.07.080.

13 NEW SECTION. **Sec. 30.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 31.** (1) Sections 1 and 22 of this act are
18 necessary for the immediate preservation of the public peace,
19 health, or safety, or support of the state government and its
20 existing public institutions, and take effect immediately.

21 (2) The remainder of this act takes effect January 1, 2006."

22 Correct the title.

EFFECT: Persons registering to vote must show proof of citizenship and list as the residence address the physical location where the voter lives. The secretary of state must conduct monthly comparisons of the voter registration database with the Department of Health's list of deaths and the Department of Social and Health Services, the Department of Health, and the Administrator for the courts lists of persons declared mentally incompetent and remove duplicate names from the voter registration database. Persons registered to vote prior to June 30, 2005, must reregister or vote a provisional ballot. The names and addresses of provisional voters are not public records and only an election officer may contact provisional voters. Procedures are prescribed for processes

relating to challenging a provisional ballot. Penalties regarding registration violations are changed from a gross misdemeanor to a class C felony.