SHB 1753 - H AMD By Representative _____

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

"Sec. 1. RCW 29A.08.010 and 2004 c 267 s 102 are each amended to read as follows:

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

- (1) Name((, complete residence));
- (2) Residential address((7));
- 12 (3) Date of birth((7)):

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- (4) Washington state driver's license number, Washington state identification card, or the last four digits of the applicant's Social Security number((-));
- (5) A signature attesting to the truth of the information provided on the application ((-)) and
- (6) A check or indication in the box confirming the individual is a United States citizen.

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

Sec. 2. RCW 29A.08.030 and 2004 c 267 s 104 are each amended to read as follows:

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

- (1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration.
- (2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.
- (3) "Confirmation notice" means a notice sent to a registered voter by first class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed ((so that the voter may update his or her current residence address)) to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.
- Sec. 3. RCW 29A.08.107 and 2004 c 267 s 106 are each amended to read as follows:
- (1) The secretary of state must review the information provided by each voter registration applicant to ensure that ((either)) the driver's license number, state identification card number, or the last four digits of the social security number match the information maintained by the Washington department of licensing or the social security administration. If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to ((resolve the discrepancy)) obtain from the applicant a copy of a current photo identification, utility bill, bank statement, paycheck, or government check or another government document that shows the applicant's name and address. The secretary of state or the county auditor shall check on the

citizenship of each applicant with the federal Immigration and Naturalization Service, in accordance with 8 U.S.C. 1373.

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- (2) If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application((¬)) within ((thirty)) forty-five days, the ((secretary of state shall forward the application to the appropriate county auditor for document storage)) applicant will not be registered to vote.
- (3) Only after the secretary of state has confirmed ((that an applicant's driver's license number or the last four digits of the applicant's social security number match existing records with the Washington department of licensing or the social security administration or determined that the applicant does not have either a driver's license number or social security number)) the applicant's identity, as required by subsection (1) of this section, may the applicant be placed on the official list of registered voters.
- Sec. 4. RCW 29A.08.110 and 2004 c 267 s 107 are each amended to read as follows:
- (1) On receipt of an application for voter registration, the county auditor shall review the application to determine whether the information supplied is complete. An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided and an indication ((the license information or social security number)) that the identifying documentation has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing If the verification notice is not returned by the information. applicant or is returned as undeliverable ((the auditor shall not place)), the name of the applicant shall not be placed on the county voter list. If the applicant provides the required verified information, the applicant shall be registered to vote as of the date of mailing of the original voter registration application.
- (2) In order to prevent duplicate registration records, all complete voter registration applications must be screened against

- existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing. If the new information indicates that the voter remains in the same county of residence or if the applicant is a new voter the application must be processed by the county of residence.
- (3) If the information required in subsection (1) of this section is complete, the applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Within forty-five days after the receipt of an application but no later than seven days before the next primary, special election, or general election, the auditor shall send to the applicant, by first class mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable. If the registrant has indicated on the form that he or she is registered to vote within the county but has provided a new address within the county that is for voter registration purposes, the auditor shall transfer the voter's registration.
- (4) If an acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice.

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

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No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because of a nontraditional address being used as a residence address. Voters using such an address will be registered and assigned to a precinct based on the location provided. Voters without a traditional address will be registered at the county courthouse, city hall, or other public building near the area that the voter considers his or her residence. Registering at a nontraditional address will not disqualify a voter from requesting ongoing absentee voter status if the voter designates a valid mailing address.

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

Sec. 6. RCW 29A.08.115 and 2004 c 267 s 108 are each amended to read as follows:

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

- **Sec. 7.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to read as follows:
- (1) Each county auditor shall maintain a computer file containing the records of all registered voters within the county. The auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW. The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.
- (2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county, to make

corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.

(3) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates. If the voter has not voted at least five times since establishing his or her current registration record, only the available dates will be included.

- Sec. 8. RCW 29A.08.125 and 2004 c 267 s 110 are each amended to read as follows:
- (1) Each county auditor shall maintain a computer file containing a copy of each record of all registered voters within the county contained on the official statewide voter registration list for that county.
- (2) County election officials shall randomly investigate the record of all registered voters within the county contained on the official statewide voter registration list for that county, to make corrections in the record regarding persons who are deceased or whose residence differs from that on the official statewide voter registration list.
- (3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration, applicable taxing district and precinct codes, and the last date on which the individual voted.
- (4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates.
- Sec. 9. RCW 29A.08.145 and 2004 c 267 s 113 are each amended to read as follows:

This section establishes a special procedure which an elector may use to register to vote or transfer a voter registration by changing his or her address during the period beginning after the closing of registration for voting at the polls under RCW 29A.08.140 and ending on the fifteenth day before a primary, special election, or general election. A qualified elector in the state may register to vote or change his or her registration

address in person in the office of the county auditor of the county in which the applicant resides, or at a voter registration location specifically designated for this purpose by the ((county auditor of the county in which the applicant resides)) secretary of state, and apply for an absentee ballot for that primary or election. auditor or registration assistant shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered or transferred voter for the primary or election that follows the execution of the registration shall be promptly transmitted to the auditor with the completed voter registration form.

Sec. 10. RCW 29A.08.210 and 2003 c 111 s 216 are each amended to read as follows:

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

- (1) The address of the last former registration of the applicant as a voter in the state;
 - (2) The applicant's full name;

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- (3) The applicant's date of birth;
- (4) The address of the applicant's residence for voting purposes;
- (5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
 - (6) The sex of the applicant;
- (7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number;
- (8) A check box and declaration confirming that the applicant is a citizen of the United States;
 - $((\frac{8}{1}))$ (9) The applicant's signature; and
- (((9))) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

The application form must also provide a box the applicant may check to indicate that he or she is a member of the armed forces.

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

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

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The following warning shall appear in a conspicuous place on the voter registration form:

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

Sec. 11. RCW 29A.08.520 and 2004 c 267 s 126 are each amended to read as follows:

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a periodic comparison of a list of known felons with the statewide voter registration list. If a person is found on ((the department of corrections)) <u>a</u> felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and cancel the voter registration from the official state voter registration list. The canceling authority shall send ((notice of the proposed cancellation)) to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote.

(2) A certificate of discharge or an order restoring civil rights may be used as proof that a felon has completed all

Sec. 12. RCW 29A.08.605 and 2003 c 111 s 236 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 ((and)), the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the county auditor shall establish a general program of voter registration list maintenance. This program must be a thorough review that is applied uniformly throughout the county and must be nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. The county may fulfill its obligations under this section in one of the following ways:

- (1) The county auditor may enter into one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor receives change of address information from the United States postal service that indicates that a voter has changed his or her residence address within the county, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address. If the auditor receives postal change of address information indicating that the voter has moved out of the county, the auditor shall send a confirmation notice to the voter and advise the voter of the need to reregister in the new county. The auditor shall place the voter's registration on inactive status;
- (2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter within the county bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;
 - (3) Any other method approved by the secretary of state.
- **Sec. 13.** RCW 29A.08.605 and 2004 c 267 s 128 are each amended to read as follows:

In addition to the case-by-case maintenance required under RCW 29A.08.620 and 29A.08.630 ((and)), the canceling of registrations under RCW 29A.08.510, and the random investigation required under RCW 29A.08.125, the secretary of state and the county auditor shall cooperatively establish a general program of voter registration list maintenance. This program must be a thorough review that is uniformly throughout the county and must nondiscriminatory in its application. Any program established must be completed at least once every two years and not later than ninety days before the date of a primary or general election for federal office. This obligation may be fulfilled in one of the following ways:

- (1) The secretary of state may enter into one or more contracts with the United States postal service, or its licensee, which permit the use of postal service change-of-address information. If the change of address information is received from the United States postal service that indicates that a voter has changed his or her residence address within the state, the auditor shall transfer the registration of that voter and send a confirmation notice informing the voter of the transfer to the new address;
- (2) A direct, nonforwardable, nonprofit or first-class mailing to every registered voter bearing the postal endorsement "Return Service Requested." If address correction information for a voter is received by the county auditor after this mailing, the auditor shall place that voter on inactive status and shall send to the voter a confirmation notice;
 - (3) Any other method approved by the secretary of state.
- **Sec. 14.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended to read as follows:
- (1) The office of the secretary of state shall create and maintain a statewide voter registration data base. This data base must be a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

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

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- The computerized list must contain the name (3) registration information of every legally registered voter in the state.
- (4) Under the computerized list, a unique identifier is assigned to each legally registered voter in the state.
- (5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, ((and)) the department of health, the Washington state patrol, and the office of the administrator for the courts.
- (6) Any election officer in the state, including any local election officer, may obtain immediate electronic access to the information contained in the computerized list.
- (7) All voter registration information obtained by any local election officer in the state must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local officer.
- (8) The chief state election officer shall provide support, as may be required, so that local election officers are able to enter information as described in subsection (3) of this section.
- The computerized list serves as the official voter registration list for the conduct of all elections.
- (10) The secretary of state has data authority on all voter registration data.
- (11) The voter registration data base must be designed to accomplish at a minimum, the following:
- (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);
 - (b) Identify duplicate voter registrations;
 - (c) Identify suspected duplicate voters;
- Screen against the department of corrections, the Washington state patrol, and other appropriate state agency data bases to aid in the cancellation of voter registration of felons;
- (e) Provide up-to-date signatures of voters for the purposes of initiative signature checking;

(f) Provide current and accurate voter registration information using information obtained under RCW 29A.08.125;

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- (g) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;
- $((\frac{g}))$ (h) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities; and $((\frac{h}))$ (i) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses.
- Sec. 15. RCW 29A.08.775 and 2004 c 267 s 136 are each amended to read as follows:

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

Sec. 16. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. larger return envelope must contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope must provide a box the voter may check to indicate that he or she is a member of the armed forces. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

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

- **Sec. 17.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to 24 read as follows:
 - (1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:
- 30 "Do you want to register to vote or transfer your voter 31 registration?"
- 32 If the applicant chooses to register or transfer a 33 registration, the agent shall ((state)) ask and confirm the 34 following:
- 35 (("I would like to remind you that you must be a United States
 36 citizen and at least eighteen years of age in order to vote."))
- 37 (1) "Are you a United States citizen?"

- (2) "Are you at least eighteen years of age?"
- 2 If the applicant answers in the affirmative to both questions, 3 shall then provide the applicant with a voter 4 registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter 5 6 registration.
 - If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form and instructions.
 - (2) The department shall establish a procedure substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.
- 14 NEW SECTION. Sec. 18. RCW 29A.08.155 (Payment for maintenance 15 of electronic records) and 2004 c 267 s 114 & 2003 c 111 s 215 are 16 each repealed.
- 17 NEW SECTION. Sec. 19. Sections 7 and 12 of this act expire 18 January 1, 2006.
- 19 NEW SECTION. Sec. 20. Sections 7 and 12 of this act take 20 effect ninety days after the adjournment of the legislative session in which they are enacted. The remainder of the act takes effect 21 January 1, 2006." 22
- 23 Correct the title.

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EFFECT: The striking amendment adds the following provisions to the underlying bill: 1) The Secretary of State or county auditor must check the citizenship of each voter applicant with the federal Immigration and Naturalization Service; 2) county election officials must randomly investigate the registered voter list for names of persons who are deceased and make corrections; 3)applications for voter registration must contain a box that the applicant may check to indicate whether he or she is a member of the armed forces; 4)absentee return envelopes must contain a box that the applicant may check to indicate whether he or she is a member of the armed forces; 5) a motor vehicle licensing agent must ask a person registering to vote if the applicant is a United States citizen, is at

least 18 years of age, and if the answer is "no" to either question, prohibits the registration of that individual.

The striking amendment removes the following provisions of the underlying bill: 1) the notification process outlined for restoration of voting rights when a certificate of discharge is issued; and 2) the requirement that a felon list must not include anyone whose conviction has been invalidated or who was convicted in another state and has had his or her voting rights restored in that state.