SUBSTITUTE HOUSE BILL 2753

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State of Washington   **59th Legislature**   **2006 Regular Session**

By House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Hunt and Tom; by request of Secretary of State)

READ FIRST TIME 01/31/06.

1   AN ACT Relating to electronic voter registration; amending RCW
2 29A.08.010, 29A.08.110, 29A.08.107, 29A.08.145, and 29A.08.210;
3 repealing RCW 29A.08.230 and 29A.72.220; and providing an effective
4 date.

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

6   **Sec. 1.** RCW 29A.08.010 and 2005 c 246 s 2 are each amended to read
7 as follows:
8   As used in this chapter: "Information required for voter
9 registration" means the minimum information provided on a voter
10 registration application that is required by the county auditor in
11 order to place a voter registration applicant on the voter registration
12 rolls. This information includes:
13   (1) Name;
14   (2) Residential address;
15   (3) Date of birth;
16   (4)(a) Washington state driver's license number or Washington state
17 identification card number, or the last four digits of the applicant's
18 Social Security number if the applicant does not have a Washington
19 state driver's license or Washington state identification card; or

1 (b) Washington state driver's license number or Washington state
2 identification card number and the last four digits of the applicant's
3 social security number if the applicant is registering electronically;
4 (5)(a) A signature attesting to the truth of the information
5 provided on the application; or
6 (b) Affirmative acceptance of the information on an electronic
7 voter registration application as true and a signature obtained from
8 the department of licensing; 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 in order to be placed on the
14 voter registration rolls. All other information supplied is ancillary
15 and not to be used as grounds for not registering an applicant to vote.
16 Modification of the language of the official Washington state voter
17 registration form by the voter will not be accepted and will cause the
18 rejection of the registrant's application.

19 **Sec. 2.** RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read
20 as follows:
21 (1) An application is considered complete only if it contains:
22 (a) The applicant's name((-));
23 (b) The applicant's complete valid residence address((-));
24 (c) The applicant's date of birth((-));
25 (d) A signature attesting to the truth of the information provided,
26 or, in the case of an electronic application, affirmative acceptance of
27 the information as true and a signature obtained from the department of
28 licensing;
29 (e) A mark in the check-off box confirming United States
30 citizenship((-)); and
31 (f) An indication that the provided driver's license number, state
32 identification card number, or Social Security number has been
33 confirmed by the secretary of state.
34 If ((it)) the application is not complete, the auditor shall
35 promptly mail a verification notice of the deficiency to the applicant.
36 This verification notice shall require the applicant to provide the
37 missing information. If the verification notice is not returned by the

1 applicant within forty-five days or is returned as undeliverable, the
2 name of the applicant shall not be placed on the official list of
3 registered voters. If the applicant provides the required verified
4 information, the applicant shall be registered to vote as of the
5 original date of mailing or date of delivery, whichever is applicable.
6   (2) If the information required in subsection (1) of this section
7 is complete, the applicant is considered to be registered to vote as of
8 the original date of mailing ((or)), date of delivery, ((whichever is
9 applicable)) or date of submission in the case of an electronic
10 application. The auditor shall record the appropriate precinct
11 identification, taxing district identification, and date of
12 registration on the voter's record in the state voter registration
13 list. Within forty-five days after the receipt of an application but
14 no later than seven days before the next primary, special election, or
15 general election, the auditor shall send to the applicant, by first
16 class mail, an acknowledgement notice identifying the registrant's
17 precinct and containing such other information as may be required by
18 the secretary of state. The postal service shall be instructed not to
19 forward a voter registration card to any other address and to return to
20 the auditor any card which is not deliverable.
21   (3) If an acknowledgement notice card is properly mailed as
22 required by this section to the address listed by the voter as being
23 the voter's mailing address and the notice is subsequently returned to
24 the auditor by the postal service as being undeliverable to the voter
25 at that address, the auditor shall promptly send the voter a
26 confirmation notice. The auditor shall place the voter's registration
27 on inactive status pending a response from the voter to the
28 confirmation notice.

29   **Sec. 3.** RCW 29A.08.107 and 2005 c 246 s 4 are each amended to read
30 as follows:
31   (1) The secretary of state must review the information provided by
32 each voter registration applicant to ensure that the provided driver's
33 license number, state identification card number, or last four digits
34 of the Social Security number match the information maintained by the
35 Washington department of licensing or the Social Security
36 administration. If a match cannot be made, the secretary of state or

county auditor must correspond with the applicant to resolve the discrepancy.

(2) <u>If the applicant submitted an electronic voter registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or state identification card signature and confirmation of the applicant's last four digits of his or her social security number from the department of licensing.</u>

<u>(3)</u> If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application within forty-five days, the applicant will not be registered to vote. The secretary of state shall forward the application to the appropriate county auditor for document storage.

(((3))) <u>(4)</u> Only after the secretary of state has confirmed that the provided driver's license number, state identification card number, or 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 a driver's license number, state identification card number, or Social Security number may the applicant be placed on the official list of registered voters.

(((4))) <u>(5)</u> 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.

Sec. 4. RCW 29A.08.145 and 2005 c 246 s 10 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 or secretary of state, and apply for an absentee ballot for that primary or election. The 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. An elector may not register to vote under this section using an electronic voter registration application.

Sec. 5. RCW 29A.08.210 and 2005 c 246 s 11 are each amended to read as follows:

An applicant for voter registration shall complete an 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;

(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 or Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not have a Washington state driver's license or Washington state identification card;

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

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

(10) A check box allowing the applicant to confirm that he or she ((is)) will be at least eighteen years of age before the next election;

1   (11) Clear and conspicuous language, designed to draw the
2 applicant's attention, stating that the applicant must be a United
3 States citizen in order to register to vote;
4   (12) A check box and declaration confirming that the applicant is
5 a citizen of the United States;
6   (13) The following warning:
7   "If you knowingly provide false information on this voter
8 registration form or knowingly make a false declaration about your
9 qualifications for voter registration you will have committed a class
10 C felony that is punishable by imprisonment for up to five years, a
11 fine of up to ten thousand dollars, or both."
12   (14) The following affirmation by the applicant:
13   "By signing this document, I hereby assert, under penalty of
14 perjury, that I am legally eligible to vote. If I am found to have
15 voted illegally, I may be prosecuted and/or fined for this illegal act.
16 In addition, I hereby acknowledge that my name and last known address
17 will be forwarded to the appropriate state and/or federal authorities
18 if I am found to have voted illegally."
19   (15) The following oath ((required by RCW 29A.08.230 and a)):

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

26   (16) A space for the applicant's signature, or, in the case of an
27 electronic application, affirmative acceptance of the information on
28 the application as true and assent to use of the applicant's driver's
29 license or state identification card signature for voter registration
30 purposes; and
31   (((16))) (17) Any other information that the secretary of state
32 determines is necessary to establish the identity of the applicant and
33 prevent duplicate or fraudulent voter registrations.
34   This information shall be recorded on a single registration form to
35 be prescribed by the secretary of state. The information may be
36 recorded on an electronic voter registration application provided on
37 the secretary of state's web site. In order to submit an electronic
38 voter registration application, the applicant must have a Washington

1 state driver's license or Washington state identification card and a
2 social security number, and must agree to use of the driver's license
3 or state identification card signature for voter registration purposes.
4   If the applicant fails to provide the information required for
5 voter registration, the auditor shall send the applicant a verification
6 notice. The applicant may not be registered until the required
7 information is provided. If a verification notice is returned as
8 undeliverable or the applicant fails to respond to the notice within
9 forty-five days, the applicant shall not be registered to vote.

10   NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
11 repealed:
12   (1) RCW 29A.08.230 (Oath of applicant) and 2003 c 111 s 218, 1994
13 c 57 s 12, 1990 c 143 s 8, 1973 1st ex.s. c 21 s 4, 1971 ex.s. c 202 s
14 10, & 1965 c 9 s 29.07.080; and
15   (2) RCW 29A.72.220 (Petitions--Signature checking--Registration
16 information file) and 2003 c 111 s 1801.

17   NEW SECTION. **Sec. 7.** This act takes effect January 1, 2007.

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