
ENGROSSED SUBSTITUTE SENATE BILL 5743

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Fairley, Benson, Berkey, Haugen, McAuliffe, Shin, Parlette, Keiser, Mulliken and Rockefeller; by request of Secretary of State)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to voter registration procedures; amending RCW
2 29A.08.010, 29A.08.030, 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125,
3 29A.08.125, 29A.08.145, 29A.08.210, 29A.08.520, 29A.08.605, 29A.08.605,
4 29A.08.651, 29A.08.775, 29A.40.091, and 46.20.155; adding a new section
5 to chapter 29A.08 RCW; repealing RCW 29A.08.155; providing effective
6 dates; and providing an expiration date.

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

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

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

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

16 (2) Residential address(~~)~~;

17 (3) Date of birth(~~)~~;

18 (4) Washington state driver's license number, Washington state

1 identification card, or the last four digits of the applicant's Social
2 Security number((τ))i

3 (5) A signature attesting to the truth of the information provided
4 on the application((τ))i and

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

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

15 **Sec. 2.** RCW 29A.08.030 and 2004 c 267 s 104 are each amended to
16 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 auditor
20 or secretary of state to a voter registration applicant and is used to
21 verify or collect information about the applicant in order to complete
22 the registration.

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

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

1 **Sec. 3.** RCW 29A.08.107 and 2004 c 267 s 106 are each amended to
2 read as follows:

3 (1) The secretary of state must review the information provided by
4 each voter registration applicant to ensure that ~~((either))~~ the
5 driver's license number, state identification card number, or the last
6 four digits of the social security number match the information
7 maintained by the Washington department of licensing or the social
8 security administration. If a match cannot be made, the secretary of
9 state or county auditor must correspond with the applicant to ~~((resolve~~
10 ~~the discrepancy))~~ obtain from the applicant a copy of a current photo
11 identification, utility bill, bank statement, paycheck, or government
12 check or another government document that shows the applicant's name
13 and address. The secretary of state or the county auditor shall check
14 on the citizenship of each applicant with the federal Immigration and
15 Naturalization Service, in accordance with 8 U.S.C. 1373.

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

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

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

32 (1) On receipt of an application for voter registration, the county
33 auditor shall review the application to determine whether the
34 information supplied is complete. An application is considered
35 complete only if it contains the applicant's name, complete valid
36 residence address, date of birth, and signature attesting to the truth
37 of the information provided and an indication ~~((the license information~~

1 ~~or social security number~~) that the identifying documentation has been
2 confirmed by the secretary of state. If it is not complete, the
3 auditor shall promptly mail a verification notice of the deficiency to
4 the applicant. This verification notice shall require the applicant to
5 provide the missing information. If the verification notice is not
6 returned by the applicant or is returned as undeliverable (~~the auditor~~
7 ~~shall not place~~), the name of the applicant shall not be placed on the
8 county voter list. If the applicant provides the required verified
9 information, the applicant shall be registered to vote as of the date
10 of mailing of the original voter registration application.

11 (2) In order to prevent duplicate registration records, all
12 complete voter registration applications must be screened against
13 existing voter registration records in the official statewide voter
14 registration list. If a match of an existing record is found in the
15 official list the record must be updated with the new information
16 provided on the application. If the new information indicates that the
17 voter has changed his or her county of residence, the application must
18 be forwarded to the voter's new county of residence for processing. If
19 the new information indicates that the voter remains in the same county
20 of residence or if the applicant is a new voter the application must be
21 processed by the county of residence.

22 (3) If the information required in subsection (1) of this section
23 is complete, the applicant is considered to be registered to vote as of
24 the original date of mailing or date of delivery, whichever is
25 applicable. The auditor shall record the appropriate precinct
26 identification, taxing district identification, and date of
27 registration on the voter's record in the state voter registration
28 list. Within forty-five days after the receipt of an application but
29 no later than seven days before the next primary, special election, or
30 general election, the auditor shall send to the applicant, by first
31 class mail, an acknowledgement notice identifying the registrant's
32 precinct and containing such other information as may be required by
33 the secretary of state. The postal service shall be instructed not to
34 forward a voter registration card to any other address and to return to
35 the auditor any card which is not deliverable. If the registrant has
36 indicated on the form that he or she is registered to vote within the
37 county but has provided a new address within the county that is for

1 voter registration purposes, the auditor shall transfer the voter's
2 registration.

3 (4) If an acknowledgement notice card is properly mailed as
4 required by this section to the address listed by the voter as being
5 the voter's mailing address and the notice is subsequently returned to
6 the auditor by the postal service as being undeliverable to the voter
7 at that address, the auditor shall promptly send the voter a
8 confirmation notice. The auditor shall place the voter's registration
9 on inactive status pending a response from the voter to the
10 confirmation notice.

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

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

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

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

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

33 **Sec. 7.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to
34 read as follows:

35 (1) Each county auditor shall maintain a computer file containing

1 the records of all registered voters within the county. The auditor
2 may provide for the establishment and maintenance of such files by
3 private contract or through interlocal agreement as provided by chapter
4 39.34 RCW. The computer file must include, but not be limited to, each
5 voter's last name, first name, middle initial, date of birth, residence
6 address, gender, date of registration, applicable taxing district and
7 precinct codes, and the last date on which the individual voted.

8 (2) County election officials shall randomly investigate the record
9 of all registered voters within the county contained on the official
10 statewide voter registration list for that county, to make corrections
11 in the record regarding persons who are deceased or whose residence
12 differs from that on the official statewide voter registration list.

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

18 **Sec. 8.** RCW 29A.08.125 and 2004 c 267 s 110 are each amended to
19 read as follows:

20 (1) Each county auditor shall maintain a computer file containing
21 a copy of each record of all registered voters within the county
22 contained on the official statewide voter registration list for that
23 county.

24 (2) County election officials shall randomly investigate the record
25 of all registered voters within the county contained on the official
26 statewide voter registration list for that county, to make corrections
27 in the record regarding persons who are deceased or whose residence
28 differs from that on the official statewide voter registration list.

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

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

1 **Sec. 9.** RCW 29A.08.145 and 2004 c 267 s 113 are each amended to
2 read as follows:

3 This section establishes a special procedure which an elector may
4 use to register to vote or transfer a voter registration by changing
5 his or her address during the period beginning after the closing of
6 registration for voting at the polls under RCW 29A.08.140 and ending on
7 the fifteenth day before a primary, special election, or general
8 election. A qualified elector in the state may register to vote or
9 change his or her registration address in person in the office of the
10 county auditor of the county in which the applicant resides, or at a
11 voter registration location specifically designated for this purpose by
12 the (~~county auditor of the county in which the applicant resides~~)
13 secretary of state, and apply for an absentee ballot for that primary
14 or election. The auditor or registration assistant shall register that
15 individual in the manner provided in this chapter. The application for
16 an absentee ballot executed by the newly registered or transferred
17 voter for the primary or election that follows the execution of the
18 registration shall be promptly transmitted to the auditor with the
19 completed voter registration form.

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

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

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

27 (2) The applicant's full name;

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

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

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

32 (6) The sex of the applicant;

33 (7) The applicant's Washington state driver's license number,
34 Washington state identification card number, or the last four digits of
35 the applicant's social security number;

36 (8) A check box and declaration confirming that the applicant is a
37 citizen of the United States;

1 ((+8)) (9) The applicant's signature; and
2 ((+9)) (10) Any other information that the secretary of state
3 determines is necessary to establish the identity of the applicant and
4 prevent duplicate or fraudulent voter registrations.

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

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

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

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

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

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

24 (1) Upon receiving official notice of a person's conviction of a
25 felony in either state or federal court, if the convicted person is a
26 registered voter in the county, the county auditor shall cancel the
27 defendant's voter registration. Additionally, the secretary of state
28 in conjunction with the department of corrections, the Washington state
29 patrol, the office of the administrator for the courts, and other
30 appropriate state agencies shall arrange for a periodic comparison of
31 a list of known felons with the statewide voter registration list. If
32 a person is found on ~~((the department of corrections))~~ a felon list and
33 the statewide voter registration list, the secretary of state or county
34 auditor shall confirm the match through a date of birth comparison and
35 cancel the voter registration from the official state voter
36 registration list. The canceling authority shall send ~~((notice of the~~

1 ~~proposed cancellation~~) to the person at his or her last known voter
2 registration address a notice of the proposed cancellation and an
3 explanation of the requirements for restoring the right to vote.

4 (2) A certificate of discharge or an order restoring civil rights
5 may be used as proof that a felon has completed all sentencing
6 requirements resulting from the felony conviction for which the
7 certificate was issued.

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

10 In addition to the case-by-case maintenance required under RCW
11 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under
12 RCW 29A.08.510, and the random investigation required under RCW
13 29A.08.125, the county auditor shall establish a general program of
14 voter registration list maintenance. This program must be a thorough
15 review that is applied uniformly throughout the county and must be
16 nondiscriminatory in its application. Any program established must be
17 completed at least once every two years and not later than ninety days
18 before the date of a primary or general election for federal office.
19 The county may fulfill its obligations under this section in one of the
20 following ways:

21 (1) The county auditor may enter into one or more contracts with
22 the United States postal service, or its licensee, which permit the
23 auditor to use postal service change-of-address information. If the
24 auditor receives change of address information from the United States
25 postal service that indicates that a voter has changed his or her
26 residence address within the county, the auditor shall transfer the
27 registration of that voter and send a confirmation notice informing the
28 voter of the transfer to the new address. If the auditor receives
29 postal change of address information indicating that the voter has
30 moved out of the county, the auditor shall send a confirmation notice
31 to the voter and advise the voter of the need to reregister in the new
32 county. The auditor shall place the voter's registration on inactive
33 status;

34 (2) A direct, nonforwardable, nonprofit or first-class mailing to
35 every registered voter within the county bearing the postal endorsement
36 "Return Service Requested." If address correction information for a

1 voter is received by the county auditor after this mailing, the auditor
2 shall place that voter on inactive status and shall send to the voter
3 a confirmation notice;

4 (3) Any other method approved by the secretary of state.

5 **Sec. 13.** RCW 29A.08.605 and 2004 c 267 s 128 are each amended to
6 read as follows:

7 In addition to the case-by-case maintenance required under RCW
8 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under
9 RCW 29A.08.510, and the random investigation required under RCW
10 29A.08.125, the secretary of state and the county auditor shall
11 cooperatively establish a general program of voter registration list
12 maintenance. This program must be a thorough review that is applied
13 uniformly throughout the county and must be nondiscriminatory in its
14 application. Any program established must be completed at least once
15 every two years and not later than ninety days before the date of a
16 primary or general election for federal office. This obligation may be
17 fulfilled in one of the following ways:

18 (1) The secretary of state may enter into one or more contracts
19 with the United States postal service, or its licensee, which permit
20 the use of postal service change-of-address information. If the change
21 of address information is received from the United States postal
22 service that indicates that a voter has changed his or her residence
23 address within the state, the auditor shall transfer the registration
24 of that voter and send a confirmation notice informing the voter of the
25 transfer to the new address;

26 (2) A direct, nonforwardable, nonprofit or first-class mailing to
27 every registered voter bearing the postal endorsement "Return Service
28 Requested." If address correction information for a voter is received
29 by the county auditor after this mailing, the auditor shall place that
30 voter on inactive status and shall send to the voter a confirmation
31 notice;

32 (3) Any other method approved by the secretary of state.

33 **Sec. 14.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended to
34 read as follows:

35 (1) The office of the secretary of state shall create and maintain
36 a statewide voter registration data base. This data base must be a

1 single, uniform, official, centralized, interactive computerized
2 statewide voter registration list defined, maintained, and administered
3 at the state level that contains the name and registration information
4 of every legally registered voter in the state and assigns a unique
5 identifier to each legally registered voter in the state.

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

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

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

13 (5) The computerized list must be coordinated with other agency
14 data bases within the state, including but not limited to the
15 department of corrections, the department of licensing, (~~and~~) the
16 department of health, the Washington state patrol, and the office of
17 the administrator for the courts.

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

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

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

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

30 (10) The secretary of state has data authority on all voter
31 registration data.

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

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

35 (b) Identify duplicate voter registrations;

36 (c) Identify suspected duplicate voters;

37 (d) Screen against the department of corrections, the Washington

1 state patrol, and other appropriate state agency data bases to aid in
2 the cancellation of voter registration of felons;

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

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

7 (g) Provide for a comparison between the voter registration data
8 base and the department of licensing change of address data base;

9 ~~((g))~~ (h) Provide online access for county auditors with the goal
10 of real time duplicate checking and update capabilities; and

11 ~~((h))~~ (i) Provide for the cancellation of voter registration for
12 persons who have moved to other states and surrendered their Washington
13 state drivers' licenses.

14 **Sec. 15.** RCW 29A.08.775 and 2004 c 267 s 136 are each amended to
15 read as follows:

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

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

25 The county auditor shall send each absentee voter a ballot, a
26 security envelope in which to seal the ballot after voting, a larger
27 envelope in which to return the security envelope, and instructions on
28 how to mark the ballot and how to return it to the county auditor. The
29 instructions that accompany an absentee ballot for a partisan primary
30 must include instructions for voting the applicable ballot style, as
31 provided in chapter 29A.36 RCW. The larger return envelope must
32 contain a declaration by the absentee voter reciting his or her
33 qualifications and stating that he or she has not voted in any other
34 jurisdiction at this election, together with a summary of the penalties
35 for any violation of any of the provisions of this chapter. The return
36 envelope must provide a box the voter may check to indicate that he or

1 she is a member of the armed forces. The return envelope must provide
2 space for the voter to indicate the date on which the ballot was voted
3 and for the voter to sign the oath. A summary of the applicable
4 penalty provisions of this chapter must be printed on the return
5 envelope immediately adjacent to the space for the voter's signature.
6 The signature of the voter on the return envelope must affirm and
7 attest to the statements regarding the qualifications of that voter and
8 to the validity of the ballot. For out-of-state voters, overseas
9 voters, and service voters, the signed declaration on the return
10 envelope constitutes the equivalent of a voter registration for the
11 election or primary for which the ballot has been issued. The voter
12 must be instructed to either return the ballot to the county auditor by
13 whom it was issued or attach sufficient first class postage, if
14 applicable, and mail the ballot to the appropriate county auditor no
15 later than the day of the election or primary for which the ballot was
16 issued.

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

26 **Sec. 17.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to read
27 as follows:

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

32 "Do you want to register to vote or transfer your voter
33 registration?"

34 If the applicant chooses to register or transfer a registration,
35 the agent shall ((state)) ask and confirm the following:

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

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

4 (2) "Are you at least eighteen years of age?"

5 If the applicant answers in the affirmative to both questions, the
6 agent shall then provide the applicant with a voter registration form
7 and instructions and shall record that the applicant has requested to
8 register to vote or transfer a voter registration.

9 If the applicant answers in the negative to either question, the
10 agent shall not provide the applicant with a voter registration form
11 and instructions.

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

16 NEW SECTION. Sec. 18. RCW 29A.08.155 (Payment for maintenance of
17 electronic records) and 2004 c 267 s 114 & 2003 c 111 s 215 are each
18 repealed.

19 NEW SECTION. Sec. 19. Sections 7 and 12 of this act expire
20 January 1, 2006.

21 NEW SECTION. Sec. 20. Sections 7 and 12 of this act take effect
22 ninety days after the adjournment of the legislative session in which
23 they are enacted. The remainder of the act takes effect January 1,
24 2006.

--- END ---