
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 03/07/05.

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.08.145,
3 29A.08.210, 29A.08.520, 29A.08.651, and 29A.08.775; adding a new
4 section to chapter 29A.08 RCW; repealing RCW 29A.08.155; and providing
5 an effective date.

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

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

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

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

15 (2) Residential address(~~)~~;

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

17 (4) Washington state driver's license number, Washington state
18 identification card, or the last four digits of the applicant's Social
19 Security number(~~)~~;

1 (5) A signature attesting to the truth of the information provided
2 on the application((τ)); and

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

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

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

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

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

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

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

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

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

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

30 (1) On receipt of an application for voter registration, the county
31 auditor shall review the application to determine whether the
32 information supplied is complete. An application is considered
33 complete only if it contains the applicant's name, complete valid
34 residence address, date of birth, and signature attesting to the truth
35 of the information provided and an indication ~~((the license information~~
36 ~~or social security number))~~ that the identifying documentation has been
37 confirmed by the secretary of state. If it is not complete, the

1 auditor shall promptly mail a verification notice of the deficiency to
2 the applicant. This verification notice shall require the applicant to
3 provide the missing information. If the verification notice is not
4 returned by the applicant or is returned as undeliverable (~~the auditor~~
5 ~~shall not place~~), the name of the applicant shall not be placed on the
6 county voter list. If the applicant provides the required verified
7 information, the applicant shall be registered to vote as of the date
8 of mailing of the original voter registration application.

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

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

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

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

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

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

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

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

31 **Sec. 7.** RCW 29A.08.145 and 2004 c 267 s 113 are each amended to
32 read as follows:

33 This section establishes a special procedure which an elector may
34 use to register to vote or transfer a voter registration by changing
35 his or her address during the period beginning after the closing of

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

15 **Sec. 8.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to
16 read as follows:

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

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

22 (2) The applicant's full name;

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

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

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

27 (6) The sex of the applicant;

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

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

33 (~~(8)~~) (9) The applicant's signature; and

34 (~~(9)~~) (10) Any other information that the secretary of state
35 determines is necessary to establish the identity of the applicant and
36 prevent duplicate or fraudulent voter registrations.

1 This information shall be recorded on a single registration form to
2 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 verification
5 notice. The auditor shall not register the applicant until the
6 required information is provided. If a verification notice is returned
7 as undeliverable or the applicant fails to respond to the notice within
8 forty-five days, the auditor shall not register the applicant to vote.

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

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

16 **Sec. 9.** RCW 29A.08.520 and 2004 c 267 s 126 are each amended to
17 read as follows:

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

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

1 **Sec. 10.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended to
2 read as follows:

3 (1) The office of the secretary of state shall create and maintain
4 a statewide voter registration data base. This data base must be a
5 single, uniform, official, centralized, interactive computerized
6 statewide voter registration list defined, maintained, and administered
7 at the state level that contains the name and registration information
8 of every legally registered voter in the state and assigns a unique
9 identifier to each legally registered voter in the state.

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

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

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

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

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

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

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

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

34 (10) The secretary of state has data authority on all voter
35 registration data.

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

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

- 1 (b) Identify duplicate voter registrations;
2 (c) Identify suspected duplicate voters;
3 (d) Screen against the department of corrections, the Washington
4 state patrol, and other appropriate state agency data bases to aid in
5 the cancellation of voter registration of felons;
6 (e) Provide up-to-date signatures of voters for the purposes of
7 initiative signature checking;
8 (f) Provide for a comparison between the voter registration data
9 base and the department of licensing change of address data base;
10 (g) Provide online access for county auditors with the goal of real
11 time duplicate checking and update capabilities; and
12 (h) Provide for the cancellation of voter registration for persons
13 who have moved to other states and surrendered their Washington state
14 drivers' licenses.

15 **Sec. 11.** RCW 29A.08.775 and 2004 c 267 s 136 are each amended to
16 read as follows:

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

24 NEW SECTION. **Sec. 12.** RCW 29A.08.155 (Payment for maintenance of
25 electronic records) and 2004 c 267 s 114 & 2003 c 111 s 215 are each
26 repealed.

27 NEW SECTION. **Sec. 13.** This act takes effect January 1, 2006.

--- END ---