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**SENATE BILL 6249**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Zeiger and Fain; by request of Secretary of State

AN ACT Relating to voter registration; amending RCW 29A.08.140, 29A.08.140, 29A.08.140, 29A.08.125, 29A.08.410, 29A.08.620, 29A.04.611, and 29A.40.160; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

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

**Sec.**  RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than ((~~twenty-nine~~)) twenty-eight days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than ((~~twenty-nine~~)) twenty-eight days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

**Sec.**  RCW 29A.08.140 and 2011 c 10 s 15 are each amended to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application pursuant to RCW 29A.08.115, 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or 29A.08.340, received by election officials no later than ((~~twenty-nine~~)) eleven days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than ((~~twenty-nine~~)) twenty-eight days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

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(b) Register in person at the county auditor's office in his or her county of residence ((~~no later than eight days before the day of the primary, special election, or general election~~)), or an alternate location designated by the county auditor.

(2) A person who is already registered to vote in Washington may update his or her registration no later than ((~~twenty-nine~~)) twenty- eight days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) A person registering to vote at a county auditor's office or other location designated by a county auditor must appear in person at either the county auditor's office or designated location in the county in which the person resides at a time when the registration facility is open to the public. The registrant must complete a voter registration application by providing the information required by RCW 29A.08.010 and 29A.08.107.

(4) For in-person voter registration on the day of a special election, primary, or general election, a person may register to vote and receive a ballot up to 8:00 p.m. at the county auditor's office or designated location.

(5) If a voter registration deadline falls on a state or federal holiday, the deadline is moved to the next business day after the holiday.

**Sec.**  RCW 29A.08.125 and 2009 c 369 s 12 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, the administrative office of the courts, and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database 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;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations; ((~~and~~))

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the change of residence address for a voter from one county to another.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

**Sec.**  RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within ((~~the same county~~)) this state may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to ((~~transfer the~~)) change the residence address for voter registration; or

(4) Submitting a voter registration application.

**Sec.**  RCW 29A.08.620 and 2011 c 10 s 17 are each amended to read as follows:

(1) Each county auditor must request change of address information from the postal service for all mail ballots.

(2) The county auditor shall transfer the registration of a voter and send an acknowledgment notice to the new address informing the voter of the transfer if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved within the ((~~county~~)) state.

(3) ((~~The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice and a voter registration application if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved from one county to another.~~

~~(4)~~)) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur:

(a) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information; or

(b) Change of address information received from the postal service, the department of licensing, or another state agency designated to provide voter registration services indicates that the voter has moved out of the state.

**Sec.**  RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;

(12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic transmission;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures for processing in-person voter registration and issuance of ballots and provisional ballots by county auditors;

(25) Procedures and forms for declarations of candidacy;

((~~(25)~~)) (26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

((~~(26)~~)) (27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

((~~(27)~~)) (28) Filing for office;

((~~(28)~~)) (29) The order of positions and offices on a ballot;

((~~(29)~~)) (30) Sample ballots;

((~~(30)~~)) (31) Independent evaluations of voting systems;

((~~(31)~~)) (32) The testing, approval, and certification of voting systems;

((~~(32)~~)) (33) The testing of vote tallying software programming;

((~~(33)~~)) (34) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

((~~(34)~~)) (35) Standards and procedures to guarantee the secrecy of ballots;

((~~(35)~~)) (36) Uniformity among the counties of the state in the conduct of elections;

((~~(36)~~)) (37) Standards and procedures to accommodate overseas voters and service voters;

((~~(37)~~)) (38) The tabulation of paper ballots;

((~~(38)~~)) (39) The accessibility of voting centers;

((~~(39)~~)) (40) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

((~~(40)~~)) (41) Procedures for conducting a statutory recount;

((~~(41)~~)) (42) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

((~~(42)~~)) (43) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

((~~(43)~~)) (44) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

((~~(44)~~)) (45) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

((~~(45)~~)) (46) Procedures for the publication of a state voters' pamphlet;

((~~(46)~~)) (47) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

((~~(47)~~)) (48) Procedures for conducting partisan primary elections;

((~~(48)~~)) (49) Standards and procedures for the proper conduct of voting on accessible voting devices;

((~~(49)~~)) (50) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

((~~(50)~~)) (51) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

((~~(51)~~)) (52) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

((~~(52)~~)) (53) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

((~~(53)~~)) (54) Facilitating the payment of local government grants to local government election officers or vendors; and

((~~(54)~~)) (55) Standards for the verification of signatures on ballot declarations.

**Sec.**  RCW 29A.40.160 and 2017 c 327 s 1 are each amended to read as follows:

(1) Each county auditor shall open a voting center each primary, special election, and general election. The voting center shall be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of, the primary, special election, or general election.

(2) The voting center must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.

(3) The voting center must be accessible to persons with disabilities. Each state agency and entity of local government shall permit the use of any of its accessible facilities as voting centers when requested by a county auditor.

(4) The voting center must provide at least one voting unit certified by the secretary of state that provides access to individuals who are blind or visually impaired, enabling them to vote with privacy and independence.

(5) No person may interfere with a voter attempting to vote in a voting center. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510.

(6) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the county auditor shall verify that no votes have been registered for any issue or office, and that the device has been sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. A log must be made of all device numbers and seal numbers.

(7) The county auditor shall require any person desiring to vote at a voting center to either sign a ballot declaration or provide identification.

(a) The signature on the declaration must be compared to the signature on the voter registration record before the ballot may be counted. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.

(8) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.

(9) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center.

(10) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs.

(11) No voter is entitled to vote more than once at a primary, special election, or general election. If a voter incorrectly marks a ballot, he or she may be issued a replacement ballot.

(12) A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The canvassing board shall not count the provisional ballot if it finds that the voter has also voted a regular ballot in that primary, special election, or general election.

(13) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

(14) Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote.

(15) For each primary, special election, and general election, the county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at the additional locations, and which days and hours the locations will be open((~~, except that the county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office~~)).

(16) Each county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office.

NEW SECTION. **Sec.**  Section 1 of this act expires January 1, 2019.

NEW SECTION. **Sec.**  Section 2 of this act takes effect January 1, 2019.

NEW SECTION. **Sec.**  (1) Sections 3, 5, and 6 of this act take effect when the statewide voter registration database operated by the secretary of state is compliant with RCW 29A.08.125, as amended by this act, is fully implemented and installed in the office of the secretary of state and in all county elections departments. Section 2 of this act expires if section 3 of this act takes effect.

(2) The secretary of state must provide notice to the appropriate committees of the legislature of the estimated date of installation by December 1, 2018.

(3) The secretary of state's office must provide written notice to the code reviser's office when the statewide voter registration database is compliant with RCW 29A.08.125, as amended by this act, and is fully implemented and installed in the office of the secretary of state and in all county elections departments.

**--- END ---**