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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

Read first time 01/11/18. Referred to Committee on State Government,  
Tribal Relations & Elections.

1 AN ACT Relating to voter registration; amending RCW 29A.08.140,  
2 29A.08.140, 29A.08.140, 29A.08.125, 29A.08.410, 29A.08.620,  
3 29A.04.611, and 29A.40.160; providing an effective date; providing a  
4 contingent effective date; providing an expiration date; and  
5 providing a contingent expiration date.

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

7 **Sec. 1.** RCW 29A.08.140 and 2011 c 10 s 15 are each amended to  
8 read as follows:

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

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

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

17 (2) A person who is already registered to vote in Washington may  
18 update his or her registration no later than (~~twenty-nine~~) twenty-  
19 eight days before the day of the primary, special election, or  
20 general election to be in effect for that primary, special election,  
21 or general election. A registered voter who fails to transfer his or

1 her residential address by this deadline may vote according to his or  
2 her previous registration address.

3 (3) A person registering to vote at a county auditor's office or  
4 other location designated by a county auditor must appear in person  
5 at either the county auditor's office or designated location in the  
6 county in which the person resides at a time when the registration  
7 facility is open to the public. The registrant must complete a voter  
8 registration application by providing the information required by RCW  
9 29A.08.010 and 29A.08.107.

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

13 **Sec. 2.** RCW 29A.08.140 and 2011 c 10 s 15 are each amended to  
14 read as follows:

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

17 (a) Submit a registration application pursuant to RCW 29A.08.115,  
18 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or  
19 29A.08.340, received by election officials no later than (~~twenty-~~  
20 ~~nine~~) eleven days before the day of the primary, special election,  
21 or general election; or

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

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

32 (3) A person registering to vote at a county auditor's office or  
33 other location designated by a county auditor must appear in person  
34 at either the county auditor's office or designated location in the  
35 county in which the person resides at a time when the registration  
36 facility is open to the public. The registrant must complete a voter  
37 registration application by providing the information required by RCW  
38 29A.08.010 and 29A.08.107.

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

4 **Sec. 3.** RCW 29A.08.140 and 2011 c 10 s 15 are each amended to  
5 read as follows:

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

8 (a) Submit a registration application pursuant to RCW 29A.08.115,  
9 29A.08.120, 29A.08.123, 29A.08.310, 29A.08.320, 29A.08.330, or  
10 29A.08.340, received by election officials no later than ((~~twenty-~~  
11 nine)) eleven days before the day of the primary, special election,  
12 or general election; or

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

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

24 (3) A person registering to vote at a county auditor's office or  
25 other location designated by a county auditor must appear in person  
26 at either the county auditor's office or designated location in the  
27 county in which the person resides at a time when the registration  
28 facility is open to the public. The registrant must complete a voter  
29 registration application by providing the information required by RCW  
30 29A.08.010 and 29A.08.107.

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

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

1       **Sec. 4.** RCW 29A.08.125 and 2009 c 369 s 12 are each amended to  
2 read as follows:

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

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

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

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

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

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

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

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

31       (9) The voter registration database must be designed to  
32 accomplish at a minimum, the following:

33       (a) Comply with the help America vote act of 2002 (P.L. 107-252);

34       (b) Identify duplicate voter registrations;

35       (c) Identify suspected duplicate voters;

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

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

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

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

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

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

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

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

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

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

29 **Sec. 5.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to  
30 read as follows:

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

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

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

- 1 (3) Telephoning or emailing the county auditor to (~~transfer~~  
2 ~~the~~) change the residence address for voter registration; or  
3 (4) Submitting a voter registration application.

4 **Sec. 6.** RCW 29A.08.620 and 2011 c 10 s 17 are each amended to  
5 read as follows:

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

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

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

22 (~~4~~) The county auditor shall place a voter on inactive status  
23 and send to all known addresses a confirmation notice if any of the  
24 following occur:

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

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

32 **Sec. 7.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to  
33 read as follows:

34 The secretary of state as chief election officer shall make  
35 reasonable rules in accordance with chapter 34.05 RCW not  
36 inconsistent with the federal and state election laws to effectuate  
37 any provision of this title and to facilitate the execution of its  
38 provisions in an orderly, timely, and uniform manner relating to any

1 federal, state, county, city, town, and district elections. To that  
2 end the secretary shall assist local election officers by devising  
3 uniform forms and procedures.

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

7 (1) The maintenance of voter registration records;

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (15) Voter registration applications and records;

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

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

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

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

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

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

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

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

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

23 ~~(25)~~ (25) Procedures and forms for declarations of candidacy;

24 ~~(26)~~ (26) Procedures and requirements for the acceptance and  
25 filing of declarations of candidacy by electronic means;

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

29 ~~(28)~~ (28) Filing for office;

30 ~~(29)~~ (29) The order of positions and offices on a ballot;

31 ~~(30)~~ (30) Sample ballots;

32 ~~(31)~~ (31) Independent evaluations of voting systems;

33 ~~(32)~~ (32) The testing, approval, and certification of voting  
34 systems;

35 ~~(33)~~ (33) The testing of vote tallying software programming;

36 ~~(34)~~ (34) Standards and procedures to prevent fraud and to  
37 facilitate the accurate processing and canvassing of ballots,  
38 including standards for the approval and implementation of hardware  
39 and software for automated signature verification systems;

1       (~~(34)~~) (35) Standards and procedures to guarantee the secrecy  
2 of ballots;

3       (~~(35)~~) (36) Uniformity among the counties of the state in the  
4 conduct of elections;

5       (~~(36)~~) (37) Standards and procedures to accommodate overseas  
6 voters and service voters;

7       (~~(37)~~) (38) The tabulation of paper ballots;

8       (~~(38)~~) (39) The accessibility of voting centers;

9       (~~(39)~~) (40) The aggregation of precinct results if reporting  
10 the results of a single precinct could jeopardize the secrecy of a  
11 person's ballot;

12       (~~(40)~~) (41) Procedures for conducting a statutory recount;

13       (~~(41)~~) (42) Procedures for filling vacancies in congressional  
14 offices if the general statutory time requirements for availability  
15 of ballots, certification, canvassing, and related procedures cannot  
16 be met;

17       (~~(42)~~) (43) Procedures for the statistical sampling of  
18 signatures for purposes of verifying and canvassing signatures on  
19 initiative, referendum, and recall election petitions;

20       (~~(43)~~) (44) Standards and deadlines for submitting material to  
21 the office of the secretary of state for the voters' pamphlet;

22       (~~(44)~~) (45) Deadlines for the filing of ballot titles for  
23 referendum bills and constitutional amendments if none have been  
24 provided by the legislature;

25       (~~(45)~~) (46) Procedures for the publication of a state voters'  
26 pamphlet;

27       (~~(46)~~) (47) Procedures for conducting special elections  
28 regarding nuclear waste sites if the general statutory time  
29 requirements for availability of ballots, certification, canvassing,  
30 and related procedures cannot be met;

31       (~~(47)~~) (48) Procedures for conducting partisan primary  
32 elections;

33       (~~(48)~~) (49) Standards and procedures for the proper conduct of  
34 voting on accessible voting devices;

35       (~~(49)~~) (50) Standards for voting technology and systems used by  
36 the state or any political subdivision to be accessible for  
37 individuals with disabilities, including nonvisual accessibility for  
38 the blind and visually impaired, in a manner that provides the same  
39 opportunity for access and participation, including privacy and  
40 independence, as other voters;

1       (~~(50)~~)   (51) All data formats for transferring voter  
2 registration data on electronic or machine-readable media for the  
3 purpose of administering the statewide voter registration list  
4 required by the Help America Vote Act (P.L. 107-252);

5       (~~(51)~~)   (52) Defining the interaction of electronic voter  
6 registration election management systems employed by each county  
7 auditor to maintain a local copy of each county's portion of the  
8 official state list of registered voters;

9       (~~(52)~~)   (53) Provisions and procedures to implement the state-  
10 based administrative complaint procedure as required by the Help  
11 America Vote Act (P.L. 107-252);

12       (~~(53)~~)   (54) Facilitating the payment of local government grants  
13 to local government election officers or vendors; and

14       (~~(54)~~)   (55) Standards for the verification of signatures on  
15 ballot declarations.

16       **Sec. 8.** RCW 29A.40.160 and 2017 c 327 s 1 are each amended to  
17 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (14) Any voter who is inside or in line at the voting center at  
21 8:00 p.m. on the day of the primary, special election, or general  
22 election must be allowed to vote.

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

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

36 NEW SECTION. **Sec. 9.** Section 1 of this act expires January 1,  
37 2019.

1        NEW SECTION.    **Sec. 10.**    Section 2 of this act takes effect  
2    January 1, 2019.

3        NEW SECTION.    **Sec. 11.**    (1) Sections 3, 5, and 6 of this act take  
4    effect when the statewide voter registration database operated by the  
5    secretary of state is compliant with RCW 29A.08.125, as amended by  
6    this act, is fully implemented and installed in the office of the  
7    secretary of state and in all county elections departments. Section 2  
8    of this act expires if section 3 of this act takes effect.

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

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

--- END ---