CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5112

68th Legislature
2023 Regular Session

Passed by the Senate April 14, 2023
Yeas 33  Nays 13

Passed by the House April 7, 2023
Yeas 57  Nays 40

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SECOND SUBSTITUTE SENATE BILL 5112 as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to updating processes related to voter registration; amending RCW 29A.08.010, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.220, 29A.08.260, 29A.08.270, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.355, 29A.08.357, 29A.08.359, 29A.08.362, 29A.08.365, 29A.08.370, 46.20.153, 46.20.155, 46.20.156, 46.20.205, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.710, 29A.08.810, 29A.08.820, 29A.08.835, 29A.08.840, 29A.04.611, 29A.84.110, 29A.04.058, and 29A.08.115; reenacting and amending RCW 29A.08.320; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

A person applying for government services which require proof of citizenship as part of that application may receive automatic voter registration services by providing the following information:

(1) Name;
(2) Residential address;
(3) Date of birth;
(4) A signature attesting to the truth of the information provided on the application;
(5) An address where the person receives mail, if different from
the residence address; and

(6) Presentation of documentation as part of another government
transaction confirming the individual is a United States citizen.

Sec. 2. RCW 29A.08.010 and 2019 c 6 s 1 are each amended to read
as follows:

(1) The minimum required information provided on a voter
registration application ((that is required)) in order to place a
voter registration applicant on the voter registration rolls
includes:

(a) Name;
(b) Residential address;
(c) Date of birth;
(d) A signature attesting to the truth of the information
provided on the application; ((and))
(e) An address where the person receives mail, if different from
the residence address; and

(f) Affirmation of citizenship which confirms the individual is a
United States citizen, in one of the following forms:

(i) A check or indication in the box on a voter registration form
confirming ((the individual is a United States citizen)) citizenship;

or

(ii) Presentation of documents as part of another government
transaction confirming citizenship.

(2) The residential address provided must identify the actual
physical residence of the voter in Washington, as defined in RCW
29A.04.151, with detail sufficient to allow the voter to be assigned
to the proper precinct and to locate the voter to confirm his or her
residence for purposes of verifying qualification to vote under
Article VI, section 1 of the state Constitution. A residential
address may be either a traditional address or a nontraditional
address.

(a) A traditional address consists of a street number and name,
optional apartment number or unit number, and city or town, as
assigned by a local government, which serves to identify the parcel
or building of residence and the unit if a multiunit residence.

(b) A nontraditional address consists of a narrative description
of the location of the voter's residence, and may be used when a
traditional address has not been assigned or affixed to the voter's
residence or when a voter resides on an Indian reservation or Indian
lands, pursuant to the conditions in RCW 29A.08.112.

(3) All other information supplied is ancillary and not to be
used as grounds for not registering an applicant to vote.

(4) Modification of the language of the official Washington state
voter registration form by the voter will not be accepted and will
cause the rejection of the registrant's application.

Sec. 3. RCW 29A.08.030 and 2009 c 369 s 7 are each amended to
read as follows:

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

(1) "Verification notice" means a notice sent by the county
auditor or secretary of state to a voter registration applicant and
is used to verify or collect information about the applicant in order
to complete the registration. The verification notice must be
designed to include a postage prepaid, preaddressed return form by
which the applicant may verify or send information.

(2) "Acknowledgment notice" means a notice sent by nonforwardable
mail by the county auditor or secretary of state to a registered
voter to acknowledge a voter registration transaction or an automatic
voter registration transaction, which can include initial
registration, ((transfer)) residential address change, or
reactivation of an inactive registration, identifying the
registrant's precinct and containing such other information as may be
required by the secretary of state. An acknowledgment notice may be a
voter registration card.

(3) "Automatic voter registration acknowledgment notice package"
means a package of information sent by nonforwardable mail by the
county auditor, to a registered voter who utilized the automatic
voter registration process at the department of licensing, to
acknowledge a voter registration transaction, which can include
initial registration, residential address change, or reactivation of
an inactive registration. The package must include:

(a) A postage prepaid, preaddressed return form by which the
individual may decline to be registered to vote or decline the
update;

(b) A statement explaining that the person has become registered
to vote or signed up to register to vote, as appropriate, setting
forth the qualifications to vote, stating that if the individual does
not meet the qualifications to vote, the person shall return the
notice and affirmatively decline in writing to register to vote, and
that if the person wishes to cancel the voter registration at any
time, that the person may contact their county auditor to do so;
(c) Instructions regarding how an individual can obtain more
information about the notice and assistance in the individual's
preferred language, including languages as set forth in RCW
29A.08.270;
(d) An acknowledgment notice; and
(e) Other information required by the secretary of state.
((4)) "Identification notice" means a notice sent to a
provisionally registered voter to confirm the applicant's identity.
((4)) ((5)) "Confirmation notice" means a notice sent to a
registered voter by first-class forwardable mail at the address
indicated on the voter's permanent registration record and to any
other address at which the county auditor or secretary of state could
reasonably expect mail to be received by the voter in order to
confirm the voter's residence address. The confirmation notice must
be designed to include a postage prepaid, preaddressed return form by
which the registrant may verify the address information.

Sec. 4. RCW 29A.08.110 and 2020 c 208 s 14 are each amended to
read as follows:
(1) For persons registering under RCW 29A.08.120, 29A.08.123,
29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an
application is considered complete only if it contains the
information required by RCW 29A.08.010. The applicant is considered
to be registered to vote as of:
(a) The original date of receipt;
(b) When the person will be at least eighteen years old by the
next election; ((or))
(c) When the person will be at least seventeen years old by the
next primary election or presidential primary election and eighteen
years old by the general election, whichever is applicable; or
(d) For voters utilizing automatic voter registration under
section 1 of this act at the department of licensing, the date that
an election official receives the information to register the person
to vote, unless:
(i) The voter declines registration by the deadline in RCW
29A.08.359(4)(a); or

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(ii) An election official receives the information to register
the person to vote after the deadline to register to vote under RCW
29A.08.140(1)(a), in which case the applicant is considered to be
registered to vote as of the day after the election.

(2) As soon as practicable, the auditor shall record the
appropriate precinct identification, taxing district identification,
and date of registration on the voter's record in the state voter
registration list. The secretary of state shall, pursuant to RCW
29A.04.611, establish procedures to enable new or updated voter
registrations to be recorded on an expedited basis. Any mailing
address provided shall be used only for mail delivery purposes, and
not for precinct assignment or residency purposes. (Within sixty)

(3) The voter must be sent an acknowledgment notice using first-
class nonforwardable mail:

(a) For voters utilizing automatic voter registration services at
the department of licensing, within five business days after the
receipt of an application or residential address change, or, if the
application or residential address change is received after the
deadline to register to vote or update a voter registration under RCW
29A.08.140 (1)(a) or (2)(a)(i), within five business days after the
election, the auditor shall send an automatic voter registration
acknowledgment notice package as required by RCW 29A.08.030.

(b) For all other voters, within 60 days after the receipt of an
application or (transfer) residential address change, the auditor
shall send (to the applicant, by first-class nonforwardable mail,) an acknowledgment notice (identifying the registrant's precinct and
containing such other information as may be required by the secretary
of state. The postal service shall be instructed not to forward a
voter registration card to any other address and to return to the
auditor any card which is not deliverable) as required by RCW
29A.08.030.

((4)) If an application is not complete, the auditor shall
promptly mail a verification notice to the applicant. The
verification notice shall require the applicant to provide the
missing information. If the applicant provides the required
information within forty-five days, the applicant shall be registered
to vote as of the original date of application. The applicant shall
not be placed on the official list of registered voters until the
application is complete.
Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

Sec. 5. RCW 29A.08.125 and 2018 c 109 s 7 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, 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 serving a sentence of total confinement as the result of a felony conviction, lack of citizenship, or a court finding of 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;

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

(i) Provide for the storage of pending registration records for all future voters who have not yet reached eighteen years of age in a manner that these records will not appear on the official list of registered voters until the future registrant is no longer in pending status as defined under RCW 29A.08.615.

(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. 6. RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning (his or her) the applicant's qualifications as a voter in this state:

(1) ((The former address of the applicant if previously registered to vote; ))
(2)) The applicant's full name;
(3) ) (2) The applicant's date of birth;
(4) ) (3) The address of the applicant's residence for voting purposes;
(5) ) (4) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
(6) ) (5) The ((sex)) gender of the applicant;
(6) The former address of the applicant if previously registered to vote;
(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if (he or she) the applicant does not have a Washington state driver's license or Washington state identification card;
(8) A check box allowing the applicant to indicate (that he or she is a member of) membership in the armed forces, national guard, or reserves, or (that he or she is an) overseas voter status;
(9) (A check box allowing the applicant to acknowledge that he or she is at least sixteen years old;
(10)) Clear and conspicuous language, designed to draw the applicant's attention, stating that:
(a) The applicant must be a United States citizen in order to register to vote; and
(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;
(10)) A check box and declaration confirming that the applicant is a citizen of the United States;
(11) The following warning:
"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your
qualifications for voter registration you will have committed a class
C felony that is punishable by imprisonment for up to five years, a
fine of up to ten thousand dollars, or both."

(12) The oath required by RCW 29A.08.230 and a space for
the applicant's signature; and

(13) Any other information that the secretary of state
determines is necessary to establish the identity of the applicant
and prevent duplicate or fraudulent voter registrations.

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

Sec. 7. RCW 29A.08.220 and 2013 c 11 s 13 are each amended to
read as follows:

(1) The secretary of state shall specify by rule the format of
all voter registration applications. These applications shall be
compatible with existing voter registration records. An applicant for
voter registration shall be required to complete only one application
and to provide the required information other than (his or her) the
applicant's signature no more than one time. These applications shall
also contain (information) instructions for the voter to use the
form to update (his or her) information related to the voter's
registration.

(2) Any application format specified by the secretary for use in
registering to vote in state and local elections shall satisfy the
requirements of the National Voter Registration Act of 1993 (P.L.
103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for
registering to vote in federal elections.

Sec. 8. RCW 29A.08.260 and 2013 c 11 s 15 are each amended to
read as follows:

(1) All registration applications required under RCW 29A.08.210
and 29A.08.340 shall be produced and furnished by the secretary of
state to the county auditors and the department of licensing.

(2) The county auditor shall distribute forms by which a person
may register to vote by mail and (transfer) update the address for
any previous registration in this state. The county auditor shall
keep a supply of voter registration forms in (his or her) the
auditor's office at all times for (political parties and others)
people and organizations interested in assisting in voter
registration, and shall make every effort to make these forms
generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

Sec. 9. RCW 29A.08.270 and 2003 c 111 s 139 are each amended to read as follows:

In order to encourage the broadest possible voting participation by all eligible citizens, the secretary of state shall produce voter registration information in the various languages required of state agencies.

Sec. 10. RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7 are each reenacted and amended to read as follows:

For persons not performing an automatic voter registration transaction subject to section 1 of this act:

(1) A person may register to vote or update their residential address information for a voter registration when applying for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.

(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to decline to register at the time of the transaction.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

Sec. 11. RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:
(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she decline to register at this time, or the agency may use a separate form or process approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client at the time of application for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3)(a) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update the applicant's voter registration by asking the following question of all applicants age 16 or older:

"Do you want to register or sign up to vote or update your voter registration?"

(b) If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

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

((b) "Are you at least sixteen years old?")

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either the question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three
business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 12. RCW 29A.08.340 and 2013 c 11 s 17 are each amended to read as follows:

(1) A person not performing an automatic voter registration transaction under section 1 of this act may register to vote or update ((his or her)) the person's existing voter registration when ((he or she applies for or renews)) applying for or renewing a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote or update a registration, the applicant shall provide the information required by RCW 29A.08.010.

(3) The driver licensing agent shall record that the applicant has requested to register to vote or update a voter registration.

Sec. 13. RCW 29A.08.350 and 2018 c 110 s 106 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested ((a)) to register to vote or update the individual's existing voter registration ((or update)) at a driver's license facility: The name, address, date of birth, any gender ((of)) information provided by the applicant, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

Sec. 14. RCW 29A.08.355 and 2020 c 208 s 7 are each amended to read as follows:

(1) The department of licensing must ((allow a person age eighteen years or older to be registered to vote or update voter information from the records of each person who requested to register to vote or update the person's existing voter registration at a driver's license facility: The name, address, date of birth, any gender information provided by the applicant, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

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collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration;
(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and
(c) The department of licensing record associated with the applicant contains:
   (i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010;
   (ii) Other information as required by the secretary of state; and
   (iii) A signature image.

(2) The department of licensing must allow a person sixteen or seventeen collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard 16 or 17 years of age (to be signed up to register to vote by automated process at the time of registration, renewal, or change of address) if:

(a) The person meets requirements to sign up to register to vote;
(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and
(c) The department of licensing record associated with the applicant contains:
   (i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;
   (ii) Other information as required by the secretary of state; and
   (iii) A signature image.
   ((3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.))
**Sec. 15.** RCW 29A.08.357 and 2018 c 110 s 103 are each amended to read as follows:

(1) (((If the applicant in)) For applicants served under RCW 29A.08.355 (((does not decline registration)), the application is submitted pursuant to RCW 29A.08.350 and marked as an automatic voter registrant.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

**Sec. 16.** RCW 29A.08.359 and 2020 c 208 s 18 are each amended to read as follows:

(1)(a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted ((in an expedited manner and must be received by an election official by the required voter registration deadline)) daily to the secretary of state. (((The)))

(i) If the information shows no name change or change of residence or mailing address for an existing voter registration, the auditor may choose to send the voter an acknowledgment notice.

(ii) If the information is an application for new registration or updates any element of an existing voter registration, the auditor shall update the voter's record and, if the information updates the voter's name, residence address, or mailing address, record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list and send an automatic voter registration list.
acknowledgment notice package within five business days of the original application, or, if the information is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. (Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant’s precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.)

(d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the ((first-class)) mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant responds to the automatic voter registration acknowledgment notice and declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4)(a) For new registrants who decline registration in a reply that is received by the auditor within 15 days from the date of mailing of the automatic voter registration acknowledgment notice package, the voter registration record shall be removed from the list of registered voters, and the person is deemed to have never registered to vote.

(b) If the reply declining registration is received after the deadline, the auditor shall cancel the voter's registration.
(5) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

Sec. 17. RCW 29A.08.362 and 2018 c 110 s 201 are each amended to read as follows:

(1) (Beginning July 1, 2019, the) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:
   (a) Names;
   (b) Traditional or nontraditional residential addresses;
   (c) Mailing addresses, if different from the traditional or nontraditional residential address; and
   (d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

(3) (If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.

(4) If the health benefit exchange determines, in consultation with the health care authority, that implementation of chapter 110, Laws of 2018 requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.) If the health benefit exchange determines, in consultation with the health care authority, that implementation of an automatic voter
registration system requires approval from the centers for medicare and medicaid services, then any implementation is contingent on receiving that approval.

Sec. 18. RCW 29A.08.365 and 2018 c 110 s 202 are each amended to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection (((3))) (2) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

(2) ((a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:
   (i) Steps needed to implement automatic voter registration under chapter 110, Laws of 2018 by July 1, 2019;
   (ii) Barriers to implementation, including ways to mitigate those barriers; and
   (iii) Applicable federal and state privacy protections for voter registration information.
   (b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.

((3))) This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

(a) Names;
(b) Traditional or nontraditional residential addresses;
(c) Dates of birth;
(d) A signature attesting to the truth of the information provided on the application for assistance or services; and
(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

((4)))  Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.
((5)) (4) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

Sec. 19. RCW 29A.08.370 and 2018 c 110 s 203 are each amended to read as follows:

1. If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

2. Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under RCW 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

3. A person who is ineligible to vote, who successfully completes the voter registration process under RCW 29A.08.355 or 29A.08.362 or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

4. Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause. If the cause is found to be intentional registration of ineligible persons by a person employed by the state or county government tasked with assisting the public with voter registration, that government employee is subject to the penalties of RCW 29A.84.110.

Sec. 20. RCW 46.20.153 and 2001 c 41 s 15 are each amended to read as follows:

The department shall post signs at each driver licensing facility advertising the availability of voter registration services, of automatic voter registration services for enhanced license and enhanced identification card applicants, and advising of the qualifications to register to vote. The information shall be visible.
to a person conducting a licensing transaction at the time of the
transaction, either as a sign, or as a placard handed to the voter
for review. Copies of the information shall be available in the
various languages required of state agencies.

Sec. 21. RCW 46.20.155 and 2020 c 208 s 8 are each amended to
read as follows:

(1) ((Before)) (a) For transactions other than enhanced driver's
license or enhanced identicard applicants, before issuing an original
license or identicard or renewing a license or identicard under this
chapter, the licensing agent shall determine if the applicant wants
to register to vote or update his or her voter registration by asking
the following question:

"Do you want to register or sign up to vote or update your voter
registration?"

The department of licensing, with the approval of the secretary
of state, may direct licensing agents to ask a substantially similar
question designed to improve applicant understanding.

(b) If the applicant chooses to register, sign up, or update a
registration, the agent shall ask the following:

(((1)) "Are you a United States citizen?"
((2) "Are you at least sixteen years old?")

If the applicant answers in the affirmative to ((both)) the
question((s)), the agent shall then submit the registration, sign up
form, or update. If the applicant answers in the negative to
(either) the question, the agent shall not submit an application.
Information that is otherwise disclosable under chapter 29A.08 RCW
cannot be disclosed on the future voter until the person reaches
eighteen years of age, except for the purpose of processing and
delivering ballots.

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

(3) If an applicant presents a document demonstrating that the
applicant is not a United States citizen at the time of the driver's
license or identicard transaction, the licensing agent shall not ask
the questions described in subsection (1) of this section, and shall
not submit an application. The department, in consultation with the secretary of state, shall determine which types of documents accepted by the department for purposes of a driver's license or identicard transaction demonstrate that an applicant is not a United States citizen at the time of the transaction.

Sec. 22. RCW 46.20.156 and 2020 c 208 s 21 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, (and have not declined to register to vote,) the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant if provided, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

Sec. 23. RCW 46.20.205 and 2017 c 147 s 8 are each amended to read as follows:

Whenever any person, after applying for or receiving a driver's license or identicard, moves from the address named in the application or in the license or identicard issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195. This notification information shall be transmitted to the secretary of state on a daily basis, including the person's name, former name, address, former address, date of birth, signature image, and date of the transaction.
Sec. 24. RCW 29A.08.625 and 2009 c 369 s 30 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to (the registration) the voter's current residence address, and the voter's registration record updated and restored to active status.

(2) An eligible voter whose registration has been properly canceled under this chapter shall (vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.) be allowed to register to vote at the voter's current residence address.

Sec. 25. RCW 29A.08.630 and 2009 c 369 s 31 are each amended to read as follows:

(1) The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

((1)) (a) Notifies the auditor of a change of address;

((2)) (b) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or

((3)) (c) Votes or attempts to vote in a primary, special election, or general election.

(2) If the inactive voter fails to provide (such) a notice or take (such) an action (within that period) as described in subsection (1) of this section, the auditor shall cancel the person's voter registration.
(3) The county auditor must cancel an inactive voter registration when receiving information indicating that the inactive voter has moved out of state or died.

Sec. 26. RCW 29A.08.635 and 2009 c 369 s 32 are each amended to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter verify that the voter continues to reside at the address of record and desires to continue to use that address for voting purposes, or provide a new residence address for voting, or provide information that the voter no longer resides in the state. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, the voter's registration will be canceled.

Sec. 27. RCW 29A.08.710 and 2018 c 109 s 10 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2)(a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying.
copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

Sec. 28. RCW 29A.08.810 and 2020 c 208 s 6 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the ((voter's civil rights)) voter is serving that sentence of total confinement and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter ((does not live)) resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided ((and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including)). The challenger must, at minimum, provide evidence that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) ((Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration; ((C)) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;
(C) Searched county auditor property records to determine whether the challenged voter owns any property in the county; (and
(D) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and
(E) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;
(d) The challenged voter will not be eighteen years of age by the next general election; or
(e) The challenged voter is not a citizen of the United States.
(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.
(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.
(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

Sec. 29. RCW 29A.08.820 and 2013 c 11 s 20 are each amended to read as follows:
(1) Challenges must be filed with the county auditor of the county in which the challenged voter is registered no later than ((forty-five)) 45 days before the election. The county auditor presides over the hearing.
(2) ((Only if)) Challenges may be filed after 45 days before the election, only when the challenged voter registered to vote less than ((sixty)) 60 days before the election, or changed residence less than ((sixty)) 60 days before the election without ((transferring his or her)) updating the residence address of the voter's voter registration. A challenge may then be filed not later than
((ten)) 10 days before any primary or election, general or special, or within ((ten)) 10 days of the voter being added to the voter registration database, whichever is later.

(a) If the challenge is filed ((within forty-five)) after 45 days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately to the challenged voter's registration in the voter registration system, and the county canvassing board shall preside over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot, and held until the challenge is resolved.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. However, the process shall proceed until the challenge is resolved.

Sec. 30. RCW 29A.08.835 and 2006 c 320 s 1 are each amended to read as follows:

(1) The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet website the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

(2) The information on the website may be removed 45 days following certification of an election. Information related to the challenge must be maintained by the county auditor for the appropriate retention period, and is subject to disclosure upon request.

Sec. 31. RCW 29A.08.840 and 2006 c 320 s 6 are each amended to read as follows:

(1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.

(2) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit.
county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter.

(a) If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution, and may update the residence address on the voter's voter registration, or reregister until 8:00 p.m. the day before of the election.

(b) The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.

3. All notice must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit. Personal appearance may be accomplished using video telecommunications technology if the auditor or canvassing board chooses.

4. The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If either the challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.

5. If the challenge is based on an allegation under RCW 29A.08.810(1)(a), (b), (d), or (e) and the canvassing board sustains the challenge, the voter registration shall be canceled and any challenged ballot shall not be counted. If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the canvassing board sustains the challenge, the board shall permit the voter to correct the residence address on the voter registration and any races and ballot measures on any challenged ballot that...
the voter would have been qualified to vote for had the registration been correct shall be counted.

(6) If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed and any pending challenged ballot must be accepted as valid. All challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.

Sec. 32. 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 and forms related to automatic voter registration;

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

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;

Filing for office;

The order of positions and offices on a ballot;

Sample ballots;

Independent evaluations of voting systems (and the testing, approval, and certification of voting systems);

The testing of vote tallying software programming;

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;

Standards and procedures to guarantee the secrecy of ballots;

Uniformity among the counties of the state in the conduct of elections;

Standards and procedures to accommodate overseas voters and service voters;

The tabulation of paper ballots;

The accessibility of voting centers;

The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

Procedures for conducting a statutory recount;

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;

Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

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

Procedures for the publication of a state voters' pamphlet;
(46) 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) Procedures for conducting partisan primary elections;

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

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

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

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

Sec. 33. RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to read as follows:

If any county auditor or registration assistant, including government agency employees providing voter registration services under the requirements of state law or the national voter registration act of 1993:

(1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or

(2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or
(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law, that person is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

Sec. 34. RCW 29A.04.058 and 2019 c 391 s 1 are each amended to read as follows:

"Election official" when pertaining to voter registration includes any staff member of the office of the secretary of state, staff of state agencies or offices providing voter registration services, or a staff member of a county auditor's office.

Sec. 35. RCW 29A.08.115 and 2009 c 369 s 11 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor. A person or organization collecting voter registration forms that intentionally does not transmit the forms to an election office may be subject to penalty under RCW 29A.84.030.

NEW SECTION. Sec. 36. RCW 29A.08.375 (Automatic registration—Rule-making authority) and 2018 c 110 s 207 are each repealed.

NEW SECTION. Sec. 37. Sections 3, 4, 6, 11, 13 through 16, and 20 through 23 of this act take effect July 15, 2024.