

WSR 25-09-168

PERMANENT RULES

SECRETARY OF STATE

[Filed April 23, 2025, 10:45 a.m., effective June 1, 2025]

Effective Date of Rule: June 1, 2025.

Purpose: These proposed amendments update the procedures for voter registration transfers to allow voters the same update options regardless of whether they moved within a county or to a new county.

Citation of Rules Affected by this Order: Repealing WAC 434-324-036; and amending WAC 434-324-076 and 434-324-087.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 25-07-069 on March 14, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 2, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 23, 2025.

Amanda Doyle
Chief of Staff

RDS-6179.1

AMENDATORY SECTION (Amending WSR 20-13-043, filed 6/10/20, effective 7/11/20)

WAC 434-324-076 Voter registration updates. (1) Pursuant to RCW 29A.08.140, a person already registered to vote in Washington may update their registration by submitting an address change using a registration application or making notification via any non-in-person method that is physically received by an election official no later than eight days before election day, or by appearing in person no later than 8:00 p.m. on election day.

(2) The earliest date the voter registration update is received by an election official will be used as the registration date for the purpose of meeting the registration cutoff deadline.

(3) The county auditor may request additional identifying information before processing a voter registration update submitted on behalf of a family or household member.

~~((3))~~ (4) If a voter submits a registration transfer to a new county by the ~~((statutory))~~ deadline in RCW 29A.08.140, but the voter's previous county issued the voter a ballot before the transfer is processed and the voter's ballot issued by the previous county was received but not yet accepted, the previous county must mail the suspen-

ded ballot to the voter's new county. If any races or issues on the suspended ballot from the previous county are applicable to the voter's residential address in the new county, the votes on those races and issues should be counted by the new county only when the voter does not vote and return a current ballot, or when the current ballot cannot be processed due to incorrect or incomplete information on the ballot envelope.

~~((4))~~ (5) If a participant in the future voter program established under RCW 29A.08.170 submits an address change, the county auditor must ~~(change)~~ update the address listed on the application.

AMENDATORY SECTION (Amending WSR 22-10-041, filed 4/27/22, effective 5/28/22)

WAC 434-324-087 Confirmation notice. (1) When a voter is placed on inactive status, the county auditor must send a confirmation notice to the voter by first-class forwardable mail, and must include a response form that:

- (a) Is preaddressed and postage prepaid;
- (b) Includes ~~(either)~~ the voter's ~~((date of birth or voter))~~ registration number;
- (c) Asks the voter to verify their current address; and
- (d) Asks the voter to sign ~~((the oath in RCW 29A.08.230))~~ affirming the information is accurate.

(2) When the voter sends the county auditor a response to the confirmation notice, the auditor must:

(a) Transfer the voter's registration and send the voter an acknowledgment notice if the response indicates that the voter has moved within the county.

(b) Forward the confirmation notice to the voter's new county by mail or electronically if the response indicates that the voter has moved to another county within Washington ~~((and the confirmation notice contains the minimum information required by WAC 434-324-036))~~.

The county auditor in the voter's new county must ~~((register the voter using the information and signature on the confirmation notice. The new county must transfer the registration from the old county to the new county))~~ update the voter's registration and send the voter an acknowledgment notice.

~~(c) ((Send the voter a voter registration application if the response indicates that the voter has moved to another county within Washington but the confirmation notice does not contain the minimum information required by WAC 434-324-036. The voter shall remain on inactive status according to RCW 29A.08.635.~~

~~(d))~~ Cancel the voter's registration if the response indicates that the voter has moved out-of-state and the response is signed. Prior to cancellation, the county auditor must ensure the signature matches the signature in the voter registration file by utilizing criteria outlined in WAC 434-261-051.

~~((e))~~ (d) Keep the voter on inactive status according to RCW 29A.08.635 if the response indicates that the voter has moved out-of-state but is not signed.

(3) The county auditor shall mail a confirmation notice to a primary-only voter, as defined in WAC 434-232-010, no earlier than 90 days before the primary that they are eligible to participate in.

(4) The county auditor shall not mail a confirmation notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-324-036 County-to-county transfers.