

INITIATIVE 358

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 358 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to elections; amending RCW 29A.08.210, 29A.08.110,
2 29A.08.615, 29A.40.091, 29A.60.125, and 29A.44.090; adding new sections
3 to chapter 29A.08 RCW; adding a new section to chapter 29A.04 RCW;
4 creating new sections; and repealing RCW 29A.08.010.

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** FINDINGS. The people of the state of
7 Washington find as follows:

8 Voting is a citizen's precious right, and one that is violated
9 every time an ineligible voter is allowed to cast a ballot or an
10 eligible voter is prevented from casting a ballot. State and local
11 election officials must protect the integrity of Washington elections
12 by ensuring our registration rolls contain only eligible citizens, and
13 that only legal votes are counted. This commonsense measure to help
14 prevent our elections from being corrupted by fraud will restore
15 integrity to the ballot box.

16 **Ensure Only Eligible Citizens Are Registered to Vote**

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW
2 to read as follows:

3 "FULL LEGAL NAME." As used in this chapter, "full legal name"
4 means the voter's full name at birth, including first, middle, and last
5 name, or the voter's full name as legally changed by a court of law or
6 by marriage.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.08 RCW
8 to read as follows:

9 DOCUMENTS THAT DEMONSTRATE CITIZENSHIP. Proof of citizenship may
10 be demonstrated by any of the following documents:

11 (1) A birth certificate that verifies citizenship to the
12 satisfaction of the county auditor or secretary of state;

13 (2) A United States passport identifying the applicant and the
14 applicant's passport number;

15 (3) A United States naturalization document or the number of the
16 certificate of naturalization. If only the number of the certificate
17 of naturalization is provided, the applicant shall not be included in
18 the registration rolls until the county auditor or secretary of state
19 verifies the number of the certificate of naturalization with the
20 United States bureau of citizenship and immigration services or another
21 appropriate federal agency;

22 (4) The applicant's bureau of Indian affairs card number, tribal
23 treaty card number, or tribal enrollment number;

24 (5) Other documents or methods of proof that are authorized under
25 the federal immigration reform and control act of 1986; or

26 (6) Documents identified by the United States department of state
27 and published in the Code of Federal Regulations as acceptable
28 documentary evidence of United States citizenship or nationality for a
29 United States passport application.

30 **Sec. 4.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to
31 read as follows:

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

35 ~~((1))~~ (a) The residential address of the last former registration
36 of the applicant as a voter in the state;

37 ~~((2))~~ (b) The applicant's full legal name;

1 ~~((+3))~~ (c) The applicant's date of birth;

2 ~~((+4))~~ (d) The address of the applicant's residence for voting
3 purposes;

4 ~~((+5))~~ (e) The mailing address of the applicant if that address is
5 not the same as the address in subsection ~~((+4))~~ (1)(d) of this
6 section;

7 ~~((+6))~~ (f) The sex of the applicant;

8 ~~((+7))~~ (g) The applicant's Washington state driver's license
9 number or Washington state identification card number, or the last four
10 digits of the applicant's Social Security number if he or she does not
11 have a Washington state driver's license or Washington state
12 identification card;

13 ~~((+8))~~ (h) A check box for the applicant to indicate that he or
14 she does not have a Washington state driver's license, Washington state
15 identification card, or Social Security number;

16 ~~((+9))~~ (i) A check box allowing the applicant to indicate that he
17 or she is a member of the armed forces, national guard, or reserves, or
18 that he or she is an overseas voter;

19 ~~((+10))~~ (j) A check box allowing the applicant to confirm that he
20 or she is at least eighteen years of age;

21 ~~((+11))~~ (k) Clear and conspicuous language, designed to draw the
22 applicant's attention, stating that the applicant must be a United
23 States citizen in order to register to vote, that the applicant must
24 submit the documents described in subsection (2) of this section with
25 the application, and that the county auditor or secretary of state must
26 reject the application if the applicant fails to include these
27 documents;

28 ~~((+12))~~ (l) A check box and declaration confirming that the
29 applicant is a citizen of the United States;

30 ~~((+13))~~ (m) The following warning:

31 "If you knowingly provide false information on this voter
32 registration form or knowingly make a false declaration about your
33 qualifications for voter registration you will have committed a class
34 C felony that is punishable by imprisonment for up to five years, a
35 fine of up to ten thousand dollars, or both."

36 ~~((+14))~~ (n) The following affirmation by the applicant:

37 "By signing this document, I hereby assert, under penalty of
38 perjury, that I am legally eligible to vote. If I am found to have
39 voted illegally, I may be prosecuted and/or fined for this illegal act.

1 In addition, I hereby acknowledge that my name and last known address
2 will be forwarded to the appropriate state and/or federal authorities
3 if I am found to have voted illegally."

4 ~~((15))~~ (o) The oath required by RCW 29A.08.230 and a space for
5 the applicant's signature; and

6 ~~((16))~~ (p) Any other information that the secretary of state
7 determines is necessary to establish the identity of the applicant and
8 prevent duplicate or fraudulent voter registrations.

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

11 (2) The applicant must submit copies of the following documents
12 with the registration form:

13 (a) A legible copy of a document proving United States citizenship;
14 and

15 (b) If a felon, a legible copy of a document proving voting rights
16 have been restored.

17 The county auditor, registration assistants, and persons or
18 organizations who collect voter registration forms must provide copying
19 service at no charge to applicants who provide original documents in
20 person. Persons who register by mail must include copies of original
21 documents with their applications.

22 (3) After two years, the county auditor or secretary of state may
23 destroy all documents required by subsection (2) of this section that
24 were submitted with the registration form.

25 (4) If the applicant fails to provide the information required for
26 voter registration, the auditor shall send the applicant a verification
27 notice. The applicant may not be registered until the required
28 information is provided. If a verification notice is returned as
29 undeliverable or the applicant fails to respond to the notice within
30 forty-five days, the applicant shall not be registered to vote until
31 the applicant completes a new form and provides all required
32 information and documentation.

33 **Sec. 5.** RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read
34 as follows:

35 (1) An application is considered complete only if it contains the
36 information required by RCW 29A.08.210 including, but not limited to,
37 the applicant's legal name, complete valid residence address, date of
38 birth, signature attesting to the truth of the information provided, a

1 mark in the check-off box confirming United States citizenship, and an
2 indication that proof of citizenship and the provided driver's license
3 number, state identification card number, or Social Security number
4 (~~has~~) have been confirmed by the secretary of state. The county
5 auditor shall also review the residential address provided on the
6 registration form and verify, by checking county property records or
7 other similar records, that the address provided contains an actual
8 residential unit or is a nontraditional address under RCW 29A.08.112.
9 If the auditor is unable to verify that the address on the registration
10 form contains an actual residence, or is not a nontraditional address,
11 the application shall not be considered complete. If it is not
12 complete, the auditor shall promptly mail a verification notice of the
13 deficiency to the applicant. This verification notice shall require
14 the applicant to provide the missing information. If the auditor has
15 been unable to verify that the residential address on the registration
16 form is an actual residence, then the verification notice shall require
17 the registrant to either provide the correct residential address or
18 declare by signed oath that the address provided is the registrant's
19 true abode. If the verification notice is not returned by the
20 applicant within forty-five days or is returned as undeliverable, the
21 name of the applicant shall not be placed on the official list of
22 registered voters until the applicant completes a new form and provides
23 all required information and documentation. If the applicant provides
24 the required verified information, the applicant shall be registered to
25 vote as of the original date of mailing or date of delivery, whichever
26 is applicable.

27 (2) If the information required in subsection (1) of this section
28 is complete, the applicant is considered to be registered to vote as of
29 the original date of mailing or date of delivery, whichever is
30 applicable. The auditor shall record the appropriate precinct
31 identification, taxing district identification, and date of
32 registration on the voter's record in the state voter registration
33 list. Within forty-five days after the receipt of an application but
34 no later than seven days before the next primary, special election, or
35 general election, the auditor shall send to the applicant, by first
36 class mail, an acknowledgement notice identifying the registrant's
37 precinct and containing such other information as may be required by
38 the secretary of state. The postal service shall be instructed not to

1 forward a voter registration card to any other address and to return to
2 the auditor any card which is not deliverable.

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

11 **Update Existing Registrations to Verify Eligibility**

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.04 RCW
13 to read as follows:

14 "PENDING STATUS." "Pending status" means the status of a voter who
15 has not updated his or her registration information to the requirements
16 of RCW 29A.08.210.

17 **Sec. 7.** RCW 29A.08.615 and 2003 c 111 s 238 are each amended to
18 read as follows:

19 Registered voters are divided into ((two)) three categories,
20 "active," "pending," and "inactive." All registered voters are
21 classified as active, unless assigned to inactive or pending status by
22 the county auditor.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.08 RCW
24 to read as follows:

25 REQUIREMENTS FOR UPDATING REGISTRATION. (1) The county auditor
26 shall mail an update notice before January 31, 2008, to all voters who
27 registered to vote after January 1, 1995, and before the effective date
28 of this act. The county auditor shall mail subsequent update notices
29 not less than once every six months until October 1, 2009, to
30 registrants who have not updated their registrations.

31 (2) Update notices must be on a form prescribed by, or approved by,
32 the secretary of state and must require that the voter provide his or
33 her full legal name and proof of United States citizenship to the
34 county auditor, either in person or by mail, prior to October 1, 2009,

1 in order to maintain an active registration. The notice must include
2 a list of acceptable documents for proving citizenship.

3 (3) On October 1, 2009, the county auditor shall reassign all
4 voters to pending status who registered to vote after January 1, 1995,
5 and before the effective date of this act and who have not provided
6 their full legal name or proof of United States citizenship to the
7 county auditor. The county auditor shall notify these voters of the
8 status change, including in the notice an explanation of how to be
9 returned to active status as described in subsection (4) of this
10 section.

11 (4) The county auditor shall return a voter who has been placed on
12 pending status under this section to active voter status if the voter
13 provides his or her full legal name and proof of citizenship to the
14 county auditor. This may be done in person at the auditor's office; by
15 mail in response to the update notice; by mail with an absentee or mail
16 ballot; or in person to a poll worker before voting at a poll site.
17 The county auditor shall mail an acknowledgment notice to a voter who
18 has updated their registration under this section. The acknowledgement
19 notice shall be processed in the same manner as in RCW 29A.08.110.

20 (5) Beginning on the date the voter was assigned to pending status
21 and ending on the day of the second general election for federal office
22 that occurs after the date that the voter was sent the status notice
23 required in subsection (3) of this section, if the voter fails to take
24 any of the actions described in subsection (4) of this section the
25 auditor shall cancel the person's voter registration.

26 (6) Any voter placed on pending status under this section who
27 attempts to vote without providing his or her full legal name and proof
28 of citizenship shall be issued a provisional ballot. The county
29 auditor shall not count the provisional ballot unless the voter
30 provides his or her full legal name and proof of citizenship to the
31 county auditor before the date the election is certified by the county.
32 Upon receiving this documentation the auditor shall return the voter to
33 active status as provided in subsection (3) of this section.

34 **Improve Absentee Ballot Security**

35 **Sec. 9.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to
36 read as follows:

1 The county auditor shall send each absentee voter a ballot, a
2 security envelope in which to seal the ballot after voting, a larger
3 envelope in which to return the security envelope, and instructions on
4 how to mark the ballot and how to return it to the county auditor. The
5 instructions that accompany an absentee ballot for a partisan primary
6 must include instructions for voting the applicable ballot style, as
7 provided in chapter 29A.36 RCW. The absentee voter's name and address
8 must be printed on the larger return envelope, which must also contain
9 a declaration by the absentee voter reciting his or her qualifications
10 and stating that he or she has not voted in any other jurisdiction at
11 this election, together with a summary of the penalties for any
12 violation of any of the provisions of this chapter. The declaration
13 must clearly inform the voter that it is illegal to vote if he or she
14 is not a United States citizen; it is illegal to vote if he or she has
15 been convicted of a felony and has not had his or her voting rights
16 restored; and, except as otherwise provided by law, it is illegal to
17 cast a ballot or sign an absentee envelope on behalf of another voter.
18 The return envelope must provide space for the voter to indicate the
19 date on which the ballot was voted and for the voter to sign the oath.
20 It must also contain a space so that the voter may include a telephone
21 number. A summary of the applicable penalty provisions of this chapter
22 must be printed on the return envelope immediately adjacent to the
23 space for the voter's signature. The signature of the voter on the
24 return envelope must affirm and attest to the statements regarding the
25 qualifications of that voter and to the validity of the ballot. The
26 return envelope must also have a secrecy flap that the voter may seal
27 that will cover the voter's signature and optional telephone number.
28 For out-of-state voters, overseas voters, and service voters, the
29 signed declaration on the return envelope constitutes the equivalent of
30 a voter registration for the election or primary for which the ballot
31 has been issued. The voter must be instructed to either return the
32 ballot to the county auditor by whom it was issued or attach sufficient
33 first class postage, if applicable, and mail the ballot to the
34 appropriate county auditor no later than the day of the election or
35 primary for which the ballot was issued.

36 ~~((If the county auditor chooses to forward absentee ballots, he or~~
37 ~~she must include with the ballot a clear explanation of the~~
38 ~~qualifications necessary to vote in that election and must also advise~~
39 ~~a voter with questions about his or her eligibility to contact the~~

1 ~~county auditor. This explanation may be provided on the ballot~~
2 ~~envelope, on an enclosed insert, or printed directly on the ballot~~
3 ~~itself. If the information is not included, the envelope must clearly~~
4 ~~indicate that the ballot is not to be forwarded and that return postage~~
5 ~~is guaranteed.)) The county auditor shall instruct the postal service
6 to not forward absentee ballots to any other address and to return to
7 the auditor any absentee ballot which is not deliverable.~~

8 **Limit Ballot Interpretation By Election Workers**

9 **Sec. 10.** RCW 29A.60.125 and 2005 c 243 s 10 are each amended to
10 read as follows:

11 If inspection of the ballot reveals a physically damaged ballot or
12 ballot (~~that may be otherwise unreadable or uncountable by the~~
13 ~~tabulating system)) where the voter has corrected an error in voting
14 according to instructions issued by election officials, the county
15 auditor may refer the ballot to the county canvassing board or
16 duplicate the ballot if so authorized by the county canvassing board.
17 The voter's original ballot may not be altered. A damaged ballot or a
18 ballot where the voter has corrected an error in voting may be
19 duplicated only if the intent of the voter's marks on the ballot is
20 clear and the electronic voting equipment might not otherwise properly
21 tally the ballot to reflect the intent of the voter. Ballots must be
22 duplicated by teams of two or more people working together. When
23 duplicating ballots, the county auditor shall take the following steps
24 to create and maintain an audit trail of the action taken:~~

25 (1) Each original ballot and duplicate ballot must be assigned the
26 same unique control number, with the number being marked upon the face
27 of each ballot, to ensure that each duplicate ballot may be tied back
28 to the original ballot;

29 (2) A log must be kept of the ballots duplicated, which must at
30 least include:

31 (a) The control number of each original ballot and the
32 corresponding duplicate ballot;

33 (b) The initials of at least two people who participated in the
34 duplication of each ballot; and

35 (c) The total number of ballots duplicated.

1 Original and duplicate ballots must be sealed in secure storage at
2 all times, except during duplication, inspection by the canvassing
3 board, or tabulation.

4 **Add Safeguards Against Double Voting**

5 **Sec. 11.** RCW 29A.44.090 and 2003 c 111 s 1109 are each amended to
6 read as follows:

7 A registered voter shall not be allowed to vote in the precinct in
8 which he or she is registered at any election or primary for which that
9 voter has cast an absentee ballot. A registered voter who has
10 requested an absentee ballot for a primary or special or general
11 election but chooses to vote at the voter's precinct polling place in
12 that primary or election shall cast a provisional ballot. The
13 canvassing board shall not count the provisional ballot until all
14 absentee ballots have been counted or if it finds that the voter has
15 also voted by absentee ballot in that primary or election.

16 NEW SECTION. **Sec. 12.** RCW 29A.08.010 ("Information required for
17 voter registration.") and 2006 c 320 s 2, 2005 c 246 s 2, 2004 c 267 s
18 102, 2003 c 111 s 201, & 1994 c 57 s 9 are each repealed.

19 **Construction, Severability, and Miscellaneous Provisions**

20 NEW SECTION. **Sec. 13.** CONSTRUCTION. The provisions of this act
21 are to be liberally construed to effectuate the intent, policies, and
22 purposes of this act.

23 NEW SECTION. **Sec. 14.** SEVERABILITY. If any provision of this act
24 or its application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 15.** Subheadings and captions used in this act
28 are not part of the law.

29 NEW SECTION. **Sec. 16.** This act shall be known and cited as the
30 Restoring Integrity to Elections Act.

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