

Same Day Registration

Elections Clearinghouse Notice

Issue # 21-08

December 29, 2021

Senate Bills 6021 (2018) and 5227 (2019) extend the deadlines for receiving and processing voter registrations and updates prior to an election.

This Clearinghouse summarizes important laws and rules ensuring every eligible voter has only one ballot counted in an election. This notice replaces Clearinghouse #19-06 issued on July 24, 2019.

New Requirements

Voters may register to vote in person any time before 8:00 p.m. on Election Day. Online and mail-in registrations must be received at least 8 days before Election Day.

The 29-day registration deadline has been repealed and voters may register and update their voter registration up to 8 days prior to Election Day. All new registrations and updates *received* by that deadline must be processed and mailed ballots. Postmarks no longer apply to voter registration.

After the 8-day deadline, voters may still register or update their record and receive a new ballot *in person* with the county of their residence until 8:00 p.m. on election night.

Shifting the timeline of these activities closer to Election Day affords voters the opportunity to vote where they reside. It also increases the potential for voters to receive more than one ballot during a voting period.

Because the electronic and mail-in voter registration deadline changed from 29 days to 8 days before Election Day, the deadline to publish the Notice of Election also changed. RCW 29A.52.355 requires publication of the Notice between five and fifteen days prior to the deadline for mail-in registrations. As a result, the notice must now be published 13 to 23 days prior to Election Day. Note: If your Notice of Election contains any public meetings (such as a canvassing board meeting) the ad must appear at least 24 hours in advance of your first meeting. (RCW 42.30.080 (c))

When do we process new registrations and updates?

On or before 8 days before Election Day

A person who qualifies to register in Washington may “...submit a registration application that is *received* by an election official no later than eight days before the day of the primary, special election, or general election.” Voters may also submit transfers and updates by mail, online, phone, or electronic submission.
(RCW 29A.08.140 (1)(a))

Received is defined in this RCW subsection as “(i) being physically received by the close of business of the required deadline; or (ii) for applications received online or electronically, by midnight, of the required deadline.” (RCW 29A.08.140 (1)(a))

Paper registration forms must be physically received by an elections official to meet the 8-day deadline. Postmarks no longer apply for voter registration purposes. The date the form is received serves as the registration date.

Paper registration forms received by the Office of the Secretary of State by the 8-day deadline are considered valid and on-time. On-time forms will be transmitted to the counties for processing as soon as possible.

All new registrations or updates received online or electronically by midnight of the 8-day deadline must be processed and issued a ballot accordingly. This includes records received from the Secretary of State’s online registration application, the Department of Licensing, the Health Benefit Exchange, or other designated agencies.

After the 8-day deadline

Voters may register, transfer, and update their registration “...in person at the county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, or other location designated by the county auditor in his or her county of residence no later than 8:00 p.m. on the day of the primary, special election, or general election.” (RCW 29A.08.140 (1)(b)(2))

Counties must process in person registrations or updates immediately and issue a *current ballot* to the voter.

What about voters who do not update their address in time?

A registered voter who fails to update his or her residential address by the registration deadlines may vote according to his or her previous registration address.
(RCW 29A.08.140 (2)(c))

How do I handle registrations after the 8-day deadline if the registration system is unable to process applications?

Conditional registrations are issued when the voter registration system is unable to process an application submitted in person. (WAC 434-250-110(d)) Conditionally registered voters are issued a current ballot for their precinct whenever possible; they are not issued a provisional ballot. This provides the voter an opportunity to vote in the jurisdiction in which they reside and allows the county time for research when the system is down. This procedure should be part of the county's Voting Center Continuity of Operation Plan (COOP).

How can we ensure voters receive and vote one ballot when transactions can occur in any county?

Before issuing a ballot, confirm ballot receipt status for each voter:

- *Received Ballot* means a ballot has been returned to the county and checked in to the system but has not been signature verified. This could mean it has just been run on a sorter or scanned in and is awaiting further processing. (WAC 434-324-005(13))
- *Accepted ballot* means the voter's ballot has been entered into the system and signature verified. Once accepted the ballot cannot be suspended and a new ballot cannot be issued. The voter has been credited with voting. (WAC 434-324-005 (1))

If a voted ballot has not been received by a county, or has been received but not signature verified, a voter may still transfer their registration. The prior county ballot is suspended, and the voter is issued a new ballot for their new address.

If a voted ballot has already been accepted by a prior county for a voter, the registration is locked until after the election period. Do not process the update until after certification.

Best practice: Counties should process ballots daily so that ballot receipt statuses are as up to date as possible.

If a ballot has already been accepted for a voter in any county, but the voter asserts they have not yet voted and requests a new ballot, then a provisional ballot must be issued. (WAC 434-250-080)

Replacement vs Reissued

When a ballot is requested and a ballot has not yet been accepted for that voter, you will need to determine if a replacement or reissued ballot is required. (WAC 434-250-080)

Replacement Ballot means a ballot that is the same type or style and precinct as the most recently issued ballot. The ballot contains the same races and measures. (WAC 434-324-005 (17))

Reissued Ballot means a new ballot issued to a voter as a result of a residential address update and the voter's ballot has changed—different precinct, different races, and/or different measures. This update can be a result of in-county address change or a registered voter transferring into a new county. (WAC 434-324-005(16))

Ballot Packet Requirements

Additional instructions that accompany a ballot are now required. Counties must now include an explanation on how a voter may update their address for the current election. If possible, instructions should include information on how to obtain a reissued ballot before and after the 8-day in-person deadline. This message may be as simple as, "Contact us if your address has changed." (WAC 434-230-015 (h)(i))

More voters may receive and return more than one ballot in an election period. How do we know which ballots to process and when?

Current Ballot means the ballot which matches the ballot type or style and precinct assigned to the voter's current residential address. Each voter can have only one current ballot. The current ballot may be a replacement or reissued ballot. (WAC 434-324-005(6))

Suspended Ballot means any ballot that is not the current ballot. The ballot becomes suspended when the voter registration record is updated, or a replacement is requested

resulting in the issuance of a new, current ballot. There may be multiple suspended ballots per voter. (WAC 434-324-005(19))

If a suspended ballot is received from a voter who is no longer registered in your county, the ballot must be mailed to the voter's new county as soon as possible to the voter's new county.

"The suspended ballot must be sent to the new county as soon as possible, but not more than two business days after receipt. Suspended ballots received between seven days after Election Day and prior to certification shall be mailed to the voter's new county within one day of receipt. Following certification, suspended ballots are mailed to the voter's new county for retention."

(WAC 434-250-110)

Processing Replacement Ballots

If the voter did not move, all subsequent ballots issued are *replacement ballots*. For replacement ballots, accept and process whichever ballot you received first, even if it is not the current ballot. There is no need to delay processing. (WAC 434-250-080, WAC 434-250-120 (3a))

Processing Reissued Ballots

If the voter changed their address, a ballot was *reissued*.

- Determine if a returned ballot is current or suspended.
- Process the current ballot if received by 7 days after Election Day.
- If the current ballot does not arrive, follow "Processing Suspended Ballots."

Processing Suspended Ballots

The county of registration holds suspended ballots while awaiting the arrival of current ballots.

A suspended ballot is accepted and processed when the current ballot is not *received* by 7 days after Election Day. The suspended ballot is then duplicated to the voter's current precinct so only the offices and measures applicable to the voter's current address may be counted.

Suspended Ballot Signature Verification

The county of registration may choose to manually check the suspended ballot for signature issues and send a cure form, while allowing time for the current ballot to be received and accepted. (WAC 434-250-120(3a-b), WAC 434-261-050)

A cure form received for a suspended ballot may also be applied to a current ballot with a signature issue.

Suspended Ballots Are Not Rejected Ballots

When a voter's ballot has been accepted, all other suspended ballots are considered informational or invalid. The County Canvassing Board should not reject these ballots, nor should they be included on your reconciliation form as rejected ballots. (WAC 434-250-080(4))

If all ballots received from a voter have unresolved challenges and cannot be accepted, only the current ballot should be referred to the County Canvassing Board. All other ballots are informational or invalid.

Further Information

Voting Centers

Senate Bill 6021 added the following language to RCW 29A.40.160 regarding voting centers:

- “ (2) Each county auditor shall register voters in person at each of the following locations in the county:
- (a) At the county auditor's office;
 - (b) At the division of elections, if located in a separate city from the county auditor's office; and
 - (c) For each presidential general election, at a voting center in each city in the county with a population of one hundred thousand or greater, which does not have a voting center as required in (a) or (b) of this subsection. A voting center opened pursuant to this subsection (2) is not required to be open on the Sunday before the presidential election.
- (3) Voting centers shall be located in public buildings or buildings that are leased by a public entity including, but not limited to, libraries.
- (4) Each voting center, and at least one of the other locations designated by the county auditor to allow voters to register in person pursuant to RCW 29A.08.140 (1)(b), must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.”

Forwarding Ballots

WAC 434-250-070 now requires counties to use U.S. Postal Service endorsements on all mailed ballots. These will allow ballots to be forwarded and allow County Auditors to receive updated address information for the forwarded ballots.

Additional Resources

See the attached glossary of terms for quick reference to items covered in this clearinghouse notice. For a more in-depth look into ballot processing scenarios and solutions (edge cases) in a Same Day Registration environment, refer to the “Same Day Registration Resources” available on the Secretary of State’s website or contact ctsupport@sos.wa.gov.

Same Day Registration | Terms

Term	Description
Accepted	<p>An “accepted ballot” has been entered into the system <i>and</i> signature verified. It’s ready for opening and manual inspection.</p> <p>For example, in some counties with sorters, ballots may enter the system (received) but are not yet signature verified (accepted/challenged). In other counties, ballots are both received and accepted/challenged during signature verification.</p>
Received	<p>A “received ballot” has been returned to the county and enters the system, <i>but</i> has not yet been signature verified. A received ballot has not yet been accepted/challenged. It’s not ready for opening until accepted.</p> <p>For example, a ballot received by the system could be on a sorter or awaiting further research before signature verification.</p>
Current	<p>A “current ballot” is the ballot issued for the voter’s current address. The current ballot may be either a replacement or reissued ballot.</p>
Suspended	<p>A “suspended ballot” is a previously issued ballot that is not the voter’s current ballot.</p> <p>The system suspends a ballot because the voter either updated their VR record or requested a replacement.</p>
Reissued	<p>A “reissued ballot” becomes the current ballot issued to a voter due to an address update within the state that changes the voter’s ballot type or style.</p>
Replacement	<p>A “replacement ballot” is the same type or style and precinct as the most recently issued (now suspended) ballot. The voter registration record is not updated or changed in a way that impacts the ballot contents.</p>
Hold/Held	<p>A suspended ballot is received and “held” when time is needed to allow the voter time to return their current ballot.</p>
Restored	<p>When the current ballot is either not received or remains challenged during the certification period, the voter’s suspended (and held) ballot may be restored at the appropriate time. If the signature on the restored ballot validates, the ballot is accepted and duplicated to the current ballot.</p>

Challenged	A “challenged ballot” has reached signature verification but is not accepted.
Conditional Registration	<p>A “conditional registration” is an in-person application submitted when the voter registration system is unable to process applications.</p> <p>Conditionally registered voters are issued a ballot for their current address whenever possible. They are not issued a provisional ballot.</p>
Informational/Invalid	When a voter’s ballot has been accepted, other suspended ballots are not considered rejected by the Canvassing Board. These ballots are categorized as “informational” or “invalid”.
Rejected	A voted suspended ballot is “rejected” <i>only if</i> another type of challenge is the reason for rejection and the voter has not been credited with voting another ballot (i.e. signature no match <i>and</i> current ballot not received; too late <i>and</i> current ballot not received). Also see Informational/Invalid.