CHAPTER 2 – VOTER REGISTRATION
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2.1 VOTER REGISTRATION SERVICES

OUR GUIDING PRINCIPLE — RCW 29A.04.205

*"**State policy.** It is the policy of the state of Washington to encourage every eligible person to register to vote and to participate fully in all elections and to protect the integrity of the electoral process by providing equal access to the process while guarding against discrimination and fraud."*

WHAT CONSTITUTES DISCRIMINATION OR FRAUD? — RCW 29A.84

- Refuse or neglect to perform any duty required by law.
- Intentionally deny any person eligible to vote the right to register.
- Knowingly alter, destroy, or discard a completed registration form.
- Knowingly destroy, mutilate, conceal, change, or alter any voter registration record except as authorized by voter registration law.
- Deliberately fail to return a registration form in a timely manner.
- Knowingly provide false information on a voter registration application.
- Offer to pay another person a fee per registration.
- Accept payment based on a fixed amount per registration.

Penalty: "A person who willfully violates any provision of this title regarding the conduct of all ballot primaries or elections is guilty of a class C felony punishable under RCW 9A.20.021."

WHO IS ELIGIBLE TO VOTE? — WA CON ART. VI, SEC 1 & 3

An "elector" is any person qualified to vote.

★★★★★★★★★★

RCW 29A.08

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- 18 years old at time of voting. Voters may preregister to vote starting at age 16, but they are not registered and cannot vote until they are 18 years old. The preregistrations are pended until they turn 18.
- United States Citizen.
- Legal resident of Washington State.
- Not subject to guardianship covering voting rights, or under supervision of Washington Dept. of Corrections (DOC).

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IS A VOTER'S REGISTRATION INFORMATION PUBLIC? RCW 29A.08.710

Following items are public information and available on request:

- Name and address.
- Political jurisdiction (precinct/district).
- Gender.
- Date of birth.
- Voting record.
- Date of registration.
- Registration number.

Following items are **not** available to the public:

- Department of Licensing (DOL) office of registration.
- State agency office of registration.
- Declination of registration.
- Phone number, email address.
- Service or Overseas Status.
- Anything else on the registration form that isn't specified as public information.
- All preregistration for 16 and 17 year old registrants. Personally identifiable information for individuals under the age of 18 are exempt from public inspection and copying.

REGISTRATION DEADLINES

Voters must register in order to participate in an election.

The date of receipt by any elections office or the Secretary of State is the date of registration for mail-in applications.

8-DAY DEADLINE

New applications, changes of address (transfers), name changes and voluntary cancellations that are submitted by mail, online, email or fax must be received by any elections office or the Secretary of State by the 8th day before an election.

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SAME DAY VOTER REGISTRATION

After the 8-Day deadline, new applications, changes of address (transfers), name changes, and voluntary cancellations may be submitted **in person** at any County Auditor location until 8:00 p.m. on Election Day.

EXCEPTION – OVERSEAS AND SERVICE VOTERS

If members of the armed forces (as defined by RCW 29A.04.163) and overseas electors (defined in 29A.04.109) consider Washington State their last residence, new applicants are exempt from the in-person requirement and may submit their application remotely (online, email, fax) until 8:00 p.m. Election Day. This exception does not automatically apply to dependents and spouses of military and overseas voters.

VOTER APPLICATIONS

ACCEPTABLE APPLICATIONS AND METHODS OF REGISTRATION

- Washington State mail-in/paper form.
- Online voter registration (OLVR).
- Department of Licensing.
- Agency-based form.
- Health Benefit Exchange.
- In-person (registration drives, over-the-counter).
- Federal applications.

REQUIRED INFORMATION FOR NEW APPLICANTS

- Name.
- Residential address.
- Date of birth.
- Affirmation of US citizenship.
- Signature attesting to truth of information provided on the form.

ID is not required information to register an applicant.

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PROCESSING A COMPLETED APPLICATION

After confirming an application contains all five pieces of **required** information, register the voter:

- Enter the applicant's information into VoteWA.
- If it is a paper form, scan it and save an image of the signature.
- Confirm VoteWA verified the state driver's license, state ID, tribal ID, or social security number. (When the ID is not confirmed or provided, register the voter provisionally.)
- Send an **Acknowledgment Notice** (voter ID card) to the voter within 60 days of receiving the application.

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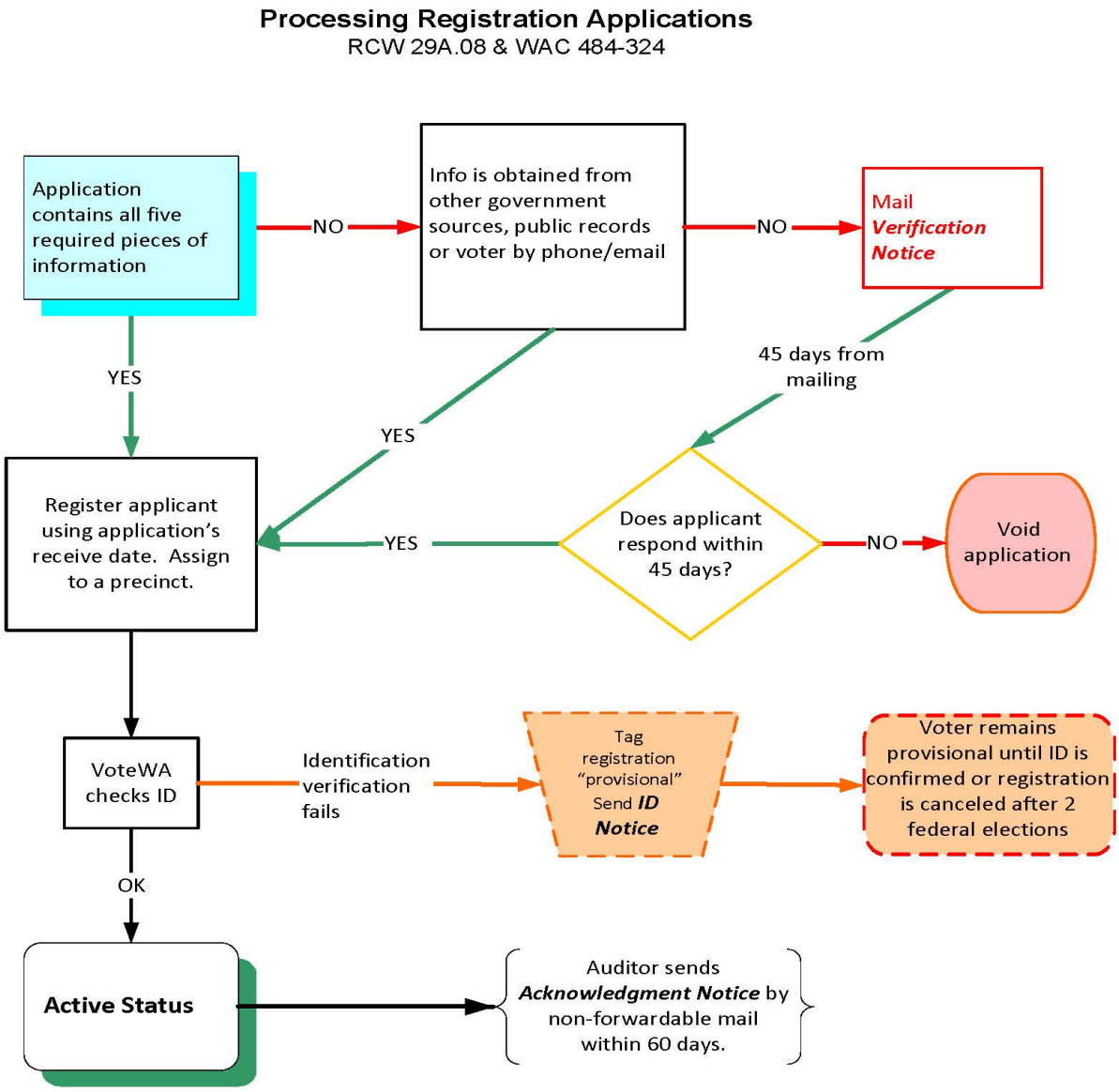
PROCESSING REGISTRATION APPLICATIONS

RCW 29A.08 & WAC 434-324



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APPLICATION IS MISSING REQUIRED INFORMATION — RCW 29A.08.110

When the application is missing one of 5 required pieces of information:

- Do not register the applicant.
- Send a Verification Notice to the applicant requesting the missing information.
- Hold the application until the missing required information is received or the deadline of **45 days** has passed.

Never send a Verification Notice to a voter that is already registered!

If the applicant responds within 45 days:

- Change the voter's status to active in VoteWA and send an Acknowledgment Notice.
- The date of registration for the voter is the date you **received** the original application.

When an applicant fails to respond within 45 days, the applicant cannot be registered and the registration application is not valid.

The Verification Notice must **not** be used for requesting identification.

IS ID REQUIRED TO REGISTER A NEW VOTER? — WAC 434-324-045

No, ID is not a required piece of voter registration information.

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When an application is missing ID, or the ID cannot be verified, the voter must be registered **provisionally** and issued a ballot.

- A provisional registration (temporary) is dependent on receiving ID eventually.
- All provisionally registered voters must receive ballots, however the ballots cannot be counted until the voter provides identification.

ⓘ *Exception: Overseas and service voters are not required to provide ID when registering to vote. Meaning, they are never registered provisionally.*

IDENTITY VERIFICATION

HAVA requires verification of ID through VoteWA. The ID numbers **requested** on the form are from the Department of Licensing (DOL) or Social Security (SSN).

If the voter does not provide a DOL or SSN number, or VoteWA is unable to verify the ID numbers provided, the County Auditor should follow these steps:

1. Provisionally register in VoteWA and flag the registration.
2. Use other government resources and public records to confirm the voter's ID. If confirmed, remove provisional status from the registration.
3. If unable to verify using other sources, you may contact the voter by phone, email or other means. If the voter provides valid ID, remove provisional status from the registration.
4. If after these attempts you are unable to verify the voter's identity, send an **ID Notice.**
5. When the voter provides ID, remove the provisional registration status and change to active.
6. The county elections department should cancel any provisional voter registration that has been consistently flagged as provisional through two federal elections.

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ALTERNATE FORMS OF ID ARE ACCEPTABLE!

- Valid photo ID.
- Valid tribal enrollment card of a recognized tribe in Washington.
- Current utility bill.
- Current bank statement.
- Current paycheck.
- Current government check.
- Any government document that shows the registrant's name and current address.

When a voter provides an alternate form of ID, save a notation or scan of the document source in the voter's registration record.

REGISTERING A UOCAVA VOTER

Citizens overseas or on active duty service are protected by the **Uniformed and Overseas Citizens Absentee Voting Act** (UOCAVA).

To qualify as a UOCAVA voter in our state, the voter must use their most recent residential address in Washington, or the most recent residential address in Washington of a family member.

An overseas voter, as defined in RCW 29A.04.109, is any elector of the state of Washington outside the territorial limits of the United States on Election Day.

Deadlines for **new** voter registrations do not apply to citizens overseas or active duty service electors, dependents, or spouses that are away from their residence due to an active duty assignment. A service or overseas voter may register to vote by providing one of the following items:

- A voter registration application issued by Washington State.
- A federal post card application (FPCA) issued by the Federal Voting Assistance Program (FVAP).
- A federal write-in absentee ballot (FWAB) issued by FVAP.
- A national mail voter registration form issued by the Election Assistance Commission (EAC).
- A ballot (envelope) with a valid signature on the ballot declaration.

Deadlines for voter registration updates apply to currently registered UOCAVA voters.

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PROCESSING UOCAVA APPLICATIONS

If an application from a UOCAVA elector lacks a Washington State address, contact the applicant to request the address of the applicant's last known residence in Washington State. An address of a relative may be used if the applicant has never lived in the United States.

If there is insufficient time to obtain the missing registration information prior to an election, or the voter does not respond to your attempt to make contact, precinct the UOCAVA registration using the County Auditor's Office address. Only offices that are countywide or in the courthouse Congressional District can be counted for the voter.

After the election or primary, if the voter does not provide a Washington address, the County Auditor must place the voter on inactive status and send a confirmation notice to obtain the voter's correct residential address.

A UOCAVA voter is not required to provide ID when registering. UOCAVA dependents are not included in the exemption and must provide valid identification.

UOCAVA voters must be offered the option of receiving ballots electronically or by postal mail. If the registration application does not indicate a choice, you must try to contact the voter. Send the ballot by mail if the voter has not responded by the UOCAVA mail date.

Rules for processing UOCAVA voter registrations and issuing ballots are located in "Service and Overseas Voters" Clearinghouse.

REGISTERING AN ACP VOTER RCW 40.24 & WAC 434-840

Address Confidentiality Program (ACP) voters must **not** be entered into VoteWA.

The Address Confidentiality Program protects victims of domestic violence. Participants of the program may register to vote, but their registration and balloting information is strictly confidential. Their information must not be coded into VoteWA.

ACP participants must document they are in the program and a special voter registration form is used.

The County Auditor sends a ballot to the registered program participant at the mailing address provided. Neither the name nor the address of a participant is included on any list available for public disclosure.

Your office should have staff designated to accept and process these registrations as well as send and process the ballots.

16 & 17 year olds may preregister as an ACP voter.

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REGISTERING FUTURE VOTERS

An applicant can preregister to vote as long as they are at least 16 years of age, a US citizen, and a Washington State resident. Preregistrations can be submitted by mail, online, or through the Department of Licensing. These registrations are pended as future voters until they are 18 years old for the next election.

Information on preregistered individuals is exempt from public disclosure and cannot be released or included on any official list of registered voters. To protect future voter personal information, do not send any correspondence or notices until the future becomes officially registered at 18 years of age.

Legislative changes to Future Voter qualifications to register and participate in primaries and file as a Precinct Committee Officer will become effective in 2022 and 2023. See the "Voting Opportunities through Education Act (ESB 6313)" Clearinghouse for more details.

NOTICES TO VOTERS RCW 29A.08.030, NVRA, HAVA

Whenever a voter's registration is accepted or updated in any way, the voter receives a notice.

Applicants must be notified when an application is incomplete, a residence address appears to be incorrect, or ID verification fails. For these purposes, we use:

- Acknowledgment Notices.
- Verification Notices.
- Confirmation Notices.
- ID Verification Notices.

ACKNOWLEDGMENT NOTICE

When a voter registers, transfers, changes their name, or reactivates an inactive registration, the County Auditor must mail a notice to the voter.

The County Auditor sends an **Acknowledgment Notice** whenever a voter is assigned to "active" status. It must be:

- Sent by first-class, non-forwardable mail.
- Mailed to the voter within 60 days of receipt of the application.

A voter registration card may serve as the Acknowledgment Notice. It must list:

- Voter's full name.

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- Mailing address.
- County name.
- Precinct name and/or number.
- Registration date.

The County Auditor may include additional information.

VERIFICATION NOTICE

A registration is not valid until it contains all five of the required pieces of information, (see Chapter 2, p. 7).

Before contacting the voter with an official notice, try to locate the missing information through the following methods first:

Exceptions: a signature or a mark confirming citizenship.

- A government resource such as LexisNexis, DOL, etc.
- A public resource.
- Phone or email the applicant.

A **Verification Notice** must be sent when the form is missing a signature, a citizenship affirmation, or when you're unable to obtain missing information any other way. The purpose of the notice is to obtain the missing piece of information and to notify the applicant that a **45-day deadline** exists in which the application is viable. The notice must:

- Be sent by forwardable mail.
- Include a postage paid, preaddressed return form/envelope.
- Notify the applicant that they must respond within 45 days or the application is void.
- Request missing information only. Applicants are not obliged to provide required information more than once. The Verification Notice must only ask for the information missing from the original registration application.

CONFIRMATION NOTICE

The County Auditor inactivates a voter and sends a **Confirmation Notice** whenever a piece of official election mail from the County Auditor is returned by the postal service as undeliverable or with an address outside of the county. For addresses inside the county, transfer the voter's registration the new address.

The Confirmation Notice provides the voter an opportunity to update their address.

Required elements:

- Request voter to verify their current residential address.

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- Request voter sign the oath in RCW 29A.08.230.
- Include either the voter's date of birth or state voter ID number.
- Inform voter that if they fail to confirm or update the address with the County Auditor, or does not vote (remains on inactive status) within two federal general elections, the registration will be cancelled.
- Mailed as first class, forwardable mail.
- A postage paid, preaddressed return form/envelope.
- Mailed to the address of registration and each address where the voter could reasonably expect to receive mail.

When the voter responds, a Confirmation Notice may update a voter's address within the county, or transfer the voter's registration to another county in Washington State.

IDENTIFICATION NOTICE

The County Auditor sends an **Identification Notice** when a voter is registered provisionally. This occurs when ID is not provided with the application or the ID provided could not be verified.

Before sending an official Identification Notice, the County Auditor may attempt to obtain ID information by contacting the voter or utilizing other government sources (i.e. DOL records, LexisNexis, etc.).

If after these attempts, you are still unable to verify the provisionally registered voter's ID, send the Identification Notice prescribed in WAC 434-250-045.

WHICH NOTICE SHOULD I USE?

Each type of notice serves a distinct purpose. To understand which notice to send, start with the application.

- Is required information missing?
- Did the ID check fail?
- Did you receive undeliverable mail or an undeliverable ballot from a registered voter?
- Did the voter update a name?

Each answer requires a different notice.

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EACH VOTER IS ASSIGNED A REGISTRATION STATUS

A voter's registration status falls into one of the following categories.

- **Active** – Voter is fully qualified to vote.
- **Provisionally Registered** – The voter is registered and issued a ballot, but must provide ID prior to the ballot being counted.
- **Pending** – The record is processing or an issue must be resolved.
- **Inactive** – You received notification from the USPS that election mail sent to the voter was undeliverable or the voter moved out of the county.
- **Cancelled** – The voter is no longer registered.

ACTIVE AND INACTIVE STATUS

The default status for voters is **active** – meaning, they are eligible to vote.

A voter's status changes from active to inactive when:

- USPS provides an out-of-county change of address.
- Any undeliverable document mailed by the County Auditor is returned by the postal service without address correction information.
- Any official state agency that registers voters reports an out-of-state address for an active voter. This includes information from the USPS, Department of Licensing and Department of Human Services.

In these cases, send a Confirmation Notice.

Reactivate a voter by changing the status from inactive to active when the voter:

- Attempts to vote.
- Requests a mail ballot.
- Updates registration information.
- Responds to a Confirmation Notice by providing a residence address located within the same county.

Unless specified by law, only the number of active registered voters determine qualifying numbers such as voter turnout or the number of votes needed to validate *(*see Chapter 5 section 2*)*.

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WHEN THE INACTIVE VOTER RESPONDS TO A CONFIRMATION NOTICE

When an inactive voter responds to the notice by providing a residential address within the county or confirms the current address is correct, update the voter's address and status to active.

When an inactive voter responds to the notice by providing a residential address outside of the county, but within Washington, the voter's status remains inactive:

- The former county of residence does not cancel the registration; and
- Should immediately forward the notice to the new county.

The new county confirms the transfer and activates the voter.

For detailed requirements and procedures, see Clearinghouse "Voter Registration Transfers".

WHEN THE INACTIVE VOTER *DOESN'T* RESPOND TO THE CONFIRMATION NOTICE

The County Auditor must wait for the inactive voter to take any of the following actions:

- Voter attempts to vote - change status to active.
- Voter confirms the address or provides a new residential address within the state - follow procedures for transfers.
- Voter makes no contact through two federal elections - cancel registration.

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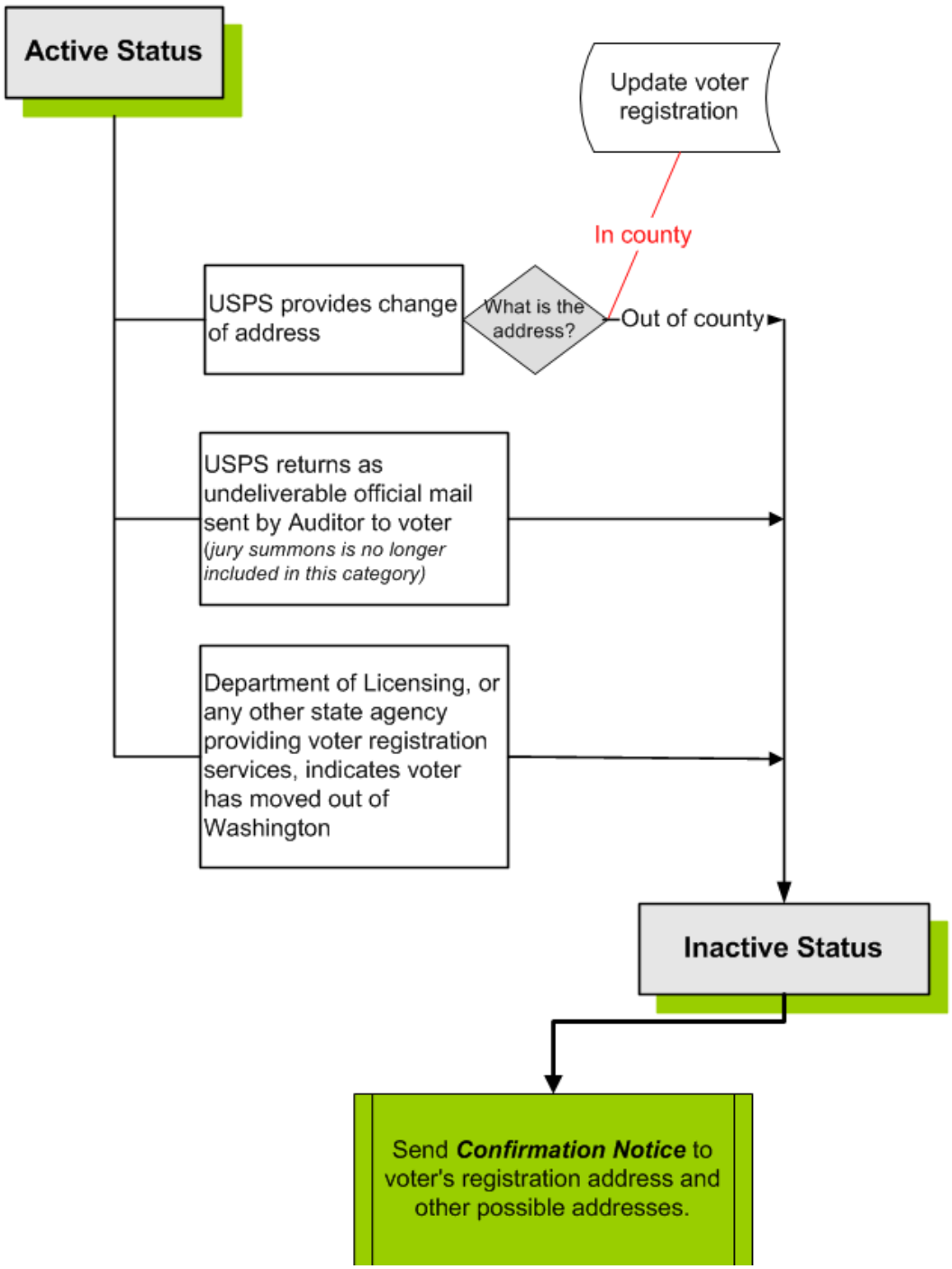
ACTIVE TO INACTIVE STATUS

RCW 29A.08.620



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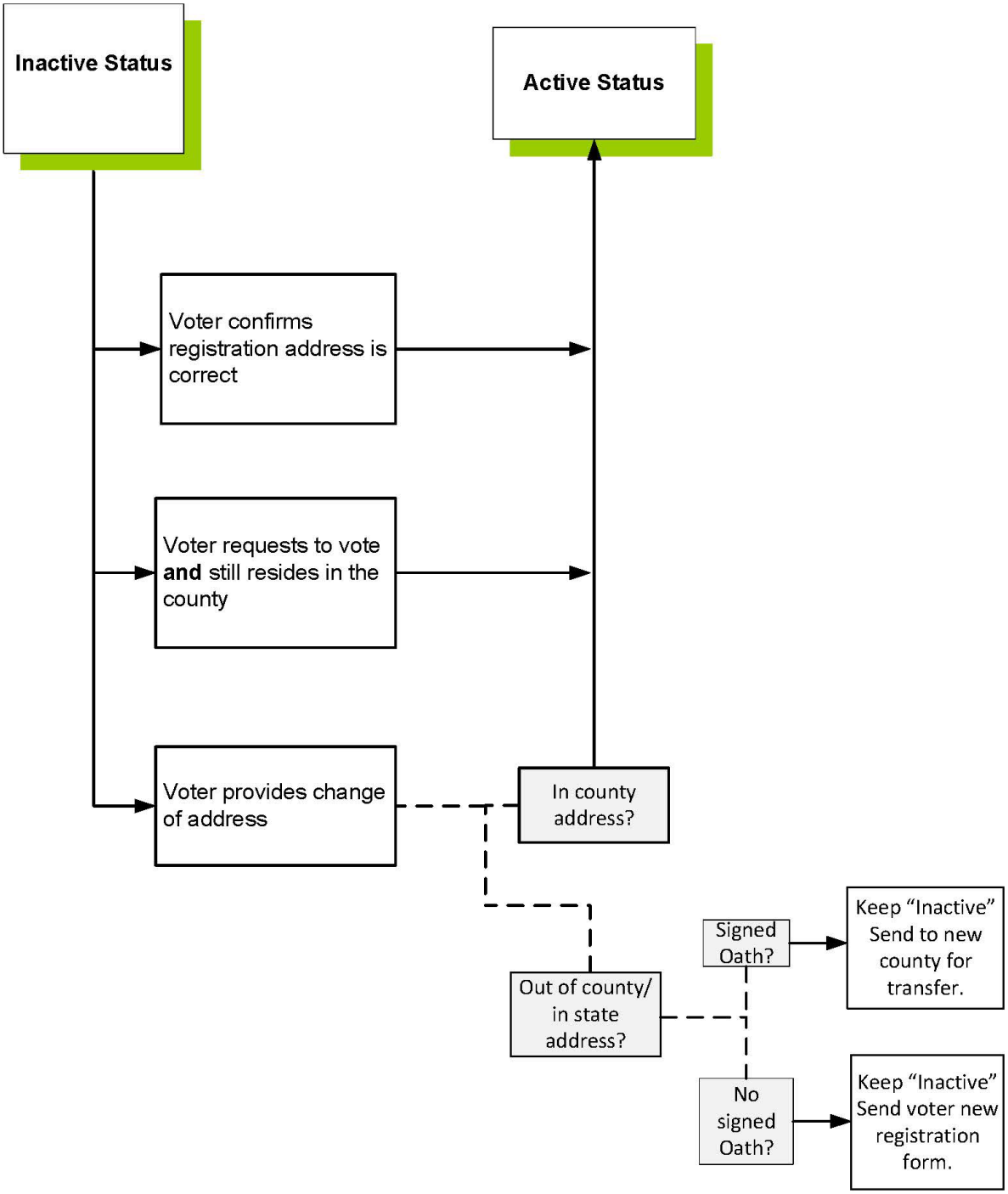
INACTIVE TO ACTIVE

RCW 29A.08



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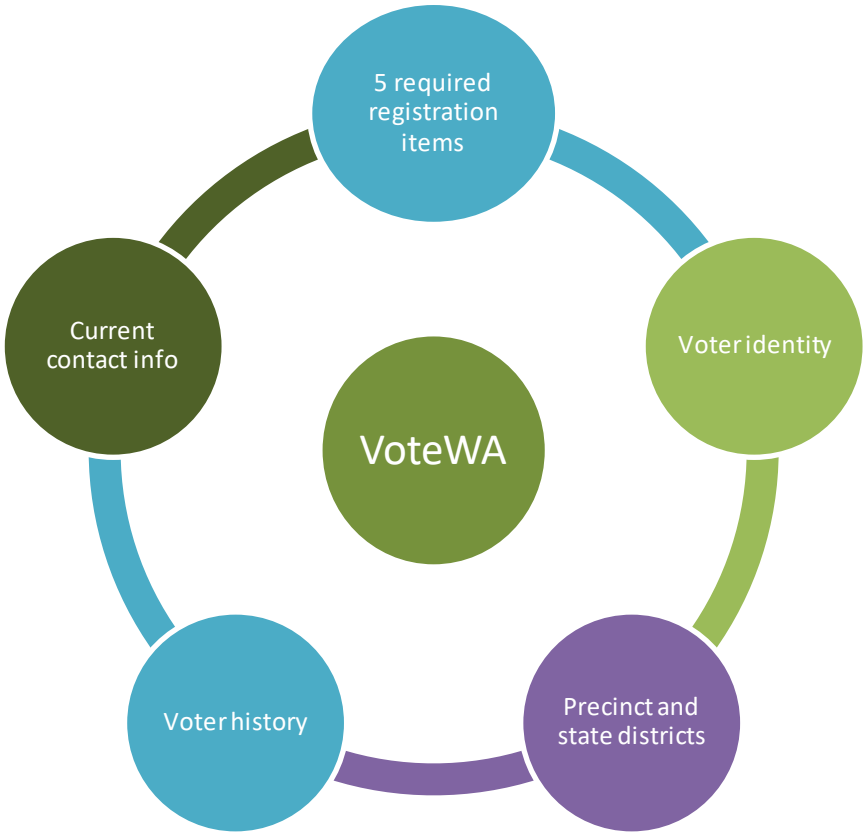
VOTEWA STATEWIDE VOTER REGISTRATION SYSTEM

The official record of each voter resides in the VoteWA statewide voter registration and election management system. Each county is connected to VoteWA.

Voters move, change their name, register, pass away, or become ineligible to vote daily. Voter registration data is fluid, not static. For this reason, VoteWA is a dynamic system and requires daily review by counties.



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VOTEWA VOTER REGISTRATION DATA ENTRY

Voter registration data is entered into VoteWA:

- New voter registrations.
- Updates to existing voter registration information.
- Cancellations.

ONLINE VOTER REGISTRATION AND ADDRESS CORRECTIONS

Online voter registration and motor voter registrations depend on the Department of Licensing (DOL) for all required voter information, including the signature of the voter.

Process online registrations the same as other types of voter registration.

VOTEWA DATA INTEGRITY PROCESSES WAC 434-324-045

VoteWA reduces opportunities for fraud and mistakes by conducting periodic data integrity checks. The integrity checks identify potential issues. The county then researches and resolves each of the flagged records.

Validate Voter ID: For new registrations, VoteWA must validate DOL ID, state ID, or Social Security numbers with the issuing agency. If the ID verification fails, the voter record must be assigned a status of provisionally registered, pending verifiable ID. County Auditors may verify voter ID using other governmental information or the acceptable documents listed in WAC 434-250-045.

Duplicate Voter Search: VoteWA constantly runs duplicate record checks to identify possible duplicate records, including voters transferring between counties.

Review and resolve duplicate and transfer reports daily and whenever new registrant information is added.

Cancellations: VoteWA compares lists of deceased voters with the Department of Health, and Social Security Death Index.

The county must research those matches for potential cancellations.

Felony Screening and VoteWA: The Secretary of State handles the cancellation of all felons through VoteWA and the Washington State Department of Corrections. For more information, see the "Restoration of Felon Voting Rights" clearinghouse.

If you receive notification of a felony conviction, contact the Secretary of State's Office (OSOS). Felons should **not** be cancelled at the county level.

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DAILY VOTEWA DATA MAINTENANCE

Counties must resolve data integrity tasks noted on their VoteWA dashboard.

Daily maintenance should include the review and resolution of daily dashboard tasks.

See the VoteWA User Guide for more complete information.

VOTEWA ASSISTANCE

Contact VoteWA Support at (360) 902-4194 or VoteWASupport@sos.wa.gov

MAINTENANCE OF VOTER RECORDS

HOW DOES A VOTER TRANSFER WITHIN THE SAME COUNTY?

To transfer (change residence address) **within the county**, the voter may:

- Update their address by contacting the County Auditor in writing, in person, by phone, or by email.
- Submit an update through VoteWA online portal, DOL, Health Benefit Exchange, or designated agencies.
- Submit a voter registration application.
- Respond to a Confirmation Notice with a new address within the county.
- The US Postal Service provides a new address within the county.

HOW DOES A VOTER TRANSFER TO ANOTHER COUNTY?

To transfer into a **new county**, the voter may:

- Submit a new paper registration application.
- Submit an update through VoteWA online portal, DOL, Health Benefit Exchange, or designated agencies.
- Respond to a signed Confirmation Notice that will be forwarded by the former county to the new county of registration.

The County Auditor of the new county will use VoteWA to verify whether the registration is a transfer.

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For **county-to-county transfers**, a voter is only required to provide the minimum information necessary to complete the transfer:

- Name.
- Residential address.
- Signature to the oath in RCW 29A.08.230.
- Either the voter's DOB or voter ID number.

Affirmation of citizenship is not required.

The County Auditor must not transfer a voter out of another county without first obtaining the minimum information listed above. If the minimum information is not supplied, correspondence may be sent to the voter to obtain it, but the voter's registration record in the current county shall not be flagged or pended in such a way that will trigger a void/cancellation after 45 days.

For detailed procedures regarding Confirmation Notices and transfers, refer to the "Voter Registration Transfers" Clearinghouse.

WHAT IF A VOTER REQUESTS A NAME CHANGE?

Voters must provide the following information to the County Auditor in writing (written note, voter registration application, etc.):

- Name on current registration.
- New name.
- Residence.
- New signature.

A signed ballot envelope or a **Confirmation Notice** containing all the required elements is acceptable for updating a voter's name. Retain a copy of the envelope or notice for updating the record in VoteWA.

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CANCELLING VOTERS

WHAT CANCELS A VOTER'S REGISTRATION RECORD?

Active and **inactive** voter registrations**:**

- A signed request for cancellation from the voter.
- A completed transfer out of your county.
- Duplicate records in VoteWA.
- Successful challenge to a voter's registration.
- Obituary information.
- Notification of death with signature from another registered voter.
- OSOS receives information from the Department of Corrections (DOC).
- Incapacitation or Guardianship.

Inactive voter registrations **only:**

- Failure to vote or confirm registration address for a period of two federal general elections.

CANCELLATION DUE TO FELONY CONVICTION RCW 29A.08.520

OSOS compares records in VoteWA with records from the Department of Corrections. The OSOS places the voter on a "pending – potential felon" status and sends a letter to the voter. The voter has 30 days from the date of the letter to respond before the registration is cancelled by the OSOS.

HOW ARE VOTING RIGHTS RESTORED?

For the purposes of this section, a person is under the authority of the DOC if the person is:

- Serving a sentence of confinement in the custody of the DOC, or
- Subject to community custody as defined in RCW 9.94A.030 (5).

The civil rights of a person convicted of a felony, including voting rights, are restored provisionally whenever that person is no longer under the authority of the DOC. Provisional restoration is revocable if the sentencing court determines a person has willfully failed to pay legal financial obligations.

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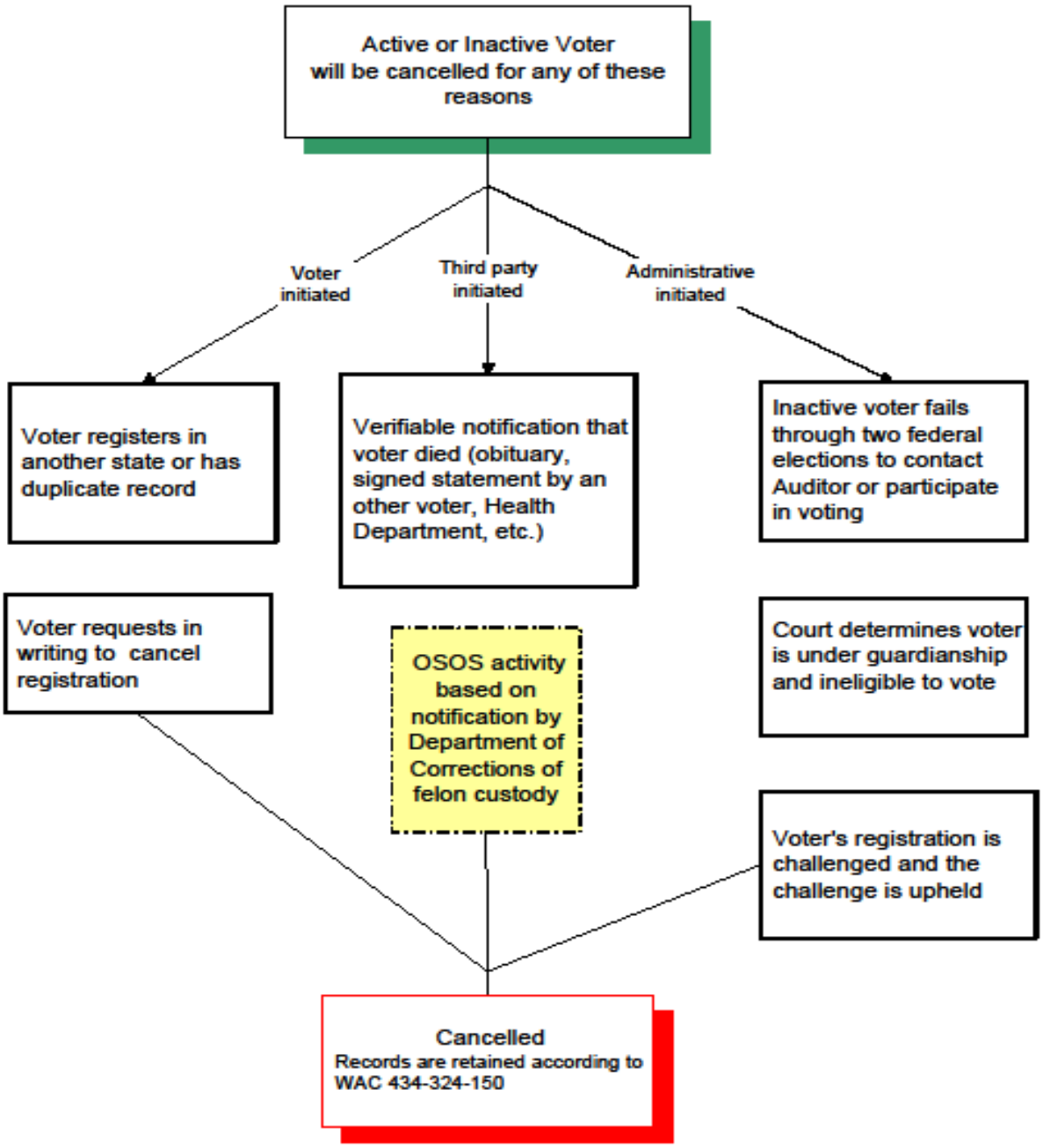
CANCELLING VOTERS

RCW 29A.08.630 & 29A.08.640



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2.2 PRECINCTS AND DISTRICT BOUNDARIES RCW 29A.16

PRECINCT BOUNDARY RULES

Each precinct must be entirely within a single:

- Congressional district.
- State legislative district.
- County legislative district.
- City.

Physically, a precinct must (as nearly as practicable) be:

- Contiguous or "touching" -- A single precinct may not be made up of separate parts.
- Compact -- For instance, precincts should not be long, narrow, or have parts that significantly extend beyond the main precinct body.

Use visible physical features to describe precinct boundaries such as:

- Streets.
- Power lines.
- Bodies of water.
- Ridges.

Exceptions:

- City/town boundary lines.
- Use of physical features would substantially impair election administration in the involved area.

Precincts cannot exceed 1,500 active registered voters.

The county legislative authority may establish a different limitation, but it must be less than the maximum established by state law.

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MAKING CHANGES TO PRECINCT BOUNDARIES

The county legislative authority adopts precinct lines (unless otherwise stated in a county charter).

Precinct line changes must follow certain rules:

- Changes cannot be made starting 14 days before candidate filing through the General Election.
- Permanent changes may be adopted as long as sufficient time exists to make the changes.
- Temporary precinct changes may accommodate a city or town annexation.
- Cities and towns may annex at any time. If the annexation affects an election, the voters are eligible to vote in the city or town election even if the annexation is just a few days before Election Day.

REDISTRICTING RCW 29A.76

Redistricting apportions congressional, legislative, and internal director/commissioner districts' *population* based on the US Census. This happens at least every 10 years to guarantee equal representation and starts the year after the US Census is taken. The county legislative authority must adopt new precinct lines to comply with the State Redistricting plan and the county commissioner or council internal district boundaries.

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