

**INITIATIVE 343**

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. 343 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to the Washington taxpayer and citizen protection  
2 act; amending RCW 29A.08.210, 29A.44.201, and 29A.44.210; adding a new  
3 section to chapter 29A.08 RCW; adding new sections to chapter 29A.44  
4 RCW; adding a new section to chapter 74.04 RCW; creating new sections;  
5 and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and  
8 cited as the Washington taxpayer and citizen protection act.

9 NEW SECTION. **Sec. 2.** FINDINGS AND DECLARATIONS. Illegal  
10 immigration is causing economic hardship to the taxpayers and citizens  
11 of this state and illegal immigration is encouraged by public agencies  
12 within this state that provide public benefits without verifying  
13 immigration status. Illegal immigrants have been given a safe haven in  
14 this state with the aid of identification cards that are issued without  
15 verifying immigration status, and this conduct contradicts federal  
16 immigration policies, undermines the security of our borders, and  
17 demeans the value of citizenship. Therefore, the taxpayers and  
18 citizens of this state declare that the public interest of this state

1 requires all public agencies within this state to cooperate with  
2 federal immigration authorities to discourage illegal immigration.  
3 Upon enactment of this act, all citizens who have voted before in any  
4 county will be required to provide proof of citizenship just one time  
5 before voting again in that same county. When voting in a particular  
6 county for the first time such as when a citizen moves, this act will,  
7 for that first time, require that citizen to provide proof of  
8 citizenship when registering to vote in that new county or be allowed  
9 to vote when attested proof of citizenship is received from the  
10 preceding county in which that voter lived and voted.

11 **Sec. 3.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to  
12 read as follows:

13 An applicant for voter registration shall complete an application  
14 providing the following information concerning his or her  
15 qualifications as a voter in this state:

16 (1) The address of the last former registration of the applicant as  
17 a voter in ~~((the))~~ this state or in another state;

18 (2) The applicant's full name;

19 (3) The applicant's date of birth, and state or county of birth;

20 (4) The address of the applicant's residence for voting purposes;

21 (5) The mailing address of the applicant if that address is not the  
22 same as the address in subsection (4) of this section;

23 (6) The applicant's telephone number, unless the number is  
24 unlisted;

25 (7) The applicant's occupation;

26 (8) The applicant's father's name or mother's maiden name;

27 (9) The sex of the applicant;

28 ~~((+7))~~ (10) The applicant's Washington state driver's license  
29 number or Washington state identification card number, or the last four  
30 digits of the applicant's Social Security number if he or she does not  
31 have a Washington state driver's license or Washington state  
32 identification card;

33 ~~((+8))~~ (11) A check box for the applicant to indicate that he or  
34 she does not have a Washington state driver's license, Washington state  
35 identification card, or Social Security number;

36 ~~((+9))~~ (12) The applicant's Indian census number, if applicable.  
37 This information may be included at the applicant's option;

1        (13) A check box allowing the applicant to indicate that he or she  
2 is a member of the armed forces, national guard, or reserves, or that  
3 he or she is an overseas voter;

4        ~~((+10+))~~ (14) A check box allowing the applicant to confirm that he  
5 or she is at least eighteen years of age;

6        ~~((+11+))~~ (15) Clear and conspicuous language, designed to draw the  
7 applicant's attention, stating that the applicant must be a United  
8 States citizen in order to register to vote;

9        ~~((+12+))~~ (16) A check box and declaration confirming that the  
10 applicant is a citizen of the United States;

11        ~~((+13+))~~ (17) A check box and declaration confirming that the  
12 applicant has not been convicted of a felony, or if so, that the  
13 applicant's civil rights have been restored;

14        (18) A check box and declaration confirming that the applicant is  
15 a resident of this state and of the county in which the applicant is  
16 registering;

17        (19) The following warning:

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

23        ~~((+14+))~~ (20) The following affirmation by the applicant:

24        "By signing this document, I hereby assert, under penalty of  
25 perjury, that I am legally eligible to vote. If I am found to have  
26 voted illegally, I may be prosecuted and/or fined for this illegal act.  
27 In addition, I hereby acknowledge that my name and last known address  
28 will be forwarded to the appropriate state and/or federal authorities  
29 if I am found to have voted illegally."

30        ~~((+15+))~~ (21) The oath required by RCW 29A.08.230 and a space for  
31 the applicant's signature;

32        (22) The date the applicant signed the application;

33        (23) If the applicant is unable to sign the form, a statement that  
34 the application was completed according to the applicant's direction;

35        (24) A statement that if an applicant declines to register to vote,  
36 the fact that the applicant has declined to register will remain  
37 confidential and will be used only for voter registration purposes;

38        (25) A statement that if an applicant does register to vote, the  
39 office at which the applicant submits a voter registration application

1 will remain confidential and will be used only for voter registration  
2 purposes;

3 (26) A statement that the applicant shall submit evidence of United  
4 States citizenship with the application and that the county auditor  
5 shall reject the application if no evidence of citizenship is attached;  
6 and

7 ~~((16))~~ (27) Any other information that the secretary of state  
8 determines is necessary to establish the identity of the applicant and  
9 prevent duplicate or fraudulent voter registrations.

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

12 If the applicant fails to provide the information required for  
13 voter registration, the auditor shall send the applicant a verification  
14 notice. The applicant may not be registered until the required  
15 information is provided. If a verification notice is returned as  
16 undeliverable or the applicant fails to respond to the notice within  
17 forty-five days, the applicant shall not be registered to vote.

18 A duplicate voter receipt shall be provided with the form that  
19 provides space for the name, street address, and city of residence of  
20 the applicant, and the date of signing. The voter receipt is evidence  
21 of valid registration for the purpose of casting a ballot to be  
22 verified by each auditor.

23 The county auditor may establish procedures to verify whether an  
24 applicant is a program participant under chapter 40.24 RCW, and whether  
25 the applicant's address, telephone number, or registration number is  
26 exempt from public disclosure.

27 NEW SECTION. Sec. 4. A new section is added to chapter 29A.08 RCW  
28 to read as follows:

29 VERIFICATION OF REGISTRATION. (1) Except for the mailing of sample  
30 ballots, a county auditor who mails an item to an elector shall send  
31 the mailing by nonforwardable first class mail marked with the  
32 statement to receive an address correction notification. If the item  
33 is returned undelivered, the county auditor shall send a follow-up  
34 notice to that elector within three weeks of receipt of the returned  
35 notice. The county auditor shall send the follow-up notice to the  
36 address that appears on the general county register or to the  
37 forwarding address provided by the United States postal service. The  
38 follow-up notice shall include a registration form and shall state that

1 if the elector does not complete and return a new registration form  
2 with current information to the county auditor within thirty-five days,  
3 the name of the elector will be removed from the general register and  
4 transferred to the inactive voter list.

5 (2) If the elector provides the county auditor with a new  
6 registration form, the county auditor shall change the general register  
7 to reflect the changes indicated on the new registration. If the  
8 elector indicates a new residence address outside that county, the  
9 county auditor shall forward the voter registration form to the county  
10 auditor of the county in which the elector's address is located. If  
11 the elector provides a new residence address that is located outside  
12 this state, the county auditor shall cancel the elector's registration.

13 (3) The county auditor shall maintain on the inactive voter list  
14 the names of electors who have been removed from the general register  
15 for a period of four years or through the date of the second general  
16 election for federal office following the date of the notice from the  
17 county auditor.

18 (4) On notice that a government agency has changed the name of any  
19 street, route number, post office box number, or other address  
20 designation, the county auditor shall revise the registration records  
21 and shall send a new verification of registration notice to the  
22 electors whose records were changed.

23 (5) The county auditor on or before May 1st of each year preceding  
24 a state primary and general election, or more frequently as the auditor  
25 deems necessary, may use the change of address information supplied by  
26 the postal service through its licensees to identify registrants whose  
27 addresses may have changed. If it appears from information provided by  
28 the postal service that a registrant has moved to a different residence  
29 address in the same county, the county auditor shall change the  
30 registration records to reflect the new address and shall send the  
31 registrant a notice of the change by forwardable mail and a postage  
32 prepaid preaddressed return form by which the registrant may verify or  
33 correct the registration information. If the registrant fails to  
34 return the form postmarked not later than twenty-nine days before the  
35 next election, the elector shall be removed from the general register  
36 and transferred to the inactive voter list. If the notice sent by the  
37 auditor is not returned, the registrant may be required to provide  
38 affirmation or confirmation of the registrant's address in order to  
39 vote. If the registrant does not vote in an election during the period

1 after the date of the notice from the auditor through the date of the  
2 second general election for federal office following the date of that  
3 notice, the registrant's name shall be removed from the list of  
4 inactive voters. If the registrant has changed residence to a new  
5 county, the county auditor shall provide information on how the  
6 registrant can continue to be eligible to vote.

7 (6) The county auditor shall reject any application for  
8 registration that is not accompanied by satisfactory evidence of United  
9 States citizenship. Satisfactory evidence of citizenship shall include  
10 any of the following:

11 (a) The number of the applicant's driver's license or nonoperating  
12 identification license issued after October 1, 1996, by the department  
13 of transportation or the equivalent governmental agency of another  
14 state within the United States if the agency indicates on the  
15 applicant's driver's license or nonoperating identification license  
16 that the person has provided satisfactory proof of United States  
17 citizenship;

18 (b) A legible photocopy of the applicant's birth certificate that  
19 verifies citizenship to the satisfaction of the county auditor;

20 (c) A legible photocopy of pertinent pages of the applicant's  
21 United States passport identifying the applicant and the applicant's  
22 passport number or presentation to the county auditor of the  
23 applicant's United States passport;

24 (d) A presentation to the county auditor of the applicant's United  
25 States naturalization documents or the number of the certificate of  
26 naturalization. If only the number of the certificate of  
27 naturalization is provided, the applicant shall not be included in the  
28 registration rolls until the number of the certificate of  
29 naturalization is verified with the United States immigration and  
30 naturalization service by the county auditor;

31 (e) Other documents or methods of proof that are established  
32 pursuant to the immigration reform and control act of 1986; or

33 (f) The applicant's bureau of Indian Affairs card number, tribal  
34 treaty card number, or tribal enrollment number.

35 (7) Notwithstanding subsection (6) of this section, any person who  
36 is registered in this state on the effective date of this section is  
37 deemed to have provided satisfactory evidence of citizenship and is not  
38 required to resubmit evidence of citizenship unless the person is  
39 changing voter registration from one county to another.

1 (8) For the purposes of this section, proof of voter registration  
2 from another state or county is not satisfactory evidence of  
3 citizenship.

4 (9) A person who modifies voter registration records with a new  
5 residence ballot shall not be required to submit evidence of  
6 citizenship. After citizenship has been demonstrated to the county  
7 auditor, the person is not required to resubmit satisfactory evidence  
8 of citizenship in that county.

9 (10) After a person has submitted satisfactory evidence of  
10 citizenship, the county auditor shall indicate this information in the  
11 person's permanent voter file. After two years the county auditor may  
12 destroy all documents that were submitted as evidence of citizenship.

13 **Sec. 5.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to  
14 read as follows:

15 A voter desiring to vote shall (~~give~~) announce, in a clear,  
16 audible tone of voice, his or her name and place of residence to the  
17 precinct election officer who has the precinct list of registered  
18 voters or present his or her name and residence in writing and one form  
19 of identification that bears the name, address, and photograph of the  
20 voter or two different forms of identification that bear the name and  
21 address of the voter. This officer shall announce the name to the  
22 precinct election officer who has the copy of the inspector's poll book  
23 for that precinct. If the right of this voter to participate in the  
24 primary or election is not challenged or the voter presents a  
25 certificate from the county auditor showing that he or she is entitled  
26 by law to vote in the precinct, the voter must be issued a ballot or  
27 permitted to enter a voting booth or to operate a voting device. For  
28 a partisan primary in a jurisdiction using the physically separate  
29 ballot format, the voter must be issued a nonpartisan ballot and each  
30 party ballot. The number of the ballot or the voter must be recorded  
31 by the precinct election officers. If the right of the voter to  
32 participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that  
33 voter.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.44 RCW  
35 to read as follows:

36 A voter who is listed as having applied for a ballot under chapter  
37 29A.40 RCW but who states that he or she has not voted and will not

1 vote an absentee ballot for this election or surrenders the absentee  
2 ballot to the precinct election officer on election day shall be  
3 allowed to vote.

4 **Sec. 7.** RCW 29A.44.210 and 2003 c 111 s 1120 are each amended to  
5 read as follows:

6 Any person desiring to vote at any primary or election is required  
7 to sign his or her name on the appropriate precinct list of registered  
8 voters. If the voter registered using a mark, or can no longer sign  
9 his or her name, (~~the election officers shall require the voter to be~~  
10 ~~identified by another registered voter~~) an inspector or judge may sign  
11 for the voter, and in that event the name of the voter shall be written  
12 with red ink, and no attestation or other proof is necessary. This  
13 subsection does not apply to voters casting a ballot using early voting  
14 procedures.

15 The precinct election officers shall then record the voter's name.  
16 The voter's name shall be numbered consecutively by the election  
17 officers, with the number upon the stub of the ballot delivered to him  
18 or her, and in the order of applications for ballots. The election  
19 judge having charge of the ballots shall also write his or her initials  
20 upon the stub and the number of the voter as it appears upon the  
21 precinct register. The judge shall give the voter only one ballot and  
22 his or her name shall be immediately checked on the precinct register.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.44 RCW  
24 to read as follows:

25 A person offering to vote at a special district election for which  
26 no special district register has been supplied shall sign an affidavit  
27 stating his or her address and that he or she resides within the  
28 district boundaries or proposed district boundaries and swearing that  
29 he or she is a qualified elector and has not already voted at the  
30 election being held.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 74.04 RCW  
32 to read as follows:

33 VERIFYING APPLICANTS FOR PUBLIC BENEFITS--VIOLATION--  
34 CLASSIFICATION--CITIZEN SUITS. (1) An agency of this state and all of  
35 its political subdivisions, including local governments, that are



1 responsible for the administration of state and local public benefits  
2 that are not federally mandated shall do all of the following:

3 (a) Verify the identity of each applicant for those benefits and  
4 verify that the applicant is eligible for benefits as prescribed by  
5 this section;

6 (b) Provide any other employee of this state or any of its  
7 political subdivisions with information to verify the immigration  
8 status of any applicant for those benefits and assist the employee in  
9 obtaining that information from federal immigration authorities;

10 (c) Refuse to accept any identification card issued by the state or  
11 any political subdivision of this state, including a driver's license,  
12 to establish identity or determine eligibility for those benefits  
13 unless the issuing authority has verified the immigration status of the  
14 applicant; and

15 (d) Require all employees of the state and its political  
16 subdivisions to make a written report to federal immigration  
17 authorities for any violation of federal immigration law by any  
18 applicant for benefits that is discovered by the employee.

19 (2) Failure to report discovered violations of federal immigration  
20 law by an employee is a misdemeanor. If that employee's supervisor  
21 knew of the failure to report and failed to direct the employee to make  
22 the report, the supervisor is guilty of a misdemeanor.

23 (3) This section shall be enforced without regard to race,  
24 religion, gender, ethnicity, or national origin. Any person who is a  
25 resident of this state shall have standing in any court of record to  
26 bring suit against any agent or agency of this state or its political  
27 subdivisions to remedy any violation of this section, including an  
28 action for mandamus. Courts shall give preference to actions brought  
29 under this section over other civil actions or proceeding pending in  
30 the court.

31 NEW SECTION. **Sec. 10.** If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

35 NEW SECTION. **Sec. 11.** Captions used in this act are not any part  
36 of the law.

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