

INITIATIVE 357

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. 357 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 and 29A.08.615; adding new sections to chapter 29A.08 RCW; adding a new
3 section to chapter 29A.04 RCW; creating new sections; and repealing RCW
4 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.
13 This commonsense measure to help prevent our elections from being
14 corrupted by fraud will restore integrity to the ballot box.

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

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

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

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

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

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

11 (2) A United States passport identifying the applicant and the
12 applicant's passport number;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 ~~((+13))~~ (m) The following warning:
30 "If you knowingly provide false information on this voter
31 registration form or knowingly make a false declaration about your
32 qualifications for voter registration you will have committed a class
33 C felony that is punishable by imprisonment for up to five years, a
34 fine of up to ten thousand dollars, or both."

35 ~~((+14))~~ (n) The following affirmation by the applicant:
36 "By signing this document, I hereby assert, under penalty of
37 perjury, that I am legally eligible to vote. If I am found to have
38 voted illegally, I may be prosecuted and/or fined for this illegal act.
39 In addition, I hereby acknowledge that my name and last known address

1 will be forwarded to the appropriate state and/or federal authorities
2 if I am found to have voted illegally."

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

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

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

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

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

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

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

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

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

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

34 (1) An application is considered complete only if it contains the
35 information required by RCW 29A.08.210 including, but not limited to,
36 the applicant's legal name, complete valid residence address, date of
37 birth, signature attesting to the truth of the information provided, a
38 mark in the check-off box confirming United States citizenship, and an

1 indication that proof of citizenship and the provided driver's license
2 number, state identification card number, or Social Security number
3 (~~has~~) have been confirmed by the secretary of state. If it is not
4 complete, the auditor shall promptly mail a verification notice of the
5 deficiency to the applicant. This verification notice shall require
6 the applicant to provide the missing information. If the verification
7 notice is not returned by the applicant within forty-five days or is
8 returned as undeliverable, the name of the applicant shall not be
9 placed on the official list of registered voters until the applicant
10 completes a new form and provides all required information and
11 documentation. If the applicant provides the required verified
12 information, the applicant shall be registered to vote as of the
13 original date of mailing or date of delivery, whichever is applicable.

14 (2) If the information required in subsection (1) of this section
15 is complete, the applicant is considered to be registered to vote as of
16 the original date of mailing or date of delivery, whichever is
17 applicable. The auditor shall record the appropriate precinct
18 identification, taxing district identification, and date of
19 registration on the voter's record in the state voter registration
20 list. Within forty-five days after the receipt of an application but
21 no later than seven days before the next primary, special election, or
22 general election, the auditor shall send to the applicant, by first
23 class mail, an acknowledgement notice identifying the registrant's
24 precinct and containing such other information as may be required by
25 the secretary of state. The postal service shall be instructed not to
26 forward a voter registration card to any other address and to return to
27 the auditor any card which is not deliverable.

28 (3) If an acknowledgement notice card is properly mailed as
29 required by this section to the address listed by the voter as being
30 the voter's mailing address and the notice is subsequently returned to
31 the auditor by the postal service as being undeliverable to the voter
32 at that address, the auditor shall promptly send the voter a
33 confirmation notice. The auditor shall place the voter's registration
34 on inactive status pending a response from the voter to the
35 confirmation notice.

36 **Update Existing Registrations to Verify Eligibility**

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

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

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

8 Registered voters are divided into ((two)) three categories,
9 "active," "pending," and "inactive." All registered voters are
10 classified as active, unless assigned to inactive or pending status by
11 the county auditor.

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

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

20 (2) Update notices must be on a form prescribed by, or approved by,
21 the secretary of state and must require that the voter provide his or
22 her full legal name and proof of United States citizenship to the
23 county auditor, either in person or by mail, prior to October 1, 2009,
24 in order to maintain an active registration. The notice must include
25 a list of acceptable documents for proving citizenship.

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

34 (4) The county auditor shall return a voter who has been placed on
35 pending status under this section to active voter status if the voter
36 provides his or her full legal name and proof of citizenship to the
37 county auditor. This may be done in person at the auditor's office; by

1 mail in response to the update notice; by mail with an absentee or mail
2 ballot; or in person to a poll worker before voting at a poll site.
3 The county auditor shall mail an acknowledgment notice to a voter who
4 has updated their registration under this section. The acknowledgement
5 notice shall be processed in the same manner as in RCW 29A.08.110.

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

12 (6) Any voter placed on pending status under this section who
13 attempts to vote without providing his or her full legal name and proof
14 of citizenship shall be issued a provisional ballot. The county
15 auditor shall not count the provisional ballot unless the voter
16 provides his or her full legal name and proof of citizenship to the
17 county auditor before the date the election is certified by the county.
18 Upon receiving this documentation the auditor shall return the voter to
19 active status as provided in subsection (3) of this section.

20 NEW SECTION. Sec. 9. RCW 29A.08.010 ("Information required for
21 voter registration.") and 2006 c 320 s 2, 2005 c 246 s 2, 2004 c 267 s
22 102, 2003 c 111 s 201, & 1994 c 57 s 9 are each repealed.

23 **Construction, Severability, and Miscellaneous Provisions**

24 NEW SECTION. Sec. 10. CONSTRUCTION. The provisions of this act
25 are to be liberally construed to effectuate the intent, policies, and
26 purposes of this act.

27 NEW SECTION. Sec. 11. SEVERABILITY. If any provision of this act
28 or its application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. Sec. 12. Subheadings and captions used in this act
32 are not part of the law.

1 NEW SECTION. **Sec. 13.** This act shall be known and cited as the
2 Restoring Integrity to Elections Act.

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