



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: May 21, 2024
TIME: 12:53 PM

WSR 24-11-136

Agency: Office of the Secretary of State

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- Preproposal Statement of Inquiry was filed as WSR 23-20-004 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Automatic voter registration acknowledgement notice packages, future voter disclosure timeline, voter registration form

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 25, 2024	10:00 AM	Washington Secretary of State, Washington State Library 6880 Capitol Blvd. SE Tumwater, WA 98501	When attending the hearing in person, walk into the front lobby of the Washington State Library. You will be escorted to the conference room at 9:55 AM to be present when the hearing begins at 10:00 AM. If you arrive after that time, there will be a staff member available in the lobby to escort you to the conference room.

Date of intended adoption: June 26, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Dave Piersma
 Address PO Box 40229, Olympia, WA 98504
 Email dave.piersma@sos.wa.gov
 Fax 360-664-4619
 Other

Beginning (date and time) May 22, 2024 5:00 PM
 By (date and time) June 24, 2024 5:00 PM

Assistance for persons with disabilities:

Contact Dave Piersma
 Phone 360-902-4172
 Fax 360-664-4619
 TTY
 Email dave.piersma@sos.wa.gov
 Other
 By (date) June 24, 2024 5:00 PM

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of these proposals are to create the processes to enact the opt-out automatic voter registration system established in Engrossed Second Substitute Senate Bill 5112 (SB 5112) (2023) in a manner that ensures consistency in counties throughout the state, provide clarification on disclosure timelines related to primary-only voters in Senate Bill 5153 (2023), and create a new voter registration application form in accordance with SB 5112 (2023).

Reasons supporting proposal: Engrossed Second Substitute Senate Bill 5112 (2023) expanded voter registration participation options for voters and amended the requirements for the prescribed voter registration application form. The Consent Decree entered in *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3-23-CV-06014-TMC) created a required change in the voter registration form's oath. New rules are required to enumerate the procedures to enact the requirements. Senate Bill 5153 (2023) updated RCW to state that records pertaining to primary-only voters become publicly available when they are eligible to vote in the next primary, presidential primary, or election, but did not clarify a specific timeline. The proposed rule creates a uniform disclosure timeline for use across the state.

Statutory authority for adoption: RCW 29A.04.611

Statute being implemented: RCW 29A.08.030, RCW 29A.08.110, RCW 29A.08.210, RCW 29A.08.359, RCW 29A.08.725

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION: *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3-23-CV-06014-TMC)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Office of the Secretary of State
Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Stuart Holmes	Olympia	360-902-4151
Implementation	Stuart Holmes	Olympia	360-902-4151
Enforcement	Stuart Holmes	Olympia	360-902-4151

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 - Name
 - Address
 - Phone
 - Fax
 - TTY
 - Email
 - Other
- No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

- This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.
- This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW _____.
- Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: May 22, 2024

Name: Amanda Doyle

Title: Secretary of State Chief of Staff

Signature:

