Concise Explanatory Statement

Rulemaking: UOCAVA ID Requirements
Chapter 434-381 WAC

Public Hearing: April 7, 2026
Adoption: April 8, 2026
Effective: May 9, 2026

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Introduction

The Elections Division of the Office of the Secretary of State is amending a rule to update the identification requirements for overseas and service voters to clarify requirements in federal and state law. This document will serve as the Concise Explanatory Statement (CES) for this rulemaking.

Formal comments were accepted March 5, 2026 8:00 AM through April 6, 2026 5:00 PM.

The formal CR-102 public hearing was held April 7, 2026, 1:00 PM in person at 243 Israel Rd. SE, Conference Room 111, Tumwater, WA 98501.

Rules Summary and Agency Reasons for Adoption
Rules Text

AMENDATORY SECTION (Amending WSR 19-01-102, filed 12/18/18, effective 1/18/19)

WAC 434-235-020 Voter registration. (1) A service or overseas voter may register to vote ((~~by~~)) or update their voter registration record by completing and providing:

(a) A voter registration application ((~~issued~~)) prescribed by the state of Washington;

(b) A federal post card application ((~~issued~~)) prescribed by the federal voting assistance program;

(c) A federal write-in absentee ballot ((~~issued~~)) prescribed by the federal voting assistance program;

(d) A national mail voter registration form ((~~issued~~)) prescribed by the United States election assistance commission; or

(e) A ballot with a valid signature on the ballot declaration.

(2) Pursuant to RCW 29A.40.010 and 29A.40.091, a service or overseas voter does not have to be registered ((~~in order~~)) to request a ballot. Consequently, a service or overseas voter who is not already registered in Washington may request a ballot and register to vote after the registration deadlines ((~~of~~)) in RCW 29A.08.140 ((~~have passed~~)).

A service or overseas voter who is already registered to vote in Washington may not ((~~transfer or update a~~)) update their voter registration record after the deadlines in RCW 29A.08.140 ((~~have passed~~)).

(a) If the service or overseas voter registration applicant is not currently registered to vote, the county auditor must register the voter immediately. The voter must be ((~~flagged in the voter registration system~~)) designated as a service or overseas voter in the voter registration system.

(b) A service or overseas voter must use ((~~his or her~~)) their most recent residential address in Washington((~~, or the~~)) or a family member's most recent residential address in Washington ((~~of a family member~~)).

(c) If the county auditor is unable to assign the voter a precinct ((~~the voter~~)) due to a missing or incomplete residential address on the application, the county auditor must attempt to contact the voter to clarify the application.

(i) If, in the judgment of the county auditor, there is insufficient time to correct the application before the ((~~next~~)) primary or election ((~~or primary~~)), the county auditor must issue the ballot as if the voter had listed the county auditor's office as ((~~his or her residence~~)) the residential address. A special precinct for this purpose may be created. The only offices and ((~~issues~~)) measures that may be tabulated are those common to the entire county and congressional races based on the precinct encompassing the county auditor's office.

(ii) After the primary or election ((~~or primary~~)), the county auditor must place the voter on inactive status and send the voter a confirmation notice to obtain the voter's correct residential address.

(d) A service or overseas voter who registers to vote by signing the ballot declaration is not required to provide a Washington driver's license number, the last four digits of the Social Security number, or other form of identification as required by RCW 29A.08.107.

A service or overseas voter who registers to vote any other way requires a Washington driver's license number, state identification card number, or the last four digits of the Social Security number that matches the information maintained by the Washington department

of licensing or the Social Security Administration, or other form of identification as required by RCW 29A.08.107.

(3) The county auditor must offer a service or overseas voter the option of receiving blank ballots by email or postal mail. This requirement is satisfied if the service or overseas voter registers on an application that offers electronic ballot delivery as an option, or if the voter expresses a preference when registering, updating a registration, or requesting a ballot. The county auditor must attempt to contact the voter by phone, email, postal mail, or other means. If the voter does not indicate a preference or does not respond, the county auditor must send ballots by postal mail.

(4) The county auditor shall keep the voter on service or overseas status until the county auditor receives verification the voter no longer qualifies as a service or overseas voter under WAC 434-235-010.

(5) ((~~Status~~)) Pursuant to 52 U.S.C. § 20301 and RCW 29A.08.710, designation as a service or overseas voter is ((~~voter registration information and may only be disclosed if listed as public information in RCW 29A.08.710~~)) not subject to public inspection and copying.

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Rules Summary
The amendments in this rulemaking package:
- Clarify the listed voter registration forms must be prescribed by the relevant agency rather than issued by the agency.
- Confirm that an overseas or a service voter who registers by signing a ballot declaration is not required to provide a Washington driver's license, SSN-4, or other form of ID, as required by RCW 29A.08.107.
- Require an overseas or a service voter who registers in any way other than signing a ballot declaration is required to provide a form of identification required by RCW 29A.08.107.

Agency Reason for Adoption
These amendments to WAC 434-235-020 update state administrative code in compliance with 52 U.S.C. § 20302 and RCW 29A.08.107.

Agency Rulemaking Authority
RCW 29A.04.611 requires the Secretary of State to create administrative rules regarding the standards and procedures to accommodate overseas and service voters.

Summary of the Rulemaking Activities
Formal comments were accepted March 5, 2026, 8:00 AM through April 6, 2026, 5:00 PM. The public had the opportunity to provide formal public comment at the public hearing and by email, fax, or mail.

The CR-101 Preproposal Statement of Inquiry was filed November 7, 2025. Informal comments were accepted until March 4, 2026, 5:00 PM.

Changes to Rule (Proposed versus Adopted)
None.

Public Comment and Responses
Comment Period
The formal comment period for this rulemaking was March 5, 2026, 8:00 AM through April 6, 2026, 5:00 PM. A total of zero (0) comments were received.

Public Hearing
Date: April 7, 2026
Time: 1:00 PM
Location: 243 Israel Rd SE, Conference Room 111, Tumwater, WA 98501
Attendance: Zero (0) people
Testified: Zero (0) people

Summary of Comments Received and the Elections Division Responses

No comments were received.