

---

HOUSE BILL 1739

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives Bush, D. Schmidt, Romero, Miloscia, Anderson, Campbell, Talcott, Esser and Casada; by request of Secretary of State

Read first time 02/02/2001. Referred to Committee on State Government.

1 AN ACT Relating to protecting the integrity of elections; amending  
2 RCW 29.07.092, 29.07.260, 29.07.440, 29.08.080, 29.10.125, 29.10.185,  
3 29.60.030, 29.85.240, 36.27.020, and 46.20.155; adding new sections to  
4 chapter 29.07 RCW; adding new sections to chapter 29.04 RCW; adding a  
5 new section to chapter 29.85 RCW; adding a new section to chapter 46.20  
6 RCW; creating a new section; and prescribing penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** It is the policy of the state of Washington  
9 to encourage every eligible person to register to vote and to  
10 participate fully in all elections, and to protect the integrity of the  
11 electoral process by providing equal access to the process while  
12 guarding against discrimination and fraud. The election registration  
13 laws and the voting laws of the state of Washington, and the  
14 requirements of this act, must be administered without discrimination  
15 based upon race, creed, color, national origin, sex, or political  
16 affiliation.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.07 RCW  
18 to read as follows:

1 An election officer or voter registrar who intentionally  
2 disenfranchises an eligible citizen or discriminates against a person  
3 eligible to vote by denying voter registration is guilty of a class C  
4 felony punishable under chapter 9A.20 RCW.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.04 RCW  
6 to read as follows:

7 In order to encourage the broadest possible voting participation by  
8 all eligible citizens, the secretary of state shall produce voter  
9 registration information in the foreign languages required of state  
10 agencies. This information must be available no later than January 1,  
11 2002.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 29.04 RCW  
13 to read as follows:

14 The secretary of state shall cause to be produced a "voter guide"  
15 detailing what constitutes voter fraud and discrimination under state  
16 election laws. This voter guide must be provided to every county  
17 election officer and voter registrar, and any other person upon  
18 request, no later than January 1, 2002.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 29.04 RCW  
20 to read as follows:

21 The secretary of state shall provide a toll-free media and web page  
22 designed to allow voter communication with the office of the secretary  
23 of state. The secretary of state shall forward every complaint of  
24 violations of voter registration laws or violations of election laws or  
25 election discrimination received to the county auditor or election  
26 officer within whose jurisdiction the incident is alleged to have  
27 occurred. The county auditor or election officer shall notify the  
28 secretary of state of the findings and actions regarding each  
29 complaint.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 29.07 RCW  
31 to read as follows:

32 When a person who has previously registered to vote in any  
33 jurisdiction applies for voter registration in a new jurisdiction, the  
34 person shall provide on the registration form, all information needed  
35 to cancel any previous registration.

1       **Sec. 7.** RCW 29.07.092 and 1975 1st ex.s. c 184 s 1 are each  
2 amended to read as follows:

3       The county auditor shall acknowledge each new voter registration or  
4 transfer by providing or sending the voter a card identifying his  
5 current precinct and containing such other information as may be  
6 prescribed by the secretary of state. The county auditor shall forward  
7 any information pertaining to the voter's prior voter registration to  
8 the county where the voter was previously registered, so that  
9 registration may be canceled. If the prior voter registration is in  
10 another state, the notification must be made to the state elections  
11 office of that state. A county auditor receiving official information  
12 that a voter has registered to vote in another jurisdiction shall  
13 immediately cancel that voter's registration.

14       **Sec. 8.** RCW 29.07.260 and 1999 c 298 s 6 are each amended to read  
15 as follows:

16       (1) An ((person)) eligible United States citizen may apply to  
17 register to vote, transfer a voter registration, or change his or her  
18 name for voter registration purposes when he or she applies for or  
19 renews a driver's license or identification card under chapter 46.20  
20 RCW.

21       (2) To register to vote, transfer his or her voter registration, or  
22 change his or her name for voter registration purposes under this  
23 section, the applicant shall provide the following:

24       (a) His or her full name;

25       (b) Whether the address in the driver's license file is the same as  
26 his or her residence for voting purposes;

27       (c) The address of the residence for voting purposes if it is  
28 different from the address in the driver's license file;

29       (d) His or her mailing address if it is not the same as the address  
30 in (c) of this subsection;

31       (e) Additional information on the geographic location of that  
32 voting residence if it is only identified by route or box;

33       (f) The last address at which he or she was registered to vote in  
34 this state;

35       (g) A declaration that he or she is a citizen of the United States;  
36 and

1 (h) Any other information that the secretary of state determines is  
2 necessary to establish the identity of the applicant and to prevent  
3 duplicate or fraudulent voter registrations.

4 (3) The following warning shall appear in a conspicuous place on  
5 the voter registration form:

6 "If you knowingly provide false information on this voter  
7 registration form or knowingly make a false declaration about your  
8 qualifications for voter registration you will have committed a class  
9 C felony that is punishable by imprisonment for up to five years, or by  
10 a fine of up to ten thousand dollars, or both imprisonment and fine."

11 (4) The applicant shall sign a portion of the form that can be used  
12 as an initiative signature card for the verification of petition  
13 signatures by the secretary of state and shall sign and attest to the  
14 following oath:

15 "I declare that the facts on this voter registration form are true.  
16 I am a citizen of the United States, I am not presently denied my civil  
17 rights as a result of being convicted of a felony, I will have lived in  
18 Washington at this address for thirty days before the next election at  
19 which I vote, and I will be at least eighteen years old when I vote."

20 (5) The driver licensing agent shall record that the applicant has  
21 requested to register to vote or transfer a voter registration.

22 **Sec. 9.** RCW 29.07.440 and 1994 c 57 s 28 are each amended to read  
23 as follows:

24 (1) The secretary of state shall prescribe the method of voter  
25 registration for each designated agency. The agency shall use either  
26 the state voter registration by mail form with a separate declination  
27 form for the applicant to indicate that he or she declines to register  
28 at this time, or the agency may use a separate form approved for use by  
29 the secretary of state.

30 (2) The person providing service at the agency shall offer voter  
31 registration services to every client whenever he or she applies for  
32 service or assistance and with each renewal, recertification, or change  
33 of address. The person providing service shall give the applicant the  
34 same level of assistance with the voter registration application as is  
35 offered to fill out the agency's forms and documents, including

1 information about age and citizenship requirements for voter  
2 registration.

3 (3) If an agency uses a computerized application process, it may,  
4 in consultation with the secretary of state, develop methods to  
5 capture simultaneously the information required for voter registration  
6 during a person's computerized application process.

7 (4) Each designated agency shall provide for the voter registration  
8 application forms to be collected from each agency office at least once  
9 each week. The agency shall then forward the application forms to the  
10 secretary of state each week. The secretary of state shall forward the  
11 forms to the county in which the applicant has registered to vote no  
12 later than ten days after the date on which the forms were received by  
13 the secretary of state.

14 **Sec. 10.** RCW 29.08.080 and 1999 c 298 s 7 are each amended to read  
15 as follows:

16 The secretary of state shall furnish registration forms necessary  
17 to carry out the registration of voters as provided by this chapter  
18 without cost to the respective counties. All voter registration forms  
19 printed after January 1, 2002, must include clear and conspicuous  
20 language, designed to draw an applicant's attention, stating that the  
21 applicant must be a United States citizen in order to register to vote.

22 **Sec. 11.** RCW 29.10.125 and 1987 c 288 s 1 are each amended to read  
23 as follows:

24 Registration of a person as a voter is presumptive evidence of his  
25 or her right to vote at any primary or election, general or special.  
26 A person's right to vote may be challenged at the polls only by a  
27 precinct election officer. A challenge may be made only upon the  
28 belief or knowledge of the challenging officer that the voter is  
29 unqualified. The challenge must be supported by evidence or testimony  
30 given to the county canvassing board under RCW 29.10.127 and may not be  
31 based on unsupported allegations or allegations by anonymous third  
32 parties. The identity of the challenger, and any third person involved  
33 in the challenge, shall be public record and shall be announced at the  
34 time the challenge is made.

35 Challenges initiated by a registered voter must be filed not later  
36 than the day before any primary or election, general or special, at the  
37 office of the appropriate county auditor. A challenged voter may

1 properly transfer or reregister until three days before the primary or  
2 election, general or special, by applying personally to the county  
3 auditor. Challenges may also be initiated by the office of the county  
4 prosecuting attorney and must be filed in the same manner as challenges  
5 initiated by a registered voter.

6 **Sec. 12.** RCW 29.10.185 and 1999 c 100 s 4 are each amended to read  
7 as follows:

8 In addition to the case-by-case cancellation procedure required in  
9 RCW 29.10.040, the county auditor, in conjunction with the office of  
10 the secretary of state, shall participate in an annual list maintenance  
11 program designed to detect persons registered in more than one county  
12 or voting more than once in an election. This program must be applied  
13 uniformly throughout the county and must be nondiscriminatory in its  
14 application. The program must be completed not later than thirty days  
15 before the date of a primary or general election.

16 The office of the secretary of state shall cause to be created a  
17 list of registered voters with the same date of birth and similar names  
18 who appear on two or more county lists of registered voters. The  
19 office of the secretary of state shall forward this list to each county  
20 auditor so that they may properly cancel the previous registration of  
21 voters who have subsequently registered in a different county. The  
22 county auditor of the county where the previous registration was made  
23 shall cancel the registration of the voter if it appears that the  
24 signatures in the registration and the signature provided to the new  
25 county on the voter's new registration were made by the same person.  
26 The office of the secretary of state shall adopt rules to facilitate  
27 this process.

28 If a voter is suspected of voting in two or more counties in an  
29 election, the county auditors in each county shall cooperate with their  
30 respective county prosecutors to determine the voter's county of  
31 residence. The prosecuting attorney of the county of residence shall  
32 pursue a complaint.

33 **Sec. 13.** RCW 29.60.030 and 1992 c 163 s 5 are each amended to read  
34 as follows:

35 The secretary of state shall:

36 (1) Establish and operate, or provide by contract, training and  
37 certification programs for state and county elections administration

1 officials and personnel, including but not limited to training on the  
2 various types of election law violations and discrimination, and  
3 training programs for political party observers which conform to the  
4 rules for such programs established under RCW 29.60.020;

5 (2) Administer tests for state and county officials and personnel  
6 who have received such training and issue certificates to those who  
7 have successfully completed the training and passed such tests;

8 (3) Maintain a record of those individuals who have received such  
9 training and certificates; and

10 (4) Provide the staffing and support services required by the board  
11 created under RCW 29.60.010.

12 NEW SECTION. **Sec. 14.** A new section is added to chapter 29.85 RCW  
13 to read as follows:

14 When a complaint providing information concerning fraudulent voter  
15 registration, vote tampering, or irregularities in absentee voting are  
16 presented to the office of the prosecuting attorney, that office shall  
17 aggressively investigate, and shall file charges in all cases where  
18 warranted.

19 **Sec. 15.** RCW 29.85.240 and 1991 c 81 s 17 are each amended to read  
20 as follows:

21 Any person who knows that he or she does not possess the legal  
22 qualifications of a voter (~~and~~) who applies for voter registration or  
23 who votes at any primary or special or general election authorized by  
24 law to be held in this state for any office whatever (~~shall be~~) is  
25 guilty of a class C felony punishable under RCW 9A.20.021.

26 **Sec. 16.** RCW 36.27.020 and 1995 c 194 s 4 are each amended to read  
27 as follows:

28 The prosecuting attorney shall:

29 (1) Be legal adviser of the legislative authority, giving (~~them~~  
30 ~~it~~) it his or her written opinion when required by the legislative  
31 authority or the chairperson thereof touching any subject which the  
32 legislative authority may be called or required to act upon relating to  
33 the management of county affairs;

34 (2) Be legal adviser to all county and precinct officers and school  
35 directors in all matters relating to their official business, and when

1 required draw up all instruments of an official nature for the use of  
2 said officers;

3 (3) Appear for and represent the state, county, and all school  
4 districts subject to the supervisory control and direction of the  
5 attorney general in all criminal and civil proceedings in which the  
6 state or the county or any school district in the county may be a  
7 party;

8 (4) Prosecute all criminal and civil actions in which the state or  
9 the county may be a party, defend all suits brought against the state  
10 or the county, and prosecute actions upon forfeited recognizances and  
11 bonds and actions for the recovery of debts, fines, penalties, and  
12 forfeitures accruing to the state or the county;

13 (5) Attend and appear before and give advice to the grand jury when  
14 cases are presented to it for consideration and draw all indictments  
15 when required by the grand jury;

16 (6) Institute and prosecute proceedings before magistrates for the  
17 arrest of persons charged with or reasonably suspected of felonies when  
18 the prosecuting attorney has information that any such offense has been  
19 committed and the prosecuting attorney shall for that purpose attend  
20 when required by them if the prosecuting attorney is not then in  
21 attendance upon the superior court;

22 (7) Carefully tax all cost bills in criminal cases and take care  
23 that no useless witness fees are taxed as part of the costs and that  
24 the officers authorized to execute process tax no other or greater fees  
25 than the fees allowed by law;

26 (8) Receive all cost bills in criminal cases before district judges  
27 at the trial of which the prosecuting attorney was not present, before  
28 they are lodged with the legislative authority for payment, whereupon  
29 the prosecuting attorney may retax the same and the prosecuting  
30 attorney must do so if the legislative authority deems any bill  
31 exorbitant or improperly taxed;

32 (9) Aggressively and without exception present all violations of  
33 the election laws (~~(which may)~~) that come to the prosecuting attorney's  
34 knowledge to the special consideration of the proper jury;

35 (10) Examine once in each year the official bonds of all county and  
36 precinct officers and report to the legislative authority any defect in  
37 the bonds of any such officer;

38 (11) Make an annual report to the governor as of the 31st of  
39 December of each year setting forth the amount and nature of business

1 transacted by the prosecuting attorney in that year with such other  
2 statements and suggestions as the prosecuting attorney may deem useful;

3 (12) Send to the state liquor control board at the end of each year  
4 a written report of all prosecutions brought under the state liquor  
5 laws in the county during the preceding year, showing in each case, the  
6 date of trial, name of accused, nature of charges, disposition of case,  
7 and the name of the judge presiding;

8 (13) Seek to reform and improve the administration of criminal  
9 justice and stimulate efforts to remedy inadequacies or injustice in  
10 substantive or procedural law.

11 **Sec. 17.** RCW 46.20.155 and 1990 c 143 s 6 are each amended to read  
12 as follows:

13 Before issuing an original license or identification card or  
14 renewing a license or identification card under this chapter, the  
15 licensing agent shall determine if the applicant wants to register to  
16 vote or transfer his or her voter registration(~~(-)~~) by asking the  
17 following question:

18 "Do you want to register to vote or transfer your voter  
19 registration?"

20 If the applicant chooses to register or transfer a registration,  
21 the agent shall ask the following:

22 "Are you a United States citizen and at least eighteen years of  
23 age?"

24 If the applicant answers in the affirmative the agent shall then  
25 provide the applicant with a voter registration form and instructions  
26 and shall record that the applicant has requested to register to vote  
27 or transfer a voter registration. The agent shall provide information  
28 concerning qualifications for voter registration to any applicant who  
29 asks for the information, and to any applicant for voter registration  
30 who has provided identification documents from any country other than  
31 the United States.

32 NEW SECTION. **Sec. 18.** A new section is added to chapter 46.20 RCW  
33 to read as follows:

34 The department shall post signs at each driver licensing facility  
35 advertising the availability of voter registration services and

- 1 advising of the qualifications to register to vote and the penalties
- 2 for false voter registration.

--- END ---