

I-12XX Proposal (w./ proposed Ballot Title)

Proposed Ballot Title

Statement of the Subject: Initiative Measure No. I-12XX concerns identity verification for employment, driver licenses, benefits, elections and crime.

Concise Description: This measure requires agencies verify identity and lawful presence for public benefits, driver licenses, citizenship for elections and of criminals. All employers must "E-Verify" employees' U.S. lawful presence. Prohibitions against government cooperation would be abolished.

Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure requires state and local agencies to verify identity and U.S. lawful presence of any individual seeking non-emergency public benefits and the driving privilege, and verification of U.S. citizenship of any individual seeking voting, election privileges and those arrested and incarcerated. This measure requires all private and public employers to verify identity and U.S. lawful presence of new hires with "E-Verify," subject to loss of licenses and other penalties.

Initiative Petition for submission to the People

To the Honorable Sam Reed,

Secretary of State of the State of Washington

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure I-12XX, and entitled, "**Statement of the Subject:** Initiative Measure No. 12XX concerns identity verification for employment, driver licenses, benefits, elections and crime. **Concise Description:** This measure requires agencies verify identity and lawful presence for public benefits, driver licenses and citizenship for elections. All employers must "E-Verify" employees' U.S. lawful presence. Prohibitions against government cooperation would be abolished. Should this measure be enacted into law? Yes No " a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the 6th day of November, 2012; and each of us for himself or herself: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed

this petition only once.

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

NEW SECTION. **Sec. 1.** (1) No local government in this state, whether acting through its governing body or by an initiative, referendum, or any other process, shall enact any ordinance or policy that limits or prohibits a law enforcement officer, official, or employee of an agency of a local government or political subdivision in this state from communicating or cooperating with federal officials with regard to the identity or immigration status of any person within this state.

(2) No government entity or official within the state of Washington may prohibit, or in any way restrict, any government entity or official from sending to, or receiving from the United States Department of Homeland Security, information regarding the identity, citizenship or immigration status, lawful or unlawful, of any individual.

(3) No person or agency may prohibit, or in any way restrict, a public employee from doing any of the following with respect to information regarding the identity, or immigration status, lawful or unlawful, of any individual:

(a) Sending such information to, or requesting or receiving such information from, the United States Department of Homeland Security or the United States Department of Justice;

(b) Maintaining such information; or

(c) Exchanging such information with any other federal, state, or local government entity.

NEW SECTION. **Sec. 2.** A new section is added to chapter 10.40 RCW to read as follows:

(1) When a person has been charged with a felony, or for driving under the influence under RCW 46.61.502, and is confined for any period in a jail or other detention center or facility, a reasonable effort shall be made to determine the identity and citizenship status of that person.

(2) If the prisoner is a foreign national, the entity confining the person shall make a reasonable effort to verify that the prisoner is lawfully present in the United States under federal immigration law and, if lawfully admitted, that lawful status has not expired. If a determination of citizenship cannot be made from documents in the possession of the prisoner, verification of identity and immigration status shall be requested no later than forty-eight hours after the beginning of the confinement in subsection (1) of this section through a query to the United States Department of Homeland Security. Upon verification that the person is not lawfully present in the United States, the entity shall notify the United States Department of Homeland Security of the detention status of the prisoner, and confirm whether or not a federal immigration detainer has been requested for the alien. Such notification shall be public record.

(3) For the purposes of determining the conditions for issuance of bond, it shall be a rebuttable presumption that a prisoner whose immigration status has been verified under subsection (2) of this section to be a foreign national who is not lawfully present in the United States is at risk of flight.

(4) The Washington State Attorney General shall have the authority to adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to implement the provisions of this section.

NEW SECTION. **Sec. 3.** (1) Every public employer shall register and participate in the E-verify program to verify the work authorization status of all new employees.

(2) No public employer shall enter into a contract for the physical or personal performance of services within this state unless the contractor has registered and participates in the E-verify program to verify the work authorization status of all new workers employed by the contractor within this state.

(3) The Department of Labor and Industries shall adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to implement the provisions of this section.

(4) For the purposes of this section:

(a) "E-verify" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, P.L. 104-208, Division C, Sec. 403(a); 8 U.S.C. Sec. 1324a; and operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security or any other designated federal agency authorized to verify the work authorization status of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986, P.L. 99-603.

(b) "Public employer" means every department, agency, or instrumentality of the state or a political subdivision of the state.

(c) "Contractor" includes a subcontractor, contract employee, staffing agency, or any contractor providing contracted services subject to the requirements of this section within the state, regardless of its tier.

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.04 RCW to read as follows:

(1) Except as provided in subsection (3) of this section or where exempted by federal law, each agency and political subdivision of this state shall verify the identity and lawful presence in the United States of any person fourteen years of age or older who has applied for state, local, or federal public benefits that are administered by an agency or a political subdivision of this state.

(2) The provisions of this section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(3) Verification of lawful presence in the United States under the provisions of this section shall not be required:

(a) For any purpose for which lawful presence in the United States is not restricted by law, ordinance, or rule for the purposes of obtaining federal, state, or local public benefits;

(b) For assistance for health care items and services that are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Sec. 1396b(v)(3), of the alien involved and are not related to an organ transplant procedure;

(c) For short-term, noncash, in-kind emergency disaster relief;

(d) For public health assistance for immunizations with respect to diseases and for testing and treatment of symptoms of communicable diseases;

(e) For programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the United States Attorney General, in the sole and unreviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, which:

(i) Deliver in-kind services at the community level, including through public or private nonprofit agencies;

(ii) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient; and

(iii) Are necessary for the protection of life or safety.

(4) Verification of identity and lawful presence in the United States by the agency or political subdivision required to make such verification shall require that the applicant execute an affidavit under penalty of perjury that:

(a) He or she is a United States citizen; or

(b) He or she is a qualified alien as defined under 8 U.S.C. Sec. 1641(b), has fully disclosed to the agency administering the benefits for which application has been made the existence of income and resources of a sponsor attributable to the alien under 8 U.S.C. Sec. 1631, and is lawfully present in the United States.

(5) For any applicant who has executed the affidavit described in subsection (4)(b) of this section, eligibility for benefits shall be made through the Systematic Alien Verification for Entitlements program. Until the eligibility verification is made, the affidavit may be presumed to be proof of lawful presence for the purposes of this section. No state official shall attempt to independently determine that an alien is unlawfully present in the United States, without utilizing the Systematic Alien Verification for Entitlements program or otherwise obtaining a federal verification of the alien's immigration status, under U.S.C. 8 Sec. 1373(c).

(6) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit executed pursuant to subsection (4) of this section shall be subject to criminal penalties applicable in this state for fraudulently obtaining public assistance program benefits. If the affidavit constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911, a complaint shall be filed by the agency requiring the affidavit with the appropriate United States Attorney General's office.

(7) Any agency or political subdivision of this state may adopt rules providing for variations to the requirements of this section that demonstrably improve the efficiency or reduce delay in the verification process, or to provide for adjudication of unique individual circumstances where the verification procedures in this

section would impose unusual hardship on a legal resident of this state.

(8) No agency or political subdivision of this state shall provide any state, local, or federal public benefit in violation of this section.

(9) Each state agency or department that administers any program of state or local public benefits shall provide an annual report to the Washington State Auditor with respect to its compliance with the provisions of this section. The State Auditor shall monitor the eligibility verification program used under subsection (4) of this section and any verification application errors and significant delays of the program. By October 1st of each year, the State Auditor shall provide a report to the Governor on the errors and significant delays, and make recommendations to ensure that the application of the program is not erroneously denying benefits to legal residents of this state. The State Auditor shall report errors in the operation of the eligibility verification program to the United States Department of Homeland Security.

(10) For the purposes of this section:

(a) "Federal public benefits" has the same meaning as defined in 8 U.S.C. Sec. 1611(c).

(b) (i) "State and local public benefits" has the same meaning as defined in 8 U.S.C. Sec. 1621(c).

(ii) Any Washington State Lottery winnings, any sales and use tax exemption in the form of a remittance, and any other tax credit or rebate program provided by any Washington State or local government entity is a state or local public benefit under 8 U.S.C. Sec. 1621(c).

NEW SECTION. **Sec. 5.** (1) It shall be an unlawful discriminatory practice for an employer to discharge or terminate any United States citizen employee in this state, or any legal permanent resident alien employee in this state who has applied for naturalization, where, on the date of such discharge, an unauthorized alien worker was employed by the employer at the same job site, or in an equivalent job classification elsewhere in the state, in reckless disregard for the fact that such alien worker lacked federal employment authorization.

(2) It shall be an unlawful discriminatory practice for a labor organization, the Washington State Department of Employment Security or a non-profit corporation to refer for employment an individual whose unauthorized employment status would cause an employer to violate this section.

(3) Subsections (1) and (2) of this section shall not apply to an employer, labor organization, Washington Department of Employment Security or non-profit corporation who, as of the date of discharge, had enrolled in the E-verify program and maintained a standard employment practice of verifying the work authorization of newly hired employees in this state or, in the case of a labor organization, Washington State Department of Employment Security or non-profit corporation, individuals referred for employment to the employer, using the E-verify program.

NEW SECTION. **Sec. 6.** (1) Beginning three months after the effective date of this act, every employer shall, after making an offer of employment which has been accepted by an employee, verify the identity and employment eligibility of each employee using the Employment Authorization Program. The verification shall occur within the time period stipulated by federal law or rules, after the hiring of the employee. A continuing employee hired prior to the date of the employer's registration with the program is exempt from the requirements of this subsection.

(2) An employer shall not knowingly employ an unauthorized alien.

(3) Any person with actual or constructive knowledge that (a) an employer employs, or has within ninety days employed, an unauthorized alien, or (b) an unauthorized alien is employed by an employer, may file a complaint with the department.

(4) A person who knowingly files a false and frivolous complaint under this subsection is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

(5) Upon the receipt of a valid complaint of a violation of subsection (2) of this section, the department shall notify the employer and shall direct the employer to notify any employees referred to in the complaint. The department shall investigate whether a violation has occurred and shall hold an administrative hearing at which the employer may present any information he or she desires and at which the employer shall enjoy the right to counsel. The department shall also request the federal government to verify, pursuant to U.S.C. 8, Sec. 1373(c), the employment authorization of any employee referred to in the complaint. The department shall not attempt to independently make a final determination of whether an alien is authorized to be employed in the United States. The department shall rely upon verification of employment authorization provided by the federal government, pursuant to U.S.C. 8, Sec. 1373(c).

(6) If, after confirmation that the employer has employed an unauthorized alien, the department determines that the complaint is not frivolous, the department shall:

(a) Notify the United States Immigration and Customs Enforcement agency of the identity of the unauthorized alien and, if known, the alien's address or location in the state; and

(b) Notify the local law enforcement agency of the presence of the unauthorized alien in the jurisdiction.

(7) The department shall not act upon a complaint against any employer for any violation that occurs within three months of the effective date of this act.

(8) (a) For a first violation of subsection (2) of this section during a two-year period, the department:

(i) Shall order the employer to terminate the employment of all unauthorized aliens; and

(ii) Shall order the employer to file a signed sworn affidavit with the department within ten business days after the order is issued.

(b) The affidavit shall state that the employer has corrected the violation by taking any of the following actions:

(i) Terminated the unauthorized alien's employment; or

(ii) After consultation with the employee, requested a secondary or additional verification of employment authorization using the employment authorization program; or

(iii) Attempted to terminate the unauthorized alien's employment, and such termination has been challenged in a court of competent jurisdiction.

(c) If the employer fails to file the affidavit as prescribed in this subsection, the department shall order the appropriate agencies to suspend all licenses subject to this subsection that are held by the employer. All licenses that are suspended under this subsection shall remain suspended until the prescribed affidavit has been filed with the department. Upon filing the affidavit, the suspended licenses shall be deemed to have been reinstated for the purposes of this subsection. During the pendency of an action affirmed under

(b)(ii) or (iii) of this subsection, the ten-day period shall be tolled. The ten-day period shall also be tolled during any contest period in which the federal government may allow an alien to challenge the federal government's determination of his or her immigration status or employment authorization.

(d) Licenses that are subject to suspension under this subsection are all licenses that are held by the employer and that are necessary to operate the employer's business at the employer's business location where the unauthorized alien performed work. If a license is not necessary to operate the employer's business at the specific location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the licenses that are subject to suspension under this subsection include all licenses that are held by the employer at the employer's primary place of business.

(9) For a second violation of subsection (2) of this section during the two-year period:

(a) The department shall order the appropriate agencies to suspend, for at least thirty days, all licenses that are held by the employer and that are necessary to operate the employer's business at the employer's business location where the unauthorized alien performed work.

(b) If a license is not necessary to operate the employer's business at the specific location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the department shall order the appropriate agencies to suspend all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately suspend such licenses for at least thirty days.

(10) The department shall maintain a public database containing copies of all orders issued pursuant to this section, available on the department's web site.

(11) In cases where the department determines that an agency or employer has failed to comply with such order under this section, the

department may apply to the superior court having jurisdiction over the agency or employer for a judicial order, directing the agency or employer to comply with the department's order.

(12) For the purposes of this section, an employer who has used the employment authorization program in compliance with subsection (1) of this section has a rebuttable presumption that the employer did not knowingly employ an unauthorized alien in violation of subsection (2) of this section.

(13) At any time after a complaint is received, an employer subject to a complaint under this section, or any employee of such employer who is alleged to be an unauthorized alien, may challenge and seek to enjoin the enforcement of this section with respect to such entity or individual before a superior court of competent jurisdiction.

(14) For the purposes of this section:

(a) "Agency" means any agency, department, board, or commission of this state or a county, city, or town that issues a license for purposes of operating a business in this state.

(b) "Department" means the department of labor and industries.

(c) "Employee" means any person who performs employment services within the state of Washington for an employer pursuant to an employment relationship between the employee and employer.

(d) "Employer" means any individual or type of organization that transacts business in this state, and that holds or has applied for a license issued by an agency in this state, and that employs individuals who perform employment services in this state. "Employer" shall not include an entity that hires an independent contractor to perform work or hires casual domestic labor to perform work.

(e) "Employment authorization program" has the same meaning as defined in section 4(4) of this act.

(f) "Knowingly employ an unauthorized alien" has the meaning as defined in U.S.C. 8, Sec. 1324a. This term shall be interpreted consistently with such section, and any federal rules applicable thereto.

(g) "License":

(i) Means any agency license, permit, certificate, approval, registration, charter, or similar form of authorization that is required by law and that is issued by any agency for the purposes of operating a business in this state.

(ii) Includes:

(A) Articles of incorporation under Titles 23, 23B, and 24 RCW;

(B) A certificate of partnership, a partnership registration, or articles of organization under Title 25 RCW;

(C) A grant of authority;

(D) A transaction privilege fee.

(iii) The Department of Licensing shall, no later than three months after the effective date of this act, issue rules providing a procedure for an agency to exempt certain licenses issued by such agency that have been determined, with the concurrence of the department, to be unrelated to operating a business in this state.

(h) "Unauthorized alien" means an alien who is not authorized under federal law to be employed in the United States, as described in U.S.C. 8, Sec. 1324a(h)(3).

Sec. 7. RCW 2.36.072 and 2009 c 330 s 1 are each amended to read as follows:

(1) Each court shall establish a means to preliminarily determine by a written or electronic declaration signed under penalty of perjury by the person summoned, the qualifications set forth in RCW 2.36.070 of each person summoned for jury duty prior to their appearance at the court to which they are summoned to serve.

(2) An electronic signature may be used in lieu of a written signature.

(3) "Electronic signature" means an electric sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(4) Upon receipt by the summoning court of a written declaration stating that a declarant does not meet the qualifications set forth in RCW 2.36.070, that declarant shall be excused from appearing in response to the summons. If a person summoned to appear for jury duty fails to sign and return a declaration of his or her identity and qualifications to serve as a juror prior to appearing in response to a summons and is later determined to be unqualified for one of the reasons set forth in RCW 2.36.070, that person shall not be entitled to any compensation as provided in RCW 2.36.150. Information provided to the court for identity verification and preliminary determination of statutory qualification for jury duty is a public record and may (~~only be used for the term such person is summoned and may not be used for any other purpose, except that~~) be used by the court, or designee, (~~may~~) to report to the secretary of state those persons swearing non-United States citizenship ineligibility under RCW 2.36.070 and to report a change of address or nondelivery of summons of persons summoned for jury duty to the county auditor.

Sec. 8. RCW 29A.08.010 and 2009 c 369 s 6 are each amended to read as follows:

(1) The minimum information provided on a voter registration application that is required in order to place a voter registration applicant on the voter registration rolls includes:

(a) Name;

(b) Residential address;

(c) Date of birth;

(d) A signature attesting to the truth of the information provided on the application; and

(e) A check or indication in the box confirming the individual is a United States citizen.

(2) The county election official, secretary of state's office, or voter registration agency must accept any completed application for registration, but an applicant must not be registered until the applicant has provided satisfactory evidence of United States citizenship. Evidence of United States citizenship as required in this section is satisfied by presenting one of the documents listed in (a) through (m) of this subsection in person at the time of filing the application for registration, or by including a photocopy of one of the following documents with a mailed registration application. After a person has submitted satisfactory evidence of citizenship, the county election officer must indicate this information in the person's permanent voter file. Evidence of United States citizenship is satisfied by providing one of the following, or a legible photocopy of one of the following documents:

(a) The applicant's driver's license or identicard issued by the Department of Licensing or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver's license or identicard that the person has provided satisfactory proof of United States citizenship;

(b) The applicant's birth certificate that verifies United States citizenship to the satisfaction of the county election officer or Secretary of State;

(c) Pertinent pages of the applicant's United States valid or expired passport identifying the applicant and the applicant's passport number, or presentation to the county election officer of the applicant's United States passport;

(d) The applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States Bureau of Citizenship and Immigration Services by the county election officer or the secretary of state, pursuant to 8 U.S.C. Sec. 1373(c);

(e) Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, and amendments thereto;

(f) The applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;

(g) The applicant's consular report of birth abroad of a citizen of the United States;

(h) The applicant's certificate of citizenship issued by the United States Citizenship and Immigration Services;

(i) The applicant's certification of report of birth issued by the United States Department of State;

(j) The applicant's American Indian card, with KIC classification, issued by the United States Department of Homeland Security;

(k) The applicant's final adoption decree showing the applicant's name and United States birthplace;

(l) The applicant's official United States military record of service showing the applicant's place of birth in the United States;

or

(m) An extract from a United States hospital record of birth created at the time of the applicant's birth indicating the applicant's place of birth in the United States.

(3) If an applicant is a United States citizen but does not have any of the documentation listed in this section as satisfactory evidence of United States citizenship, such applicant may submit any

evidence that such applicant believes demonstrates the applicant's United States citizenship.

(a) Any applicant seeking an assessment of evidence under this subsection may directly contact the elections division of the Secretary of State or county elections official by submitting a voter registration application or form as described by this section and any supporting evidence of United States citizenship. Upon receipt of this information, the Secretary of State must notify the county election official that such application is pending.

(b) The county election official must give the applicant an opportunity for a hearing and an opportunity to present any additional evidence to the county canvassing board. Notice of such hearing must be given to the applicant at least five days prior to the hearing date. An applicant must have the opportunity to be represented by counsel at such hearing.

(c) The county canvassing board must assess the evidence provided by the applicant to determine whether the applicant has provided satisfactory evidence of United States citizenship. A decision of the county canvassing board must be determined by a majority vote of the canvassing board.

(d) If an applicant submits an application and any supporting evidence prior to the close of registration for an election cycle, a determination by the county canvassing board must be issued at least five days before such election date.

(e) If the county canvassing board finds that the evidence presented by such applicant constitutes satisfactory evidence of United States citizenship, such applicant will have met the requirements under this section to provide satisfactory evidence of United States citizenship.

(f) If the county canvassing board finds that the evidence presented by an applicant does not constitute satisfactory evidence of United States citizenship, such applicant has the right to appeal such determination by the county canvassing board by instituting an action under 8 U.S.C. Sec. 1503. Any negative assessment of an applicant's eligibility by the state election board must be reversed if the

applicant obtains a declaratory judgment pursuant to 8 U.S.C. Sec. 1503, demonstrating that such applicant is a national of the United States.

(4) Any person who is registered in this state on the effective date of this section is deemed to have provided satisfactory evidence of citizenship and must not be required to resubmit evidence of citizenship.

(5) For purposes of this section, proof of voter registration from another state is not satisfactory evidence of United States citizenship.

(6) A registered Washington voter who moves from one residence to another within the State of Washington or who modifies such voter's registration records for any other reason is not required to submit evidence of United States citizenship.

(7) If evidence of citizenship is deemed to be unsatisfactory due to an inconsistency between the documents submitted as evidence and the name or sex provided on the application for registration, such applicant may sign an affidavit:

(a) Stating the inconsistency or inconsistencies related to the name or sex, and the reason therefor; and

(b) Swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship. However, there must be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the application for registration. If such an affidavit is submitted by the applicant, the county election official must assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.

(8) All documents submitted as evidence of citizenship must be kept confidential by the county election official or the Secretary of State and maintained as provided by Washington record retention laws.

(9) The Secretary of State may adopt rules to implement the provisions of this section.

(10) Nothing in this section prohibits an applicant from providing, or the secretary of state or county election official from

obtaining satisfactory evidence of United States citizenship, as described in subsection (2) of this section, at a different time or in a different manner than an application for registration is provided, as long as the applicant's eligibility is adequately assessed by the Secretary of State or county election official as required by this section.

(11) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address. A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence. A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence.

~~((3))~~ (12) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

~~((4))~~ (13) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

(14) The secretary shall not charge or accept a fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of meeting the voter registration requirements of RCW 29A.08.010. Such person shall swear under oath: (1) That such person plans to register to vote in Washington State; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under RCW 29A.08.010. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under RCW 29A.08.010.

NEW SECTION. **Sec. 9.** The secretary of state must provide advance notice of the personal identification requirements of this act in a manner calculated to inform the public generally of the requirements for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet web sites of the secretary of state and the governor.

Sec. 10. RCW 29A.08.125 and 2009 c 369 s 12 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, the administrative office of the courts, and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

- (a) Comply with the help America vote act of 2002 (P.L. 107-252);
- (b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations; and

(h) Provide for the cancellation of registrations of voters who have moved out of state.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The clerk of the superior court of each county and the clerk of each court of limited jurisdiction shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who identify themselves as not being citizens of the United States during their qualification to serve as a juror during the preceding calendar month in that county or municipality. The Secretary of State shall compare the list of registered voters to the list from the courts of those having identified themselves as not citizens of the United States. Upon identifying any matches through a name and date of birth comparison, the Secretary of State shall suspend the voter registration from the official state voter registration list. The Secretary of State shall send to the person at his or her last known

registered address a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently restoring the right to vote and reregistering. If the person does not respond within thirty days, the registration must be canceled. The Secretary of State shall, by March 1st of every year, compose a report of the previous calendar year's voter registration cancellations due to non-United States citizenship. The report will identify the name of the voter and itemize all ballot measures and races voted as recorded by the Secretary of State. The current report and all previous year reports will be made available from the Secretary of State's web site.

(12) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

~~((12))~~ (13) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

~~((13))~~ (14) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

Sec. 11. RCW 29A.20.021 and 2004 c 271 s 153 are each amended to read as follows:

(1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office. Each candidate filer must present to the secretary of state or county election officer proof of United States citizenship represented by one of the following:

(a) A valid, unexpired United States passport;

(b) An original or certified copy of a birth certificate filed with a state department of health or equivalent agency in the individual's state of birth;

(c) A Consular Report of Birth Abroad issued by the United States Department of State, form FS-240, DL-1350, or FS-545;

(d) A certificate of naturalization issued by the Department of Homeland Security, form N-550; or

(e) A certificate of citizenship issued by the Department of Homeland Security, form N-560.

(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.

(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under

this title shall review each such declaration filed regarding compliance with this subsection.

(4) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for the United States congress are specified in the United States Constitution. The United States Constitution requires that no person be a representative in Congress who has not been a citizen of the United States for seven years when elected. Therefore, nominated candidates for Congress must present to the Secretary of State proof and term of United States citizenship represented by one or more of the following:

(a) An original or certified copy of a birth certificate filed with a state department of health or equivalent agency in the individual's state of birth;

(b) A Consular Report of Birth Abroad issued by the United States Department of State, form FS-240, DL-1350, or FS-545;

(c) A certificate of naturalization issued by the Department of Homeland Security, form N-550; or

(d) A certificate of citizenship issued by the department of homeland security, form N-560.

Sec. 12. RCW 29A.20.161 and 2004 c 271 s 154 are each amended to read as follows:

A certificate evidencing nominations made at a convention must:

(1) Be in writing;

(2) Contain the name of each person nominated, his or her residence, and the office for which he or she is named, and if the nomination is for the offices of president and vice president of the United States, a sworn statement from both nominees giving their consent to the nomination.

(a) If the nomination is for the offices of president and vice president of the United States, the sworn statement from both nominees giving their consent to the nomination must state the candidate's citizenship and age and shall append to same sworn statement all documents necessary to substantiate that the person will be qualified at the time of the election to hold the office the person seeks. Documents must prove that the candidate is a natural born citizen, prove the candidate's age, and prove that the candidate meets the residency requirements for President of the United States as prescribed in Article II, section 1 of the United States Constitution.

(b) The affidavit prescribed in (a) of this subsection must include references to and attachment of all of the following, which shall be sworn to under penalty of perjury:

(i) A certified copy of the presidential candidate's long form birth certificate that includes at least the date and place of birth, the names of the hospital and the attending physician, if applicable, and signatures of any witnesses in attendance. If the candidate does not possess a long form birth certificate as required by this subsection (2)(b)(i), the candidate may attach two or more of the following documents that take the place of the long form birth certificate if the candidate swears to their authenticity and validity and the documents contain enough information for the Secretary of State to determine if the candidate meets the requirements prescribed in Article II, section 1 of the United States Constitution:

(A) Early baptismal certificate;

(B) Hospital birth record;

(C) Postpartum medical record for the mother or child signed by the doctor or midwife or the person who delivered or examined the child after birth;

(D) Early census record.

(ii) A sworn statement or form that identifies the presidential candidate's places of residence in the United States for fourteen years.

(c) In addition to the requirements of (b) of this subsection, the presidential candidate may also submit a notarized affidavit from two or more persons who witnessed the presidential candidate's birth.

(d) If the Secretary of State receives any documents in place of a long form birth certificate pursuant to (b) (i) of this subsection, and cannot determine if the presidential candidate meets the requirements prescribed in Article II, section 1 of the United States Constitution, the Secretary of State may establish a committee to assist in the determination or hold hearings and submit any documents for forensic examination.

(e) If both the presidential candidate and the national political party committee for that candidate fail to submit and swear to the documents prescribed in this section, the Secretary of State shall not place that presidential candidate's name on the ballot in this state. If the candidate and national political party committee for that candidate submit and swear to the documents prescribed in this section, but the Secretary of State believes that the preponderance of the evidence shows that the candidate does not meet the citizenship, age, and residency requirements, the Secretary of State shall not place that presidential candidate's name on the ballot in this state.

(f) A member of the state house of representatives, a member of the state senate, or any other citizen of this state has standing to initiate an action to enforce this subsection;

(3) Identify the minor political party or the independent candidate on whose behalf the convention was held;

(4) Be verified by the oath of the presiding officer and secretary;

(5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by RCW 29A.20.141;

(6) Contain proof of publication of the notice of calling the convention; and

(7) Be submitted to the appropriate filing officer not later than one week following the adjournment of the convention at which the nominations were made. If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state.

Sec. 13. RCW 46.20.035 and 2008 c 267 s 8 are each amended to read as follows:

The department may not issue an identicard (~~((or))~~), a Washington state driver's license (~~((that is valid for identification purposes))~~), or a commercial driver's license unless the applicant meets the identification requirements of subsection (1), (2), or (3), and either (6) or (7) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card when issued to a member of the United States military - but not a card issued for purposes of confirming the identity of a military dependent;

(e) A United States passport; (~~((or))~~)

(f) (~~((An Immigration and Naturalization Service))~~) A United States Citizenship and Immigration Services form; or

(g) A tribal identification card issued by a federally recognized tribe located in Washington or with a Washington affiliation if the department determines that the procedures used in issuing the card are sufficient to prove a member is legally present in the United States.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3), and either (6) or (7) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's ~~name of record~~ full legal name as recorded at birth, or through a lawful change of name for the purposes of this chapter.

(6) (~~If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."~~) The department shall not issue an identicard, driver's license, or commercial driver's license to a person who is not a resident of this state. A person, other than a citizen or national of the United States, or an alien lawfully admitted for permanent residence, shall be deemed to be a nonresident for purposes of this title, unless and until the department has verified that the person is lawfully present in the United States, through the Systematic Alien Verification for Entitlements program.

(7) The department may issue, renew, or replace a driver's license, driver's permit, or identicard for an applicant who has submitted a Social Security number only after the department verifies the Social Security number using the Social Security Online Verification system.

(8) This section does not apply if the department previously

verified the matched Date of Birth and Social Security number as required by subsection (7) of this section and the person applying for the driver's license, driver's permit, or identicard is a citizen or permanent legal resident of the United States.

(9) All driver's licenses and identicards provided for in this chapter shall be issued only to United States citizens, nationals, and legal permanent resident aliens.

(10) Subsection (9) of this section does not apply when an applicant presents, in person, valid documentary evidence of:

(a) Admission to the United States in a valid, unexpired immigrant or nonimmigrant visa status;

(b) An approved application for asylum in the United States;

(c) Admission into the United States in refugee status;

(d) An approved application for temporary protected status in the United States;

(e) Approved deferred action status; or

(f) A pending application for adjustment of status to legal permanent resident status or conditional resident status.

(11) Upon approval, the applicant under subsection (10) of this section may be issued a driver's license or identicard. The driver's license or identicard shall be valid only during the period of time of the authorized stay of the applicant in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(12) Any driver's license or identicard issued pursuant to subsection (11) of this section must clearly indicate that it is temporary and state the date of expiration. The driver's license or identicard may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(13) To partially or completely defray Systematic Alien Verification for Entitlements and Social Security Online Verification service costs, a fee of one U.S. dollar must be added

to the driver license or identicard application fee and itemized on applicant receipt as "identity verification service fee."

NEW SECTION. **Sec. 14.** The following acts or parts of acts are each repealed:

(1) SHB 2568 ss 1 through 4, as later assigned a session law number and/or codified; and

(2) HB 2203 ss 1 through 3, as later assigned a session law number and/or codified.

NEW SECTION. **Sec. 15.** This act may be known and cited as the Washington Respect for Law Act.

NEW SECTION. **Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 17.** Sections 1, 3, 5 and 6 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 18.** Section 10 of this act takes effect January 1, 2013.