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**SUBSTITUTE HOUSE BILL 1310**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on State Government (originally sponsored by Representatives McLean, R. Fisher, Anderson, Miller, Hine, Moyer, Spanel, Bowman, Kremen, Ballard, Tate, Brekke, Vance, Paris, May, Leonard, Mitchell, Jacobsen, Wineberry, Pruitt, Basich and Wang)

Read first time 01/15/92.

1 AN ACT Relating to voter registration by mail; amending RCW  
2 29.10.180; adding a new chapter to Title 29 RCW; repealing RCW  
3 29.07.040; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
6 otherwise, "by mail" means delivery of a completed original voter  
7 registration form by mail, by personal delivery, or by courier to a  
8 county auditor.

9 NEW SECTION. **Sec. 2.** The county auditor is responsible for  
10 the conduct of voter registration under this chapter within the county.  
11 Except where inconsistent with this chapter, the remaining provisions  
12 of Title 29 RCW apply to registration by mail.

1        NEW SECTION.    **Sec. 3.**        Any elector of this state may register  
2 to vote by mail under this chapter.

3        NEW SECTION.    **Sec. 4.**        The county auditor shall distribute  
4 forms by which a person may register to vote by mail and cancel any  
5 previous registration in this state. The county auditor shall keep a  
6 supply of voter registration forms in his or her office at all times  
7 for political parties and others interested in assisting in voter  
8 registration, and shall make every effort to make these forms generally  
9 available to the public. The county auditor shall provide voter  
10 registration forms to city and town clerks, state offices, schools,  
11 fire stations, and any other locations considered appropriate by the  
12 auditor for extending registration opportunities to all areas of the  
13 county. After the initial distribution of voter registration forms to  
14 a given location, a representative designated by the official in charge  
15 of that location shall notify the county auditor of the need for  
16 additional voter registration supplies.

17        NEW SECTION.    **Sec. 5.**        In addition to the information required  
18 under RCW 29.07.070, when registering to vote by mail under this  
19 chapter, the applicant shall provide his or her driver's license number  
20 from a valid Washington state driver's license.

21        If the applicant does not have a valid Washington state driver's  
22 license, then the applicant shall provide his or her social security  
23 number.

24        If the applicant does not have a valid Washington state driver's  
25 license or a social security number, then the applicant shall provide  
26 the number from his or her valid Washington state identicard.

1 If the applicant does not provide the information required in this  
2 section, the county auditor shall not process the form until the  
3 information is provided.

4 The applicant shall sign a portion of the form that can be used as  
5 an initiative signature card for the verification of petition  
6 signatures by the secretary of state and shall sign and attest to the  
7 following oath: "I declare that the facts relating to my  
8 qualifications as a voter recorded on this voter registration form are  
9 true. I am a citizen of the United States, I am not presently denied  
10 my civil rights as a result of being convicted of an infamous crime, I  
11 will have lived in this state, county, and precinct thirty days  
12 immediately preceding the next election at which I offer to vote, and  
13 I will be at least eighteen years of age at the time of voting."

14 The voter registration by mail form shall provide, in a conspicuous  
15 place, the following warning: "Knowingly providing false information  
16 on this voter registration form or knowingly making a false declaration  
17 about your qualifications for registration is a class C felony  
18 punishable by imprisonment for up to five years, or by a fine not to  
19 exceed ten thousand dollars, or by both such imprisonment and fine."

20 NEW SECTION. **Sec. 6.** A person qualified to vote who wishes to  
21 register to vote, but who cannot provide the information required under  
22 section 5 of this act, may register in person under chapter 29.07 RCW.

23 NEW SECTION. **Sec. 7.** On receipt of an application for voter  
24 registration under this chapter, the county auditor shall review the  
25 application to determine whether the information supplied is complete.  
26 If it is not, the auditor shall promptly send notice of the deficiency  
27 to the applicant. If the information is complete, the applicant is  
28 registered as of the date of the application's postmark. If there is

1 no postmark or if the postmark is illegible, the applicant is  
2 registered on the date the complete and correct application was  
3 received by the auditor. The auditor shall record the appropriate  
4 precinct identification, taxing district identification, and date of  
5 registration on the voter's record. Within forty-five days after the  
6 receipt of an application but no later than seven days before the next  
7 primary, special election, or general election, the auditor shall send  
8 to the applicant, by first class mail, a voter registration card  
9 identifying the registrant's precinct and containing such other  
10 information as may be required by the secretary of state. The postal  
11 service shall be instructed not to forward a voter registration card to  
12 any other address and to return to the auditor any card which is not  
13 deliverable.

14 If a voter registration card is properly mailed as required by this  
15 section to the address listed by the applicant as being the applicant's  
16 mailing address and the card is subsequently returned to the auditor by  
17 the postal service as being undeliverable to the applicant at that  
18 address, the voter registration of the applicant shall be immediately  
19 canceled. The auditor shall promptly send the applicant a notice and  
20 explanation of the cancellation, and a registration application form.  
21 The postal service shall be requested to forward this notice as  
22 applicable.

23 NEW SECTION. **Sec. 8.** Ninety days prior to a general election,  
24 the county auditor shall sample ten percent of the mail-in applications  
25 for voter registration received following the previous general  
26 election. If ten percent or more of the applications sampled are found  
27 to be either fraudulent or inaccurate, the county auditor shall audit  
28 all mail-in applications received during that period.

1        NEW SECTION.    **Sec. 9.**        The secretary of state shall adopt an  
2 application form for registering by mail under RCW 29.07.140. An  
3 applicant registering to vote by mail shall be required to complete  
4 only one form and to provide the required information, other than his  
5 or her signature, no more than once. The form shall also contain  
6 instructions on its use, a notification of filing deadlines, a warning  
7 to the applicant of the penalty for knowingly supplying false  
8 information, and space for the county auditor to enter the voter's  
9 precinct identification, taxing district identification, and  
10 registration number. The secretary of state shall develop the forms in  
11 consultation with the county auditors.

12        NEW SECTION.    **Sec. 10.**        The secretary of state shall furnish  
13 registration forms necessary to carry out the registration of voters as  
14 provided by this chapter without cost to the respective counties.

15        NEW SECTION.    **Sec. 11.**        Violations of this chapter shall be  
16 prosecuted under chapter 29.85 RCW or any other applicable provisions  
17 of law.

18        **Sec. 12.**    RCW 29.10.180 and 1991 c 363 s 31 are each amended to  
19 read as follows:

20        (1) The county auditor may enter one or more contracts with the  
21 United States postal service, or its licensee, which permit the auditor  
22 to use postal service change-of-address information. If the auditor  
23 finds that information received under such a contract gives the  
24 appearance that a voter has changed his or her residence address, the  
25 auditor shall notify the voter concerning the requirements of state and  
26 federal laws governing voter registration and residence.

1           (2) Whenever any vote-by-mail ballot, notification to voters  
2 following reprecincting of the county, notification to voters of  
3 selection to serve on jury duty, notification under subsection (1) of  
4 this section, or (~~initial~~) voter identification card other than a  
5 voter identification card issued under section 7 of this act is  
6 returned by the postal service as undeliverable, the county auditor  
7 shall, in every instance, inquire into the validity of the registration  
8 of that voter.

9           (3) The county auditor shall initiate his or her inquiry by  
10 sending, by first-class mail, a written notice to the challenged voter  
11 at the address indicated on the voter's permanent registration record  
12 and to any other address at which the county auditor could reasonably  
13 expect mail to be received by the voter. The county auditor shall not  
14 request any restriction on the forwarding of such notice by the postal  
15 service. The notice shall contain the nature of the inquiry and  
16 provide a suitable form for reply. The notice shall also contain a  
17 warning that the county auditor must receive a response within forty-  
18 five days from the date of mailing or the individual's voter  
19 registration will be canceled.

20           (4) The voter, in person or in writing, may state that the  
21 information on the permanent voter registration record is correct or  
22 may request a change in the address information on the permanent  
23 registration record no later than the forty-fifth day after the date of  
24 mailing the inquiry.

25           (5) Upon the timely receipt of a response signed by the voter, the  
26 county auditor shall consider the inquiry satisfied and will make any  
27 address corrections requested by the voter on the permanent  
28 registration record. The county auditor shall cancel the registration  
29 of a voter who fails to respond to the notice of inquiry within forty-  
30 five days after the date of mailing.

1 (6) The county auditor shall notify any voter whose registration  
2 has been canceled by sending, by first class mail, a written notice to  
3 the address indicated on the voter's permanent registration record and  
4 to any other address to which the original inquiry was sent. Upon  
5 receipt of a satisfactory voter response, the auditor shall reinstate  
6 the voter.

7 (7) A voter whose registration has been canceled under this section  
8 and who offers to vote at the next ensuing election shall be issued a  
9 questioned ballot. Upon receipt of such a questioned ballot the  
10 auditor shall investigate the circumstances surrounding the original  
11 cancellation. If he or she determines that the cancellation was in  
12 error, the voter's registration shall be immediately reinstated, and  
13 the voter's questioned ballot shall be counted. If the original  
14 cancellation was not in error, the voter shall be afforded the  
15 opportunity to reregister at his or her correct address, and the  
16 voter's questioned ballot shall not be counted.

17 NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act shall  
18 constitute a new chapter in Title 29 RCW.

19 NEW SECTION. **Sec. 14.** RCW 29.07.040 and 1971 ex.s. c 202 s 6  
20 & 1965 c 9 s 29.07.040 are each repealed.

21 NEW SECTION. **Sec. 15.** Sections 1 through 11 and 14 of this act  
22 take effect on January 1, 1992.