
SUBSTITUTE HOUSE BILL 1190

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on State Government (originally sponsored by Representatives Anderson, Reams, Wang, Rust, J. Kohl, Thibaudeau, G. Cole, Appelwick, Leonard, Johanson and Pruitt)

Read first time 02/22/93.

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

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

5 NEW SECTION. **Sec. 1.** Any elector of this state may register to
6 vote by affidavit, that is, by filing an affidavit of voter
7 registration under this chapter with the county auditor of the county
8 in which the elector is a resident.

9 NEW SECTION. **Sec. 2.** The secretary of state shall adopt by rule
10 the affidavit form or forms which may be used by electors to register
11 to vote by affidavit. The form shall: Require the registering elector
12 to provide the information required under RCW 29.07.070; instruct the
13 elector to sign a portion of the form that can be used as an initiative
14 signature card for the verification of petition signatures by the
15 secretary of state; and instruct the elector to sign and attest to the
16 following oath: "I declare that the facts relating to my
17 qualifications as a voter recorded on this voter registration form are
18 true. I am a citizen of the United States, I am not presently denied

1 my civil rights as a result of being convicted of an infamous crime, I
2 will have lived in this state, county, and precinct thirty days
3 immediately preceding the next election at which I offer to vote, and
4 I will be at least eighteen years of age at the time of voting." The
5 oath shall be a part of the affidavit.

6 The affidavit form shall provide, in a conspicuous place, the
7 following warning: "Knowingly providing false information on this
8 voter registration form or knowingly making a false declaration about
9 your qualifications for registration is a class C felony punishable by
10 imprisonment for up to five years, or by a fine not to exceed ten
11 thousand dollars, or by both such imprisonment and fine."

12 NEW SECTION. **Sec. 3.** (1) To register to vote under this chapter,
13 an elector shall file a completed and signed affidavit form with the
14 county auditor by mail, personal delivery, courier, or other delivery
15 to the auditor. On receipt of such an affidavit, the county auditor
16 shall review the affidavit to determine whether the information
17 supplied is complete. If it is not, the auditor shall promptly send
18 notice of the deficiency to the person identified as the applicant for
19 registration in the affidavit. If the information is complete and the
20 registration oath and initiative signature portion of the form are
21 signed, the person is registered as of the date of the affidavit's
22 postmark. If there is no postmark or if the postmark is illegible, the
23 person is registered on the date the completed affidavit was received
24 by the auditor. The auditor shall record the appropriate precinct
25 identification, taxing district identification, and date of
26 registration on the voter's record. Within forty-five days after the
27 receipt of an affidavit but, for an affidavit filed before the closing
28 of precinct registration files under RCW 29.07.160, no later than seven
29 days before the next primary, special election, or general election,
30 the auditor shall send to the person, by first class mail, a voter
31 registration card identifying the registrant's precinct and containing
32 such other information as may be required by the secretary of state.
33 The postal service shall be instructed not to forward a voter
34 registration card to any other address and to return to the auditor any
35 card which is not deliverable.

36 (2) If a voter registration card is properly mailed as required by
37 this section to the address listed by the person as being the person's
38 mailing address and the card is subsequently returned to the auditor by

1 the postal service as being undeliverable to that person at that
2 address, the voter registration of the person shall be immediately
3 canceled. The auditor shall promptly send the person a notice and
4 explanation of the cancellation, and a registration application form.
5 The postal service shall be requested to forward this notice as
6 applicable.

7 (3) The provisions of RCW 29.07.160 regarding the closing of
8 precinct registration files applies to registrations made under this
9 chapter.

10 NEW SECTION. **Sec. 4.** In addition to satisfying the requirements
11 of section 2 of this act, each affidavit form adopted by the secretary
12 of state shall be designed to permit the elector to register to vote or
13 both to register to vote and to cancel a previous voter registration in
14 this state by filing just one affidavit. Each form shall require the
15 person using it to provide the required information, other than his or
16 her signature, no more than once. The form shall contain instructions
17 on its use, a notification of filing deadlines, the warning specified
18 in section 2 of this act, and space for the county auditor to enter the
19 voter's precinct identification, taxing district identification, and
20 registration number.

21 The secretary of state shall develop the affidavit forms in
22 consultation with the county auditors and shall furnish copies of the
23 forms to the county auditors without cost to the counties.

24 A replica of the affidavit form may be used by an elector to
25 register to vote under this chapter. Examples of such replicas
26 include, but are not limited to: A photocopy of a form supplied by the
27 secretary of state; and a replica of the form which is printed in a
28 newspaper, telephone book, or other printed material.

29 NEW SECTION. **Sec. 5.** The county auditor is responsible for the
30 conduct of voter registration under this chapter within the county.
31 The county auditor shall keep a supply of the affidavit forms provided
32 under this chapter in his or her office at all times for distribution
33 by political parties and others interested in assisting in voter
34 registration, and shall make every effort to make these forms generally
35 available to the public. The auditor shall provide the affidavit forms
36 to city and town clerks, state offices, schools, fire stations, and any
37 other locations considered appropriate by the auditor for extending

1 registration opportunities to all areas of the county. After the
2 initial distribution of registration affidavit forms to a given
3 location, a representative designated by the official in charge of that
4 location shall notify the auditor of the need for additional voter
5 registration supplies.

6 NEW SECTION. **Sec. 6.** A person who knowingly provides false
7 information on an affidavit for voter registration or who knowingly
8 makes a false declaration about the person's qualifications for
9 registration is guilty of a class C felony punishable under RCW
10 9A.20.021.

11 NEW SECTION. **Sec. 7.** Registering to vote by affidavit under this
12 chapter is an alternative to registering to vote in person, in the
13 presence of a voter registrar or deputy registrar. The provisions of
14 this title regarding registering persons to vote which are found
15 outside of this chapter apply to registering voters under this chapter
16 to the extent that those provisions are not inconsistent with the
17 provisions or purpose of this chapter.

18 An elector who wishes to register to vote, but who does not wish to
19 use the procedures established by this chapter, may register in the
20 presence of a registrar or deputy registrar under chapter 29.07 RCW.

21 **Sec. 8.** RCW 29.10.180 and 1991 c 363 s 31 are each amended to read
22 as follows:

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

30 (2) Whenever any vote-by-mail ballot, notification to voters
31 following reprecincting of the county, notification to voters of
32 selection to serve on jury duty, notification under subsection (1) of
33 this section, or (~~initial~~) voter identification card other than a
34 voter identification card issued under section 3 of this act is
35 returned by the postal service as undeliverable, the county auditor

1 shall, in every instance, inquire into the validity of the registration
2 of that voter.

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

14 (4) The voter, in person or in writing, may state that the
15 information on the permanent voter registration record is correct or
16 may request a change in the address information on the permanent
17 registration record no later than the forty-fifth day after the date of
18 mailing the inquiry.

19 (5) Upon the timely receipt of a response signed by the voter, the
20 county auditor shall consider the inquiry satisfied and will make any
21 address corrections requested by the voter on the permanent
22 registration record. The county auditor shall cancel the registration
23 of a voter who fails to respond to the notice of inquiry within forty-
24 five days after the date of mailing.

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

31 (7) A voter whose registration has been canceled under this section
32 and who offers to vote at the next ensuing election shall be issued a
33 questioned ballot. Upon receipt of such a questioned ballot the
34 auditor shall investigate the circumstances surrounding the original
35 cancellation. If he or she determines that the cancellation was in
36 error, the voter's registration shall be immediately reinstated, and
37 the voter's questioned ballot shall be counted. If the original
38 cancellation was not in error, the voter shall be afforded the

1 opportunity to reregister at his or her correct address, and the
2 voter's questioned ballot shall not be counted.

3 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act shall
4 constitute a new chapter in Title 29 RCW.

5 NEW SECTION. **Sec. 10.** RCW 29.07.040 and 1971 ex.s. c 202 s 6 &
6 1965 c 9 s 29.07.040 are each repealed.

--- END ---