
HOUSE BILL 2663

State of Washington 60th Legislature 2008 Regular Session

By Representatives Green, Upthegrove, Liias, and Hunt

Read first time 01/15/08. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to allowing seventeen year olds to vote provided
2 they will be eighteen years old at the next general election; amending
3 RCW 29A.08.210, 29A.08.230, 29A.08.330, and 29A.08.810; and providing
4 a contingent effective date.

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

6 **Sec. 1.** RCW 29A.08.210 and 2005 c 246 s 11 are each amended to
7 read as follows:

8 An applicant for voter registration shall complete an application
9 providing the following information concerning his or her
10 qualifications as a voter in this state:

11 (1) The address of the last former registration of the applicant as
12 a voter in the state;

13 (2) The applicant's full name;

14 (3) The applicant's date of birth;

15 (4) The address of the applicant's residence for voting purposes;

16 (5) The mailing address of the applicant if that address is not the
17 same as the address in subsection (4) of this section;

18 (6) The sex of the applicant;

1 (7) The applicant's Washington state driver's license number or
2 Washington state identification card number, or the last four digits of
3 the applicant's Social Security number if he or she does not have a
4 Washington state driver's license or Washington state identification
5 card;

6 (8) A check box for the applicant to indicate that he or she does
7 not have a Washington state driver's license, Washington state
8 identification card, or Social Security number;

9 (9) A check box allowing the applicant to indicate that he or she
10 is a member of the armed forces, national guard, or reserves, or that
11 he or she is an overseas voter;

12 (10) A check box allowing the applicant to confirm that he or she
13 is at least seventeen years of age and will be at least eighteen years
14 of age on or before the next general election;

15 (11) Clear and conspicuous language, designed to draw the
16 applicant's attention, stating that the applicant must be a United
17 States citizen in order to register to vote;

18 (12) A check box and declaration confirming that the applicant is
19 a citizen of the United States;

20 (13) The following warning:

21 "If you knowingly provide false information on this voter
22 registration form or knowingly make a false declaration about your
23 qualifications for voter registration you will have committed a class
24 C felony that is punishable by imprisonment for up to five years, a
25 fine of up to ten thousand dollars, or both."

26 (14) The following affirmation by the applicant:

27 "By signing this document, I hereby assert, under penalty of
28 perjury, that I am legally eligible to vote. If I am found to have
29 voted illegally, I may be prosecuted and/or fined for this illegal act.
30 In addition, I hereby acknowledge that my name and last known address
31 will be forwarded to the appropriate state and/or federal authorities
32 if I am found to have voted illegally."

33 (15) The oath required by RCW 29A.08.230 and a space for the
34 applicant's signature; and

35 (16) Any other information that the secretary of state determines
36 is necessary to establish the identity of the applicant and prevent
37 duplicate or fraudulent voter registrations.

1 This information shall be recorded on a single registration form to
2 be prescribed by the secretary of state.

3 If the applicant fails to provide the information required for
4 voter registration, the auditor shall send the applicant a verification
5 notice. The applicant may not be registered until the required
6 information is provided. If a verification notice is returned as
7 undeliverable or the applicant fails to respond to the notice within
8 forty-five days, the applicant shall not be registered to vote.

9 **Sec. 2.** RCW 29A.08.230 and 2003 c 111 s 218 are each amended to
10 read as follows:

11 For all voter registrations, the registrant shall sign the
12 following oath:

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

20 **Sec. 3.** RCW 29A.08.330 and 2005 c 246 s 14 are each amended to
21 read as follows:

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

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

1 (3) The person providing service at the agency shall determine if
2 the prospective applicant wants to register to vote or transfer his or
3 her voter registration by asking the following question:

4 "Do you want to register to vote or transfer your voter
5 registration?"

6 If the applicant chooses to register or transfer a registration,
7 the service agent shall ask the following:

8 (a) "Are you a United States citizen?"

9 (b) "Are you (~~or will you be eighteen years of age on or before~~
10 ~~the next election~~) at least seventeen years old and will you be at
11 least eighteen years old on or before the next general election?"

12 If the applicant answers in the affirmative to both questions, the
13 agent shall then provide the applicant with a voter registration form
14 and instructions and shall record that the applicant has requested to
15 register to vote or transfer a voter registration. If the applicant
16 answers in the negative to either question, the agent shall not provide
17 the applicant with a voter registration form.

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

22 (5) Each designated agency shall provide for the voter registration
23 application forms to be collected from each agency office at least once
24 each week. The agency shall then forward the application forms to the
25 secretary of state each week. The secretary of state shall forward the
26 forms to the county in which the applicant has registered to vote no
27 later than ten days after the date on which the forms were received by
28 the secretary of state.

29 **Sec. 4.** RCW 29A.08.810 and 2006 c 320 s 4 are each amended to read
30 as follows:

31 (1) Registration of a person as a voter is presumptive evidence of
32 his or her right to vote. A challenge to the person's right to vote
33 must be based on personal knowledge of one of the following:

34 (a) The challenged voter has been convicted of a felony and the
35 voter's civil rights have not been restored;

1 (b) The challenged voter has been judicially declared ineligible to
2 vote due to mental incompetency;

3 (c) The challenged voter does not live at the residential address
4 provided, in which case the challenger must either:

5 (i) Provide the challenged voter's actual residence on the
6 challenge form; or

7 (ii) Submit evidence that he or she exercised due diligence to
8 verify that the challenged voter does not reside at the address
9 provided and to attempt to contact the challenged voter to learn the
10 challenged voter's actual residence, including that the challenger
11 personally:

12 (A) Sent a letter with return service requested to the challenged
13 voter's residential address provided, and to the challenged voter's
14 mailing address, if provided;

15 (B) Visited the residential address provided and contacted persons
16 at the address to determine whether the voter resides at the address
17 and, if not, obtained and submitted with the challenge form a signed
18 affidavit subject to the penalties of perjury from a person who owns or
19 manages property, resides, or is employed at the address provided, that
20 to his or her personal knowledge the challenged voter does not reside
21 at the address as provided on the voter registration;

22 (C) Searched local telephone directories, including online
23 directories, to determine whether the voter maintains a telephone
24 listing at any address in the county;

25 (D) Searched county auditor property records to determine whether
26 the challenged voter owns any property in the county; and

27 (E) Searched the statewide voter registration database to determine
28 if the voter is registered at any other address in the state;

29 (d) The challenged voter will not be (~~eighteen~~) seventeen years
30 of age by the next primary or eighteen years of age by the next general
31 election; or

32 (e) The challenged voter is not a citizen of the United States.

33 (2) A person's right to vote may be challenged: By another
34 registered voter or the county prosecuting attorney at any time, or by
35 the poll site judge or inspector if the challenge is filed on election
36 day regarding a voter who presents himself or herself to vote at the
37 poll site.

1 (3) The challenger must file a signed affidavit subject to the
2 penalties of perjury swearing that, to his or her personal knowledge
3 and belief, having exercised due diligence to personally verify the
4 evidence presented, the challenged voter either is not qualified to
5 vote or does not reside at the address given on his or her voter
6 registration record based on one of the reasons allowed in subsection
7 (1) of this section. The challenger must provide the factual basis for
8 the challenge, including any information required by subsection (1)(c)
9 of this section, in the signed affidavit. The challenge may not be
10 based on unsupported allegations or allegations by anonymous third
11 parties. All documents pertaining to the challenge are public records.

12 (4) Challenges based on a felony conviction under RCW 29A.08.520
13 must be heard according to RCW 29A.08.520 and rules adopted by the
14 secretary of state.

15 NEW SECTION. **Sec. 5.** This act takes effect if the proposed
16 amendment to Article VI, section 1 of the state Constitution is validly
17 submitted to and is approved and ratified by the voters at a general
18 election held in November 2008. If the proposed amendment is not
19 approved and ratified this act is void in its entirety.

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