
SENATE BILL 5279

State of Washington

57th Legislature

2001 Regular Session

By Senators Shin, Roach, Sheahan, Rasmussen, Patterson, Kline, Hochstatter, Regala and Kohl-Welles

Read first time 01/17/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to enhanced enforcement of the citizenship
2 requirement for voter registration; amending RCW 36.27.020, 29.07.005,
3 29.07.070, and 29.08.060; and prescribing penalties.

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

5 **Sec. 1.** RCW 36.27.020 and 1995 c 194 s 4 are each amended to read
6 as follows:

7 The prosecuting attorney shall:

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

13 (2) Be legal adviser to all county and precinct officers and school
14 directors in all matters relating to their official business, and when
15 required draw up all instruments of an official nature for the use of
16 said officers;

17 (3) Appear for and represent the state, county, and all school
18 districts subject to the supervisory control and direction of the
19 attorney general in all criminal and civil proceedings in which the
20 state or the county or any school district in the county may be a
21 party;

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

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

9 (6) Institute and prosecute proceedings before magistrates for the
10 arrest of persons charged with or reasonably suspected of felonies when
11 the prosecuting attorney has information that any such offense has been
12 committed and the prosecuting attorney shall for that purpose attend
13 when required by them if the prosecuting attorney is not then in
14 attendance upon the superior court;

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

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

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

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

31 (11) Make an annual report to the governor as of the 31st of
32 December of each year setting forth the amount and nature of business
33 transacted by the prosecuting attorney in that year with such other
34 statements and suggestions as the prosecuting attorney may deem useful;

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

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

4 **Sec. 2.** RCW 29.07.005 and 1994 c 57 s 9 are each amended to read
5 as follows:

6 "Information required for voter registration" means the minimum
7 information provided on a voter registration application that is
8 required by the county auditor in order to place a voter registration
9 applicant on the voter registration rolls. This information includes
10 the applicant's name, complete residence address, date of birth,
11 citizenship, and a signature attesting to the truth of the information
12 provided on the application. All other information supplied is
13 ancillary and not to be used as grounds for not registering an
14 applicant to vote.

15 **Sec. 3.** RCW 29.07.070 and 1994 c 57 s 11 are each amended to read
16 as follows:

17 Except as provided under RCW 29.07.260, an applicant for voter
18 registration shall complete an application providing the following
19 information concerning his or her qualifications as a voter in this
20 state:

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

23 (2) The applicant's full name;

24 (3) The applicant's date and place of birth;

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

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

28 (6) The sex of the applicant;

29 (7) A declaration that the applicant is a citizen of the United
30 States; and

31 (8) Any other information that the secretary of state determines is
32 necessary to establish the identity of the applicant and prevent
33 duplicate or fraudulent voter registrations.

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

36 If the county auditor, registration assistant, city or town clerk,
37 or deputy registrar has reason to believe the citizenship of an

1 applicant is suspect, the auditor or other registration official may
2 request further verification of citizenship, including but not limited
3 to the applicant's birth certificate or documentation of
4 naturalization.

5 The secretary of state shall specify by rule the reasons sufficient
6 to suspect that the applicant's declaration of citizenship is untrue
7 and the documentation or procedure necessary to verify citizenship.

8 If the applicant fails to provide the information required for
9 voter registration, the auditor shall send the applicant a verification
10 notice. The auditor shall not register the applicant until the
11 required information is provided. If a verification notice is returned
12 as undeliverable or the applicant fails to respond to the notice within
13 forty-five days, the auditor shall not register the applicant to vote.

14 The following warning shall appear in a conspicuous place on the
15 voter registration form:

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

21 **Sec. 4.** RCW 29.08.060 and 1994 c 57 s 32 are each amended to read
22 as follows:

23 (1) On receipt of an application for voter registration under this
24 chapter, the county auditor shall review the application to determine
25 whether the information supplied is complete. An application that
26 contains the applicant's name, complete valid residence address, date
27 and place of birth, citizenship, and signature attesting to the truth
28 of the information provided on the application is complete. If it is
29 not complete, the auditor shall promptly mail a verification notice of
30 the deficiency to the applicant. This verification notice shall
31 require the applicant to provide the missing information. If the
32 verification notice is not returned by the applicant or is returned as
33 undeliverable the auditor shall not place the name of the applicant on
34 the county voter list. If the applicant provides the required
35 information, the applicant shall be registered to vote as of the date
36 of mailing of the original voter registration application.

37 (2) If the county auditor has reason to believe the citizenship of
38 an applicant is suspect, the auditor may request further verification

1 of citizenship, including but not limited to the applicant's birth
2 certificate or documentation of naturalization.

3 (3) If the information is complete, the applicant is considered to
4 be registered to vote as of the date of mailing. The auditor shall
5 record the appropriate precinct identification, taxing district
6 identification, and date of registration on the voter's record. Within
7 forty-five days after the receipt of an application but no later than
8 seven days before the next primary, special election, or general
9 election, the auditor shall send to the applicant, by first class mail,
10 an acknowledgement notice identifying the registrant's precinct and
11 containing such other information as may be required by the secretary
12 of state. The postal service shall be instructed not to forward a
13 voter registration card to any other address and to return to the
14 auditor any card which is not deliverable. If the applicant has
15 indicated that he or she is registered to vote in another county in
16 Washington but has also provided an address within the auditor's county
17 that is for voter registration purposes, the auditor shall send, on
18 behalf of the registrant, a registration cancellation notice to the
19 auditor of that other county and the auditor receiving the notice shall
20 cancel the registrant's voter registration in that other county. If
21 the registrant has indicated on the form that he or she is registered
22 to vote within the county but has provided a new address within the
23 county that is for voter registration purposes, the auditor shall
24 transfer the voter's registration.

25 ((+3)) (4) If an acknowledgement notice card is properly mailed as
26 required by this section to the address listed by the voter as being
27 the voter's mailing address and the notice is subsequently returned to
28 the auditor by the postal service as being undeliverable to the voter
29 at that address, the auditor shall promptly send the voter a
30 confirmation notice. The auditor shall place the voter's registration
31 on inactive status pending a response from the voter to the
32 confirmation notice.

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