
SECOND SUBSTITUTE SENATE BILL 5511

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Winsley, Quigley, Snyder and Pelz; by request of Secretary of State)

Read first time 03/08/93.

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 the
10 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.

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

15 NEW SECTION. **Sec. 4.** The county auditor shall distribute forms by
16 which a person may register to vote by mail and cancel any previous

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

13 NEW SECTION. **Sec. 5.** In addition to the information required
14 under RCW 29.07.070, when registering to vote by mail under this
15 chapter, the applicant shall sign a portion of the form that can be
16 used as an initiative signature card for the verification of petition
17 signatures by the secretary of state and shall sign and attest to the
18 following oath: "I declare that the facts relating to my
19 qualifications as a voter recorded on this voter registration form are
20 true. I am a citizen of the United States, I am not presently denied
21 my civil rights as a result of being convicted of an infamous crime, I
22 will have lived in this state, county, and precinct thirty days
23 immediately preceding the next election at which I offer to vote, and
24 I will be at least eighteen years of age at the time of voting."

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

31 NEW SECTION. **Sec. 6.** On receipt of an application for voter
32 registration under this chapter, the county auditor shall review the
33 application to determine whether the information supplied is complete.
34 If it is not, the auditor shall promptly send notice of the deficiency
35 to the applicant. If the information is complete, the applicant is
36 registered as of the date of the application's postmark. If there is
37 no postmark or if the postmark is illegible, the applicant is

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

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

22 NEW SECTION. **Sec. 7.** The secretary of state shall adopt an
23 application form for registering by mail under RCW 29.07.140. An
24 applicant registering to vote by mail shall be required to complete
25 only one form and to provide the required information, other than his
26 or her signature, no more than once. The form shall also contain
27 instructions on its use, a notification of filing deadlines, a warning
28 to the applicant of the penalty for knowingly supplying false
29 information, and space for the county auditor to enter the voter's
30 precinct identification, taxing district identification, and
31 registration number. The secretary of state shall develop the form in
32 consultation with the county auditors.

33 NEW SECTION. **Sec. 8.** The secretary of state shall furnish
34 registration forms necessary to carry out the registration of voters as
35 provided by this chapter without cost to the respective counties.
36 Costs incurred by the secretary of state during 1994 and 1995 in the
37 printing and distribution of voter registration cards shall be

1 reimbursed by the counties. This cost shall be considered an election
2 cost under RCW 29.13.045 and be prorated as part of the 1994 and 1995
3 general election costs.

4 NEW SECTION. **Sec. 9.** Violations of this chapter shall be
5 prosecuted under chapter 29.07 RCW or any other applicable provisions
6 of law.

7 **Sec. 10.** RCW 29.10.180 and 1991 c 363 s 31 are each amended to
8 read as follows:

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

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

24 (3) The county auditor shall initiate his or her inquiry by
25 sending, by first-class mail, a written notice to the challenged voter
26 at the address indicated on the voter's permanent registration record
27 and to any other address at which the county auditor could reasonably
28 expect mail to be received by the voter. The county auditor shall not
29 request any restriction on the forwarding of such notice by the postal
30 service. The notice shall contain the nature of the inquiry and
31 provide a suitable form for reply. The notice shall also contain a
32 warning that the county auditor must receive a response within forty-
33 five days from the date of mailing or the individual's voter
34 registration will be canceled.

35 (4) The voter, in person or in writing, may state that the
36 information on the permanent voter registration record is correct or
37 may request a change in the address information on the permanent

1 registration record no later than the forty-fifth day after the date of
2 mailing the inquiry.

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

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

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

25 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act shall
26 constitute a new chapter in Title 29 RCW.

27 NEW SECTION. **Sec. 12.** RCW 29.07.040 and 1971 ex.s. c 202 s 6 &
28 1965 c 9 s 29.07.040 are each repealed.

29 NEW SECTION. **Sec. 13.** Sections 1 through 9 and 12 of this act
30 take effect on January 1, 1994.

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