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SENATE BILL 6745

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State of Washington

56th Legislature

2000 Regular Session

By Senators Shin, Roach, Kohl-Welles, Finkbeiner, McAuliffe, Jacobsen, Winsley, Stevens, Oke and Rasmussen

Read first time 01/26/2000. 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

1 state or the county or any school district in the county may be a  
2 party;

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

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

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

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

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

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

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

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

37 (12) Send to the state liquor control board at the end of each year  
38 a written report of all prosecutions brought under the state liquor  
39 laws in the county during the preceding year, showing in each case, the

1 date of trial, name of accused, nature of charges, disposition of case,  
2 and the name of the judge presiding;

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

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

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

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

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

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

25 (2) The applicant's full name;

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

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

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

30 (6) The sex of the applicant;

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

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

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

1 If the county auditor, registration assistant, city or town clerk,  
2 or deputy registrar has reason to believe the citizenship of an  
3 applicant is suspect, the auditor or other registration official may  
4 request further verification of citizenship, including but not limited  
5 to the applicant's birth certificate or documentation of  
6 naturalization.

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

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

16 The following warning shall appear in a conspicuous place on the  
17 voter registration form:

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

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

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

1       (2) If the county auditor has reason to believe the citizenship of  
2 an applicant is suspect, the auditor may request further verification  
3 of citizenship, including but not limited to the applicant's birth  
4 certificate or documentation of naturalization.

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

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

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