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HOUSE BILL 2662

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State of Washington

60th Legislature

2008 Regular Session

By Representatives Green, Upthegrove, and Llias

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

1 AN ACT Relating to lowering the voting age to sixteen; amending RCW  
2 29A.08.210, 29A.08.230, 29A.08.330, and 29A.08.810; and providing a  
3 contingent effective date.

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

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

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

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

12 (2) The applicant's full name;

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

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

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

17 (6) The sex of the applicant;

18 (7) The applicant's Washington state driver's license number or  
19 Washington state identification card number, or the last four digits of

1 the applicant's Social Security number if he or she does not have a  
2 Washington state driver's license or Washington state identification  
3 card;

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

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

10 (10) A check box allowing the applicant to confirm that he or she  
11 is at least (~~eighteen~~) sixteen years of age;

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

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

17 (13) The following warning:

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, a  
22 fine of up to ten thousand dollars, or both."

23 (14) The following affirmation by the applicant:

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

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

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

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

37 If the applicant fails to provide the information required for  
38 voter registration, the auditor shall send the applicant a verification

1 notice. The applicant may not be registered until the required  
2 information is provided. If a verification notice is returned as  
3 undeliverable or the applicant fails to respond to the notice within  
4 forty-five days, the applicant shall not be registered to vote.

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

7 For all voter registrations, the registrant shall sign the  
8 following oath:

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

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

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

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

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

34 "Do you want to register to vote or transfer your voter  
35 registration?"

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

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

4        (b) "Are you or will you be (~~(eighteen)~~) sixteen years of age on or  
5        before the next election?"

6        If the applicant answers in the affirmative to both questions, the  
7        agent shall then provide the applicant with a voter registration form  
8        and instructions and shall record that the applicant has requested to  
9        register to vote or transfer a voter registration. If the applicant  
10       answers in the negative to either question, the agent shall not provide  
11       the applicant with a voter registration form.

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

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

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

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

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

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

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

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

36       (ii) Submit evidence that he or she exercised due diligence to  
37       verify that the challenged voter does not reside at the address

1 provided and to attempt to contact the challenged voter to learn the  
2 challenged voter's actual residence, including that the challenger  
3 personally:

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

7 (B) Visited the residential address provided and contacted persons  
8 at the address to determine whether the voter resides at the address  
9 and, if not, obtained and submitted with the challenge form a signed  
10 affidavit subject to the penalties of perjury from a person who owns or  
11 manages property, resides, or is employed at the address provided, that  
12 to his or her personal knowledge the challenged voter does not reside  
13 at the address as provided on the voter registration;

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

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

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

21 (d) The challenged voter will not be (~~eighteen~~) sixteen years of  
22 age by the next election; or

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

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

29 (3) The challenger must file a signed affidavit subject to the  
30 penalties of perjury swearing that, to his or her personal knowledge  
31 and belief, having exercised due diligence to personally verify the  
32 evidence presented, the challenged voter either is not qualified to  
33 vote or does not reside at the address given on his or her voter  
34 registration record based on one of the reasons allowed in subsection  
35 (1) of this section. The challenger must provide the factual basis for  
36 the challenge, including any information required by subsection (1)(c)  
37 of this section, in the signed affidavit. The challenge may not be

1 based on unsupported allegations or allegations by anonymous third  
2 parties. All documents pertaining to the challenge are public records.  
3 (4) Challenges based on a felony conviction under RCW 29A.08.520  
4 must be heard according to RCW 29A.08.520 and rules adopted by the  
5 secretary of state.

6 NEW SECTION. **Sec. 5.** This act takes effect if the proposed  
7 amendment to Article VI, section 1 of the state Constitution is validly  
8 submitted to and is approved and ratified by the voters at the next  
9 general election. If the proposed amendment is not approved and  
10 ratified, this act is void in its entirety.

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