



Helping Voters Register Under Washington Law

Important: Voter registration drives in Washington have to follow certain state laws and rules, such as a five-day turn around time between the date of the signature until the application is submitted to election officials and compensation restrictions. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Washington, a person may register to vote and vote if they:¹

- Are a U.S. citizen;
- Are or will be at least 18 years of age on Election Day;²
Have lived in the state, county and precinct in which they offer to vote for 30 days immediately preceding the election;
 - A voter can reside in a shelter, park, motor home, marina, or other identifiable location that lacks a traditional address.
- Are not currently judicially declared mentally incompetent to vote; and
- Have not been convicted of infamous crime, unless restored to civil rights.³
 - An infamous crime is a crime punishable by death in the state penitentiary or imprisonment in a state or federal correctional facility.⁴
 - A felon's right to vote is restored as long as the person is no longer in prison or on community custody (supervision, parole) with the Washington State Department of Corrections (DOC).⁵

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence.⁶ Applicants should use the location where they live, such as a shelter, park, intersection or other identifiable location they consider their residence on their registration form. This location will be used to register them to vote.⁷

Felony Convictions: A felon’s right to vote is restored as long as the person is no longer in prison or on community custody (supervision, parole) with the Washington State Department of Corrections (DOC).⁸

College Students: College students must use a Washington State address that they consider home. If a student lives on campus and provides a campus address as their residential address, they should be sure to list their dormitory and room number.⁹ If a person moves or they are temporarily away, they may maintain their voter registration at that address until they register to vote elsewhere.¹⁰

PART 3: FILLING OUT AN APPLICATION

Washington law requires the following information:¹¹

- Name;
- Residential address;
 - The residential address provided must identify the actual physical residence of the voter in Washington. A voter can reside in a shelter, park, motor home, marina, or other identifiable location that lacks a traditional address.¹² A person with a nontraditional address must provide a valid mailing address.¹³
- Date of birth;
- A check or indication in the box confirming the individual is a United States citizen; and
- Signature attesting to the truth of the information in the application and affirming the applicant’s eligibility.¹⁴

If an applicant’s mailing address is different from the applicant’s residential address, the applicant must provide a mailing address to receive a ballot. The mailing address can be anywhere in the world.¹⁵

PART 4: VOTER REGISTRATION DEADLINE

Under Washington law, registration forms collected by third party voter registration organizations must be submitted by the drive to the Secretary of State or county auditor within five business days.¹⁶

Generally, completed applications must be submitted no later than 29 days before the primary, special election, or general election in which the applicant plans to vote. Alternatively, a person may also register at the county auditor's office in their county of residence no later than eight days before the election.¹⁷

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No.
<i>Are there restrictions on getting voter registration forms?</i>	No, the county auditor must keep a supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and must make every effort to make these forms generally available to the public. ¹⁸

<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	This is not addressed in Washington law.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No. ¹⁹
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Yes. Drives cannot accept payment or pay anyone for assisting in registering voters, where payment is based on a fixed amount of money per voter registration. See question A, below.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes, see question B below for details.
<i>Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	No.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.
<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	Groups are allowed to put discrete marks to keep track of volunteers and for quality control assurance purposes but may not mark the signature area. See question C below for further details.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	Washington law does not address pre-submission photocopying. However see question D below for issues about public inspection and copying.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Yes, five business days from the date of the signature on the form, or by the deadline, whichever is earlier. See question E below.

<i>What are the consequences for failing to submit applications on time?</i>	Gross misdemeanor charges – see question F below.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	Washington law does not address this issue. However, a person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form is guilty of a gross misdemeanor. ²⁰
<i>How will an applicant know whether the election official received the application?</i>	The auditor has 60 days to send an acknowledgement, and status can be checked online. See question G.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	The auditor must promptly mail a verification to the applicant. If the applicant completes the application within 45 days, the registration date will be the original date. See question H below for details.
<i>Who investigates and enforces the state rules?</i>	The Secretary of State/auditor/county prosecutor, see question I below for details.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Does the state have restrictions on paying drive workers?

Yes. It is a class C felony to offer to pay or to accept payment for assisting in registering voters where payment is based on a fixed amount of money per voter registration.²¹ A class C felony is punishable by confinement in a state correctional institution for up to 5 years, a fine up to \$10,000, or both.²² According to the Secretary of State, voter registration coordinators may not compensate or reward staff members or volunteers based on the number of voters they register, but organizations may pay or reward canvassers for time spent registering voters.²³

B. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²⁴ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²⁵

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²⁶

DURING THE DRIVE

C. *Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?*

According to the Secretary of State's *Guide for Registering Voters*, an organization may make discrete marks on voter registration forms to keep track of volunteers and for quality assurance purposes, and organizations may highlight the required fields on the form to draw attention; however, an organization may not make any marks in the signature area.²⁷ Further, a person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form is guilty of a gross misdemeanor.²⁸ A gross misdemeanor is punishable by imprisonment for up to 364 days, a fine of up to \$5000, or both.²⁹

D. *Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar, or other restrictions on data entry or disclosure?*

Washington law does not address photocopying by registration drives. Original voter registration forms are filed with the county auditor and are considered confidential and unavailable for public inspection or copying under state statute.³⁰ It is not clear how this affects an organization's ability to copy completed forms prior to submission. The law also states the only information available for public inspection or copying is a voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number is not available for public inspection or copying.³¹ Organizations should review procedures with election officials.

E. *Is there a time limit for voter registration groups to submit the voter registration applications they collect?*

Yes. Under Washington law, registration forms collected by third party voter registration organizations must be submitted to the Secretary of State or county auditor within five business days. The registration date on such forms will be the date they are received by the Secretary of State or county auditor.³² In addition, according to the Secretary of State's *Guide to Registering Voters*, if the registration deadline is fewer than 5 business days away, registration forms collected by third party voter registration organizations must be submitted by the registration deadline.³³

F. *What are the consequences for failing to submit voter registration applications on time?*

Any person who intentionally fails to return another person's completed voter registration form to the proper state or county elections office by the applicable deadline is guilty of a gross misdemeanor.³⁴ In addition, a person who intentionally disenfranchises an eligible citizen or discriminates against a person eligible to vote by denying voter registration is guilty of a misdemeanor.³⁵ A misdemeanor is punishable by imprisonment of up to 90 days, a fine up to a \$1000, or both.³⁶

G. *How will an applicant know whether the election official received the application?*

Within 60 days after the receipt of an application or transfer, the auditor must send to the applicant, by first-class nonforwardable mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the Secretary of State. The notice may be in the form of a voter registration card.³⁷ Information from approved applications must be entered into the statewide voter registration database.³⁸

Additionally, persons may check the status of an applicant's voter registration by using the state's online system, MyVote. To do so, log in to www.myvote.wa.gov with the applicant's first name, last name, and date of birth exactly as it appears in the voter registration records. If MyVote is unable to find the person in the system, ask if they registered using a name variation, such as William, Bill or Will. If the persons still cannot be found, organizations should contact the Secretary of State's Elections Division.³⁹

If an organization wants to track the number of registrations and updates submitted online through MyVote, the State Elections Division can provide a unique URL for online voter registration. Organizations can visit www.vote.wa.gov under Education & Outreach/Civics Education Resources for more information.

H. *How may an applicant correct an incomplete application after it has been submitted to election officials?*

If an application is not complete, the auditor must promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information.⁴⁰ Further, the verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.⁴¹ If the applicant provides the required information within 45 days, the applicant must be recognized as having been registered to vote as of the original date of application. However, the applicant will not be placed on the official list of registered voters until the application is complete.⁴²

I. *Who is responsible for investigating and enforcing the state rules?*

The Secretary of State is the chief elections officer of the state and has rulemaking authority over voter registration applications and records.⁴³ If, at any time, the Secretary finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the Secretary must refer such information to the appropriate county auditor and county prosecutor. In addition, if, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.⁴⁴

WEB PAGE OF STATUTE

<http://apps.leg.wa.gov/RCW/default.aspx?Cite=29A>

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The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

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- ¹ Wash. Const. art. VI, § 1
- ² Wash. Rev. Code. § 29A.08.230
- ³ Wash. Const. art. VI, § 3.
- ⁴ Wash. Rev. Code. § 29A.04.079
- ⁵ Washington Secretary of State, *Guide to Registering Voters 2* (hereinafter “*Wash. SOS Guide to Registering Voters*”), available at https://www.sos.wa.gov/_assets/elections/Guide-to-registering-voters.pdf (last visited July 2, 2016)
- ⁶ Wash. Rev. Code. § 29A.08.010(2)
- ⁷ King County Election Home, <http://www.kingcounty.gov/depts/elections/how-to-vote/register-to-vote/who-can-vote.aspx> (last visited July 2, 2016).
- ⁸ Washington Secretary of State, *Guide to Registering Voters 2*
- ⁹ Washington Secretary of State, Elections and Voting, College Voters https://wei.sos.wa.gov/agency/osos/en/voters/Pages/college_voters.aspx (last visited July 2, 2016)
- ¹⁰ Washington Secretary of State, Elections and Voting, Residency Requirements https://wei.sos.wa.gov/agency/osos/en/voters/Pages/residency_requirements.aspx (last visited July 2, 2016)
- ¹¹ Wash. Rev. Code. § 29A.08.010
- ¹² Wash. Rev. Code § 29A.08.112
- ¹³ Wash. Rev. Code § 29A.08.112
- ¹⁴ Wash. Rev. Code. §§ 29A.08.010; 29A.08.230
- ¹⁵ *Wash. SOS Guide to Registering Voters*, see Footnote 5.
- ¹⁶ Wash. Rev. Code. § 29A.08.115
- ¹⁷ Wash. Rev. Code § 29A.08.140
- ¹⁸ Wash. Rev. Code. § 29A.08.260
- ¹⁹ *Wash. SOS Guide to Registering Voters*, see Footnote 5.
- ²⁰ Wash. Rev. Code § 29A.84.050(1)
- ²¹ Wash. Rev. Code. § 29A.84.130(6)-(7)
- ²² Wash. Rev. Code § 9A.20.021(1)(c)
- ²³ *Wash. SOS Guide to Registering Voters*, see Footnote 5.
- ²⁴ 52 U.S.C. § 10307(c)
- ²⁵ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
- ²⁶ California Secretary of State, Guide to Voter Registration Drives 11, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (Rev. Jan. 2016)
- ²⁷ *Wash. SOS Guide to Registering Voters* See Footnote 5
- ²⁸ Wash. Rev. Code § 29A.84.050(1)
- ²⁹ Wash. Rev. Code § 9A.20.021(2)
- ³⁰ Wash. Rev. Code. § 29A.08.710
- ³¹ Wash. Rev. Code. § 29A.08.710
- ³² Wash. Rev. Code. § 29A.08.115
- ³³ *Wash. SOS Guide to Registering Voters*, see Footnote 5.
- ³⁴ Wash. Rev. Code § 29A.84.050(2)
- ³⁵ Wash. Rev. Code. § 29A.84.120
- ³⁶ Wash. Rev. Code § 9A.20.021(3)
- ³⁷ Wash. Rev. Code. §§ 29A.08.030(2), 29A.08.110(1)
- ³⁸ Wash. Rev. Code. § 29A.08.125
- ³⁹ *Wash. SOS Guide to Registering Voters 7*.
- ⁴⁰ Wash. Rev. Code. § 29A.08.110(2)
- ⁴¹ Wash. Rev. Code § 29A.08.030(1)
- ⁴² Wash. Rev. Code. § 29A.08.110(2)
- ⁴³ Wash. Rev. Code. § 29A.04.611(15)
- ⁴⁴ Wash. Admin. Code § 434-324-113