



A Short Guide to Helping Voters Register Under Washington Law

WHO IS ELIGIBLE TO VOTE?

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

- Is a U.S. citizen;
- Is or will be at least 18 years of age on Election Day;²
Has lived in the state, county and precinct in which she offers 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.
- Is not currently judicially declared mentally incompetent to vote; and
- Has 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

WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?

Federal law⁶ requires that voter registration application include and require:

- Driver's License or State ID number, or, if none,
- Last four digits of Social Security Number, or, if none
- The state will assign the applicant a number, and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Federal law authorizes states to require only such identifying information as "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."⁷

Washington law requires the following information:⁸

- 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.⁹ 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.¹⁰ A person with a nontraditional address must provide a valid mailing address.¹¹
- 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.¹²

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.¹³



WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

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 his or her county of residence no later than eight days before the election.¹⁴

WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

BEFORE THE DRIVE

A. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

No.

B. Does the state require any training in order to conduct voter registration drives?

No.

C. Does the state have restrictions on who may help others register to vote?

No.¹⁵

D. Does the state have restrictions on whether canvassers may be paid?

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.¹⁶ 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.¹⁷ 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.¹⁸

E. Can canvassers or the voter registration drive offer 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."¹⁹ 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."²⁰

Washington's guide for voter registration drives indicates, "Rewards, prizes or gifts may not be offered in exchange for registering to vote. Promotional gifts, such as buttons or candy, must be given to anyone who asks, regardless of their eligibility, party preference or intention to register to vote."²¹ Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²²

DURING THE DRIVE

A. Are there special rules requiring a registration drive worker to sign her name to the completed voter registration application?

No.



B. 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.²³ Further, a person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form is guilty of a gross misdemeanor.²⁴ A gross misdemeanor is punishable by imprisonment for up to 364 days, a fine of up to \$5000, or both.²⁵

C. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?

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.²⁶ 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.²⁷ Organizations should review procedures with election officials.

D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?

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.²⁸ 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.²⁹

E. 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.³⁰ 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.³¹ A misdemeanor is punishable by imprisonment of up to 90 days, a fine up to a \$1000, or both.³²

F. How are completed voter registration forms tracked?

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.³³ Information from approved applications must be entered into the statewide voter registration database.³⁴

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.³⁵

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 "Civics Education" for more information.³⁶



G. 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.³⁷ 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.³⁸

WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

Washington election 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.³⁹

B. How may an applicant correct an incomplete application after it has been submitted to county 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

WEB PAGE OF STATUTE

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

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¹ Wash. Const. art. VI, § 1

² Wash. Rev. Code. Ann. § 29A.08.230

³ Wash. Const. art. VI, § 3.



⁴ Wash. Rev. Code. Ann. § 29A.04.079

⁵ Washington Secretary of State, *Guide to Registering Voters* 2 (hereinafter “*Wash. SOS Guide to Registering Voters*”), available at http://www.sos.wa.gov/assets/elections/guide_to_registering_voters.pdf (last visited Feb. 15, 2014)

⁶ Help America Vote Act of 2002 (HAVA), § 303(a)(5), 303(b)

⁷ National Voter Registration Act of 1993 (NVRA), § 1973gg-7(b)

⁸ Wash. Rev. Code. Ann. § 29A.08.010

⁹ Wash. Rev. Code 29A.08.112

¹⁰ Wash. Rev. Code. Ann. § 29A.08.010(2)

¹¹ Wash. Rev. Code 29A.08.112

¹² Wash. Rev. Code. Ann. §§ 29A.08.010; 29A.08.230

¹³ *Wash. SOS Guide to Registering Voters* 4.

¹⁴ Wash. Rev. Code Ann. § 29A.08.140

¹⁵ *Wash. SOS Guide to Registering Voters* 3.

¹⁶ Wash. Rev. Code. Ann. § 29A.84.130(6)-(7)

¹⁷ Wash. Rev. Code Ann. § 9A.20.021(1)(c)

¹⁸ *Wash. SOS Guide to Registering Voters* 3.

¹⁹ 42 U.S.C. § 1973i(c).

²⁰ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

²¹ *Wash. SOS Guide to Registering Voters* 3.

²² California Secretary of State, *Guide to Voter Registration Drives* 10 (last revised Mar. 2013), <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>

²³ *Wash. SOS Guide to Registering Voters* 4.

²⁴ Wash. Rev. Code Ann. § 29A.84.050(1)

²⁵ Wash. Rev. Code Ann. § 9A.20.021(2)

²⁶ Wash. Rev. Code. Ann. § 29A.08.710

²⁷ Wash. Rev. Code. Ann. § 29A.08.710

²⁸ Wash. Rev. Code. Ann. § 29A.08.115

²⁹ *Wash. SOS Guide to Registering Voters* 3.

³⁰ Wash. Rev. Code Ann. § 29A.84.050(2)

³¹ Wash. Rev. Code. Ann. § 29A.84.120

³² Wash. Rev. Code Ann. § 9A.20.021(3)³³ Wash. Rev. Code. Ann. §§ 29A.08.030(2), 29A.08.110(1)

³⁴ Wash. Rev. Code. Ann. § 29A.08.125

³⁵ *Wash. SOS Guide to Registering Voters* 7.

³⁶ *Wash. SOS Guide to Registering Voters* 7.

³⁷ Wash. Rev. Code. Ann. § 29A.04.611(15)

³⁸ Wash. Admin. Code § 434-324-113

³⁹ Wash. Rev. Code Ann. § 29A.84.050(1)

⁴⁰ Wash. Rev. Code. Ann. § 29A.08.110(2)

⁴¹ Wash. Rev. Code Ann. § 29A.08.030(1)

⁴² Wash. Rev. Code. Ann. § 29A.08.110(2)