



## King County

### Records, Elections and Licensing Services Division

Department of Executive Services  
King County Administration Building  
500 Fourth Avenue, Room 553  
Seattle, WA 98104-2337

**206-296-1540** Fax 206-296-0108  
TTY Relay: 711

August 29, 2005

Robert M. Edelman  
29871 232nd Avenue SE  
Black Diamond, Washington 98010

Re: Your Letter Regarding Alleged Improperly Registered Voters

Dear Mr. Edelman:

Thank you for your letter of July 27, 2005, in which you identify fourteen persons whom you believe to be improperly registered to vote in King County Precinct 1823. You allege that the residential addresses supplied by these individuals for purposes of voter registration are invalid either because the address does not exist or because it is an address of an office building. You asked for this office's policy on investigating the validity of residential addresses.

State statute requires county auditors (or the elections director in King County) to register individuals to vote if the individuals submit voter registration forms that are complete and valid on their face. RCW 29A.08.110. Auditors do not have the authority to independently investigate the information provided on a voter registration application and unilaterally refuse to register a person based on such an investigation. An application that listed any one of the addresses in your letter would be valid on its face if it was otherwise complete. Pursuant to state law, an auditor would be required to register the applicant to vote.

However, if an auditor suspects that individuals have fraudulently or improperly registered to vote, he may refer the matter to the Prosecuting Attorney's office for investigation. This is the procedure that was followed for the alleged felon registrations that were referred to the King County Records, Elections and Licensing Services Division ("Elections Division") earlier this year. The King County Prosecuting Attorney investigated the cases and brought voter registration challenges where it deemed appropriate.

As you indicate in your letter, state law currently requires that in challenging the registration of another voter based on residency, the challenger must provide the challenged voter's alleged actual residence. RCW 29A.08.830. You state that you are unable to do that and as a result, sent your letter rather than filing voter registration challenges. As indicated above, I do not have the authority to cancel registrations based on the allegations in your letter. However, I

plan to send a letter similar to the one enclosed, to the individuals on your list that you allege to be registered at an office building if the address listed in your letter matches the residential address we have on file for these voters.

The address on Fourth Avenue that you allege does not exist, appears to be the address for the Downtowner Apartments which is at 308 Fourth Avenue South in Seattle. The zip code provided by these voters, 98104, evidences that the address is on Fourth Avenue South rather than some other part of Fourth Avenue. Therefore, the residential address provided by these voters is apparently valid. There is no indication that the mail sent to these voters has been returned due to an invalid address.

I would note for your information that under Washington law, it is possible for a voter to use an address as a residential address for voting purposes even if that voter is not living at that residence at the time. For purposes of elections, "residence" is defined as follows:

"Residence" for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her abode. However, no person gains residence by reason of his or her presence or loses his or her residence by reason of his or her absence:

- (1) While employed in the civil or military service of the state or of the United States;
- (2) While engaged in the navigation of the waters of this state or the United States or the high seas;
- (3) While a student at any institution of learning;
- (4) While confined in any public prison.

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

RCW 29A.04.151.

This statute provides that voters who leave a residence may in some cases, still be properly registered to vote at that residential address. Moreover, courts generally hold that voters who abandon a residence without establishing a new one may continue to vote at the prior domicile until a new one is established. See *Walters v. Weed*, 45 Cal. 3d 1, 1752 P.2d 443 (Cal. 1988). State administrative rules also recognize that the above definition of "residence" is broad enough to include "nontraditional addresses" to account for persons who are qualified to vote yet are "homeless." These persons may register "at the county courthouse, city hall or other

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public building near the area that the voter considers his/her residence." *See* WAC 434-208-100.

As indicated above and in response to your letter, I intend to send a letter similar to the one enclosed to the individuals you listed in your letter where our registration files show a residential address of 605 1st Avenue or 619 Western Avenue.

Sincerely,

A handwritten signature in black ink that reads "Dean C. Logan". The signature is written in a cursive style with a large, stylized "D" and "L".

Dean C. Logan  
Director

cc: The Honorable Norm Maleng, King County Prosecuting Attorney  
Janine Joly, Senior Deputy Prosecuting Attorney

August 29, 2005

[Name  
Address  
City, State ZIP]

Re: Your Voter Registration Record

Dear \_\_\_\_\_:

This office received a letter from Robert B. Edelman concerning your voter registration. In the letter, Mr. Edelman alleges that the above address, which you provided for purposes of voter registration, is the address of an office building and not your actual residence.

State law requires that voters be registered to vote at their residential address. RCW 29A.08.210. The law defines "residence" in part as "a person's permanent address where he or she physically resides and maintains his or her abode." RCW 29A.04.151.

If the above address is your residential address, you do not need to contact our office or respond to this letter. If, after reviewing the information above regarding state law requirements, you believe that your registration address should be changed, please call the King County Records, Elections and Licensing Services Division at (206) 296-8683. You may transfer your registration to a different address over the telephone.

Please be advised that there has been no formal challenge to your voter registration at this time. You are registered and eligible to vote in the upcoming elections. Instead, this letter is to advise you of the referral we received regarding your registration and to advise you that under state law, you may only be registered to vote at your residential address. If you are not currently registered at your residential address, please call the above telephone number as soon as possible to transfer your registration.

If you have any questions regarding this letter, please contact my staff at the telephone number listed above.

Sincerely,

Dean C. Logan  
Director

cc: Janine Joly, Senior Deputy Prosecuting Attorney, King County