

Office of the Secretary of State – Elections Division

Minutes of Public Hearing

Date: June 25, 2024
Time: 10:00 AM
Location: Washington Office of the Secretary of State, Washington State Library
6880 Capitol Blvd. SE
Tumwater, WA 98501

Present:

Fina Ormond	OSOS Deputy Director of Elections
Paul Procriv	OSOS Elections Division
Sheryl Moss	OSOS Elections Division
Randy Bolerjack	OSOS Deputy Secretary of State
Jessica Hice	OSOS External Affairs
David Staufford	Washington State Resident
Dale Whitaker	Washington State Resident
Dave Griffin	King County, Washington State Resident
Johnathan Palmer	Washington State Resident
James Steberg	Thurston County, Washington State Resident
Denise Holland	Washington State Resident
Rebecca Faust	Washington State Resident
Dave Stoffer	Washington State Resident

Tentative Adoption Date: June 26, 2024

Tentative Effective Date: July 27, 2024

Document Mailing¹²

Deadline: June 8, 2024

No requests for mailed documents were received before the hearing was called to order. Emailed documents were sent to requestors on May 28, 2024.

¹ RCW 34.05.320(3): "[No later than three days after its publication in the state register...](#)"

² RCW 34.05.260(1): "[In order to provide the greatest possible access to agency documents to the most people, agencies are encouraged to make their rule, interpretive, and policy information available through electronic distribution as well as through the regular mail...](#)"

Comments Prior to Meeting³

Deadline: June 25, 2024, 5:00 PM

Three emails with comments were received before the hearing was called to order.

Reasonable Accommodation Requests⁴

Request Deadline: June 25, 2024, 5:00 PM

No requests for accommodation were received before the hearing was called to order.

The public hearing was called to order at 10:01 AM.

A public hearing was opened for [WSR 24-11-136](#).

Fina Ormond provided a summary of the rulemaking procedures and reviewed the Washington Administrative Code (WAC) topics open for public comment.

WAC Hearing Subject Material:

The Washington State Elections Division is holding a public hearing on proposed amendments to Title 434 WAC. The purpose of the hearing is to receive public comment on the proposed amendments.

The purpose of this rulemaking is to propose amendments to align current WAC language to the Revised Code of Washington (RCW). Proposed amendments to this chapter:

- Update definitions pertaining to voter registration.
- Create procedures for automatic voter registration acknowledgment notice packages.
- Prescribe a new voter registration form.
- Correct a citation reference.
- Clarify the length of time before an election a primary-only voter or future voter's registration information becomes publicly available.

WACs Subject to Adoption:

- WAC 434-232-040: Information pertaining to primary-only voters, when disclosable.
- WAC 434-250-120: Verification of the signature and return date.
- WAC 434-324-005: Definitions.
- WAC 434-324-104: Automatic voter registration acknowledgment notice packages.

³ RCW 34.05.325(1): "[Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.](#)"

⁴ [WAC 162-26-040](#); [WAC 162-26-080](#)

- WAC 434-324-026: Voter registration form.

Written Testimony⁵

Three people submitted comments prior to 5:00 PM on June 24, 2024:

Subject: Consent Decree removing 30-day Residency Requirement from Voter Registration Forms WA State

“As a registered voter in WA state for many years, I am providing my public comment for the June 24th public hearing. I am 100% AGAINST this power grab to change our voting privilege to ANYONE crossing into our state. The 30-day residency requirement is a constitutional mandate and removing the verbiage from the voter registration form is against our constitution and subject to legal process. Stop stealing our elections and creating confusion to the process.

Nancy Lenzi” Thurston County, Washington State Resident

Subject: 30 Day Residency Requirement

“Dave Piersma,

I just read about this coming up for approval and am floored that the Constitution of the state of Washington, the legislature and the people are going to be ignored. I am very strongly opposed to this and can't believe the SOS just rolled over on this. There's no way our election system will be valid after this, how can this be allowed?

Patricia Misczuk”

Subject: Testimony for the proposed amendments listed under OTS-5448.1 - WAC 434-324-026 Pertaining to Voter Registration Forms

“I would like to voice my opposition to the changes proposed by the OSOS to the voter registration form. They propose to remove the 30-day residency requirement from the oath the voter signs upon registration and/or submitting a ballot. This is in response to a lawsuit brought by the Alliance for Retired Americans challenging the 30-day residency requirement based on the fact that the state also allows people to register on election day.

Instead of finding an alternate solution, as has been done in other states, the SOS enters a consent decree to remove the 30-day residency requirement from all voters in all elections. In 1974, Senate Joint Resolution 143 was overwhelmingly approved by a vote of the people. SJR 143 was a constitutional amendment that imposed a 30-day residency requirement for voter eligibility and was approved in every single county across the state of Washington.

In 2018, SSB 6021 was passed by the legislature which allowed registration all the way up until election day. Mary Hall and Julie Wise, both who are codefendants with Secretary of

⁵ RCW 34.05.325(5): “...[Written or electronic submissions may be accepted and included in the record...](#)”

State Hobbs in the case brought by the Alliance for Retired Americans, testified in support of this bill.

This change to the voter registration form, along with other forms, such as the ballot declaration, is in violation of the constitutional amendment that was overwhelmingly approved by the people 50 years ago, and instead changes the rules to fit the bill passed by the legislature just a few years ago, without a vote of the people.

If these two laws conflict with each other, the OSOS doesn't have the authority to change this in violation of our state constitution to comply with new state law.

Additionally, the OSOS appears to have already changed the language on the forms, prior to this public hearing. They also did not give an explanation as to what they were changing on the form for this meeting. There has been a lack of transparency and communication regarding this issue, which doesn't build confidence among voters.

Removing the 30-day residency requirement doesn't even relate to the Engrossed Second Substitute Senate Bill 5112 (2023) and Senate Bill 5153 (2023) that it was filed under.

The same lawsuit was filed in North Carolina by the same group, Alliance for Retired Americans. They also have a 30-day residency requirement in addition to registration up to election day. They did not enter immediately into a consent decree like Secretary Hobbs and his co-defendants have. Members of the South Carolina legislature have filed to intervene to defend their 30-day residency requirement, and the case has been moved to a higher court.

An alternative could have been explored, such as a federal only ballot, since the federal law states only the presidential race. Or allowed them to vote from their prior address, which is also explained in the federal law the state was allegedly in violation of.

This feels too much like a way to get around our state constitution without going through the legislature and a vote of the people.

Thank you for your time, Erica Engelhart, Snohomish County Registered Voter” Snohomish County, Washington State Resident

Oral Testimony⁶

- Rebecca Faust: Made a statement regarding the removal of the 30-day registration requirement in the Consent Decree entered in *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3:23-CV-06014-TMC. Testifying in opposition.
- David Staufford: Made a statement regarding the Consent Decree entered in *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3:23-CV-06014-TMC. Stated they felt as though trust has been broken regarding the

⁶ RCW 34.05.325(5): “...[All comments by all persons shall be made in the presence and hearing of other attendees...](#)”

integrity of the ballot system. Asked the Secretary of State to “do the right thing.”
Testifying in opposition.

- Dale Whitaker: Made a statement regarding the Consent Decree entered in entered in *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3:23-CV-06014-TMC that removed the 30-day residency requirement and spoke to legal precedence for residency requirements historically. The removal of the 30-day residency requirement infringes on the state authority established in the State Constitution. Asked the Secretary of State to postpone implementation of the Consent Decree.
- Dave Griffin: Made a statement that there are processes in place to amend the State Constitution to settle the state and federal differences regarding the 30-day residency requirement. Testifying in opposition.
- Johnathan Palmer: Made a statement regarding the responsibility of the state, “the people,” and honesty. Worried about the state becoming a socialist communist country.
- James Steberg: Made a statement that they had concerns about the removal of the 30-day residency requirement. Did not believe there is overwhelming movement of citizens into the state but does open the state to minimal abuses. Testifying in opposition.
- Dave Stoffer: Made a statement that they did not understand why the 30-day residency requirement was removed. Expressed displeasure about the removal. Testifying in opposition.
- Questions were asked out of scope of the comment period concerning various election administration and rulemaking processes.
 - Fina Ormond responded to questions and reiterated that this is a public hearing for public comments on the specified WAC amendment proposals, not an open question and answer session about election administration and procedures. Questions and education may be provided by elections officials or offices but are not part of a public hearing.

The public comment period closed at 10:28 AM.

The public hearing was adjourned at 10:28 AM.