



# Secretary of State

*Kim Wyman*

June 19, 2013 (Amended)

Dear Mr. Schumacher,

Below, please find a list of Secretary of State activities that may be authorized in the absence of an appropriation, provided pursuant to your June 12 memo.

**1. Services funded by appropriations in the enacted transportation budget.**

The Office of the Secretary of State does not provide any services that are funded by the transportation budget.

**2. Services from non-appropriated funds.**

The Office of the Secretary of State provides the following services that are funded through non-appropriated funds:

- a. The Corporations & Charities Division (Fund 407)
- b. Imaging Services within the Archives Division (Fund 470)
- c. Combined Fund Drive (Fund 525)

**3. Services to continue based on constitutional mandates and federal law.**

- a. Voter registration: The Secretary of State is the chief election officer for Washington for federal, state and local elections. 42 U.S.C. 1973gg-8, RCW 29A.04.230. The federal National Voter Registration Act and Help America Vote Act mandate that the chief election official for the state perform certain duties relating to voter registration that are time sensitive in early July, and cannot be suspended. These duties include accepting and processing voter registration applications, and maintaining the statewide voter registration database, and will require three staff to maintain basic functionality for a limited duration of time.
  - i. The mandate to accept and process voter registrations received through the Department of Licensing (known as motor-voter), DSHS, the WIC program within the Department of Health, and the federal applications are codified in 42 U.S.C. 1973gg et seq. and 42 U.S.C. 1973ff et seq. The Secretary of State receives the voter registration applications and updates electronically and by paper, and forwards them to county elections offices immediately. The deadline to be registered for the 2013 Primary is July 8.
  - ii. The mandate to maintain the statewide voter registration database, which is the official list of registered voters, is codified in 42 U.S.C. 15483. This mandate includes a requirement that the statewide voter registration database interface with the state Department of Licensing, the Social Security Administration via the Department of Licensing, the state Department of Corrections, and the Department of Health. Other state election-related duties, also mandated by federal law, are less time sensitive in early July or can be suspended for a limited period of time.
- b. Initiative and Referendum program: The right of initiative and referendum is mandated by Wash. Const. Art. II, Sect. 1. This program will require one staff member to maintain basic

- functionality because the deadline to submit petitions for Initiatives to the People is July 5. If signature petitions for an Initiative to the People are submitted, the program will need approximately 16 additional staff to check signatures on the petitions. Staff is also necessary to process filings for Initiatives to the Legislature and Referenda.
- c. State Voters' Pamphlet: The requirement to send information about each state ballot measure to each residence in the state is mandated by Wash. Const. Art. II, Sec. 1(e). The requirement to provide election materials in alternate languages (Spanish, Chinese and Vietnamese) is mandated by the federal Voting Rights Act, 42 U.S.C. 1973 et seq. Consequently, all ballot materials for the state voters' pamphlet are required by the State Constitution, and translation of those materials into alternate languages is required by federal law. The Secretary of State's Office is aware of two Initiatives to the Legislature that are already certified for the 2013 ballot, and is expecting additional advisory votes if the Legislature raises or extends taxes. The voters' pamphlet program can be suspended for approximately one week, but would then need to resume operations with four staff in order to meet the State Constitutional and federal statutory mandates.

**4. Services necessary for immediate public safety:**

- a. Address Confidentiality Program: The Address Confidentiality Program provides a confidential mailing address to victims of stalking, domestic violence, sexual assault and trafficking. The program is authorized by RCW Chapter 40.24. Because suspension of this program could threaten the safety of its participants, the Secretary of State is committed to continuing this program during a government shut-down. The Office of the Secretary of State is consulting with the Attorney General's Office on how to continue the program for a limited duration without violating statutory or state constitutional restrictions on expending funds without an appropriation. The current volume of mail received on a daily basis requires two FTE's per day to sort and forward.
- b. The Secretary will direct staff funded through non-appropriated funds to continue the service.

Support staff of one employee would be needed to process payroll twice per month, two to three days per pay-period.

If you have any questions, please don't hesitate to contact me at (360) 902-4186 or [mark.neary@sos.wa.gov](mailto:mark.neary@sos.wa.gov). Thank you.

Sincerely,

Mark Neary  
Deputy Secretary of State