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JAN 29 2024

PEND OREILLE COUNTY
AUDITOR'S OFFICE

Response to Declaration and Washington State Voter registration challenge.

I, Michael Piccirilli hereby declare that I am at least eighteen years of age and am competent to make this response to the declaration and Washington State voter registration challenge that has been submitted against me. I swear under penalty of perjury that my response is true and correct to the best of my knowledge and is as follows:

On the 23rd of January 2024 I received a letter from the Pend Oreille County Office of the Auditor stating that my voter registration had been challenged by one Polianna Dickenson Jones based on her "belief" that I did not live at the address where I am registered to vote. This letter goes on to state that said challenge process is established in the law RCW 29A.08.810 through RCW 29A.08,850. Additionally the letter states that the voter registration records show my residential address as; 804 West Blackwell St #5 Lone Wa 99130.

While neither the Auditor nor the challenger state with any specificity as to which portion of said RCWs they are choosing as a legally sufficient foundation for their challenge and or initiation of this hearing, it may be inferred from the unsubstantiated claims made therein and as such the challenged believes that the challenger and Auditor are basing their case or cause under RCW 29A.08.810 - 1(c) and are assuming that the challenged is not subject to RCW **29A.04.151** or **29A.08.112** respectively. If this is indeed the case then the challenger NOT the Auditor's office but the challenger is required to meet the following minimum legal thresholds under RCW 29A.08.810 1 (c) these are as follows:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided. The challenger must, at minimum, provide evidence that the challenger personally

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided,

(B) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county,

(C) Searched county auditor property records to determine whether the challenged voter owns any property in the county;

(D) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(E) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state,

(d) The challenged voter will not be eighteen years of age by the next general election,
Or

(e) The challenged voter is not a citizen of the United States

Not one of these above referenced minimum legal thresholds have been met

Additionally it states, (3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

Note that mere "belief" by itself is insufficient. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties none of which was provided, so let's take a look at what was submitted by the challenger shall we? In her declaration the challenger makes many unsupported and or unsubstantiated claims, she states that the PT cruiser in the submitted photos belongs to the challenged yet gives no

supporting factual documentation (evidence) proving that the vehicle does in fact belong to the accused

She states that this vehicle was parked outside of the Pend Oreille Apartments daily as that is allegedly where the challenged resides yet she provides no proof that he resides there just her unsubstantiated “beliefs” that he does For her alleged proof she submitted documentation that the sheriff’s office served the challenged paperwork there at the apartments, apartment number 2 Even if the challenged had received paperwork from the sheriff’s office at that location (which never happened) it wouldn’t have proved residency only the location of the challenged at the time of service, nothing more The challenger states that the home in the images at 804 West Blackwell number 5 prove it is vacant yet once again provides no proof stating only that her not seeing a plowed driveway and animal tracks in the yard as her rationale for this unsubstantiated claim She then makes more unsubstantiated claims stating residents of the trailer park wherein this home is located told her that the challenged had not lived there in months yet once again provides no sworn witness affidavits to support these unfounded claims/accusations as such they are absolutely inadmissible at these Proceedings by law The fact that the minimum legal thresholds have not been met to bring this challenge or initiate these proceedings, that no factually or legally sufficient documentation to support the challengers false allegations have submitted as required by law, I hereby respectfully demand that the petitioners challenge to my voter

Registration be denied and that the petitioner having willfully brought forth false allegations knowing them to be false be charged with perjury as authorized under RCW 29A 08 810 and as defined under RCW 9A 72 020 (1) Now then as to my lawful usage of a non traditional address as allowed under RCW 29A 08 112 for voting purposes had anyone simply taken the time to be civil and ask me before making these wild accusations they would have discovered that no I do not "live" at the address listed on my voters registration in the traditional sense but rather that address is an identifiable location that was chosen by myself as is allotted under section (2) of RCW 29A 08 112 which states For the purposes of this section, a voter who resides in a shelter, park, motor home, marina, unmarked home, or other identifiable location that the voter deems to be his or her residence lacks a traditional address A voter who registers under this section must provide a valid mailing address, and must still meet the requirement in Article VI, section 1 of the state Constitution that he or she live in the area for at least thirty days before the election Section (1) of RCW 29A 08 112 states (1) No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because he or she lacks a traditional residential address A voter who lacks a traditional residential address will be registered and assigned to a precinct based on the location provided. In addition, I do have a valid mailing address in case this becomes a concern for anyone and yes it is in Metaline Falls Wa which is also very much within the confines of the law The next logical question to have asked me which no one took the to do would have been why or what

makes you a voter without a traditional residence The answer to this is that the place I was residing in and renting at 804 West Blackwell St #5 in Lone, the rent had been doubled and I was priced out and simply could no Longer afford to reside there any longer. It was through no fault of my own I was displaced nor do I fault the then owner who was just making the best financial decision for his family and business, it simply was what it was and I was forced to seek a home / residence Elsewhere I looked all around Lone but there was nothing in my price range within the limits I knew there was apartments available in Metaline Falls in my price range but didn't want to permanently leave my home town as I had established strong ties within my community there As I explored my options I discovered I could rent a RV space where I was living but didn't have an RV or enough down so, I got a temporary housing solution in Metaline Falls and am saving to get my RV so I can move back to Lone just as soon as possible so that's what I'm doing there, I haven't registered to vote anywhere else or claimed a permanent or traditional residency anywhere else because I have every intention of returning home just as soon as I can do so and by law can keep my voting registration the same until I do or until I establish residency Elsewhere While I know this administrative hearing is about my voter registration only not my elected position as a councilman in Lone nor can it make any determination on Eligibility to hold said office nor would it, as that is for the courts to determine Nevertheless the question arises and shall arise regardless whether we can legally address it here formally or not and as

such I would like to touch on that briefly by sharing with this legal opinion as drafted by the MRSC regarding such instances and or occurrences.

Can a Local Elected Official Temporarily Live Outside Their Jurisdiction and Remain in Office?

November 29, 2012

by

Jim Doherty

Category:

[Administrative and Elected Officials](#)

What happens if an elected official moves out of their jurisdiction at some point after being elected? MRSC periodically gets calls on this issue, such as when an elected official's house burns down or an elected official separates from their spouse and has to move out of the marital residence, and the official in each case cannot, temporarily, find another suitable residence within the jurisdiction. Can an elected official live outside of the jurisdiction in which they were elected for a period of time and still retain that elected position?

The answer depends upon how the relevant state law applies to the specific facts. [RCW 42.12.010](#), which deals with when an elective office becomes vacant, provides that one of the causes of a vacancy is the elected official

ceasing to be a legally registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed .

To continue to be a legally registered voter, a person must maintain residence in the precinct in which they are registered. See [RCW 29A.08.010\(2\)](#). "Residence" in this context means "a person's permanent address where they physically reside and maintain their abode." [RCW 29A.04.151](#).

However, MRSC legal staff have opined, based on case law, that residency not only requires actual presence but also the intent to make a particular place one's residence. Legally, an individual may only have one permanent residence at any one time; you can't legally be a registered voter in two places at the same time and vote in both places. In order to establish a new legal residence, the individual must not only move his/her physical residence, but the move

must be combined with an intention to abandon the old residence and establish a new permanent residence In our opinion, this means that an elected official may in certain factual scenarios temporarily reside outside the corporate limits of the jurisdiction without jeopardizing their ability to remain in office

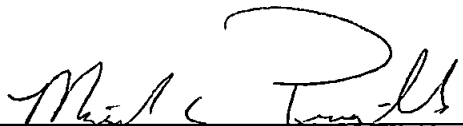
So, for example, if a town council member can't find a suitable place to rent after their house burned down and so rents outside of town, she should be able to retain her registered voting status in town and, consequently, also her town council position if she intends to move back into town as soon as possible But it's not really clear how long that moving back can be delayed That would be a decision for the court if the official's residency is challenged

So, yes, an elected official can move out of the city, county, or special purpose district that they serve if the move is temporary and the individual intends to move back into the jurisdiction and reestablish permanent residence there as soon as reasonably possible It's a fact specific issue While technology for "connecting" from remote places has certainly improved in recent years, our laws still require that an elected official reside in the jurisdiction so that the official presumably knows something about the community, its issues, and its people

A related issue is whether local governments in Washington can establish residency requirements for their employees But that's one that warrants a separate blog post!

That is all I have to say on this matter and look forward to hearing your decision as are the courts , thank you for your time,

Councilman Michael Piccirilli

Signed 

Printed Michael Piccirilli

Date 01-27-2024