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AUDITOR  
Greg Kimsey

October 10, 2024

### County Auditor Decision Re: John Ley voter registration challenge

On Thursday, October 3, 2024 a voter registration challenge hearing was held in Clark County, pursuant to RCW 29A.08.840.

This hearing was conducted in response to a challenge of Mr. John Ley's voter registration status filed by Mr. Geoffrey Munson pursuant to RCW 29A.08.810. This challenge is based on the question of whether or not as of September 16, 2024, the date the challenge was filed, was Mr. Ley properly registered to vote at 8500 NE Hazel Dell Ave. Apt H4, Vancouver, Washington. The burden of proof was on the challenger to demonstrate through clear and convincing evidence that Mr. Ley was not properly registered to vote at that address.

Present at the hearing was Mr. Angus Lee, representing Mr. John Ley and Mr. Munson. Mr. Ley was not present at the hearing. No witnesses were called by Mr. Lee or Mr. Munson.

On October 9, 2024 Mr. Lee provided me with "JOHN LEY'S RESPONSE TO THE CHALLENGE AND MOTION TO DISMISS", "DECLARATION OF JOHN LEY" and "DECLARATION OF D. ANGUS LEE". These documents were not received by Mr. Munson prior to the hearing. They were received by Mr. Munson during the hearing. Mr. Munson was given the opportunity to temporarily end the hearing and reschedule it for a later date to provide him the opportunity to review those documents, but he declined that opportunity and the hearing continued.

Following the hearing Mr. Lee provided me a RESPONSE TO THE CHALLENGE AND MOTION TO DISMISS (SECOND), the following day Mr. Munson provided me a response to that document. I considered both documents as I was making my decision.

This hearing was held in order to allow all parties, the challengers and the challenged voter, to present their facts and arguments. Each party was allowed to appear personally, or through counsel, to call and cross examine witnesses.

The rules of evidence did not apply to this hearing, and as a result, evidence and testimony was freely heard and accepted. My decision, however, is based on the kind and type of evidence which a reasonably prudent person would find is relevant to the question of domicile.

The challenge in this matter is based upon the allegation that the voter does not reside at the address shown on their voter registration record. "Residence" for the purpose of voter registration is defined by RCW 29A.04.151 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.

This challenge was filed by Mr. Munson more than 45 days prior to an election to be held in this jurisdiction. Therefore, the challenge is to be resolved by me, in my capacity as the Clark County Auditor.

After reviewing the facts and arguments, including any evidence submitted by either side, the statute requires me to rule as to whether the voter registration is valid

In arriving at my decision regarding this challenge, I have been guided by the principle that the registration of a person as a voter is presumptive evidence of their right to vote at any election, as provided in RCW 29A.08.810. The burden to prove otherwise is therefore upon the challenger. The challenger must do so by presenting clear and convincing evidence that the voter does not reside at the address on their registration record.

In support of his challenge Mr. Munson provided statements and documents purporting to show that Mr. Ley does not reside at 8500 NE Hazel Dell Ave, Apt. H4, Vancouver and that instead he resides at 444 NW Fremont Street, Camas (the location of real property owned by Mr. Ley). However, Mr. Munson's statements and evidence are lacking in specificity. For example, Mr. Munson did not provide a record of the dates and time of day that he visited the locations, and the photographs he provided were not clear and convincing evidence that Mr. Ley did not reside at the Hazel Dell Avenue location.

Mr. Ley's Response(s) to the challenge and the Declarations from Mr. Ley and Mr. Lee provided documentation showing that Mr. Ley had entered into a rental lease for apartment H4 at 8500 NE Hazel Dell Ave, that his vehicle, driver's license and credit cards were registered at that address, and that Mr. Ley has an account with Clark Public Utilities for the purchase of electricity at that location. In addition Mr. Ley's signed Declaration states, under penalty of perjury, that he resides at 8500 NE Hazel Dell Ave, Apt. H4 and that he regularly eats and sleeps at that location.

For the reasons stated above, I do not find that Mr. Munson has met the required burden of proof necessary to successfully challenge Mr. Ley's voter registration.

Mr. Munson may seek review of my decision in the superior court pursuant to RCW 34.05.



Greg Kimsey  
Clark County Auditor