

BEFORE THE CANVASSING BOARD  
THURSTON COUNTY, WASHINGTON

John Clabaugh Voter Registration Challenge of  
Breanna Boggs Voter Registration

**DECISION**

**I. Introduction**

A voter registration challenge was filed on September 4, 2023, under the provisions of RCW 29A.08.810. John Clabaugh (Challenger) filed the challenge alleging that Breanna Boggs (Challenged Voter) does not reside at 1608 Cyrene Dr NW, Olympia, WA 98502, the address listed on her voter registration record. The Challenger provided notification of this challenge to the Challenged Voter via certified mail on July 7, 2023.

The hearing on the challenge was convened on October 16, 2023 at 3:30 p.m.. The required Notice of hearing was provided to the Challenged Voter and to the Challenger. The purpose of the hearing was to allow all parties the opportunity to present their facts and arguments.

Present at the hearing was Mary Hall, Thurston County Auditor, Elizabeth Petrich, Chief Civil Deputy Prosecuting Attorney, Lynnette Milton, Elections Supervisor, Tillie Naputi-Pullar, Elections Manager, the Challenger, and members of the public. The Challenged Voter did not appear at the hearing, nor did she submit any documentation disputing the Challenger's evidence.

**II. Evidence and Argument**

The Challenger alleges that the Challenged Voter does not reside at the address listed on her voter registration, 1608 Cyrene Dr NW, Olympia, WA 98502. The Challenger submitted the documents, listed in the Evidence Log attached and incorporated in this Order, into the record to support his challenge. In addition, the Challenger testified under oath at the hearing.

The Elections Staff submitted into the record the current voter registration records on file in the Auditor's Office of the Challenged Voter. In addition, Elections Staff submitted additional evidence of their continued attempts of their efforts to reach the Challenged Voter. The Elections Staff's documents are listed in the Evidence Log attached to this Order.

### **III. Legal Principles, Findings and Conclusions**

The issue before the Thurston County Auditor is whether the Challenged Voter has a right to vote in the precinct associated with the address 1608 Cyrene Dr NW, Olympia, WA 98502. A voter may lose her right to vote if they do not live at the residential address provided on their voter registration. RCW 29A.08.810(1) (a-c) and RCW 29A.08.840 (5).

Before the Challenged Voter can lose their right to vote in the assigned precinct, the Challenger has the burden to prove by clear and convincing evidence that the Challenged Voter does not reside at the address on their voter registration. RCW 29A.08.840. "Residence" for purposes of registering and voting means "a person's permanent address where he or she physically resides and maintains his or her abode." RCW 29A.04.151. Residency is a fact specific inquiry and requires physical presence and an intention to make a place one's home. *Freund v. Hastie*, 13 Wn. App. 731, 734-35 (1975). If either physical residence or the intent to presently make that place a permanent home is lacking, residence will not be established. *Id.*

"If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed and the pending challenged ballot must be accepted as valid." RCW 29A.08.840(6). The courts of this state have described clear and convincing evidence as sufficient to convince the trier of fact that the "fact in issue is 'highly probable.'" *Colonial Imports v. Carlton N.W.*, 121 Wn.2d 726, 735 (1993). Therefore, the ultimate question to be answered in this matter is whether the Challenger has proven, based on the evidence, that it is highly probable that the Challenged Voter does not live at 1608 Cyrene Dr NW, Olympia, WA 98502 and does *not* reside at the 1608 Cyrene Dr NW address for voter registration purposes.

Having reviewed the undisputed documents and testimony submitted by the Challenger, we find that the Challenger met the high burden of proof set forth in RCW 29A.08.810(1)(c)(ii) (A-E), that the Challenged Voter does not live or reside at the residence listed in her voter registration records.

### **IV. Decision**

For the reasons stated above, the challenge to the Challenged Voter's voter registration is sustained and she loses her right to vote in the precinct associated with her address at 1608 Cyrene Dr NW, Olympia, WA 98502. The Challenged Voter may, however, correct the residence address on the voter registration and any races and ballot measures on any challenged ballot the voter would have been qualified to vote for had the registration been correct shall be counted pursuant to RCW 29A.08.840(5).


Pursuant to RCW 29A.08.840(6), the Challenged Voter may seek review of this decision by the superior court pursuant to chapter 34.05 RCW.

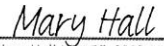
DATE:

Oct 27, 2023

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ATTEST:

  
Lynnette Milton (Oct 27, 2023 14:54 PDT)  
Clerk of the Board

  
Mary Hall (Oct 27, 2023 15:05 PDT)  
Mary Hall, Auditor

Voter Registration Challenge - John Clabaugh and Breanna Boggs

Exhibit Log

| Date       | Presented by       | Description                                 | Exhibit # | Page # |
|------------|--------------------|---|-----------|--------|
| 10/16/2023 | John Clabaugh      | Voter registration challenge form           | 1         | 2      |
| 10/16/2023 | John Clabaugh      | Voter challenge summary                     | 2         | 3-4    |
| 10/16/2023 | John Clabaugh      | Affidavit of Lawrence Boggs                 | 3         | 5      |
| 10/16/2023 | John Clabaugh      | WVRP Citizen Incident Statement Lynn Duncan | 4         | 6-7    |
| 10/16/2023 | John Clabaugh      | WVRP Letter to Breanna Boggs                | 5         | 8-9    |
| 10/16/2023 | John Clabaugh      | Return Service from USPS                    | 6         | 10-11  |
| 10/16/2023 | John Clabaugh      | Search People FREE                          | 7         | 12-19  |
| 10/16/2023 | John Clabaugh      | Cyber Background Checks                     | 8         | 20     |
| 10/16/2023 | John Clabaugh      | Assessor Records Search                     | 9         | 21     |
| 10/16/2023 | John Clabaugh      | SOS Voter Registration Database             | 10        | 22     |
| 10/16/2023 | John Clabaugh      | VoteRef.com Search                          | 11        | 23-26  |
| 10/16/2023 | John Clabaugh      | Thurston County Corrections Search          | 12        | 27     |
| 10/16/2023 | John Clabaugh      | WA DOC Inmate Search                        | 13        | 28     |
| 10/16/2023 | John Clabaugh      | Federal Prison Search                       | 14        | 29     |
| 10/16/2023 | TC Elections Staff | Email to Elections                          | 15        | 30     |
| 10/16/2023 | TC Elections Staff | Confirmation email to John Clabaugh         | 16        | 31     |
| 10/16/2023 | TC Elections Staff | Web Post re: VR Challenged                  | 17        | 32-37  |
| 10/16/2023 | TC Elections Staff | News Release                                | 18        | 38     |
| 10/16/2023 | TC Elections Staff | Notice of Hearing letter to challengee      | 19        | 39-40  |
| 10/16/2023 | TC Elections Staff | Receipt for certified mail to challengee    | 20        | 41     |
| 10/16/2023 | TC Elections Staff | Voter registration log for Breanna Boggs    | 21        | 42-46  |
| 10/16/2023 | TC Elections Staff | Voter registration log for John Clabaugh    | 22        | 47-51  |