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SENATE BILL 5682

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Kohl-Welles, Swecker, Fairley, Oemig and Jacobsen

Read first time 01/29/2007.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to challenges to a voter's registration; and  
2 amending RCW 29A.08.810.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 29A.08.810 and 2006 c 320 s 4 are each amended to read  
5 as follows:

6            (1) Registration of a person as a voter is presumptive evidence of  
7 his or her right to vote. A challenge to the person's right to vote  
8 must be based on personal knowledge of one of the following:

9            (a) The challenged voter has been convicted of a felony and the  
10 voter's civil rights have not been restored;

11            (b) The challenged voter has been judicially declared ineligible to  
12 vote due to mental incompetency;

13            (c) The challenged voter does not live at the residential address  
14 provided, in which case the challenger must either:

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

17            (ii) Submit evidence that he or she exercised due diligence to  
18 verify that the challenged voter does not reside at the address

1 provided and to attempt to contact the challenged voter to learn the  
2 challenged voter's actual residence, including that the challenger  
3 personally:

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

7 (B) Visited the residential address provided and contacted persons  
8 at the address to determine whether the voter resides at the address  
9 and, if not, obtained and submitted with the challenge form a signed  
10 affidavit subject to the penalties of perjury from a person who owns or  
11 manages property, resides, or is employed at the address provided, that  
12 to his or her personal knowledge the challenged voter does not reside  
13 at the address as provided on the voter registration;

14 (C) Searched local telephone directories, including online  
15 directories, to determine whether the voter maintains a telephone  
16 listing at any address in the county;

17 (D) Searched county auditor property records to determine whether  
18 the challenged voter owns any property in the county; and

19 (E) Searched the statewide voter registration data base to  
20 determine if the voter is registered at any other address in the state;

21 (d) The challenged voter will not be eighteen years of age by the  
22 next election; or

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

24 (2) A person's right to vote may be challenged:

25 (a) By another registered voter or the county prosecuting attorney  
26 at any time, provided that any such challenge that does not meet the  
27 deadlines set forth in RCW 29A.08.820 shall not be considered until  
28 after certification of the pending election; or

29 (b) By the poll site judge or inspector if the challenge is filed  
30 on election day regarding a voter who presents himself or herself to  
31 vote at the poll site.

32 (3) The challenger must file a signed affidavit subject to the  
33 penalties of perjury swearing that, to his or her personal knowledge  
34 and belief, having exercised due diligence to personally verify the  
35 evidence presented, the challenged voter either is not qualified to  
36 vote or does not reside at the address given on his or her voter  
37 registration record based on one of the reasons allowed in subsection  
38 (1) of this section. The challenger must provide the factual basis for

1 the challenge, including any information required by subsection (1)(c)  
2 of this section, in the signed affidavit. The challenge may not be  
3 based on unsupported allegations or allegations by anonymous third  
4 parties. All documents pertaining to the challenge are public records.

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

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