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SENATE BILL 5561

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Oemig, Fairley, Hobbs, Brown, Spanel, Franklin, Kline, Jacobsen and McAuliffe

Read first time 01/24/2007.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to allowing voter registration up to and on  
2 election day; amending RCW 29A.08.145 and 29A.08.820; reenacting and  
3 amending RCW 29A.04.611; and adding a new section to chapter 29A.08  
4 RCW.

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

6            **Sec. 1.** RCW 29A.08.145 and 2006 c 97 s 2 are each amended to read  
7 as follows:

8            This section establishes a special procedure which an elector not  
9 registered in the state may use to register to vote during the period  
10 beginning after the closing of registration for voting at the polls  
11 under RCW 29A.08.140 and ending on the ((fifteenth)) day ((before)) of  
12 a primary, special election, or general election. A qualified elector  
13 in the state may register to vote in person in the office of the county  
14 auditor of the county in which the applicant resides, or at a voter  
15 registration location specifically designated for this purpose by the  
16 county auditor or secretary of state, and apply for an absentee ballot  
17 for that primary or election. The auditor or registration assistant  
18 shall register that individual in the manner provided in this chapter.  
19 The application for an absentee ballot executed by the newly registered

1 voter for the primary or election that follows the execution of the  
2 registration shall be promptly transmitted to the auditor with the  
3 completed voter registration form.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW  
5 to read as follows:

6 If a voter registration application submitted pursuant to RCW  
7 29A.08.145 is not complete under RCW 29A.08.110, or if the information  
8 on the voter registration application cannot be matched by the  
9 secretary of state pursuant to RCW 29A.08.107, and the deficiency or  
10 discrepancy has not been resolved prior to certification of the  
11 election, the ballot submitted by the applicant shall not be counted.

12 **Sec. 3.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to read  
13 as follows:

14 (1) Except for subsection (4) of this section, challenges initiated  
15 by a registered voter against a voter who registered to vote less than  
16 sixty days before the election, or who changed residence less than  
17 sixty days before the election without transferring his or her  
18 registration, must be filed not later than ten days before any primary  
19 or election, general or special, or within ten days of the voter being  
20 added to the voter registration data base, whichever is later, at the  
21 office of the appropriate county auditor. Challenges initiated by a  
22 registered voter against any other voter must be filed not later than  
23 forty-five days before the election. Challenges initiated by the  
24 office of the county prosecuting attorney must be filed in the same  
25 manner as challenges initiated by a registered voter.

26 (2)(a) If the challenge is filed within forty-five days before an  
27 election at which the challenged voter is eligible to vote, a notation  
28 of the challenge must be made immediately in the poll book or voter  
29 registration system, and the county canvassing board presides over the  
30 hearing.

31 (b) If the challenge is filed before the challenged voter's ballot  
32 is received, the ballot must be treated as a challenged ballot. A  
33 challenged ballot received at a polling place must be placed in a  
34 sealed envelope separate from other voted ballots.

35 (c) If the challenge is filed after the challenged voter's ballot  
36 is received, the challenge cannot affect the current election.

1 (3) If the challenge is filed at least forty-five days before an  
2 election at which the challenged voter is eligible to vote, the county  
3 auditor presides over the hearing.

4 (4) Challenges initiated by a registered voter against a voter who  
5 registered to vote on or less than fourteen days before the day of the  
6 election must be filed at a time as prescribed in rules adopted by the  
7 secretary of state pursuant to RCW 29A.04.611.

8 **Sec. 4.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are  
9 each reenacted and amended to read as follows:

10 The secretary of state as chief election officer shall make  
11 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
12 with the federal and state election laws to effectuate any provision of  
13 this title and to facilitate the execution of its provisions in an  
14 orderly, timely, and uniform manner relating to any federal, state,  
15 county, city, town, and district elections. To that end the secretary  
16 shall assist local election officers by devising uniform forms and  
17 procedures.

18 In addition to the rule-making authority granted otherwise by this  
19 section, the secretary of state shall make rules governing the  
20 following provisions:

21 (1) The maintenance of voter registration records;

22 (2) The preparation, maintenance, distribution, review, and filing  
23 of precinct maps;

24 (3) Standards for the design, layout, and production of ballots;

25 (4) The examination and testing of voting systems for  
26 certification;

27 (5) The source and scope of independent evaluations of voting  
28 systems that may be relied upon in certifying voting systems for use in  
29 this state;

30 (6) Standards and procedures for the acceptance testing of voting  
31 systems by counties;

32 (7) Standards and procedures for testing the programming of vote  
33 tallying software for specific primaries and elections;

34 (8) Standards and procedures for the preparation and use of each  
35 type of certified voting system including procedures for the operation  
36 of counting centers where vote tallying systems are used;

1           (9) Standards and procedures to ensure the accurate tabulation and  
2 canvassing of ballots;

3           (10) Consistency among the counties of the state in the preparation  
4 of ballots, the operation of vote tallying systems, and the canvassing  
5 of primaries and elections;

6           (11) Procedures to ensure the secrecy of a voter's ballot when a  
7 small number of ballots are counted at the polls or at a counting  
8 center;

9           (12) The use of substitute devices or means of voting when a voting  
10 device at the polling place is found to be defective, the counting of  
11 votes cast on the defective device, the counting of votes cast on the  
12 substitute device, and the documentation that must be submitted to the  
13 county auditor regarding such circumstances;

14           (13) Procedures for the transportation of sealed containers of  
15 voted ballots or sealed voting devices;

16           (14) The acceptance and filing of documents via electronic  
17 facsimile;

18           (15) Voter registration applications and records;

19           (16) The use of voter registration information in the conduct of  
20 elections;

21           (17) The coordination, delivery, and processing of voter  
22 registration records accepted by driver licensing agents or the  
23 department of licensing;

24           (18) The coordination, delivery, and processing of voter  
25 registration records accepted by agencies designated by the governor to  
26 provide voter registration services;

27           (19) Procedures to receive and distribute voter registration  
28 applications by mail;

29           (20) Procedures for a voter to change his or her voter registration  
30 address within a county by telephone;

31           (21) Procedures for a voter to change the name under which he or  
32 she is registered to vote;

33           (22) Procedures for canceling dual voter registration records and  
34 for maintaining records of persons whose voter registrations have been  
35 canceled;

36           (23) Procedures for the electronic transfer of voter registration  
37 records between county auditors and the office of the secretary of  
38 state;

- 1 (24) Procedures and forms for declarations of candidacy;
- 2 (25) Procedures and requirements for the acceptance and filing of
- 3 declarations of candidacy by electronic means;
- 4 (26) Procedures for the circumstance in which two or more
- 5 candidates have a name similar in sound or spelling so as to cause
- 6 confusion for the voter;
- 7 (27) Filing for office;
- 8 (28) The order of positions and offices on a ballot;
- 9 (29) Sample ballots;
- 10 (30) Independent evaluations of voting systems;
- 11 (31) The testing, approval, and certification of voting systems;
- 12 (32) The testing of vote tallying software programming;
- 13 (33) Standards and procedures to prevent fraud and to facilitate
- 14 the accurate processing and canvassing of absentee ballots and mail
- 15 ballots, including standards for the approval and implementation of
- 16 hardware and software for automated signature verification systems;
- 17 (34) Standards and procedures to guarantee the secrecy of absentee
- 18 ballots and mail ballots;
- 19 (35) Uniformity among the counties of the state in the conduct of
- 20 absentee voting and mail ballot elections;
- 21 (36) Standards and procedures to accommodate out-of-state voters,
- 22 overseas voters, and service voters;
- 23 (37) The tabulation of paper ballots before the close of the polls;
- 24 (38) The accessibility of polling places and registration
- 25 facilities that are accessible to elderly and (~~disabled persons~~)
- 26 individuals with disabilities;
- 27 (39) The aggregation of precinct results if reporting the results
- 28 of a single precinct could jeopardize the secrecy of a person's ballot;
- 29 (40) Procedures for conducting a statutory recount;
- 30 (41) Procedures for filling vacancies in congressional offices if
- 31 the general statutory time requirements for availability of absentee
- 32 ballots, certification, canvassing, and related procedures cannot be
- 33 met;
- 34 (42) Procedures for the statistical sampling of signatures for
- 35 purposes of verifying and canvassing signatures on initiative,
- 36 referendum, and recall election petitions;
- 37 (43) Standards and deadlines for submitting material to the office
- 38 of the secretary of state for the voters' pamphlet;

- 1 (44) Deadlines for the filing of ballot titles for referendum bills  
2 and constitutional amendments if none have been provided by the  
3 legislature;
- 4 (45) Procedures for the publication of a state voters' pamphlet;
- 5 (46) Procedures for conducting special elections regarding nuclear  
6 waste sites if the general statutory time requirements for availability  
7 of absentee ballots, certification, canvassing, and related procedures  
8 cannot be met;
- 9 (47) Procedures for conducting partisan primary elections;
- 10 (48) Standards and procedures for the proper conduct of voting  
11 during the early voting period to provide accessibility for the blind  
12 or visually impaired;
- 13 (49) Standards for voting technology and systems used by the state  
14 or any political subdivision to be accessible for individuals with  
15 disabilities, including nonvisual accessibility for the blind and  
16 visually impaired, in a manner that provides the same opportunity for  
17 access and participation, including privacy and independence, as other  
18 voters;
- 19 (50) All data formats for transferring voter registration data on  
20 electronic or machine-readable media for the purpose of administering  
21 the statewide voter registration list required by the Help America Vote  
22 Act (P.L. 107-252);
- 23 (51) Defining the interaction of electronic voter registration  
24 election management systems employed by each county auditor to maintain  
25 a local copy of each county's portion of the official state list of  
26 registered voters;
- 27 (52) Provisions and procedures to implement the state-based  
28 administrative complaint procedure as required by the Help America Vote  
29 Act (P.L. 107-252);
- 30 (53) Facilitating the payment of local government grants to local  
31 government election officers or vendors; (~~and~~)
- 32 (54) Standards for the verification of signatures on absentee,  
33 mail, and provisional ballot envelopes; and
- 34 (55) Provisions and procedures for voter registration challenges,  
35 consistent with the requirements of RCW 29A.08.810, of voters who  
36 register on or within fourteen days before a primary, special, or

1 general election under RCW 29A.08.145.

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