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SENATE BILL 6778

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State of Washington

60th Legislature

2008 Regular Session

By Senators McDermott, Fairley, Brown, Oemig, Kline, Shin, and Kohl-Welles

Read first time 01/23/08. 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 (1) This section establishes a special procedure which an elector  
9 not registered in the state may use to register to vote during the  
10 period beginning after the closing of registration for voting at the  
11 polls under RCW 29A.08.140 and ending on the ((fifteenth day before a  
12 primary, special election, or general election)) following days:

13 (a) Before October 1, 2008, the fifteenth day before a primary,  
14 special election, or general election;

15 (b) Between October 1, 2008, and September 30, 2009, the tenth day  
16 before a primary, special election, or general election;

17 (c) Between October 1, 2009, and September 30, 2010, the fourth day  
18 before a primary, special election, or general election; and

1        (d) Beginning October 1, 2010, the day of a primary, special  
2 election, or general election.

3        (2) A qualified elector in the state may register to vote in person  
4 in the office of the county auditor of the county in which the  
5 applicant resides, or at a voter registration location specifically  
6 designated for this purpose by the county auditor or secretary of  
7 state, and apply for an absentee ballot for that primary or election.  
8 The auditor or registration assistant shall register that individual in  
9 the manner provided in this chapter. The application for an absentee  
10 ballot executed by the newly registered voter for the primary or  
11 election that follows the execution of the registration shall be  
12 promptly transmitted to the auditor with the completed voter  
13 registration form.

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

16        If a voter registration application submitted pursuant to RCW  
17 29A.08.145 is not complete under RCW 29A.08.110, or if the information  
18 on the voter registration application cannot be matched by the  
19 secretary of state pursuant to RCW 29A.08.107, and the deficiency or  
20 discrepancy has not been resolved prior to certification of the  
21 election, the ballot submitted by the applicant shall not be counted.

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

24        (1) Except for subsection (4) of this section, challenges initiated  
25 by a registered voter against a voter who registered to vote less than  
26 sixty days before the election, or who changed residence less than  
27 sixty days before the election without transferring his or her  
28 registration, must be filed not later than ten days before any primary  
29 or election, general or special, or within ten days of the voter being  
30 added to the voter registration data base, whichever is later, at the  
31 office of the appropriate county auditor. Challenges initiated by a  
32 registered voter against any other voter must be filed not later than  
33 forty-five days before the election. Challenges initiated by the  
34 office of the county prosecuting attorney must be filed in the same  
35 manner as challenges initiated by a registered voter.

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

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

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

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

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

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

21 The secretary of state as chief election officer shall make  
22 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
23 with the federal and state election laws to effectuate any provision of  
24 this title and to facilitate the execution of its provisions in an  
25 orderly, timely, and uniform manner relating to any federal, state,  
26 county, city, town, and district elections. To that end the secretary  
27 shall assist local election officers by devising uniform forms and  
28 procedures.

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

- 32 (1) The maintenance of voter registration records;  
33 (2) The preparation, maintenance, distribution, review, and filing  
34 of precinct maps;  
35 (3) Standards for the design, layout, and production of ballots;  
36 (4) The examination and testing of voting systems for  
37 certification;

- 1 (5) The source and scope of independent evaluations of voting  
2 systems that may be relied upon in certifying voting systems for use in  
3 this state;
- 4 (6) Standards and procedures for the acceptance testing of voting  
5 systems by counties;
- 6 (7) Standards and procedures for testing the programming of vote  
7 tallying software for specific primaries and elections;
- 8 (8) Standards and procedures for the preparation and use of each  
9 type of certified voting system including procedures for the operation  
10 of counting centers where vote tallying systems are used;
- 11 (9) Standards and procedures to ensure the accurate tabulation and  
12 canvassing of ballots;
- 13 (10) Consistency among the counties of the state in the preparation  
14 of ballots, the operation of vote tallying systems, and the canvassing  
15 of primaries and elections;
- 16 (11) Procedures to ensure the secrecy of a voter's ballot when a  
17 small number of ballots are counted at the polls or at a counting  
18 center;
- 19 (12) The use of substitute devices or means of voting when a voting  
20 device at the polling place is found to be defective, the counting of  
21 votes cast on the defective device, the counting of votes cast on the  
22 substitute device, and the documentation that must be submitted to the  
23 county auditor regarding such circumstances;
- 24 (13) Procedures for the transportation of sealed containers of  
25 voted ballots or sealed voting devices;
- 26 (14) The acceptance and filing of documents via electronic  
27 facsimile;
- 28 (15) Voter registration applications and records;
- 29 (16) The use of voter registration information in the conduct of  
30 elections;
- 31 (17) The coordination, delivery, and processing of voter  
32 registration records accepted by driver licensing agents or the  
33 department of licensing;
- 34 (18) The coordination, delivery, and processing of voter  
35 registration records accepted by agencies designated by the governor to  
36 provide voter registration services;
- 37 (19) Procedures to receive and distribute voter registration  
38 applications by mail;

- 1 (20) Procedures for a voter to change his or her voter registration  
2 address within a county by telephone;
- 3 (21) Procedures for a voter to change the name under which he or  
4 she is registered to vote;
- 5 (22) Procedures for canceling dual voter registration records and  
6 for maintaining records of persons whose voter registrations have been  
7 canceled;
- 8 (23) Procedures for the electronic transfer of voter registration  
9 records between county auditors and the office of the secretary of  
10 state;
- 11 (24) Procedures and forms for declarations of candidacy;
- 12 (25) Procedures and requirements for the acceptance and filing of  
13 declarations of candidacy by electronic means;
- 14 (26) Procedures for the circumstance in which two or more  
15 candidates have a name similar in sound or spelling so as to cause  
16 confusion for the voter;
- 17 (27) Filing for office;
- 18 (28) The order of positions and offices on a ballot;
- 19 (29) Sample ballots;
- 20 (30) Independent evaluations of voting systems;
- 21 (31) The testing, approval, and certification of voting systems;
- 22 (32) The testing of vote tallying software programming;
- 23 (33) Standards and procedures to prevent fraud and to facilitate  
24 the accurate processing and canvassing of absentee ballots and mail  
25 ballots, including standards for the approval and implementation of  
26 hardware and software for automated signature verification systems;
- 27 (34) Standards and procedures to guarantee the secrecy of absentee  
28 ballots and mail ballots;
- 29 (35) Uniformity among the counties of the state in the conduct of  
30 absentee voting and mail ballot elections;
- 31 (36) Standards and procedures to accommodate out-of-state voters,  
32 overseas voters, and service voters;
- 33 (37) The tabulation of paper ballots before the close of the polls;
- 34 (38) The accessibility of polling places and registration  
35 facilities that are accessible to elderly and (~~disabled persons~~)  
36 individuals with disabilities;
- 37 (39) The aggregation of precinct results if reporting the results  
38 of a single precinct could jeopardize the secrecy of a person's ballot;

- 1 (40) Procedures for conducting a statutory recount;
- 2 (41) Procedures for filling vacancies in congressional offices if  
3 the general statutory time requirements for availability of absentee  
4 ballots, certification, canvassing, and related procedures cannot be  
5 met;
- 6 (42) Procedures for the statistical sampling of signatures for  
7 purposes of verifying and canvassing signatures on initiative,  
8 referendum, and recall election petitions;
- 9 (43) Standards and deadlines for submitting material to the office  
10 of the secretary of state for the voters' pamphlet;
- 11 (44) Deadlines for the filing of ballot titles for referendum bills  
12 and constitutional amendments if none have been provided by the  
13 legislature;
- 14 (45) Procedures for the publication of a state voters' pamphlet;
- 15 (46) Procedures for conducting special elections regarding nuclear  
16 waste sites if the general statutory time requirements for availability  
17 of absentee ballots, certification, canvassing, and related procedures  
18 cannot be met;
- 19 (47) Procedures for conducting partisan primary elections;
- 20 (48) Standards and procedures for the proper conduct of voting  
21 during the early voting period to provide accessibility for the blind  
22 or visually impaired;
- 23 (49) Standards for voting technology and systems used by the state  
24 or any political subdivision to be accessible for individuals with  
25 disabilities, including nonvisual accessibility for the blind and  
26 visually impaired, in a manner that provides the same opportunity for  
27 access and participation, including privacy and independence, as other  
28 voters;
- 29 (50) All data formats for transferring voter registration data on  
30 electronic or machine-readable media for the purpose of administering  
31 the statewide voter registration list required by the Help America Vote  
32 Act (P.L. 107-252);
- 33 (51) Defining the interaction of electronic voter registration  
34 election management systems employed by each county auditor to maintain  
35 a local copy of each county's portion of the official state list of  
36 registered voters;
- 37 (52) Provisions and procedures to implement the state-based

1 administrative complaint procedure as required by the Help America Vote  
2 Act (P.L. 107-252);

3 (53) Facilitating the payment of local government grants to local  
4 government election officers or vendors; (~~and~~)

5 (54) Standards for the verification of signatures on absentee,  
6 mail, and provisional ballot envelopes; and

7 (55) Provisions and procedures for voter registration challenges,  
8 consistent with the requirements of RCW 29A.08.810, of voters who  
9 register on the day of or within fourteen days before a primary,  
10 special election, or general election under RCW 29A.08.145.

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