RCW 29A.08.810 Basis for challenging a voter's registration—Who may bring a challenge—Challenger duties. (1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the voter is serving that sentence of total confinement and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must:

(i) Provide the challenged voter's actual residence on the challenge form; and

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided. The challenger must, at minimum, provide evidence that the challenger personally sent a certified letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided, using a form provided by the office of the secretary of state outlining the reason for the challenge;

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

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

(2) A person's right to vote may be challenged by another registered voter from the same county, or the county prosecuting attorney.

(3)(a)(i) The challenger must file a separate voter registration challenge form or official electronic voter challenge form, as provided under RCW 29A.08.850, for each voter whose registration is challenged.

(ii) Each form must include:

(A) The challenger's name, address, and contact information;

(B) The challenged voter's name and address;

(C) A statement of the factual basis for the challenge, including any information required by subsection (1)(c) of this section. Challenges must be based on personal knowledge, which for these purposes is defined as firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based, and contain any documentation or evidence supporting the facts upon which each ground for the challenge is based;

(D) The challenger's signature certifying that all information provided in the form is true and correct; and

(E) A clear statement providing that such certification is subject to penalty of perjury under chapter 9A.72 RCW;

(b) The challenger must file a separate signed affidavit for each voter whose registration is challenged, subject to the penalties of perjury under chapter 9A.72 RCW swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or

her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by third parties. The challenger shall sign each affidavit by hand, with ink. An affidavit signed electronically shall be rejected. All documents pertaining to the challenge are public records.

(4) Voters who do not receive ballots because their registration has been made inactive pursuant to this chapter are not subject to voter registration challenges. [2026 c 212 s 3; 2023 c 466 s 28; 2020 c 208 s 6; 2011 c 10 s 20; 2006 c 320 s 4; 2003 c 111 s 253. Prior: 2001 c 41 s 9; 1987 c 288 s 1; 1983 1st ex.s. c 30 s 2. Formerly RCW 29.10.125.]

Effective date—2020 c 208 ss 3, 5, 6, and 13-17: See note following RCW 29A.08.210.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Right to vote, loss and restoration of: State Constitution Art. 6 s 3, RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.