RCW 29A.08.840 County auditor duties—Dismissal of challenges—Notification—Hearings—Counting or cancellation of ballots. (1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor must dismiss the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not comply with the form issued by the secretary of state.

(2) Prior to notifying the voter of any challenge, the county auditor may conduct an initial review of the merits of the challenge. In that initial review of the merits, if the county auditor determines that it is more likely than not that the challenge lacks merit, then the county auditor may dismiss the challenge. The challenger may refile the challenge with additional evidence pursuant to the requirements of RCW 29A.08.810.

(3) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter.

(a) The notice must be in a form provided by the secretary of state, sent by forwardable certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice, and by email and phone, if the county auditor has such information in its records, and include:

(i) A copy of the challenge form and affidavit;

(ii) Methods by which the voter can confirm eligibility, including by mail, online, phone, in person, or at a scheduled hearing;

(iii) Notice of any consequences for failing to respond to the challenge; and

(iv) For challenges based on a change of address, a clear statement that the voter remains registered and eligible to vote in that election.

(b) If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution, and may update the residence address on the voter's voter registration, or reregister until 8:00 p.m. the day of the election.

(c) Subject to (d) of this subsection, and only if after providing notice, eligibility cannot be confirmed and the challenge remains, the county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.

(d) A hearing shall only be scheduled if the county auditor is unable to confirm the voter's eligibility and, based on the evidence submitted by the challenger, there is probable cause that the challenged voter is not qualified to vote. Challenges that do not meet the probable cause standard shall be dismissed without a hearing.

(e) If, at any point, the county auditor is able to independently verify the eligibility of the challenged voter, the auditor shall dismiss the challenge without a hearing.

(4)(a) The hearing notification must be by certified forwardable mail to the address provided in the voter registration record, and any

other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The county auditor shall also notify the challenged voter by phone, including leaving a voicemail if possible, or email if the county auditor has such information in its records. If the county auditor receives no response from the challenged voter within 10 calendar days, the county auditor must provide the same such notice a second time. The secretary of state shall create a standard form for notification by mail and email. The challenger must appear in person at the hearing. The challenged voter may either appear in person or submit testimony by affidavit. Personal appearance may be accomplished using video telecommunications technology if the auditor or canvassing board chooses.

(b) The hearing notice must include:

(i) A copy of the challenge form and affidavit;

(ii) Methods by which the voter can confirm eligibility, including by mail, online, phone, or in person;

(iii) Notice of any consequences for failing to respond to the challenge; and

(iv) How responding to the challenge may help the voter remain registered to vote.

(5) The challenger has the burden to prove beyond a reasonable doubt that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If the challenger fails to appear at the hearing, the challenge must be dismissed. If the challenged voter fails to appear at the hearing or submit an affidavit in lieu of appearing at the hearing, the challenge must be resolved based on the available facts and the challenger still has the burden to prove beyond a reasonable doubt that the challenged voter's registration is improper.

(6)(a) If the challenge is based on an allegation under RCW 29A.08.810(1) (a), (b), (d), or (e) and the auditor, auditor's designee, or canvassing board sustains the challenge, the voter registration shall be canceled and any challenged ballot shall not be counted.

(b)(i) If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the auditor, auditor's designee, or canvassing board sustains the challenge, the voter shall be permitted to correct the residence address on the voter registration and any races and ballot measures on any challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted if the challenge is sustained prior to certification of the election.

(ii) If the voter does not provide their correct residence address, the voter shall be placed on inactive status. Any challenged ballot shall not be counted unless the voter provides their corrected residence address by the day before the certification of the election, in which case any races and ballot measures that the voter would have been qualified to vote for had the registration been correct shall be counted.

(c) If the challenge is based on an allegation under RCW 29A.08.810(1)(c), the auditor, auditor's designee, or canvassing board

sustains the challenge, and the voter provides a corrected residence address that is outside of the state, the voter registration shall be canceled, and any challenged ballot shall not be counted.

(7) If the challenger fails to prove beyond a reasonable doubt that the registration is improper, the challenge must be dismissed and any pending challenged ballot must be accepted as valid. All challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.

(8) Any challenger that knowingly provides false information as part of a voter registration challenge under this chapter, either before or during an election, is guilty of false swearing under RCW 9A.72.040, with a fine in an amount fixed by the court of not more than $10,000.

(9) Any challenger that knowingly challenges a person's voter registration without reasonable cause under this chapter, either before or during an election, is guilty of a misdemeanor. Each instance where a challenger knowingly makes a challenge without reasonable cause constitutes a separate offense. [2026 c 212 s 6; 2023 c 466 s 31; 2006 c 320 s 6; 2003 c 111 s 256. Prior: 1987 c 288 s 4; 1983 1st ex.s. c 30 s 5; 1971 ex.s. c 202 s 34; 1967 c 225 s 3; 1965 ex.s. c 156 s 3. Formerly RCW 29.10.140.]