
HOUSE BILL 1798

State of Washington

61st Legislature

2009 Regular Session

By Representatives Miloscia, Hunt, Seaquist, Green, Darneille, Lias, Pettigrew, Conway, Kenney, and Hudgins

Read first time 01/29/09. Referred to Committee on State Government & Tribal Affairs.

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; adding a new section to chapter 29A.08 RCW;
4 and providing an effective date.

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 on election day under RCW 29A.08.140 and ending on the (~~((fifteenth))~~)
12 day (~~((before))~~) of a primary, special election, or general election. A
13 qualified elector in the state may register to vote in person in the
14 office of the county auditor of the county in which the applicant
15 resides, or at a voter registration location specifically designated
16 for this purpose by the county auditor or secretary of state, and apply
17 for (~~((an absentee))~~) a ballot for that primary or election. The auditor
18 or registration assistant shall register that individual in the manner
19 provided in this chapter. The application for (~~((an absentee))~~) a ballot

1 executed by the newly registered voter for the primary or election that
2 follows the execution of the registration shall be promptly transmitted
3 to the auditor with the 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 (1) The county auditors and the secretary of state shall devise and
7 implement a uniform statewide system that will allow for voter
8 registration under RCW 29A.08.145 and protect ballot integrity
9 beginning May 1, 2011. The system must provide for the sequestering of
10 a ballot issued pursuant to RCW 29A.08.145 until the county auditor has
11 verified the new voter registration by the secretary of state pursuant
12 to RCW 29A.08.107. Only after the verification of the new registration
13 has been completed shall the ballot be tabulated.

14 (2) If a voter registration application submitted pursuant to RCW
15 29A.08.145 is not complete under RCW 29A.08.110, or if the information
16 on the voter registration application cannot be matched by the
17 secretary of state pursuant to RCW 29A.08.107, and the deficiency or
18 discrepancy has not been resolved prior to certification of the
19 election, the ballot submitted by the applicant shall not be tabulated.

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

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

34 (2)(a) If the challenge is filed within forty-five days before an
35 election at which the challenged voter is eligible to vote, a notation

1 of the challenge must be made immediately in the poll book or voter
2 registration system, and the county canvassing board presides over the
3 hearing.

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

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

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

13 (4) Challenges initiated by a registered voter against a voter who
14 registered to vote pursuant to RCW 29A.08.145 must be filed at a time
15 as prescribed in rules adopted by the secretary of state pursuant to
16 RCW 29A.04.611.

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

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

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

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

1 systems that may be relied upon in certifying voting systems for use in
2 this state;

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

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

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

10 (9) Standards and procedures to ensure the accurate tabulation and
11 canvassing of ballots;

12 (10) Consistency among the counties of the state in the preparation
13 of ballots, the operation of vote tallying systems, and the canvassing
14 of primaries and elections;

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

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

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

25 (14) The acceptance and filing of documents via electronic
26 facsimile;

27 (15) Voter registration applications and records;

28 (16) The use of voter registration information in the conduct of
29 elections;

30 (17) The coordination, delivery, and processing of voter
31 registration records accepted by driver licensing agents or the
32 department of licensing;

33 (18) The coordination, delivery, and processing of voter
34 registration records accepted by agencies designated by the governor to
35 provide voter registration services;

36 (19) Procedures to receive and distribute voter registration
37 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 or within fourteen days before a primary, special, or
10 general election under RCW 29A.08.145.

11 NEW SECTION. Sec. 5. Sections 1, 3, and 4 of this act take effect
12 May 1, 2011.

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