

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 either:

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

(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:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(C) Searched county auditor property records to determine whether the challenged voter owns any property in the county;

(D) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(E) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;

(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 or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury 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 anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state. [2023 c 466 § 28; 2020 c 208 § 6; 2011 c 10 § 20; 2006 c 320 § 4; 2003 c 111 § 253. Prior: 2001 c 41 § 9; 1987 c 288 § 1; 1983 1st ex.s. c 30 § 2. Formerly RCW 29.10.125.]

Effective date—2020 c 208 §§ 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 § 3, RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.