
**State Government Operations &
Accountability Committee**

HB 2526

Brief Description: Modifying voter challenge procedures.

Sponsors: Representatives Nixon, Anderson and Talcott.

Brief Summary of Bill

- Provides that challenges may be based on duplicate registrations;
- Specifies that a challenger does not need to provide the address at which a voter actually resides if the address does not exist, it is not a residential address, or the voter has moved without a forwarding address; and
- Requires the county auditor to inform the challenged voter of the final disposition of his or her ballot.

Hearing Date: 1/20/06

Staff: Marsha Reilly (786-7135).

Background:

A challenge made regarding a person's right to vote may be made at the polls by a precinct judge or inspector upon the belief or knowledge that the voter is unqualified. The challenge must be supported by evidence or testimony given to the county Canvassing Board. Challenges made by a registered voter must be filed not later than one day before the election. A challenged voter may re-register or transfer his or her registration up until three days before an election.

Challenges may not be based on unsupported allegations or by allegations of an anonymous third party. The identify of the challenger, and any third party involved in the challenge, is public record.

A challenged voter must be permitted to vote a ballot. The ballot must be sealed, along with affidavits signed by the challenger and any third party involved in the challenge, and kept separate from other ballots. The challenged ballots are transmitted to the canvassing board at the close of the election. The County Auditor is responsible for notifying the challenged voter and the challenger of the time and place the Canvassing Board will meet to rule on the challenged ballot.

The challenged voter may give testimony, in person or by affidavit. Challengers may appear in person or submit an affidavit supporting the challenge. If both parties submit affidavits, examination of the documents by the county auditor constitutes a hearing.

Challenging parties must prove by clear and convincing evidence that the challenged voter's registration is improper . If the challenger fails to meet this burden, the ballot must be accepted.

Summary of Bill:

A challenge may be based on duplicate registrations by one voter. The challenger does not need to provide the address at which a voter actually resides if the address does not exist, the address is not a residential address, or the voter has moved without a forwarding address.

The County Auditor is required to inform the challenged voter of the final disposition of his or her ballot.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.