

**SB 5561** - H COMM AMD

By Committee on State Government & Tribal Affairs

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 29A.08.145 and 2006 c 97 s 2 are each amended to read  
4 as follows:

5 This section establishes a special procedure which an elector not  
6 registered in the state may use to register to vote during the period  
7 beginning after the closing of registration for voting at the polls  
8 under RCW 29A.08.140 and ending on the ~~((fifteenth))~~ day ~~((before))~~ of  
9 a primary, special election, or general election. A qualified elector  
10 in the state may register to vote in person ~~((in the office of the  
11 county auditor of the county in which the applicant resides, or at a  
12 voter registration location specifically designated for this purpose by  
13 the county auditor or secretary of state))~~ at the county courthouse of  
14 the county in which the applicant resides, or at locations designated  
15 by the local county auditor or election official, and apply for ~~((an  
16 absentee))~~ a provisional ballot for that primary or election. The  
17 auditor or registration assistant shall register that individual in the  
18 manner provided in this chapter. The application for ~~((an absentee))~~  
19 a provisional ballot executed by the newly registered voter for the  
20 primary or election that follows the execution of the registration  
21 shall be promptly transmitted to the auditor with the completed voter  
22 registration form.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW  
24 to read as follows:

25 If a voter registration application submitted pursuant to RCW  
26 29A.08.145 is not complete under RCW 29A.08.110, or if the information  
27 on the voter registration application cannot be matched by the  
28 secretary of state pursuant to RCW 29A.08.107, and the deficiency or

1 discrepancy has not been resolved prior to certification of the  
2 election, the ballot submitted by the applicant shall not be counted.

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

5 (1) Except for subsection (4) of this section, challenges initiated  
6 by a registered voter against a voter who registered to vote less than  
7 sixty days before the election, or who changed residence less than  
8 sixty days before the election without transferring his or her  
9 registration, must be filed not later than ten days before any primary  
10 or election, general or special, or within ten days of the voter being  
11 added to the voter registration data base, whichever is later, at the  
12 office of the appropriate county auditor. Challenges initiated by a  
13 registered voter against any other voter must be filed not later than  
14 forty-five days before the election. Challenges initiated by the  
15 office of the county prosecuting attorney must be filed in the same  
16 manner as challenges initiated by a registered voter.

17 (2)(a) If the challenge is filed within forty-five days before an  
18 election at which the challenged voter is eligible to vote, a notation  
19 of the challenge must be made immediately in the poll book or voter  
20 registration system, and the county canvassing board presides over the  
21 hearing.

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

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

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

31 (4) Challenges initiated by a registered voter against a voter who  
32 registered to vote on or less than fourteen days before the day of the  
33 election must be filed at a time as prescribed in rules adopted by the  
34 secretary of state pursuant to RCW 29A.04.611.

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

1       The secretary of state as chief election officer shall make  
2 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
3 with the federal and state election laws to effectuate any provision of  
4 this title and to facilitate the execution of its provisions in an  
5 orderly, timely, and uniform manner relating to any federal, state,  
6 county, city, town, and district elections. To that end the secretary  
7 shall assist local election officers by devising uniform forms and  
8 procedures.

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

- 12       (1) The maintenance of voter registration records;
- 13       (2) The preparation, maintenance, distribution, review, and filing  
14 of precinct maps;
- 15       (3) Standards for the design, layout, and production of ballots;
- 16       (4) The examination and testing of voting systems for  
17 certification;
- 18       (5) The source and scope of independent evaluations of voting  
19 systems that may be relied upon in certifying voting systems for use in  
20 this state;
- 21       (6) Standards and procedures for the acceptance testing of voting  
22 systems by counties;
- 23       (7) Standards and procedures for testing the programming of vote  
24 tallying software for specific primaries and elections;
- 25       (8) Standards and procedures for the preparation and use of each  
26 type of certified voting system including procedures for the operation  
27 of counting centers where vote tallying systems are used;
- 28       (9) Standards and procedures to ensure the accurate tabulation and  
29 canvassing of ballots;
- 30       (10) Consistency among the counties of the state in the preparation  
31 of ballots, the operation of vote tallying systems, and the canvassing  
32 of primaries and elections;
- 33       (11) Procedures to ensure the secrecy of a voter's ballot when a  
34 small number of ballots are counted at the polls or at a counting  
35 center;
- 36       (12) The use of substitute devices or means of voting when a voting  
37 device at the polling place is found to be defective, the counting of

1 votes cast on the defective device, the counting of votes cast on the  
2 substitute device, and the documentation that must be submitted to the  
3 county auditor regarding such circumstances;

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

6 (14) The acceptance and filing of documents via electronic  
7 facsimile;

8 (15) Voter registration applications and records;

9 (16) The use of voter registration information in the conduct of  
10 elections;

11 (17) The coordination, delivery, and processing of voter  
12 registration records accepted by driver licensing agents or the  
13 department of licensing;

14 (18) The coordination, delivery, and processing of voter  
15 registration records accepted by agencies designated by the governor to  
16 provide voter registration services;

17 (19) Procedures to receive and distribute voter registration  
18 applications by mail;

19 (20) Procedures for a voter to change his or her voter registration  
20 address within a county by telephone;

21 (21) Procedures for a voter to change the name under which he or  
22 she is registered to vote;

23 (22) Procedures for canceling dual voter registration records and  
24 for maintaining records of persons whose voter registrations have been  
25 canceled;

26 (23) Procedures for the electronic transfer of voter registration  
27 records between county auditors and the office of the secretary of  
28 state;

29 (24) Procedures and forms for declarations of candidacy;

30 (25) Procedures and requirements for the acceptance and filing of  
31 declarations of candidacy by electronic means;

32 (26) Procedures for the circumstance in which two or more  
33 candidates have a name similar in sound or spelling so as to cause  
34 confusion for the voter;

35 (27) Filing for office;

36 (28) The order of positions and offices on a ballot;

37 (29) Sample ballots;

38 (30) Independent evaluations of voting systems;

- 1 (31) The testing, approval, and certification of voting systems;
- 2 (32) The testing of vote tallying software programming;
- 3 (33) Standards and procedures to prevent fraud and to facilitate
- 4 the accurate processing and canvassing of absentee ballots and mail
- 5 ballots, including standards for the approval and implementation of
- 6 hardware and software for automated signature verification systems;
- 7 (34) Standards and procedures to guarantee the secrecy of absentee
- 8 ballots and mail ballots;
- 9 (35) Uniformity among the counties of the state in the conduct of
- 10 absentee voting and mail ballot elections;
- 11 (36) Standards and procedures to accommodate out-of-state voters,
- 12 overseas voters, and service voters;
- 13 (37) The tabulation of paper ballots before the close of the polls;
- 14 (38) The accessibility of polling places and registration
- 15 facilities that are accessible to elderly and (~~disabled persons~~)
- 16 individuals with disabilities;
- 17 (39) The aggregation of precinct results if reporting the results
- 18 of a single precinct could jeopardize the secrecy of a person's ballot;
- 19 (40) Procedures for conducting a statutory recount;
- 20 (41) Procedures for filling vacancies in congressional offices if
- 21 the general statutory time requirements for availability of absentee
- 22 ballots, certification, canvassing, and related procedures cannot be
- 23 met;
- 24 (42) Procedures for the statistical sampling of signatures for
- 25 purposes of verifying and canvassing signatures on initiative,
- 26 referendum, and recall election petitions;
- 27 (43) Standards and deadlines for submitting material to the office
- 28 of the secretary of state for the voters' pamphlet;
- 29 (44) Deadlines for the filing of ballot titles for referendum bills
- 30 and constitutional amendments if none have been provided by the
- 31 legislature;
- 32 (45) Procedures for the publication of a state voters' pamphlet;
- 33 (46) Procedures for conducting special elections regarding nuclear
- 34 waste sites if the general statutory time requirements for availability
- 35 of absentee ballots, certification, canvassing, and related procedures
- 36 cannot be met;
- 37 (47) Procedures for conducting partisan primary elections;

- 1 (48) Standards and procedures for the proper conduct of voting  
2 during the early voting period to provide accessibility for the blind  
3 or visually impaired;
- 4 (49) Standards for voting technology and systems used by the state  
5 or any political subdivision to be accessible for individuals with  
6 disabilities, including nonvisual accessibility for the blind and  
7 visually impaired, in a manner that provides the same opportunity for  
8 access and participation, including privacy and independence, as other  
9 voters;
- 10 (50) All data formats for transferring voter registration data on  
11 electronic or machine-readable media for the purpose of administering  
12 the statewide voter registration list required by the Help America Vote  
13 Act (P.L. 107-252);
- 14 (51) Defining the interaction of electronic voter registration  
15 election management systems employed by each county auditor to maintain  
16 a local copy of each county's portion of the official state list of  
17 registered voters;
- 18 (52) Provisions and procedures to implement the state-based  
19 administrative complaint procedure as required by the Help America Vote  
20 Act (P.L. 107-252);
- 21 (53) Facilitating the payment of local government grants to local  
22 government election officers or vendors; (~~and~~)
- 23 (54) Standards for the verification of signatures on absentee,  
24 mail, and provisional ballot envelopes; and
- 25 (55) Provisions and procedures for voter registration challenges,  
26 consistent with the requirements of RCW 29A.08.810, of voters who  
27 register on or within fourteen days before a primary, special, or  
28 general election under RCW 29A.08.145."

EFFECT: Standardizes late voter registration policies across the state and allows the local county auditor or elections official to designate satellite sites in each county other than the county courthouse.

The late voter registration process is changed so that such electors vote with a provisional ballot rather than absentee ballot.

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