SB 5561 - H AMD 595
    By Representative Green

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

25   NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08
26 RCW to read as follows:
27   If a voter registration application submitted pursuant to RCW
28 29A.08.145 is not complete under RCW 29A.08.110, or if the
29 information on the voter registration application cannot be matched

1　by the secretary of state pursuant to RCW 29A.08.107, and the
2　deficiency or discrepancy has not been resolved prior to
3　certification of the election, the ballot submitted by the
4　applicant shall not be counted.

5　　**Sec. 3.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to
6　read as follows:
7　　(1) Except for subsection (4) of this section, challenges
8　initiated by a registered voter against a voter who registered to
9　vote less than sixty days before the election, or who changed
10　residence less than sixty days before the election without
11　transferring his or her registration, must be filed not later than
12　ten days before any primary or election, general or special, or
13　within ten days of the voter being added to the voter registration
14　data base, whichever is later, at the office of the appropriate
15　county auditor. Challenges initiated by a registered voter against
16　any other voter must be filed not later than forty-five days before
17　the election. Challenges initiated by the office of the county
18　prosecuting attorney must be filed in the same manner as challenges
19　initiated by a registered voter.
20　　(2)(a) If the challenge is filed within forty-five days before
21　an election at which the challenged voter is eligible to vote, a
22　notation of the challenge must be made immediately in the poll book
23　or voter registration system, and the county canvassing board
24　presides over the hearing.
25　　(b) If the challenge is filed before the challenged voter's
26　ballot is received, the ballot must be treated as a challenged
27　ballot. A challenged ballot received at a polling place must be
28　placed in a sealed envelope separate from other voted ballots.
29　　(c) If the challenge is filed after the challenged voter's
30　ballot is received, the challenge cannot affect the current
31　election.
32　　(3) If the challenge is filed at least forty-five days before
33　an election at which the challenged voter is eligible to vote, the
34　county auditor presides over the hearing.
35　　(4) Challenges initiated by a registered voter against a voter
36　who registered to vote on or less than fourteen days before the
37　day of the election must be filed at a time as prescribed in rules
38　adopted by the secretary of state pursuant to RCW 29A.04.611.

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

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

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

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

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

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

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

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

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

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

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

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

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

(15) Voter registration applications and records;

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

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

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

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

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

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

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

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

(24) Procedures and forms for declarations of candidacy;

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

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

(27) Filing for office;

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

1   (29) Sample ballots;

2   (30) Independent evaluations of voting systems;

3   (31) The testing, approval, and certification of voting
4 systems;

5   (32) The testing of vote tallying software programming;

6   (33) Standards and procedures to prevent fraud and to
7 facilitate the accurate processing and canvassing of absentee
8 ballots and mail ballots, including standards for the approval and
9 implementation of hardware and software for automated signature
10 verification systems;

11   (34) Standards and procedures to guarantee the secrecy of
12 absentee ballots and mail ballots;

13   (35) Uniformity among the counties of the state in the conduct
14 of absentee voting and mail ballot elections;

15   (36) Standards and procedures to accommodate out-of-state
16 voters, overseas voters, and service voters;

17   (37) The tabulation of paper ballots before the close of the
18 polls;

19   (38) The accessibility of polling places and registration
20 facilities that are accessible to elderly and ((disabled persons))
21 individuals with disabilities;

22   (39) The aggregation of precinct results if reporting the
23 results of a single precinct could jeopardize the secrecy of a
24 person's ballot;

25   (40) Procedures for conducting a statutory recount;

26   (41) Procedures for filling vacancies in congressional offices
27 if the general statutory time requirements for availability of
28 absentee ballots, certification, canvassing, and related procedures
29 cannot be met;

30   (42) Procedures for the statistical sampling of signatures for
31 purposes of verifying and canvassing signatures on initiative,
32 referendum, and recall election petitions;

33   (43) Standards and deadlines for submitting material to the
34 office of the secretary of state for the voters' pamphlet;

35   (44) Deadlines for the filing of ballot titles for referendum
36 bills and constitutional amendments if none have been provided by
37 the legislature;

38   (45) Procedures for the publication of a state voters'
39 pamphlet;

1   (46) Procedures for conducting special elections regarding
2 nuclear waste sites if the general statutory time requirements for
3 availability of absentee ballots, certification, canvassing, and
4 related procedures cannot be met;
5   (47) Procedures for conducting partisan primary elections;
6   (48) Standards and procedures for the proper conduct of voting
7 during the early voting period to provide accessability for the
8 blind or visually impaired;
9   (49) Standards for voting technology and systems used by the
10 state or any political subdivision to be accessible for individuals
11 with disabilities, including nonvisual accessibility for the blind
12 and visually impaired, in a manner that provides the same
13 opportunity for access and participation, including privacy and
14 independence, as other voters;
15   (50) All data formats for transferring voter registration data
16 on electronic or machine-readable media for the purpose of
17 administering the statewide voter registration list required by the
18 Help America Vote Act (P.L. 107-252);
19   (51) Defining the interaction of electronic voter registration
20 election management systems employed by each county auditor to
21 maintain a local copy of each county's portion of the official
22 state list of registered voters;
23   (52) Provisions and procedures to implement the state-based
24 administrative complaint procedure as required by the Help America
25 Vote Act (P.L. 107-252);
26   (53) Facilitating the payment of local government grants to
27 local government election officers or vendors; ((and))
28   (54) Standards for the verification of signatures on absentee,
29 mail, and provisional ballot envelopes; and
30   (55) Provisions and procedures for voter registration
31 challenges, consistent with the requirements of RCW 29A.08.810, of
32 voters who register on or within fourteen days before a primary,
33 special, or general election under RCW 29A.08.145.

34   NEW SECTION. **Sec. 5.** This act applies only to any primary,
35 special, or general election conducted after January 1, 2009,
36 except that it applies to the presidential primary election of
37 2008."
38

5561 AMH GREE KERR 085   -6-   Official Print - OPR

1   Correct the title.

          EFFECT: Preserves existing language in the statute that allows
          voters to register during the late registration period at the
          office of the county auditor or at locations designated by the
          county auditor for that purpose; strikes reference allowing
          Secretary of State to designate such locations.

          Preserves statutory language that individuals who register to
          vote during the late period from 30 days prior to an election
          through Election Day must apply for an absentee ballot.
          Requires those individuals who register to vote from 14 days
          prior to an election through Election Day to also provide proof
          of residential address for purposes of precinct verification.

          The bill does not apply to elections prior to January 1, 2009,
          except for the 2008 Presidential Primary election.