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## State Government & Tribal Relations Committee

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### ESB 5856

**Brief Description:** Concerning voter registration challenges.

**Sponsors:** Senators Hunt, Kuderer, Nobles, Valdez and Wilson, C..

#### Brief Summary of Engrossed Bill

- Permits a person to challenge a voter's registration if the voter has registered to vote in another state more recently than in Washington.
- Removes the requirement that a person who challenges a voter's registration for residing at a different address must search telephone directories or voter registration databases of other states, and specifies that the certified letter a challenger is required to send must be on a form provided by the Office of the Secretary of State.
- Specifies procedures for county auditors to follow to attempt to resolve a voter challenge prior to a hearing.

**Hearing Date:** 2/16/24

**Staff:** Jason Zolle (786-7124).

#### **Background:**

##### Challenges to a Voter's Registration.

A registered voter or a county prosecuting attorney may challenge a voter's registration for failure to meet the legal qualifications to vote, such as not being a citizen of the United States, having been convicted of a felony without having their civil rights restored, or not living at the residential address provided. If the challenge is because the voter does not live at the address

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provided, the challenger must provide the challenged voter's actual residence or submit evidence that the challenger exercised due diligence to verify that the address is incorrect. In the latter case, the challenger must personally send a letter with return service requested to the voter's address, search local telephone directories and property records, and search voter registration databases to determine whether the voter is registered at another address in the state or in another state.

Challenges to a voter's eligibility must be filed no later than 45 days before an election, unless the voter registered to vote or changed addresses fewer than 60 days before the election. The county canvassing board presides over a hearing on the challenge. The procedures for challenges are provided in statute.

#### Inactive Voters.

The county auditor must place a voter on inactive status if:

- the county auditor receives change of address information from the postal service or a state agency designated to provide voter registration services that indicates that the voter has moved from one county to another or out of state; or
- a document mailed by the county auditor to the voter is returned as undeliverable without address correction.

An eligible voter whose registration has been made inactive or cancelled must be allowed to register to vote at their current residential address. A county auditor must cancel an inactive voter registration when receiving information that the person has moved out of state or died.

#### **Summary of Bill:**

A person may challenge a voter's registration if the voter has registered to vote in another state more recently than in Washington.

A person who challenges a voter's registration for residing at a different address than provided is no longer required to search telephone directories or voter registration databases of other states. The certified letter a challenger is required to send must be on a form provided by the Office of the Secretary of State that contains a warning that the letter is not a government document and a person is not required to respond to the letter.

A person cannot challenge the registration of an inactive voter.

Prior to a hearing on a voter challenge, county auditors must contact a challenged voter to update the voter's address, confirm that the voter is no longer a resident, or learn whether the voter intends to return to their registered address. County auditors must also search the statewide voter registration database to determine if the voter is registered at any other address in the state, and resolve the error. County auditors must also determine whether a challenged voter is qualified per the definitions of residence or the provisions regarding voters without residential addresses. If a challenger provides an out-of-state address for a challenged voter, the county auditor must

search that state's voter registration database or contact election officials to determine if that registration is more recent than in Washington. County auditors shall dismiss challenges if successful in resolving the challenge under the procedures.

County auditors must publish challenge affidavits online within 10 business days if the challenge cannot be resolved. Challenged voters must be notified by the county auditor via certified mail at their address of registration. If the mail is returned as undeliverable, the county auditor shall place the voter on inactive status. Materials mailed to the challenged voter are not exempt from disclosure under the Public Records Act except for voters qualifying for exemption under the definitions of residence or the provisions regarding voters without residential addresses.

**Appropriation:** None.

**Fiscal Note:** Available.

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