

**From:** Nixon, Rep. Toby

**Sent:** Friday, February 17, 2006 11:31 AM

**To:** Haigh, Rep. Kathy; Green, Rep. Tami; Clements, Rep. James; Miloscia, Rep. Mark; McDermott, Rep. Joe; Hunt, Rep. Sam; Schindler, Rep. Lynn; Sump, Rep. Bob; Hamlin, Shane; 'Blinn, Katie'; Evans, Amy; Hayward, Allen; Reilly, Marsha; Leathers, Kathryn

**Subject:** Proposed amendments to SB 6362 (Voter challenges)

**Importance:** High

Here are the amendments I'd like us to consider for SB 6362. I'm open to further suggestions on how to perfect these.

-- Toby

**AMENDMENT 1 (concerning notification of challenges filed; eliminates special standing for political parties and allows notification of challenges to any interested party):**

On page 1, line 8, strike all of text through line 18 and insert the following:

"The county auditor shall publish on the auditor's internet web site the content of any voter challenge filed under this chapter. The county auditor shall send notice by electronic mail of the filing of each voter challenge to any person who subscribes to receive such notifications on an ongoing basis."

On page 7, line 36, strike "each party representative" and insert "any person, upon request."

*Note: Challenge materials are public records subject to disclosure under RCW 42.56 anyway.*

**AMENDMENT 2 (concerning handling of non-traditional addresses):**

On page 2, line 10, after "residential address", insert ", at which the applicant regularly receives mail".

On page 3, line 1, strike "the address of a county courthouse, city hall, or other public building near the area that the voter considers his or her residence." and insert "((county courthouse, city hall, or other public building near the area that the voter considers his or her residence.)) an address associated with the office of the county auditor and maintained by the county auditor specifically for such purposes. The location provided by a voter who lacks a traditional address shall be recorded in the voter registration database in sufficient detail to allow the identification of the location for purposes of verification of the person's residence to determine their eligibility to vote."

**AMENDMENT 3 (concerning challenges when the voter's new address is not known):**

On page 4, line 9, after "residence" insert "if the actual residence is known to the challenger".

*Note: If the challenged voter is using an address they lived at previously but they are now outside the country on military duty or otherwise, the auditor should be aware of that situation and be able to dismiss the challenge on that basis. There shouldn't be a presumption that someone registered at an address where they do not live is legitimately registered there because they might be in the military or living in a motor home. In most cases, these situations will be able to be readily identified because a mailing address will also be on file.*

**AMENDMENT 4 (concerning when election challenges may be filed):**

On page 4, line 27, strike "if the challenge is filed anytime other than election day" and insert "at any time".

On page 4, line 29, after "day" insert "regarding a voter who presents themselves to vote at the poll site".

*Note: It's inconsistent to say that challenges can't be filed on election day, when subsequent text specifically allows it but says that it will not affect the current election if the voter's ballot has already been received.*

**AMENDMENT 5 (concerning the content and timing of challenge affidavits):**

On page 4, line 30, after “must” insert “, at the time the challenge is filed with the county auditor, also”.

On page 4, line 31, strike “, to his or her personal knowledge and belief,” and insert “he or she has exercised due diligence to personally verify that”

*Note: “Personal knowledge” is vague; establishing a due diligence standard, as required by preceding text, is more specific. We also need to clarify the time at which the affidavit needs to be submitted, and it ought to be along with the challenge rather than some later time.*

**AMENDMENT 6 (providing a reasonable opportunity to challenge late registrants):**

On page 6, line 12, after “special” insert “or within ten days of the voter being added to the voter registration database, whichever is later,”.

On page 6, line 20, after “made” insert “immediately”.

On page 8, line 4, after “election” insert “The updated registration may be challenged at any time up to 10 days after the registration is updated.”

*Note: We need to provide a reasonable opportunity to challenge last-minute registrations if the address provided is clearly bogus. This also applies to second-chance updated addresses. We can't let a clearly bogus address be unchallengeable because it is submitted the day before the election. The provisions that ballots can't be challenge after they're already received remains in place.*

**AMENDMENT 7 (regarding use of provided challenge forms):**

On page 9, line 10, after “available” insert “A challenge is not required to be submitted on the provided voter challenge form, but may be submitted in any form so long as it includes all of the information asked for on the provided voter challenge form consistent with the requirements of this chapter.”

---

Rep. Toby Nixon, 45th District (R-Kirkland)  
316 JLOB, P.O. Box 40600, Olympia WA 98504-0600  
(360) 786-7878 Fax: (360) 786-7317 [nixon.toby@leg.wa.gov](mailto:nixon.toby@leg.wa.gov)