
**State Government Operations &
Accountability Committee**

HB 2752

Brief Description: Concerning valid voter registrations.

Sponsors: Representatives Haigh, Nixon, Armstrong and P. Sullivan; by request of Secretary of State.

Brief Summary of Bill

- Makes clear that the 30-day residence requirement applies to voters who register to vote at a nontraditional address; and
- Clarifies the legal grounds for a voter registration challenge and the proper form for a challenge.

Hearing Date: 1/20/06

Staff: Marsha Reilly (786-7135).

Background:

Registration at a Nontraditional Address

A qualified voter is not disqualified to vote because he or she provides a nontraditional address, such as a shelter, a park, or other identifiable location, as a residence. Such a voter will be registered to vote at the county courthouse, city hall, or other public building near the area the voter considers his or her residence and will be assigned to a precinct based on the location provided.

Voter Registration Challenges

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 identity 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:

Registration at a Non-Traditional Address

The 30 day residence requirement applies to voters who register to vote at a nontraditional address. A person who has a traditional residential address must use that address for voter registration purposes.

Voter Registration Challenges

Pursuant to the state constitution and state law, legal grounds for a challenge are identified as:

- felony conviction;
- mental incompetency;
- residency;
- age; and
- U.S. citizenship.

A challenge must be based on personal knowledge that the voter does not meet the qualifications to vote, or does not meet the residence requirements. If the challenge is based on residence, the challenger must provide the challenged voter's actual residence or provide evidence that the residential address provided by the challenged voter does not constitute a residence.

Challenges may be filed by a registered voter anytime other than election day, or by a poll site judge or inspector if the challenge is filed on election day.

If a challenge is filed 30 days or more before an election, the County Auditor presides over the hearing. If a challenge is filed within thirty days of an election, the county Canvassing Board presides over the hearing. If the challenge is filed before the voter's ballot is received, the ballot is treated as a challenged ballot. If the challenge is filed after the voter's ballot is received, the challenge cannot affect the current election.

Challenges not in the proper form or challenges in which the factual basis for the challenge does not meet the legal grounds for a challenge, the challenge may be dismissed. A challenge is not in the proper form if it is incomplete or does not substantially comply with the form issued for this purpose.

If the challenge is in the proper form and meets the factual basis, the auditor must notify the challenged voter. All notice must be by certified mail.

Appropriation: None.

Fiscal Note: Available.

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