

~~agreement the nonprofit organization, association, or corporation receives the benefit of the exemption.~~

~~(4))~~ The facilities and services must be available to all regardless of race, color, national origin or ancestry.

~~((5))~~ (4) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

~~((6))~~ (5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

~~((7))~~ (6) The department shall have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter.

~~((8))~~ (7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, and 84.36.260.

Passed by the Senate February 8, 2006.

Passed by the House March 3, 2006.

Approved by the Governor March 29, 2006.

Filed in Office of Secretary of State March 29, 2006.

CHAPTER 320

[Substitute Senate Bill 6362]

ELECTIONS—VOTER REGISTRATION CHALLENGES

AN ACT Relating to modifying processes for challenging voter registration; amending RCW 29A.08.010, 29A.08.112, 29A.08.810, 29A.08.820, 29A.08.840, 29A.08.850, and 29A.40.140; adding a new section to chapter 29A.08 RCW; and repealing RCW 29A.08.830.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet web site the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

Sec. 2. RCW 29A.08.010 and 2005 c 246 s 2 are each amended to read as follows:

As used in this chapter: "Information required for voter registration" means the minimum information provided on a voter registration application that is

required by the county auditor in order to place a voter registration applicant on the voter registration rolls. This information includes:

- (1) Name;
- (2) Residential address;
- (3) Date of birth;
- (4) Washington state driver's license number or Washington state identification card number, or the last four digits of the applicant's Social Security number if the applicant does not have a Washington state driver's license or Washington state identification card;
- (5) A signature attesting to the truth of the information provided on the application; and
- (6) A check or indication in the box confirming the individual is a United States citizen.

The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address. A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence. A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence. If the postal service does not deliver mail to the voter's residential address, or the voter prefers to receive mail at a different address, the voter may separately provide the mailing address at which they receive mail. Any mailing address provided shall be used only for mail delivery purposes and not for precinct assignment or confirmation of residence for voter qualification purposes.

If the individual does not have a driver's license, state identification card, or Social Security number, the registrant must be issued a unique voter registration number in order to be placed on the voter registration rolls. All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote. Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 3. RCW 29A.08.112 and 2005 c 246 s 6 are each amended to read as follows:

No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because ~~((of a nontraditional address being used as a residence address. Voters using such an))~~ he or she lacks a traditional residential address. A voter who lacks a traditional residential address will be registered and assigned to a precinct based on the location provided~~((Voters without a traditional address will be registered at the county courthouse, city hall, or other public building near the area that the voter considers his or her residence. Registering at a nontraditional address will not disqualify a voter from requesting ongoing absentee voter status if the voter designates a valid mailing address)).~~

For the purposes of this section, (~~("nontraditional address" includes~~) a voter who resides in a shelter((s)), park((s)), motor home, marina, or other identifiable location((s)) that the voter deems to be his or her residence lacks a traditional address. A voter who registers under this section must provide a valid mailing address, and must still meet the requirement in Article VI, section 1 of the state Constitution that he or she live in the area for at least thirty days before the election.

A person who has a traditional residential address must use that address for voter registration purposes and is not eligible to register under this section.

Sec. 4. RCW 29A.08.810 and 2003 c 111 s 253 are each amended to read as follows:

~~(1) Registration of a person as a voter is presumptive evidence of his or her right to vote ((at any primary or election, general or special. A person's right to vote may be challenged at the polls only by a precinct judge or inspector. A challenge may be made only upon the belief or knowledge of the challenging officer that the voter is unqualified. The challenge must be supported by evidence or testimony given to the county canvassing board under RCW 29A.08.820 and may not be based on unsupported allegations or allegations by anonymous third parties. The identity of the challenger, and any third person involved in the challenge, shall be public record and shall be announced at the time the challenge is made.~~

~~Challenges initiated by a registered voter must be filed not later than the day before any primary or election, general or special, at the office of the appropriate county auditor. A challenged voter may properly transfer or reregister until three days before the primary or election, general or special, by applying personally to the county auditor. Challenges may also be initiated by the office of the county prosecuting attorney and must be filed in the same manner as challenges initiated by a registered voter). A challenge to the person's right to vote must be based on personal knowledge of one of the following:~~

~~(a) The challenged voter has been convicted of a felony and the voter's civil rights have not been restored;~~

~~(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency;~~

~~(c) The challenged voter does not live at the residential address provided, in which case the challenger must either:~~

~~(i) Provide the challenged voter's actual residence on the challenge form; or~~

~~(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including that the challenger personally;~~

~~(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;~~

~~(B) Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the~~

challenged voter does not reside at the address as provided on the voter registration;

(C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; and

(E) Searched the statewide voter registration data base to determine if the voter is registered at any other address in the state;

(d) The challenged voter will not be eighteen years of age by the next election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged: By another registered voter or the county prosecuting attorney at any time, or by the poll site judge or inspector if the challenge is filed on election day regarding a voter who presents himself or herself to vote at the poll site.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

Sec. 5. RCW 29A.08.820 and 2003 c 111 s 254 are each amended to read as follows:

~~(When the right of a person has been challenged under RCW 29A.08.810 or 29A.08.830(2), the challenged person shall be permitted to vote a ballot which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under RCW 29A.08.810 or 29A.08.830(2) shall be furnished a paper ballot, which shall be placed in a sealed envelope after being marked. Included with the challenged ballot shall be (1) an affidavit filed under RCW 29A.08.830 challenging the person's right to vote or (2) an affidavit signed by the precinct election officer and any third party involved in the officer's challenge and stating the reasons the voter is being challenged. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The county auditor shall notify the challenger and the challenged voter, by certified mail, of the time and place at which the county canvassing board will meet to rule on challenged ballots. If the challenge is made by a precinct election officer under RCW 29A.08.810, the officer must appear in person before the board unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the~~

~~challenge. If the challenging officer has based his or her challenge upon evidence provided by a third party, that third party must appear with the challenging officer before the canvassing board, unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenge is filed under RCW 29A.08.830, the challenger must either appear in person before the board or submit an affidavit supporting the challenge. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the challenged ballot shall be accepted as valid and counted. The canvassing board shall give the challenged voter the opportunity to present testimony, either in person or by affidavit, and evidence to the canvassing board before making their determination. All challenged ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29A.40.140.)~~ (1) Challenges initiated by a registered voter against a voter who registered to vote less than sixty days before the election, or who changed residence less than sixty days before the election without transferring his or her registration, must be filed not later than ten days before any primary or election, general or special, or within ten days of the voter being added to the voter registration data base, whichever is later, at the office of the appropriate county auditor. Challenges initiated by a registered voter against any other voter must be filed not later than forty-five days before the election. Challenges initiated by the office of the county prosecuting attorney must be filed in the same manner as challenges initiated by a registered voter.

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

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

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

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

Sec. 6. RCW 29A.08.840 and 2003 c 111 s 256 are each amended to read as follows:

~~((All challenges of voter registration under RCW 29A.08.830 made thirty days or more before a primary or election, general or special, shall be delivered to the appropriate county auditor who shall notify the challenged voter, by certified mail, that his or her voter registration has been challenged.~~

The notification shall be mailed to the address at which the challenged voter is registered, any address provided by the challenger under RCW 29A.08.830, and to any other address at which the individual whose registration is being challenged is alleged to reside or at which the county auditor would reasonably

~~expect that individual to receive notice of the challenge of his or her voter registration. Included in the notification shall be a request that the challenged voter appear at a hearing to be held within ten days of the mailing of the request, at the place, day, and hour stated, in order to determine the validity of his or her registration. The challenger shall be provided with a copy of this notification and request. If either the challenger or the challenged voter is unable to appear in person, he or she may file a reply by means of an affidavit stating under oath the reasons he or she believes the registration to be invalid or valid.~~

~~If both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of the affidavits by the county auditor constitutes a hearing for the purposes of this section.~~

~~The county auditor shall hold a hearing at which time both parties may present their facts and arguments. After reviewing the facts and arguments, including any evidence submitted by either side, the county auditor shall rule as to the validity or invalidity of the challenged registration. His or her ruling is final subject only to a petition for judicial review by the superior court under chapter 34.05 RCW. If either party, or both parties, fail to appear at the meeting or fail to file an affidavit, the county auditor shall determine the status of the registration based on his or her evaluation of the available facts.)) (1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.~~

~~(2) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter. If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution. A challenged voter may transfer or reregister until the day before the election. The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.~~

~~(3) All notice must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit.~~

~~(4) The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If either the challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.~~

(5) If the challenge is based on an allegation under RCW 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains the challenge, the challenged ballot shall not be counted. If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the canvassing board sustains the challenge, the board shall permit the voter to correct his or her voter registration and any races and ballot measures on the challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted.

(6) If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed and the pending challenged ballot must be accepted as valid. Challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.

Sec. 7. RCW 29A.08.850 and 2003 c 111 s 257 are each amended to read as follows:

The secretary of state ((as chief elections officer shall cause appropriate forms to be designed to carry out the provisions of RCW 29A.08.830 and 29A.08.840. The county auditors and registration assistants shall have such forms available. Further, a reasonable supply of such forms shall be at each polling place on the day of a primary or election, general or special)) must provide forms for voter registration challenges, and the county auditor must make such forms available. A challenge is not required to be submitted on the provided voter challenge form, but may be prepared using an official electronic voter challenge form template provided by the auditor or secretary of state that has been printed and signed by the challenger for submission.

Sec. 8. RCW 29A.40.140 and 2003 c 111 s 1014 are each amended to read as follows:

The qualifications of any absentee voter may be challenged ((at the time)) before the ((signature on the return envelope is verified and the ballot is processed by the canvassing board)) voted ballot is received. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with chapter 29A.08 RCW.

NEW SECTION. Sec. 9. RCW 29A.08.830 (Affidavit—Administration, notice of challenge) and 2003 c 111 s 255 are each repealed.

Passed by the Senate March 8, 2006.

Passed by the House March 7, 2006.

Approved by the Governor March 29, 2006.

Filed in Office of Secretary of State March 29, 2006.

CHAPTER 321

[Engrossed Second Substitute Senate Bill 6480]

PUBLIC WORKS PROJECTS—APPRENTICESHIP REQUIREMENTS

AN ACT Relating to apprenticeship utilization requirements for department of transportation public works projects; amending RCW 39.04.300 and 39.04.320; and adding a new section to chapter 39.04 RCW.

Be it enacted by the Legislature of the State of Washington: