

reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, thirty-one thousand dollars; state treasurer, thirty-seven thousand two hundred dollars; state auditor, thirty-seven thousand two hundred dollars; attorney general, forty-seven thousand one hundred dollars; superintendent of public instruction, forty-two thousand eight hundred dollars; commissioner of public lands, forty-two thousand eight hundred dollars; state insurance commissioner, thirty-seven thousand two hundred dollars. Members of the legislature shall receive for their service eleven thousand two hundred dollars per annum, effective January 12, 1981, twelve thousand dollars per annum effective January 1, 1982, twelve thousand eight hundred fifty dollars effective January 10, 1983, and thirteen thousand seven hundred fifty dollars effective January 1, 1984; and in addition, (~~ten cents per mile~~) reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.

NEW SECTION. Sec. 4. Section 3, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.063 are each repealed.

Passed the House May 6, 1983.

Passed the Senate May 4, 1983.

Approved by the Governor May 14, 1983.

Filed in Office of Secretary of State May 14, 1983.

## CHAPTER 30

[Substitute Senate Bill No. 3520]

### VOTER REGISTRATION—CHALLENGES

AN ACT Relating to elections; amending section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130; amending section 3, chapter 156, Laws of 1965 ex. sess. as last amended by section 34, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.140; amending section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010; adding new sections to chapter 29.10 RCW; repealing section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010; repealing section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020; repealing section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030; repealing section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and repealing section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060.

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

NEW SECTION. Sec. 1. There is added to chapter 29.10 RCW a new section to read as follows:

Challenges of voter registration filed within thirty days of any primary or election, general or special, shall be administered wholly under sections 2 and 3 of this act.

NEW SECTION. Sec. 2. There is added to chapter 29.10 RCW a new section to read as follows:

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, but a person's right to vote may be challenged at the polls by a precinct election officer and he or she may be required then and there to establish his or her right to vote. Each precinct election officer shall challenge a person offering to vote when the officer knows or suspects the person to be unqualified as a voter.

Challenges may be initiated by a registered voter subject to the following conditions:

(1) Challenges on grounds other than residence may be made at the polls and the person challenged may be required then and there to establish his or her right to vote to the precinct election officers;

(2) Challenges on the grounds of residence alone must be filed not later than seven days 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.

NEW SECTION. Sec. 3. There is added to chapter 29.10 RCW a new section to read as follows:

When the right of a person has been challenged under section 2 of this act, the officers conducting the election at the polling place shall require the challenged person 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 section 2 of this act shall be furnished with a paper ballot, which shall be placed in a sealed envelope after being marked. 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 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 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 29.36.100.

Sec. 4. Section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130 are each amended to read as follows:

Any (~~precinct committeeman, precinct election officer or registration officer~~) registered voter may (~~sign a preliminary~~) request that the registration of another voter be canceled if that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The

challenger shall sign a form, subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside ~~((and maintain his abode))~~ at the address as given on his or her registration record and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington ~~((:PROVIDED, That (1) a precinct committeeman or precinct election officer may only challenge the residence of a voter registered in the precinct wherein such precinct committeeman or precinct election officer serves and (2))~~). The person filing ((such)) the challenge must furnish the address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

Sec. 5. Section 3, chapter 156, Laws of 1965 ex. sess. as last amended by section 34, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.140 are each amended to read as follows:

All ~~((such signed forms))~~ challenges of voter registration under RCW 29.10.130 shall be delivered to the appropriate county auditor who shall ((cancel the registration records of the voters concerned on the thirtieth day following date of mailing or as soon thereafter as is practicable. PROVIDE- ED, That)) send, by certified mail, a notice of intent to cancel the registration on account of a ((claimed change)) challenge of residence ((shall be mailed by certified mail)) to that address at which the challenged voter ((actually resides in order to assure that proper notice will be received by the challenged voter)) is alleged to reside.

Any voter ~~((:))~~ whose registration has been so ~~((questioned;))~~ challenged and who believes that the allegation is not true ~~((:))~~ shall, within twenty days of such mailing ~~((or publication))~~, file a written ~~((protest))~~ response with the county auditor. The county auditor shall immediately ~~((notify))~~ request, by certified mail, the challenger and the challenged voter to appear at a meeting to be held within ten days of the mailing of the request at a place, day, and hour ~~((certain))~~ to be stated in the ~~((notice))~~ request, for determination of the validity of such registration ~~((:PROVIDED, That should))~~. If the challenged voter ((be)) is unable to appear in person, he or she may file a reply by means of an affidavit stating ((therein)) under oath the reasons he or she believes ((his)) the registration to be valid, and ((should)) if the challenger ((be)) is unable to appear in person he or she may file a statement by means of affidavit stating the reasons he or she believes the registration to be invalid.

~~((The hearing shall take place at the time and place designated by the county auditor. In the event))~~. If both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of ((such)) the affidavits by the county auditor ((shall)) constitutes a hearing for the purposes of this section.

The county auditor shall hold a hearing at which time both parties shall present their facts and arguments. After reviewing the facts and arguments,

the county auditor shall rule as to the validity or invalidity of the challenge. His or her ruling (~~shall be~~) is final subject only to a petition for judicial review by the superior court under (~~the provisions of~~) chapter 34.04 RCW (~~as it is now or hereafter amended~~). If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question may remain in full effect as determined by the county auditor. If the challenged voter fails to appear at the meeting or fails to file an affidavit, then the registration shall be canceled and the voter so notified.

Sec. 6. Section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be issued a certificate of election for any of the following causes:

(1) For (~~malconduct~~) misconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector or judge of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

(a) Illegal votes include but are not limited to the following:

(i) More than one vote cast by a single voter;

(ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.

(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged pursuant to sections 2 and 3 of this act.

All election contests shall proceed under RCW 29.04.030 (~~as now or hereafter amended~~).

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010;

(2) Section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020;

(3) Section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030;

(4) Section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and

(5) Section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060.

Passed the Senate April 25, 1983.

Passed the House May 7, 1983.

Approved by the Governor May 14, 1983.

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CHAPTER 31

[Engrossed Substitute Senate Bill No. 3628]

HOOD CANAL SHRIMP LICENSE—COMMERCIAL CLAM DIGGER'S LICENSE

AN ACT Relating to shellfish; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; adding a new section to chapter 75.25 RCW; adding a new section to chapter 75.28 RCW; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. There is added to chapter 75.25 RCW a new section to read as follows:

(1) A Hood Canal shrimp license is required to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident license, five dollars, except that a person seventy years of age or older may pay a one-time fee of five dollars;

(b) For a nonresident license, fifteen dollars.

(3) Hood Canal shrimp licenses shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses and collect the license fees. In addition to the license fee, license dealers may charge a dealer's fee of fifty cents. The dealer's fee may be retained by the license dealer.

(4) The director shall adopt rules for the issuance of Hood Canal shrimp licenses and for the collection, payment, and handling of license fees and dealer's fees.

(5) Notwithstanding RCW 75.04.090, for the purposes of this section, "resident" means a person who for at least ninety days immediately preceding application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents.

(6) Hood Canal shrimp licenses are not transferable.

(7) Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person taking or possessing shrimp for personal use in that portion of Hood Canal south of the Hood Canal floating bridge shall exhibit the