

SENATE BILL REPORT

SB 5270

As of March 5, 2009

Title: An act relating to voter registration.

Brief Description: Modifying voter registration provisions.

Sponsors: Senators McDermott, Swecker, Fairley, Oemig, Tom and Shin; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 2/03/09, 2/12/09 [DPS-WM, DNP].

Ways & Means: 2/17/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott, Pridemore and Swecker.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member; Benton.

Staff: Sharon Swanson (786-7447)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Steve Jones (786-7440)

Background: A person seeking to vote at any primary, special, or general election must register to vote at least 30 days before the election. State law provides a late voter registration period that starts after the close of regular registration and ends on the 15th day before the election. During this late registration period, a voter must register in person at the county auditor's office, or at a location specifically designated for late registration by the auditor or Secretary of State, and must vote an absentee ballot.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A voter who registers by mail and indicates the he or she does not have a driver's license, state identification card, or Social Security number must provide one off a list of approved documents for identification purposes.

If one of the approved forms of identification is not provided at the time of voting, a provisional ballot will be issued.

A person or organization that collects voter registration applications must transmit the forms to the Secretary of State or a county auditor at least weekly.

In 2006 the U.S. District Court Western District of Washington issued a preliminary injunction prohibiting the enforcement of RCW 29A.08.107, Washington State's "matching" statute. RCW 29A.08.107 required the matching of a potential voter's name to either a Social Security Administration database or to the Department of Licensing database before allowing that person to register to vote. In *Washington Association of Churches, et. al., v. Sam Reed*, the Court found that the "matching" statute violated the Help America Vote Act (HAVA) because HAVA does not require matching as a precondition to registering to vote. In issuing its order, the court said the intent of HAVA was clear in that it "requires matching for the purpose of verifying the identity of the voter before casting or counting that person's vote, but not as a prerequisite to registering to vote." The court issued a final order and judgment against the state on March 16, 2007.

Summary of Bill (Recommended Substitute): The definition of an "infamous crime" is clarified.

The definition of "service voter" is expanded to include any elector of the state of Washington who is a member of a reserve component of the armed forces.

References to "out-of-state voter" are removed.

"Identification notice" is defined as a notice sent to a provisionally-registered voter to confirm the applicant's identity.

If the driver's license number, state identification card number, or last four digits of the Social Security number provided by an applicant do not match the information maintained by the Washington Department of Licensing (DOL) or the Social Security Administration (SSA), or if the applicant does not provide a Washington driver's license, Washington state identification card, or a Social Security number, the applicant must be provisionally registered to vote.

An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the Social Security number, or the voter must provide alternative identification enumerated in the bill.

The ballot of a provisionally-registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a Social Security number that matches the information maintained by the Washington DOL or the

SSA, or until the voter provides alternative identification. The identification must be provided no later than the day before certification of the primary or election.

The requirement that county auditors send an acknowledgement notice identifying a registrant's precinct within 45 days of receipt of an application or transfer is changed to 60 days.

A person or organization that collects voter registration applications must transmit the forms to the Secretary of State within five business days.

A person seeking to vote at any primary, special, or general election must submit an application not later than 29 days before the election or register in person at the county auditor's office in that person's county of residence no later than eight days before the election. An existing registration may be updated no later than 29 days before an election.

The definition of "political purpose" is moved to 29A.08.720 RCW.

Additional technical changes and are made.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The period of time that a person or organization that collects voter registration applications has to transmit the forms to the Secretary of State is changed from three days to five days.

Language is added to clarify that a registration may be canceled if the applicant has failed to provide proper identification through two federal general elections; that a voter who is already registered to vote is not required to go through the ID check each time the voter transfers the registration from one address to another; and that absentee ballots to overseas and service voters must still be mailed according to federal law.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill has been the result of a great deal of work and compromise. The language in the bill is workable for county auditors. During the last election cycle, 3.6 million people were eligible to vote in the general election and approximately 3 million cast a ballot. County auditors processed 26,567 ballot registrations between the certification of the primary and election day. Over 33,000 registrations were late but the registrations were still processed because the individual received a provisional ballot. The change in registration deadlines has involved a very collaborative effort between auditors and the prime sponsor. The new voter registration deadlines in this bill are a step in the right direction, but the election process won't truly be inclusive until election day registration is a reality. Many students are moving and starting college in the fall when voter

registration deadlines are in effect. Moving the registration deadlines forward to allow registration closer to the election date will open the voting experience to new and young voters. We should make the process of registering to vote automatic when a person gets a driver's license or state-issued identification card. People should have to opt out of the registration process, not opt in.

OTHER: The three-day time limit on getting voter registration forms turned in is a little onerous and we request that it be returned to the five business days as it has been. The database matching requirement between an individual's unique identifying number, social security number, and/or driver's license number and name is onerous, and we would like to see that business about identification removed.

Persons Testifying: PRO: Katie Blinn, Office of the Secretary of State; Kim Wyman, Washington Association of County Auditors; Carolyn Weikel, Snohomish County Auditor; Andrew Villeneuve, Northwest Progressive Institute; Richard Lum, University of Washington Students; Blair Anundson, WashPIRG Consumer and Democracy Advocate.

OTHER: Barbara Seitle, League of Women Voters.