
**State Government & Tribal Relations
Committee**

ESSB 5079

Brief Description: Enacting the Native American voting rights act of Washington.

Sponsors: Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators McCoy, Billig, Cleveland, Conway, Frockt, Hunt, Kuderer, Saldaña and Van De Wege).

Brief Summary of Engrossed Substitute Bill

- Permits online voter registration using a tribal identification card.
- Permits those living on an Indian reservation or Indian lands to use certain tribally designated buildings as their mailing and residential address when registering to vote.
- Allows tribes to request ballot drop boxes on Indian reservations.
- Creates a civil cause of action to enforce certain violations of this section in certain circumstances.

Hearing Date: 2/19/19

Staff: Jason Zolle (786-7124).

Background:

Washington law regulates voter registration and voting procedures.

Voter Registration.

How to Register to Vote. The Governor and Secretary of State (Secretary) designate certain state agencies to provide voter registration services. These designated agencies provide voter registration services for employees and the public in each office of the agency.

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.

Applicants registering to vote must submit an application with their name, residential address, and date of birth, and they must check a box confirming their United States citizenship. The applicant must also sign the application to attest to the truth of the information provided.

An applicant may register to vote online if the applicant has a Washington driver's license or state identification card. The Secretary of State must obtain a digital copy of the driver's license or identification card from the Department of Licensing.

Designating an Address. The applicant's residential address must identify the applicant's actual physical residence—that is, the applicant's permanent address where he or she physically resides and "maintains his or her abode." The residential address may be either a traditional address or a nontraditional address. A traditional address is a street number and street name, whereas a nontraditional address is a narrative description of the location of the voter's residence. A voter may use a nontraditional address to register to vote only if the voter lacks a traditional address. A voter lacks a traditional address if living in a shelter, park, motor home, marina, or other identifiable location that the voter deems to be the voter's residence.

Voting.

All registered voters in Washington receive a ballot in the mail that they may return by mail or by depositing in a ballot drop box. Voters may also cast a ballot in person at a voting center.

Ballot Drop Boxes. The county auditor must establish at least one ballot drop box per 15,000 registered voters in the county. The auditor must also establish one ballot drop box in each city, town, and census-designated place in the county with a post office.

Voting in Person. A person who votes in person at a voting center must either sign a ballot declaration or provide photo identification. The signature on the ballot declaration must be compared to the signature on the voter registration record before the ballot may be counted. Valid photo identification includes a driver's license, state identification card, tribal identification card, or employer identification card.

Summary of Bill:

Several changes are made to voter registration and voting procedures for people living on Indian lands or people with tribal identification cards.

Voter Registration.

How to Register to Vote. An applicant may register to vote online if the applicant has a valid tribal identification card, so long as the Secretary of State is able to obtain a copy of the applicant's signature from the federal government or the tribal government. The Secretary of State must obtain a digital copy of the tribal identification card from the tribal issuing authority.

Designating an Address. A voter applicant who resides on an Indian reservation or on Indian lands may register to vote using a tribally designated building that is a ballot pickup and collection location, so long as the building is in the same precinct as the voter. If the building is

not in the same precinct, the voter may register using the building as a mailing address, but the voter must designate the appropriate precinct by using a nontraditional address.

A voter applicant who resides on an Indian reservation or on Indian lands may also register to vote using a nontraditional address.

A voter lacks a traditional address if living in an unmarked home that the voter deems to be the voter's residence.

Voting.

Ballot Drop Boxes. An Indian tribe may request that the county auditor establish at least one ballot drop box on the Indian reservation at a site selected by the tribe. A tribe may also designate buildings as ballot pickup and collection locations from which the county auditor must collect ballots at no cost to the tribe.

Voting in Person. To be considered valid photo identification, a tribal identification card need not include a residential address or expiration date.

Enforcement.

Violations of some of these provisions may be enforced through a civil action for declaratory or injunctive relief.

For a violation of the provisions relating to ballot drop boxes and ballot collection on Indian reservations, a civil action may be brought by the Attorney General.

For a violation of those provisions or provisions allowing the use of a nontraditional residential address or a tribally designated building when registering to vote, a civil action may be brought by a person or tribal government if:

- the violation occurs more than 120 days before the election, notice was provided to the Secretary, and the violation remains 90 days after the Secretary received the notice;
- the violation occurs 120 days or fewer before the election, notice was provided to the Secretary, and the violation remains 20 days after the Secretary received the notice; or
- the violation occurs 30 days or fewer before an election.

Appropriation: None.

Fiscal Note: Available on original bill.

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