

FINAL BILL REPORT

E2SSB 5112

C 466 L 23
Synopsis as Enacted

Brief Description: Updating processes related to voter registration.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Hunt, Hasegawa, Kuderer, Valdez, Wilson, C. and Wilson, J.; by request of Secretary of State).

Senate Committee on State Government & Elections

Senate Committee on Transportation

House Committee on State Government & Tribal Relations

House Committee on Transportation

Background: Registering to Vote. Persons who are age 18 or older and who are United States citizens that have lived in the state, county, and precinct for 30 days immediately preceding an election and are not serving a sentence of total confinement and have not been declared judicially incompetent are entitled to vote. The National Voter Registration Act (NVRA) requires states to provide the opportunity to register to vote for federal elections at various state agencies. To register to vote, an eligible individual must provide their name, residential address, date of birth, a signature attesting the truth of the information provided, and an indication that the individual is a United States citizen.

Automatic Voter Registration. In 2018, the Legislature passed E2SHB 2595, which provides for an automatic voter registration process at two state agencies. At the Department of Licensing (DOL), applicants for new enhanced driver's licenses or identicards, or those changing the address on an existing enhanced driver's license or identicard, are automatically registered to vote or update an existing registration if the applicant is over 18 years of age and United States citizenship is verified, unless the applicant opts not to register. On a daily basis, DOL transmits to the Office of the Secretary of State (SOS) the name, address, date of birth, gender, driver's license number, signature image, and date of application for each applicant opting to register to vote.

The Health Benefits Exchange (HBE) transmits the name, address, and date of birth of each consenting applicant who is a citizen and at least 18 years old to the SOS for the purpose of

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the applicant being registered to vote. At both agencies, the applicant may decline voter registration at the time of the agency transaction. If the information transmitted is incomplete, the county auditor subsequently mails a verification notice to the applicant, who has 45 days to provide the missing information.

Voter Eligibility Challenges. The county prosecuting attorney or any registered voter may submit a challenge to any registered voter's ability to vote for failure to meet the legal qualifications to be registered to vote. If the challenge is because the challenged voter allegedly does not live at the address at which they are registered, the challenger must provide the challenged voter's actual residence or:

- send a letter, with return service requested, to the residential address provided;
- visit the residential address provided or obtain an affidavit from any residents of or employees at the address provided that the challenged voter does not reside there;
- search local telephone directories and property records to determine if the challenged voter resides elsewhere in the county; and
- search the state voter registration database to determine if the challenged voter is registered at another address.

Challenges to a voter's eligibility must generally be filed within 45 days before an election. The exception is if the challenged voter is alleged to have registered to vote or changed residences less than 60 days before the election, in which case the challenge may be filed up to ten days before any subsequent election, or ten days after the voter is added to the voter rolls, whichever is later.

Summary: Acknowledgment Notices. Applicants for enhanced driver's licenses or identicards are automatically registered to vote, signed up to register to vote, or have an existing voter registration updated at the time of the agency transaction and may opt out of registration after returning a subsequent acknowledgment notice from county auditors.

On a daily basis, DOL must also transmit to the SOS the language preference if provided, e-mail address, and phone number for all persons applying for, renewing, or updating enhanced driver's licenses or enhanced identicards.

Within five days of receipt of voter registration information from DOL, the county auditor must send the individual an acknowledgment notice package by nonforwardable mail. The notice must contain:

- a statement explaining that the individual has been registered to vote or signed up to register to vote and describes voter registration qualifications;
- a prepaid, preaddressed form allowing the individual to decline the voter registration or update;
- instructions on how the individual can obtain more information in their preferred language; and
- any other information SOS may require.

If the individual returns the acknowledgment notice and the notice is received by the county auditor within 15 days of the date of mailing, the individual is deemed to never have been registered to vote. If the auditor receives the acknowledgment notice more than 15 days after mailing, the auditor must cancel the individual's registration.

Voter Registration Prompts. Applicants for standard forms of identification who provide documentation indicating status as a noncitizen will not be provided an opportunity to register to vote. DOL and SOS shall determine types of documentation which indicate status as a noncitizen.

Voter Registration Documentation. Presentation of documents confirming United States citizenship during a government transaction constitute affirmation of citizenship for the purposes of voter registration. If requested by the Secretary of State, the Department of Licensing must transmit copies of documents used by applicants who are being automatically registered to vote to demonstrate United States citizenship.

List Maintenance. County auditors must cancel inactive voter registrations when receiving information that the inactive voter has moved out of state or died.

Voter Eligibility Challenges. For challenges to a voter's registration on the basis that the voter resides at a different address:

- the challenger is not required to attempt to contact the challenged voter at their address of record, but must instead search the voter registration database of another state to determine whether the voter is registered in any other state; and
- the challenged voter may update their address until 8:00 p.m. on the night of the election.

The county auditor may remove the contents of a voter registration challenge from the auditor's website 45 days after election certification.

Disclosure of Voter Registration Information. A voter's year of birth, rather than date of birth as recorded on the voter rolls is disclosable.

Penalties. The intentional registration of ineligible persons to vote by a public agency employee providing voter registration services is a gross misdemeanor. Intentional failure to transmit collected voter registration forms to an election office is a class C felony.

Votes on Final Passage:

Senate	38	10	
House	57	40	(House amended)
Senate	33	13	(Senate concurred)

Effective: July 23, 2023

July 15, 2024 (Sections 3, 4, 6, 11, 13 through 16, and 20 through 23)