

SENATE BILL REPORT

SB 6134

As Reported By Senate Committee On:
Government Operations & Elections, February 2, 2006

Title: An act relating to allowing canvassing boards to issue notices of civil infractions.

Brief Description: Allowing canvassing boards to issue notices of civil infractions.

Sponsors: Senators Keiser, Kohl-Welles, Prentice, Kline, Weinstein and Poulsen.

Brief History:

Committee Activity: Government Operations & Elections: 1/12/06, 2/2/06 [DPS, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6134 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Kline, McCaslin and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach, Ranking Minority Member.

Staff: Mac Nicholson (786-7445)

Background: Any registered voter may request that the registration of another voter be canceled if he or she believes that the voter does not meet the requirements of the constitution or that the voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger must file a signed affidavit, subject to the penalties of perjury, that to his or her personal knowledge and belief another registered voter does not actually reside at the address as given on his or her registration record or is otherwise not a qualified voter. The county auditor must provide notice to the challenged voter and inform the voter that he or she will be issued a challenged ballot. If the voter votes the challenged ballot, then the canvassing board must meet to rule on the challenged ballot.

A civil infraction is a noncriminal act that is prohibited by law and punishable by imposition of a monetary penalty. A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction. A notice of infraction must be filed with municipal or district court within 48 hours of issuance. A notice of civil infraction represents a determination that a civil infraction has been committed, and that determination is final unless contested within fifteen days. A person who has received a notice may pay the penalty, contest the determination and request a hearing, or not contest the determination but request a hearing to explain mitigating circumstances.

The maximum penalty and default amount for a class 1 civil infraction is \$250.

Summary of Substitute Bill: The canvassing board may issue notice of a class 1 civil infraction to any person challenging the registration of another if the board finds that the challenger failed to exercise reasonable diligence in determining the accuracy of the challenge, failed to base the challenge on personal knowledge, primarily considered the voter's political belief or characteristics protected by the law against discrimination when issuing the challenge, or issued the challenge in bad faith.

A voter whose registration has been challenged by another registered voter is entitled to recover actual attorneys' fees from the challenging voter if the challenge is rejected by the canvassing board or county auditor.

Substitute Bill Compared to Original Bill: The substitute bill adds the provision allowing the recovery of actual attorneys' fees and amends the title.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: Voters initiating challenges against other voters affirm under penalty of perjury that they have personal knowledge that the voter is unqualified to vote or does not live at the address as listed. In the King County challenges, the challenger did no investigation and had no personal knowledge, and there should be consequences. A reasonable investigation would have uncovered that two addresses on the challenge list were clearly residences that voters have lived at for 53 and 15 years respectively. The right to vote is the primary right in our country, and that right shouldn't be taken away by a challenge where there wasn't an inquiry made. Challenges were pulled the day before the hearing, but that doesn't undo the harassment and inconvenience faced by the voters.

Testimony Against: None.

Who Testified: PRO: Senator Keiser, prime sponsor; Tara Heinecke, 33rd District Democrats; Ray Doyle.