

# FINAL BILL REPORT

## ESSB 5743

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### C 246 L 05

Synopsis as Enacted

**Brief Description:** Enhancing voter registration recordkeeping.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Fairley, Benson, Berkey, Haugen, McAuliffe, Shin, Parlette, Keiser, Mulliken and Rockefeller; by request of Secretary of State).

**Senate Committee on Government Operations & Elections**

**House Committee on Appropriations**

**House Committee on State Government Operations & Accountability**

**Background:** Only registered voters may vote. Of the information asked on a voter registration form, only the following is required for voter registration: name; complete residence address; date of birth; Washington driver's license number; identification card or the last four digits of the applicant's social security number; a signature attesting to the truth of the information provided on the application; and a check in the box confirming United States citizenship.

The other information requested by the voter registration form, such as the address of the last former registration, the mailing address if different from the residence address, and the sex of the applicant, is ancillary information. It is not to be used to deny registration.

Effective January 1, 2006, the Secretary of State (SOS) must review each voter registration application to determine whether the applicant's driver's license number or last four digits of the social security number match the information maintained by the Department of Licensing and the Social Security Administration. If there is not a match, the SOS must correspond with the applicant to resolve the discrepancy. The applicant has 30 days to respond to the SOS, after which time the SOS must forward the application to the county auditor for document storage.

Specificity is lacking in some instances for the purpose of determining the date on which an applicant for voter registration is considered to be registered. For instance, in response to the SOS inquiry to resolve a discrepancy, if the discrepancy is resolved, the date of registration is the date the original voter registration application was mailed. When a person or organization collects voter registrations, the registrations must be submitted to the SOS or a designee at least once weekly. The date on which the individual voter's registration is effective, however, is not indicated.

If a voter becomes a convicted felon, his or her eligibility as a registered voter terminates. The SOS and the Department of Corrections periodically compare lists to correctly identify felons. Felons are removed from the official state voter registration list and, effective January 1, 2006, from the statewide voter registration data base.

Effective January 1, 2006, counties with fewer than 10,000 registered voters are to be compensated from funds provided by the Help America Vote Act for maintaining the electronic voter registration data base.

**Summary:** Courts must require persons convicted of a felony to sign a statement acknowledging that the defendant has lost his or her right to vote, that his or her voter registration will be canceled, procedures for restoring the right to vote, and that voting before his or her right is restored is a class C felony. The county clerk must inform the Secretary of State when a felon has completed his or her sentence requirements.

The information required for voter registration is clarified. Voter registration applications must include check boxes to indicate whether the applicant has a license, identification card, or social security number; whether the individual is at least 18; and whether the applicant is a member of the armed forces or an overseas voter. The oath on the application must also include a statement whereby the applicant declares that he or she is eligible to vote and acknowledges that his or her name will be forwarded to the proper authorities if he or she is found to have voted illegally.

If a registrant applicant indicates that he or she does not have a driver's licence or state identification card, the applicant must provide the last four digits of his or her social security number. If the license, state identification card, or social security number does not match the information maintained by the Department of Licensing or the Social Security Administration, the applicant must correspondence with either the SOS or the county auditor to resolve the discrepancy. If the applicant fails to respond to correspondence within 45 days, the applicant will not be registered.

If the applicant is registering by mail and indicates on the registration form that he or she does not have a driver's license, state identification card, or social security number, the individual will be registered to vote but must provide identification prior to voting. Acceptable forms of identification include a current photo identification, utility bill, bank statement, paycheck, government check, or another government document that shows the applicant's name and address. These requirements do not apply to an out-of-state, overseas, or service voter who registers to vote by signing the return envelope.

The confirmation and verification notices sent to voters so that they may update their current residence address must include a postage prepaid and a preaddressed return form.

As long as an applicant meets all requirements to register to vote, having a nontraditional address is not a basis for disqualification. These voters are registered at the county courthouse, city hall, or other public building near the area the voter considers his or her residence.

The date on which the applicant is considered a registered voter is the date of the original registration application, when correspondence resolves the question raised by nonmatching driver's license or social security number information. It is clarified that voter registration forms collected by persons or organizations may be transmitted to the SOS or the county auditor. The registration date of those forms is the date they are received.

The secretary of state is required to review and update records of all registered voters on a quarterly basis. Other appropriate state agencies including the Washington State Patrol and

the Office of the Administrator for the Courts, must be included in the periodic comparison of lists so as to identify felons and delete them from the statewide voter registration list and database. The Secretary of State must screen the statewide database for persons who declined to serve on juries because of non-citizenship, and for persons determined to be legally incompetent to vote. The Secretary of State may screen against databases maintained by other states, and against federal databases, including databases maintained by the Federal Bureau of Investigation, the federal court system, the bureau of prisons, and the Bureau of Citizenship and Immigration Services.

Prior to handing out voter registration forms, licensing agents at the Department of Licensing and other agencies must affirmatively ask whether the applicant is a citizen and whether the applicant will be 18 on or before the next election. The Department of Licensing must make the department negative file, which contains digital images of drivers' licenses and identification cards, available to the Secretary of State.

The date of birth is added to information on voter registration records that is subject to public disclosure. The Secretary of State or county auditor must provide information regarding the restricted use of registered voter data and violations of such uses to any person requesting the voter data.

The notification sent to felons cancelling their voter registration must include an explanation of the requirements for restoring the right to vote. A certificate of discharge or an order restoring civil rights may be used as proof that the sentencing requirements of the felony conviction have been satisfied.

The provision for compensation to counties of less than 10,000 registered voters for maintenance of the electronic voter registration data base is repealed.

Absentee return envelopes must contain a declaration informing the voter that it is illegal to vote if not a citizen, if voting rights have been taken away and not restored, and that it is illegal to cast a ballot or sign an envelope on behalf of another. Return envelopes must also have secrecy flaps and a space where a voter may include a telephone number.

The penalty for the crime of unqualified voter registration is changed from a misdemeanor to a class C felony.

**Votes on Final Passage:**

|        |    |    |                            |
|--------|----|----|----------------------------|
| Senate | 49 | 0  |                            |
| House  | 54 | 42 | (House amended)            |
| Senate |    |    | (Senate refused to concur) |

Conference Committee

|        |    |    |
|--------|----|----|
| House  | 97 | 1  |
| Senate | 30 | 18 |

**Effective:** January 1, 2006