

SENATE BILL REPORT

SSB 6188

AS PASSED SENATE, FEBRUARY 10, 1994

Brief Description: Implementing the National Voter Registration Act.

SPONSORS: Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley and Drew; by request of Secretary of State)

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6188 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, McCaslin, Oke, Owen and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: January 26, 1994; January 28, 1994

HOUSE COMMITTEE ON STATE GOVERNMENT

BACKGROUND:

In May, 1993 the President signed into law the National Voter Registration Act of 1993 (NVRA). This new law is intended to make voter registration more accessible to the public and to limit the basis for removing voters from the registration rolls. It is necessary with respect to federal elections to amend state law to conform to these new federal requirements. As a practical matter, the burden of maintaining dual registration requirements in the state, one for federal elections and the other for state and local elections, dictates the changes be uniformly applied.

The NVRA requires individuals be given an opportunity to apply for voter registration, or to update their registration: when applying for or renewing a driver's license; when applying for or receiving certain types of public assistance and other state services; by mail; and at military recruiting offices.

The NVRA requires various records be maintained, including records of refusals to register ("declinations") as a means of monitoring compliance with the act.

The NVRA prohibits the purging of voters' names from the rolls solely for failure to vote and requires a program for positively confirming the accuracy and currency of the registration lists. The NVRA also requires certain fail-safe procedures to ensure the right to vote is not denied as a result of bureaucratic or legal technicalities.

Washington is already in substantial compliance with the NVRA because of its "motor voter" program and registration by mail program. Some modification in state law is required, however, to fully meet the new federal requirements with regard to registration at other state offices, recordkeeping, and purging procedures. The federal requirements become effective on January 1, 1995.

SUMMARY:

Terminology: The general definitions in the election code are amended to add the term "special ballot." Registered voters are distinguished as either "active" or "inactive." The term "deputy registrar" is changed to "registration assistant." The phrases "information required for voter registration" and "date of mailing" are defined. The terms "verification notice," "acknowledgement notice" and "confirmation notice" are defined.

General Authority: The Secretary of State is authorized to coordinate those state election activities required by federal law and to adopt rules regarding registration requirements for state agencies and county auditors.

The Governor, in consultation with the Secretary of State, shall designate agencies to provide voter registration services.

The requirement the registrar in a public school be a school official or employee is deleted.

Records and Public Access: Original voter registration forms and their images are excluded from records generally available for inspection or by the public or copying for commercial purposes. County auditors shall maintain for two years records of any programs or activities for the purpose of assuring the accuracy and currency of the official lists of eligible voters.

Registration Procedures and Forms: The Secretary of State shall design and provide standard voter registration forms to be used by state agencies. Procedures are established for auditors to verify incomplete registration applications. The required warnings and oaths given and made in connection with registration are amended to clarify language and use the active rather than passive tense.

Current statutes are amended to accommodate registration by mail. City and town clerks are given greater discretion with respect to how they provide registration services. The transmittal of voter registration information by county auditors to the Secretary of State by electronic means is accommodated.

Any person to whom a state agency must extend an opportunity to register, who does not expressly decline, must be provided either a mail-in voter registration application or a prescribed agency application. Agencies required to provide

voter registration services may establish computer connections with the Secretary of State or must forward required information on a weekly basis. Written assurances a declination to register or the location at which a voter registers shall remain confidential are mandated.

Standards and procedures for determining whether a voter registration application is complete, for verifying applications and for classifying a voter as "active" or "inactive" are established. Inactive voters are not counted when determining the size of a precinct.

Purging Procedures: County auditors may use newspaper obituary articles as a basis to triggering a registration cancellation process.

The Department of Licensing (DOL) is required to transmit to the Secretary of State information regarding changes of address. The Secretary of State must forward such information from DOL to the appropriate county auditor on a weekly basis.

Within 14 days of a judgment of conviction of an individual for a felony, the court clerk must transmit the name and residence address of the felon to the county auditor. Upon receipt of such information, the auditor shall strike the name from any roll of registered voters.

County auditors shall establish a general program of voter registration list maintenance to be applied uniformly throughout the county in a nondiscriminatory manner. Any such program must be completed at least 90 days before the date of a primary or general election for federal office. Several types of programs are prescribed.

Polling Site Procedures: The requirement that the county auditor certify the authenticity of registration files delivered to precincts is deleted.

Criminal Provisions: The following are class C felonies: knowingly causing oneself to be registered in two or more counties; and offering or accepting payment to assist in registering voters where payment is based on a fixed amount per registration.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: Sections 1-3, 7, 10-12, 21, 22, 25, 27, 31-34, 37-40, 42, 44-55, and 57 take effect January 1, 1995.

TESTIMONY FOR:

This legislation will bring the state into compliance with NVRA. It builds on an already strong program. Federal requirements reflect serious problems in other states. County

auditors worked closely with the Secretary of State in drafting the bill.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Ralph Munro, Secretary of State; Gary McIntosh, Division of Elections; Bill Wegeleben, Governor's office; Bill Varney, Grant County Auditor

HOUSE AMENDMENT(S):

Expressly prohibits disclosure to the public, the agency or DOL driver's licensing office at which a particular voter registered or chose not to register.

Recitations of federal law regarding forms are changed to references.

Uniform standards are established for auditors for registration applications or change-of-address information which identify a new residence address.

The time period is clarified during which an action taken by a voter on inactive status reactivates the registration. Expressly authorizes auditors to cancel a registration for which such actions have not been taken in a timely manner.

Ongoing absentee voters are not included in calculating the maximum size of precincts.

Auditors are given discretion to determine whether ballot applications rather than ballots are to be mailed to inactive voters in certain vote-by-mail elections.