

FINAL BILL REPORT

SHB 1739

C 41 L 01

Synopsis as Enacted

Brief Description: Protecting the integrity of elections.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Bush, D. Schmidt, Romero, Miloscia, Anderson, Campbell, Talcott, Esser and Casada; by request of Secretary of State).

House Committee on State Government
Senate Committee on State & Local Government

Background:

I. Voter Registration

To register to vote in Washington, a person must be at least 18 years old, a citizen of the United States, and a resident of the state of Washington. In addition, persons convicted of felonies are ineligible to vote.

A. Registration Procedures

A qualified person may register to vote in many locations including with the county auditor, at many public buildings, when renewing or applying for a driver's license, and when applying for disability or public services. Federal law provides that the state may only ask a person registering to vote for the minimum amount of information necessary to complete the voter's registration (this requirement only applies to registering to vote for federal offices). In addition to such information, a person registering to vote must sign the following oath:

"I declare the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days before the next election at which I vote, and I will be at least eighteen years old when I vote."

B. Changing Voter Registration

When a person moves out of the county in which he or she is registered, the person must re-register in his or her new county. When re-registering, the person must sign an authorization to cancel his or her old registration, which must be promptly forwarded to the county in which the person was previously registered. Upon receiving and

authenticating such an authorization, the county auditor in the county in which the person was previously registered must cancel the person's registration.

C. List Maintenance

County auditors maintain their voter lists by updating information and removing voters with canceled registrations. Additionally, the county auditors participate in an annual list maintenance program with the Secretary of State to detect persons registered in more than one county.

II. Enforcement

A. Challenges

A person's right to vote may be challenged at the polls only by a precinct election officer. Up until the day before an election, a registered voter may also challenge another person's right to vote. A person who has been challenged may still vote by paper ballot. The person making the challenge must prove to the canvassing board by clear and convincing evidence that the person challenged is not qualified to vote. If this burden is not met, the person's paper ballot is counted.

B. Criminal Penalties

There are a variety of federal and state laws providing civil and criminal sanctions for violations of the election laws. For example, federal sanctions exist for persons who deprive others of their rights to equal access to the polls. Also, under state law, a person who votes twice is guilty of a gross misdemeanor, and persons who vote knowing they are unqualified are guilty of an un-ranked class C felony.

C. Prosecuting Violations

County prosecuting attorneys must present all violations of the election laws that come to the prosecuting attorney's attention to a proper jury.

Summary:

I. Voter Registration

A. Registration Procedures

The Secretary of State must provide voter registration information in the foreign languages required of state agencies by July 1, 2002. Persons registering to vote must be given information about the age and citizenship requirements for voter registration. Voter registration forms must contain conspicuous language reminding registrants that

they must be citizens to vote.

The Department of Licensing must post signs at driver licensing facilities informing the public of voter registration services and the qualifications necessary to register. A person registering to vote at a driver licensing facility must be: 1) asked if they want to register to vote, and 2) reminded that they must be 18 years of age and a citizen to register.

B. Changing Voter Registration

A person re-registering in a new county must provide all information necessary to cancel his or her previous voter registration. The county auditor must forward this information to the county in which the voter was previously registered. If the person was previously registered in another state, notification must be sent to the state's elections office. A county auditor receiving this information must immediately cancel the voter's registration.

C. List Maintenance

The annual list maintenance program is expanded to include the detection of persons voting more than once in an election. If a person is suspected of voting in more than one county in a single election, the county auditors in the two counties must cooperate with their respective county prosecutors to determine the voter's true residence.

II. Enforcement

A. Challenges

Only a precinct judge or inspector may challenge a person's right to vote at the polls. In addition, county prosecuting attorneys may initiate challenges in the same manner as registered voters.

B. Criminal Penalties

A person who intentionally disenfranchises eligible citizens or discriminates against people eligible to vote by denying voter registration is guilty of a misdemeanor. A person who attempts to register to vote knowing that he or she is unqualified is guilty of a misdemeanor.

The Secretary of State must provide a "voter guide" detailing what constitutes voter fraud and discrimination under state election laws. The Secretary of State must also provide a toll-free media and web page designed to facilitate voter communications. The Secretary of State's training and certification program for state and county election administration is expanded to include training on election law violations and discrimination.

C. Prosecuting Violations

A county auditor who suspects a person of fraudulent voter registration, vote tampering, or irregularities in voting must transmit the suspicions to the canvassing board. The county auditor must also attempt to contact the person in question without delay. If the auditor is unable to contact the person, or if the auditor still suspects the person after making contact, the auditor must refer the matter to the county prosecutor who must file charges where warranted.

Votes on Final Passage:

House 96 0

Senate 48 0

Effective: July 22, 2001