

State Government Committee

HB 1739

Brief Description: *Protecting the integrity of elections.*

Sponsors: *Representatives Bush, D. Schmidt, Romero, Miloscia, Anderson, Campbell, Talcott, Esser and Casada; by request of Secretary of State.*

Brief Summary of Bill

- *Requires persons registering to vote to be reminded of the age and citizenship qualifications for voter registration.*
- *Provides new procedures for voter list maintenance.*
- *Creates new crimes relating to disenfranchised voters and voter fraud, and requires such violations to be aggressively investigated and prosecuted.*
- *Requires the Secretary of State to provide information to citizens and election officials regarding voter fraud and discrimination, and requires the Secretary of State to establish a web page to allow citizens to report violations.*

Hearing Date: *2/14/01*

Staff: *Jim Morishima (786-7191).*

Background:

I. Voter Registration

In order 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 of Bill:

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, the qualifications necessary to register, and the penalties for false voter registration. A person registering to vote at a driver licensing facility, must be asked: 1) If they want to register to vote, and 2) if they are 18 and a citizen. Any person presenting identification from a foreign country must be presented with information concerning the qualifications necessary to register to vote.

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. The prosecuting attorney in the county in which the voter resides must then pursue a complaint.

II. Enforcement

A. Challenges

In addition to precinct election officers, and registered voters, county prosecuting attorneys may also initiate challenges in the same manner as registered voters.

B. Criminal Penalties

Election officials who intentionally disenfranchise eligible citizens, or discriminate against people eligible to vote by denying voter registration are guilty of an unranked class C felony. A person who attempts to register to vote knowing that he or she is unqualified is guilty of an unranked class C felony.

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 allow citizens to communicate complaints of violations of election laws, violations of voter registration laws, or election discrimination. 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

County prosecuting attorneys are directed to aggressively investigate charges of fraudulent voter registration, vote tampering, or irregularities in absentee voting, and to press charges when appropriate. Prosecuting attorneys are also directed to aggressively and without exception present all violations of the election laws that come to the prosecuting attorney's attention to a proper jury.

Rulemaking Authority: No express authority.

Appropriation: None.

Fiscal Note: Requested on February 8, 2001.

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