
State Government Committee

HB 2744

Brief Description: Implementing the Help America Vote Act.

Sponsors: Representatives Miloscia and Armstrong; by request of Secretary of State.

Brief Summary of Bill

- Creates a centralized state voter registration list.
- Initiates a state grant program for voting projects by local governments.
- Allows provisional ballots for court-ordered voting after the scheduled conclusion of voting.
- Establishes times and methods for disabled voting.
- Establishes an administrative complaint procedure for elections.

Hearing Date: 1/23/04

Staff: Matt Kuehn (786-7291).

Background:

The Help America Vote Act of 2002 (HAVA) was passed by the United States Congress and signed into law by President George W. Bush in October, 2002. HAVA is a response to the 2000 Presidential General Election, in particular the irregularities that emerged in Florida.

Traditionally the administration of elections has been a state and local issue. Following the 2000 election, Congress determined that improvements to voting systems were necessary in each state. Washington, like other states, left the administration of elections to the various counties and localities. While the Secretary of State (Secretary) is the chief state election official, the counties and the county auditors are the entities most directly involved in the election process.

That division of labor began to put the counties and local governments under a great deal of stress in the 1990's as the registration lists grew into sprawling and unmanageable databases. Inequalities between individual counties in technology and lack of communication meant that duplicate registrations were common. Where a duplicate registration was discovered, individuals were barred from voting, oftentimes to the surprise of that individual. In cases where a duplicate was not identified, the voter was capable of voting more than once.

The Florida election was further complicated by a lack of procedures for administrative complaints or for polls being kept open by court order. The confusion over these issues as well as aging equipment that defied full voting participation by the county's disabled registered voters inspired the changes made by HAVA.

Summary of Bill:

This bill addresses the areas of Washington state law that are changed to comply with HAVA. It creates or amends several aspects of the election process.

Voter Registration Issues

The Secretary will create and operate a single, centralized, computer database which will contain the name and registration information of every registered voter in the state. At minimum, the database must comply with federal HAVA restrictions, identify duplicate registrations and simplify the verification processes for checking registrations. The centralized list is the official list for verification rather than the county lists, and only voters appearing on the Secretary list are eligible to vote in an election.

In addition to the statewide database, the bill changes some other registration requirements. Because of the database, the Secretary becomes responsible or joins in responsibility for many of the duties that were held solely by the county auditors. Checking for deceased individuals or felons on the voter rolls, checking for duplicate registrations, checking petition signatures, and the issuance of various registration notices are all added to the Secretary's duties.

For each voter a unique identifying number is also created. The list is accessible to local election officials, but ultimate control over the list resides with the Secretary, not with the county auditors or other local election officials.

The minimum amount of identification that must be offered to register is changed to require that a Washington driver's license or the last four digits of a prospective voter's social security number must be given to register. In cases where the prospective voter signs under oath that he or she has neither a driver's license or a social security card, a unique voter registration number may be given to the voter. Furthermore, age and citizenship boxes must now be checked by a registering voter.

Local Government Grant Program

The Secretary is instructed to establish a competitive local government grant program along with an advisory committee to determine rules and criteria for the awarding of the grants. The bill does not have any membership or size requirements for the selection of the advisory committee.

A non-exclusive list of desirable projects to be considered for grants is included. The projects are all voting related, with an emphasis on local modernization. The Secretary-selected advisory committee will review the proposals and make a prioritized list of projects to be considered for grant funding. The bill requires that the review and prioritization take place by May 18, 2004. The committee will review and prioritize annually, with the third Tuesday in May remaining the deadline.

Disability Access

Several new sections are added to chapter 29.01 RCW to alter voting access for disabled voters. Specific dates, locations and hours for disabled voting must be designated by the county auditor. The date of in-person disabled voting may take place as early as 20 days prior to the primary or election, and may end the day before a primary or election. The end of the disabled voting period will depend on the county auditor's ability to print and distribute poll books.

Regulations on behavior of voting officials at the disabled voting location, and regulations regarding the transfer of ballots to counting centers are established as well.

Administrative Complaint Procedure

The administrative complaint procedure required by HAVA is adopted by the state. The procedure will be permitted in all general elections, special elections and primaries.

Provisional Ballots

Ballots are segregated in the event of a court, state or Federal order which extends the official poll closing time. Should an order to extend poll hours be made, the ballots made pursuant to the order will be segregated from those made in the course of the original polling hours.

Appropriation: None.

Fiscal Note: Requested on January 22, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.