FINAL BILL REPORT
SSB 6419

C 267 L 04

Synopsis as Enacted

Brief Description: Implementing the Help America Vote Act.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, McAuliffe, Oke and Winsley; by request of Secretary of State).

Senate Committee on Government Operations & Elections
Senate Committee on Ways & Means
House Committee on State Government
House Committee on Appropriations

Background: The Help America Vote Act of 2002 (HAVA) mandates changes to elections administration and provides federal funds for such purposes. Specifically, HAVA requires the creation of a statewide voter registration data base; provisional voting capabilities; a driver's license or Social Security number from an individual registering to vote; mail-in registration forms to include certain questions relating to citizenship and age; early disability access voting; the establishment of a local government grant program; and applying the administrative complaint procedures to elections.

Summary: HAVA requirements are implemented.

Voter Registration: A voter registration application must include a Washington driver's license number or the last four digits of a prospective voter's social security number and a checked box confirming citizenship. In cases where the prospective voter has neither a driver's license or a social security card, a unique voter registration number must be given to the voter.

Statewide Voter Registration Data Base: The Secretary of State (SoS) must create and operate a statewide voter registration data base which contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each voter. At a minimum, the data base must comply with federal HAVA restrictions; identify duplicate registrations; screen against the Department of Corrections, the Department of Health, and the Department of Licensing; 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 SoS list are eligible to vote in an election.

When a person found on the Department of Corrections' felon list has his or her voter registration cancelled, notice of the cancellation must be sent to the person at his or her last known address.

Courts must notify the appropriate county auditor when the court determines, during a guardianship proceeding, that a person is incapacitated and unable to exercise the right to vote. The county auditor must then cancel that voter's registration.

In addition to the statewide data base, some other registration requirements are changed. Because of the data base, the SoS 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 SoS duties.

An election official who knowingly uses or alters information on the state or local data base in a manner inconsistent with the performance of his or her duties is guilty of a class C felony.

County auditors are prohibited from destroying canceled voter registration information and must record and retain a record of each date upon which an individual has voted.

Local Government Grant Program: The SoS 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. Grants must be designed to help implement HAVA requirements. The SoS is instructed to create an advisory committee to review proposals and adopt rules governing the grant process.

Disability Access: An early voting process is created for disabled voters. Specific dates, locations and hours for disabled voting must be designated by the county auditor. The in-person disabled voting period may take place as early as 20 days prior to the primary or election, and end the day before a primary or election. The end of the disabled voting period depends on the county auditor's ability to print and distribute poll books. Statutes are amended to reflect the creation of disability access voting locations.

Administrative Complaint Procedure: The administrative complaint procedure required by HAVA is adopted by the state. The procedure is 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.

Miscellaneous Provisions: "Voting system" is defined as the combination of equipment used to define ballots; cast and count votes; display results; and produce audit trail information. Technical amendments are made to election statutes to implement the bill; rule-making authority for disability access and the statewide data base is granted; and effective dates are provided.

The SoS must consult with the Information Services Board in developing technical standards for disability access voting systems and formats for transferring voter registration data.

Votes on Final Passage:

> Senate   47   1
> House   96   0   (House amended)
> Senate   49   0   (Senate concurred)

Effective: March 31, 2004 (Sections 103, 104, 115-118)
>   June 10, 2004

July 1, 2004 (Sections 119, 140, 201-203, 321, 401, 501, 702)
January 1, 2005 (Sections 301-320)
January 1, 2006 (Sections 101, 102, 105-114, 120-139, 601, 701, 704)