

# SENATE BILL REPORT

## SSB 6419

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As Passed Senate, February 13, 2004

**Title:** An act relating to implementing the requirements of the Help America Vote Act.

**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).

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/30/04, 2/5/04 [DPS-WM].  
Ways & Means: 2/9/04 [DPS (GO)].  
Passed Senate: 2/13/04, 47-1.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 6419 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

**Staff:** Mac Nicholson (786-7445)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6419 as recommended by Committee on Government Operations & Elections be substituted therefor, and the substitute bill do pass.

Signed by Senators Zarelli, Chair; Hewitt, Vice Chair; Parlette, Vice Chair; Carlson, Doumit, Fairley, Hale, Honeyford, Johnson, Pflug, Prentice, Rasmussen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

**Staff:** Steve Jones (786-7440)

**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 database; provisional voting capabilities; a drivers 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 of Bill:** 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 database 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 database 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.

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 database, some other registration requirements are changed. Because of the database, 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 database 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 database 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.

**Appropriation:** None.

**Fiscal Note:** Requested January 20, 2004.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Testimony For:** This is a policy neutral bill that implements changes required by the federal government in the Help America Vote Act of 2002. Implementing these provisions makes the state eligible for matching federal grants at up to a 20 to 1 ratio.

**Testimony Against:** None.

**Testified:** PRO: David Elliot, State Director of Elections; Shawn Merchant, Office of the Secretary of State. CONCERNS: Jorgen Bader.

**House Amendment(s):** The requirement that the Secretary of State consult with the Information Services Board is moved from Section 702 (rulemaking authority) into separate sections of the act, Sections 140 and 321. Citations and effective dates are made internally consistent. 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.