

SENATE BILL REPORT

SB 6419

As Reported By Senate Committee On:
Government Operations & Elections, February 5, 2004
Ways & Means, February 9, 2004

Title: An act relating to elections.

Brief Description: Implementing the Help America Vote Act.

Sponsors: 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)].

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)

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 Substitute 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 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.

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.

Substitute Bill Compared to Original Bill: The substitute amends the title, makes technical grammatical changes, and reorders sections. The substitute requires a court to notify the appropriate county auditor when the court determines in the course of 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. The substitute creates a new crime of an election official knowingly using or altering information on the state or local database in a manner inconsistent with the performance of their duties. Existing law requires a county auditor to record and retain the last five dates an individual voted and also allows the county auditor to destroy canceled voter registration lists that are at least two years old. The substitute changes these provisions and requires the county auditor to record each date an individual votes and prevents a county auditor from destroying canceled voter registration information. The original bill removed the requirement in existing law that registration assistants be registered voters and the substitute bill puts that provision back in. The substitute bill requires the Secretary of State to consult with the information services board in development of technical standards for disability access voting systems and administering the statewide voter registration database.

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.