

# SENATE BILL REPORT

## ESSB 5743

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As Passed Senate, March 7, 2005

**Title:** An act relating to voter registration procedures.

**Brief Description:** Enhancing voter registration recordkeeping.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Fairley, Benson, Berkey, Haugen, McAuliffe, Shin, Parlette, Keiser, Mulliken and Rockefeller; by request of Secretary of State).

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/14/05, 2/24/05 [DPS].  
Passed Senate: 3/7/05, 49-0.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5743 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Benton, Fairley, Haugen, Kline, Mulliken and Pridemore.

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

**Background:** Only registered voters may vote. Of the information asked on a voter registration form, only the following is required for voter registration: name; complete residence address; date of birth; Washington driver's license number; identification card or the last four digits of the applicant's social security number; a signature attesting to the truth of the information provided on the application; and a check in the box confirming United States citizenship.

The other information requested by the voter registration form, such as the address of the last former registration, the mailing address if different from the residence address, and the sex of the applicant, is ancillary information. It is not to be used to deny registration.

Effective January 1, 2006, the Secretary of State (SOS) must review each voter registration application to determine whether the applicant's driver's license number or last four digits of the social security number match the information maintained by the Department of Licensing and the Social Security Administration. If there is not a match, the SOS must correspond with the applicant to resolve the discrepancy. The applicant has 30 days to respond to the SOS, after which time the SOS must forward the application to the county auditor for document storage.

Specificity is lacking in some instances for the purpose of determining the date on which an applicant for voter registration is considered to be registered. For instance, in response to the SOS inquiry to resolve a discrepancy, if the discrepancy is resolved, the date of registration is

the date the original voter registration application was mailed. When a person or organization collects voter registrations, the registrations must be submitted to the SOS or a designee at least once weekly. The date on which the individual voter's registration is effective, however, is not indicated.

If a voter becomes a convicted felon, his or her eligibility as a registered voter terminates. The SOS and the Department of Corrections periodically compare lists to correctly identify felons. Felons are removed from the official state voter registration list and, effective January 1, 2006, from the statewide voter registration data base.

Effective January 1, 2006, counties with fewer than 10,000 registered voters are to be compensated from funds provided by the Help America Vote Act for maintaining the electronic voter registration data base.

**Summary of Bill:** The information required for voter registration is clarified. The state identification card, Washington state driver's license number, or last four digits of the social security number are added as acceptable identification. A check box must be available for registrants to indicate when they are members of the armed services. The Secretary of State must check citizenship of each applicant with the federal Immigration and Naturalization Service.

The county election officials must randomly investigate the voter registration records to correct for deceased persons and persons with differing residential addresses.

The confirmation notice sent to voters so that they may update their current residence address must include a postage prepaid and a preaddressed return form.

If the applicant's driver's licence or social security number does not match the information maintained by the Department of Licensing or the Social Security Administration, the applicant has 15 more days, a total of 45 days, to respond to correspondence from either the SOS or the county auditor. The applicant may respond with copies of a current photo identification, utility bill, bank statement, paycheck, government check, or another government document that shows the applicant's name and address. Upon failure to respond, the applicant will not be registered to vote.

As long as an applicant meets all requirements to register to vote, having a nontraditional address is not a basis for disqualification. These voters are registered at the county courthouse, city hall, or other public building near the area the voter considers his or her residence.

The date on which the applicant is considered a registered voter is the date of the original registration application, when correspondence resolves the question raised by nonmatching driver's license or social security number information. It is clarified that voter registration forms collected by persons or organizations may be transmitted to the SOS or the county auditor. The registration date of those forms is the date they are received.

Other appropriate state agencies including the Washington State Patrol and the Office of the Administrator for the Courts, must be included in the periodic comparison of lists so as to identify felons to delete them from the statewide voter registration list and database.

The notification sent to felons cancelling their voter registration must include an explanation of the requirements for restoring the right to vote. A certificate of discharge or an order restoring civil rights may be used as proof that the sentencing requirements of the felony conviction have been satisfied.

The provision for compensation to counties of less than 10,000 registered voters for maintenance of the electronic voter registration data base is repealed.

The return envelope of absentee ballots must provide a check box for use by members of the armed forces.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on January 1, 2006.

**Testimony For:** This is the cleanup required by the Help America Vote Act (HAVA). The new statewide voter registration database needs specificity.

**Testimony Against:** This is just more costs the county auditors will have to bear. Felons have no single place to go to determine if all their rights have been restored. Restoration is a difficult and convoluted process. People give up. Since 1988 of the 300,000 felons, only less than 70,000 have had their voting rights restored.

**Who Testified:** Lonnie Johns-Brown, League of Women Voters; Jennifer Shaw, ACLU.  
PRO: Sam Reed, Shane Hamlin, Office of the Secretary of State; Bob Terwilliger, Snohomish County Auditor; Pat McCarthy, Pierce County Auditor.

CON: David Anderson, Your Vote Counts.

**House Amendment(s):** Courts must require persons convicted of a felony to sign a statement acknowledging that the defendant has lost his or her right to vote, that his or her voter registration will be canceled, procedures for restoring the right to vote, and that voting before his or her right is restored is a class C felony. The county clerk must inform the Secretary of State when a felon has completed his or her sentence requirements.

The House amendment removes the provision requiring secondary forms of identification when a voter applicant's license, identification card, or social security number cannot be matched by the Secretary of State or county auditor. Verification notices sent to applicants must include postage prepaid forms.

A voter registration applicant who registers by mail and indicates that he or she does not have a license, state identification card, or social security number must provide secondary identification prior to voting. If the applicant fails to provide such identification, the ballot will be treated as a provisional ballot. The requirements do not apply to an out-of-state, overseas, or service voter who registers to vote by signing the return envelope.

The requirement that election officials conduct random checks of all registered voters is removed. The secretary of state is required to review and update records of all registered voters on a quarterly basis.

Voter registration applications must include check boxes to indicate whether the applicant has a license, identification card, or social security number and whether the individual is at least 18. The oath on the application must also include a statement whereby the applicant declares that he or she is eligible to vote and acknowledges that his or her name will be forwarded to the proper authorities if he or she is found to have voted illegally.

The requirement that the Secretary of State check the citizenship of each applicant with the Immigration and Naturalization Service is removed.

The Secretary of State must screen the statewide database for persons who declined to serve on juries because of non-citizenship, and for persons determined to be legally incompetent to vote. The Secretary of State may screen against databases maintained by other states, and against federal databases, including databases maintained by the Federal Bureau of Investigation, the federal court system, the bureau of prisons, and the Bureau of Citizenship and Immigration Services.

The date of birth is added to information on voter registration records that is subject to public disclosure. The Secretary of State or county auditor must provide information regarding the restricted use of registered voter data and violations of such uses to any person requesting the voter data.

Prior to handing out voter registration forms, licensing agents at the Department of Licensing and other agencies must affirmatively ask whether the applicant is a citizen and whether the applicant will be 18 on or before the next election. The Department of Licensing must make the department negative file, which contains digital images of drivers' licenses and identification cards, available to the Secretary of State.

Absentee return envelopes must contain a declaration informing the voter that it is illegal to vote if not a citizen, if voting rights have been taken away and not restored, and that it is illegal to cast a ballot or sign an envelope on behalf of another. Return envelopes must also have secrecy flaps and a space where a voter may include a telephone number.

Any person voting at the polls must provide identification. The identification requirement can be satisfied by providing an original or copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck, student or tribal identification card, or other government document that shows the name and address of the voter. The address is not required to match the voter's voter identification card. The identification requirement can also be satisfied by providing a verbal or written statement of the voter's name, year of birth, and unique identifier as determined by the Secretary of State. If the voter does not have identification and does not know his or her unique identifier, the voter must vote with a provisional ballot.

The penalty for the crime of unqualified voter registration is changed from a misdemeanor to a class C felony.

Passed House: 54-42.