

# HOUSE BILL REPORT

## SB 5561

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**As Reported by House Committee On:**  
State Government & Tribal Affairs

**Title:** An act relating to allowing voter registration up to and on election day.

**Brief Description:** Allowing voter registration up to and on election day.

**Sponsors:** Senators Oemig, Fairley, Hobbs, Brown, Spanel, Franklin, Kline, Jacobsen and McAuliffe.

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 3/27/07, 3/28/07 [DPA].

**Brief Summary of Bill**  
**(As Amended by House Committee)**

- Allows voter registration up to and on Election Day.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Hunt, Chair; Appleton, Vice Chair; Green, McDermott, Miloscia and Ormsby.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member and Kretz.

**Staff:** Colleen Kerr (786-7168).

**Background:**

State law requires that in order to vote at any primary, special, or general election a person must register at least 30 days before the election. There are special procedures for late registration, however, where an unregistered elector may register up to 15 days before a primary, special, or general election by registering in person at the office of the county auditor of the county in which the elector resides, or by going to a voter registration location specifically designated for that purpose by either the county auditor or Secretary of State (Secretary) and applying for an absentee ballot.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Upon receiving a voter registration application, the Secretary and the county auditor are required to review the application. If the Secretary cannot match the applicant's license, identification, or social security number, then the Secretary or county auditor must correspond with the applicant to resolve the discrepancy. Similarly, if the application is not complete, the county auditor must correspond with the applicant to address the deficiency. In either instance, if the applicant fails to respond, the applicant may not be registered to vote.

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**Summary of Amended Bill:**

The late registration period ends on the day of the election. Those individuals who register to vote during this period will be given, and must cast, a provisional ballot. If a voter registration submitted during this late registration period is not complete or if the information cannot be matched by the Secretary, and the deficiency or discrepancy has not been resolved prior to certification, the ballot submitted by the late registrant must not be counted.

The Secretary is given specific authority to develop rules to address voter registration challenges filed against a person who registered to vote less than 14 days before the day of the election.

**Amended Bill Compared to Original Bill:**

Voters who use the late voter registration process will vote with a provisional ballot rather than an absentee ballot. The process is standardized so that voters may register to vote within 30 days of an election by going to the office of the local county auditor or to other sites designated for that purpose by the county auditor or local election official.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill presents an easy and appropriate way to improve voter turnout. The existing time frame for late voter registration is an arbitrary deadline that prevents people from registering to vote up to Election Day. In states that have Election Day voter registration, a significant percentage of the total voter turn out is from voters who register to vote on Election Day.

Idaho has Election Day voter registration. There, those individuals who wish to register to vote on Election Day must go to their county auditor and show photo ID and proof of residency in the state for 30 days prior, usually a piece of official mail. They are given a voter registration card to fill out and a ballot, which they immediately vote and the ballot is

counted. Idaho does not have provisional ballots. There have been very few instances of voter fraud, but where there have been, those individuals were prosecuted.

The state's student population is under-represented at the polls. Because students are often moving in the fall when it is time to register to vote, they need to be given every opportunity to register to vote to increase their participation. The student association has reason to believe that allowing voter registration up to and on Election Day will increase student voters by 10-12 percent.

(Opposed) This is laudable policy with questionable practicable implementation when you consider Washington's larger counties.

Election Day voter registration is correlative to absentee voting. Washington is a vote-by-mail state and has better voter turn out than most of the country as a result. Vote-by-mail or Election Day voter registration are separate policy choices and states usually choose one or the other. Those states that do allow Election Day registration do not find out until after the ballot has been cast whether votes are duplicate or are invalid ballots. In Washington, after the 2004 election, that is an unacceptable result.

If the intent of the policy is to increase voter turn-out, there are other steps the state can take. Online voter registration is an example. Online registration will have a 30 day cut-off and will be treated like mail-in registration.

The statewide voter database makes the idea of Election Day voter registration feasible, but there are still problems for the larger counties. King County had 40,000 voters register during the late period. That would be an untenable number of registrations to process on Election Day.

**Persons Testifying:** (In support) Senator Oemig, prime sponsor; Patty Weeks, Nez Perce, Idaho County Auditor; and Camille Andersen, Washington Student Lobby.

(Opposed) Suzanne Sinclair and Karen Flynn, Washington Association of County Auditors; and Katie Blinn, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** None.