

# FINAL BILL REPORT

## SSB 5270

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Synopsis as Enacted

**Brief Description:** Modifying voter registration provisions.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Swecker, Fairley, Oemig, Tom and Shin; by request of Secretary of State).

**Senate Committee on Government Operations & Elections**  
**Senate Committee on Ways & Means**  
**House Committee on State Government & Tribal Affairs**  
**House Committee on General Government Appropriations**

**Background:** A person seeking to vote at any primary, special, or general election must register to vote at least 30 days before the election. State law provides a late voter registration period that starts after the close of regular registration and ends on the 15th day before the election. During this late registration period, a voter must register in person at the county auditor's office, or at a location specifically designated for late registration by the auditor or Secretary of State, and must vote an absentee ballot.

A voter who registers by mail and indicates the he or she does not have a driver's license, state identification card, or Social Security number must provide one off a list of approved documents for identification purposes.

If one of the approved forms of identification is not provided at the time of voting, a provisional ballot will be issued.

A person or organization that collects voter registration applications must transmit the forms to the Secretary of State or a county auditor at least weekly.

In 2006 the U.S. District Court Western District of Washington issued a preliminary injunction prohibiting the enforcement of RCW 29A.08.107, Washington State's "matching" statute. RCW 29A.08.107 required the matching of a potential voter's name to either a Social Security Administration database or to the Department of Licensing database before allowing that person to register to vote. In *Washington Association of Churches, et. al., v. Sam Reed*, the Court found that the "matching" statute violated the Help America Vote Act (HAVA) because HAVA does not require matching as a precondition to registering to vote. In issuing its order, the court said the intent of HAVA was clear in that it "requires matching for the

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purpose of verifying the identity of the voter before casting or counting that person's vote, but not as a prerequisite to registering to vote." The court issued a final order and judgment against the state on March 16, 2007.

**Summary:** The definition of an "infamous crime" is clarified.

The definition of "service voter" is expanded to include any elector of the state of Washington who is a member of a reserve component of the armed forces.

References to "out-of-state voter" are removed.

"Identification notice" is defined as a notice sent to a provisionally-registered voter to confirm the applicant's identity.

If the driver's license number, state identification card number, or last four digits of the Social Security number provided by an applicant do not match the information maintained by the Washington Department of Licensing (DOL) or the Social Security Administration (SSA), or if the applicant does not provide a Washington driver's license, Washington state identification card, or a Social Security number, the applicant must be provisionally registered to vote.

An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the Social Security number, or the voter must provide alternative identification enumerated in the act.

The ballot of a provisionally-registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a Social Security number that matches the information maintained by the Washington DOL or the SSA, or until the voter provides alternative identification. The identification must be provided no later than the day before certification of the primary or election.

The requirement that county auditors send an acknowledgement notice identifying a registrant's precinct within 45 days of receipt of an application or transfer is changed to 60 days.

A person or organization that collects voter registration applications must transmit the forms to the Secretary of State within five business days.

A person seeking to vote at any primary, special, or general election must submit an application not later than 29 days before the election or register in person at the county auditor's office in that person's county of residence no later than eight days before the election. An existing registration may be updated no later than 29 days before an election.

The definition of "political purpose" is moved to 29A.08.720 RCW.

Additional technical changes and are made.

**Votes on Final Passage:**

Senate 32 16  
House 60 37 (House amended)  
Senate 32 17 (Senate concurred)

**Effective:** July 26, 2009