

HOUSE BILL REPORT

HB 2682

As Reported by House Committee On:
State Government
Appropriations

Title: An act relating to providing automatic voter registration at qualified voter registration agencies.

Brief Description: Providing automatic voter registration at qualified voter registration agencies.

Sponsors: Representatives S. Hunt, Kilduff, Appleton, Orwall, Bergquist, Reykdal, Stanford, Pettigrew, Gregerson, Ormsby, Hickel, Frame and Pollet; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/21/16, 1/26/16 [DP];
Appropriations: 2/8/16, 2/9/16 [DPS].

Brief Summary of Substitute Bill

- Establishes qualified voter registration agencies.
- Provides for automatic voter registration of eligible individuals applying for services or assistance at qualified voter registration agencies.
- Makes certain activities by an employee of a qualified voter registration agency a gross misdemeanor.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Frame and Moscoso.

Minority Report: Without recommendation. Signed by 2 members: Representatives Holy, Ranking Minority Member; Hawkins.

Minority Report: Do not pass. Signed by 1 member: Representative Van Werven, Assistant Ranking Minority Member.

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.

Staff: Dawn Eychaner (786-7135).

Background:

National Voter Registration Act.

Among the provisions of the National Voter Registration Act of 1993 (NVRA), popularly known as 'Motor Voter,' is a requirement for states to provide for simultaneous voter registration when citizens apply for a new, or renew an existing, driver's license or identification card. In Washington, driver's licensing agents ask applicants for driver's licenses or identicards whether the applicant wants to register to vote or update his or her voter registration. An applicant for a standard driver's license or identicard is not asked to disclose his or her citizenship or legal residency status unless he or she chooses to register to vote. If an applicant registers to vote, the Department of Licensing (DOL) transmits that voter's registration information to the Secretary of State (SOS).

The NVRA also allows the Governor to designate other agencies to perform voter registration activities. In addition to the DOL, the Governor has designated the following as voter registration assistance agencies:

- Department of Health;
- Department of Services for the Blind;
- Department of Social and Health Services;
- Health Benefit Exchange; and
- Health Care Authority.

In 2015 automatic voter registration laws were enacted in California and Oregon. These are the first states to adopt automatic voter registration. Both require proof of United States citizenship or legal presence from driver's license and identification card applicants.

Washington State Voter Registration Database.

The SOS maintains a centralized voter registration database containing the name and registration information of every legally registered voter in the state. Registration information shared with the SOS through the DOL database is validated and added to this official list of registered voters. The electronic signature on a driver's license or identicard application or renewal may serve as the electronic signature for voter registration purposes.

Other:

Voter violations, including knowingly registering to vote when unqualified, providing false voter registration information, and making a false declaration about voter qualifications, are punishable as class C felonies.

A person who knowingly tampers with a registration form or intentionally fails to return another person's registration form is guilty of a gross misdemeanor. This does not apply to the voter who completed the form or to a county auditor who is acting as authorized by law.

The Address Confidentiality Program (ACP), administered by the SOS, helps certain criminal justice employees and victims of domestic violence, sexual assault, trafficking, or stalking keep their addresses secret. Program participants may register to vote without creating a public record.

Summary of Bill:

Qualified Voter Registration Agencies.

Beginning January 1, 2017, the DOL, Health Benefit Exchange (HBE), and other agencies providing public assistance or services to persons with disabilities and designated by the Governor, are established as Qualified Voter Registration Agencies (QVRAs). The agency must collect the name, address, birth date, signature, and citizenship information of individuals as part of their regular provision of services in order to be a QVRA.

Transmission of Existing Records.

Each QVRA must promptly transmit to the SOS the name, residential and mailing addresses, birthdate, and acknowledgement of United States citizenship for each person for whom the agency retains this information on January 1, 2017. With the exception of the HBE, QVRAs must also transmit a digital copy of each person's signature. Information transmitted for voter registration purposes is not subject to public disclosure.

For each person who is not currently registered to vote and whose information is transmitted, the SOS must send notice explaining that voter registration is voluntary, and if the person does not decline to register within 60 days he or she will be registered to vote. The notice may not identify the agency transmitting the original data and must provide information for:

1. how to decline registration;
2. voting eligibility criteria;
3. how to correct any missing or incorrect registration information; and
4. the ACP.

If the person does not decline to register to vote within 60 days of the notification, the SOS must register that person to vote. If the SOS receives voter registration information within 21 days of an election, the SOS must wait until after the election to register the person.

Voter Registration.

Beginning January 1, 2017, a QVRA must inform applicants for assistance that the applicant will be registered to vote unless he or she declines or is found to be ineligible. The QVRA must also inform applicants: (1) of the qualifications for becoming a registered voter; (2) of the penalties for knowingly registering when ineligible or providing false registration information; (3) that voter registration is voluntary and will not impact that individual's eligibility for other services or benefits; (4) that the person's choice to register or not register will not be used for any other purpose; and (5) about the ACP. The applicant's transaction with the agency will not be completed until the applicant is given the opportunity to decline being registered to vote.

A QVRA must provide the SOS, in a format determined by the SOS, voter registration information for individuals who do not decline to be registered. Voter registration information includes the person's name, residential and mailing addresses, birth date, acknowledgment that the person is a United States citizen, a digital copy of the person's signature, and an affirmation of the person's eligibility to be a registered voter. The HBE is

exempted from the requirement to provide the person's digital signature; however, the HBE is directed to provide the SOS sufficient information to allow the SOS to obtain a digital copy of the person's signature.

Upon receiving voter registration information, the SOS must determine whether the person is eligible to be registered to vote or requires an updated voter registration, and subsequently provide that information to the county auditor of the county in which the person may be registered. The county auditor must then register that person to vote or update the voter registration information. The voter registration submitted is considered an electronic voter registration.

If the SOS receives voter registration with 21 days of an election, the SOS must wait until after the election to provide the county auditor with the registration information.

The county auditor must promptly send a notification to each person who is registered to vote or whose existing voter registration was updated.

Other:

If a person does not know he or she is ineligible to vote and becomes registered through a QVRA, or subsequently unknowingly attempts to vote or votes illegally as a result of being registered, that person is presumed to have acted with official authorization and is not guilty of a class C felony.

An employee of a QVRA is guilty of a gross misdemeanor if he or she: willfully neglects, refuses to perform, or performs in an incorrect manner any duty required by law in connection with the registration of voters; enters, causes, or permits to be entered on the voter registration records the name of any person not entitled to be registered; or destroys, conceals, or alters any registration record except as authorized by voter registration law.

The identity of the office or agency at which a person registered to vote, and a person's choice whether or not to register, are not subject to public disclosure.

Registered voters may submit an address change for voter registration purposes to a QVRA.

Appropriation: The sum of \$400,000 is appropriated from the State General Fund.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect on January 1, 2017, except section 11, relating to the appropriation, which takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Every eligible person should have access to register to vote. This bill represents a balance of access and security concerns. The costs associated with implementation from

the Office of the Secretary of State are all one-time costs and reflect the cost of printing and mailing the opt-out cards. The retroactive data transfer was included because Commercial Driver's Licenses and Enhanced Driver's Licenses are good for 10 years, so there may not be an opportunity to register that population soon without going back in those records. This bill supports democracy and encourages voter participation. Last year only 15 percent of 18-21 year olds voted. This bill will support voter access, protects the fundamental right of all Washingtonians to vote, and is the first step in healing our democracy.

(Opposed) None.

Persons Testifying: Representative S. Hunt, prime sponsor; Kim Wyman, Office of the Secretary of State; Ralph Munro; An Huynh, International Community Health Services; and Webster Hutchins, Civics For All.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 20 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody, Fitzgibbon, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, Pettigrew, Robinson, Senn, Springer, Stokesbary, Sullivan, Tharinger and Walkinshaw.

Minority Report: Do not pass. Signed by 9 members: Representatives Buys, Condotta, Dent, Haler, Harris, Magendanz, Schmick, Taylor and Van Werven.

Minority Report: Without recommendation. Signed by 2 members: Representatives Parker, Assistant Ranking Minority Member; MacEwen.

Staff: Lily Sobolik (786-7157).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government:

The Appropriations Committee recommended:

- the exemption of the Department of Social and Health Services (DSHS) and the Health Care Authority (HCA) from the requirement to provide digital signatures to the Office of the Secretary of State (OSOS) for ongoing voter registration;
- adding the DSHS, the HCA, and the Department of Licensing (DOL) as agencies with which the OSOS must consult to gain sufficient information to obtain digital signatures; if unable to obtain a digital signature from the DOL, the OSOS may obtain the digital signature from the DSHS or the HCA if available;
- requiring the DSHS to verify whether a person has already been offered the opportunity to register to vote at the Health Benefit Exchange (HBE); verification occurs with each person's service application, renewal, or change of address, excluding changes of address with the Developmental Disabilities Administration and Aging and Long-Term Support Administration;

- requiring, with each application, renewal or change of address, the DSHS to complete voter registration for persons not already offered registration at the HBE and who do not decline. requiring the Developmental Disabilities Administration and Aging and Long-Term Support Administration to provide voter registration services via mail for all changes of address;
- requiring the OSOS to mail a voter registration application to persons registered by a Qualified Voter Registration Agency for whom incomplete information is received;
- removing the requirement for Qualified Voter Registration Agencies to transmit records held on January 1, 2017, to the OSOS; and
- removing the \$400,000 appropriation to the OSOS.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2017.

Staff Summary of Public Testimony:

(In support) Every eligible resident should have access to the opportunity to vote. There are four requirements for voter registration and to begin discussions on automatic registration, the Secretary of State had to realize the nexus of those criteria. The DOL for Enhanced and Commercial Drivers Licenses, the HBE, and the HCA all verify these criteria as part of their normal duties. The OSOS costs associated with the bill are one-time, hard costs for the mailing of voter registration confirmations.

The fiscal note has been reduced by two-thirds. This bill protects the integrity of and modernizes our voting system. Automatic registration is a cost-saving mechanism for the state, and this will ensure that those who encounter barriers to voting, such as veterans and the disabled, will have access.

The Legislature should strike while the iron is hot with young voters. This bill will create enthusiasm among young people for voting. Oregon implemented a similar program and registered many new voters as a result.

(Opposed) None.

Persons Testifying: Toni McKinley-Camp, Office of the Secretary of State; Emily Murphy, Win/Win Action; and Steve Lindstrom, Evergreen High School.

Persons Signed In To Testify But Not Testifying: None.