

HOUSE BILL REPORT

SHB 2682

As Passed House:
February 15, 2016

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: House Committee on Appropriations (originally sponsored by 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].

Floor Activity:

Passed House: 2/15/16, 55-42.

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.

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.

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

Staff: Dawn Eychaner (786-7135).

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).

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 (U.S.) 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 identicaid 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 Substitute Bill:

Qualified Voter Registration Agencies.

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.

Voter Registration.

Beginning January 1, 2017, a QVRA must inform applicants for assistance or services 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 citizens 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 U.S. citizen; except for the HBE, the Health Care Authority (HCA), and the Department of Social and Health Services (DSHS), a digital copy of the person's signature; and an affirmation of the person's eligibility to be a registered voter.

The HBE, the HCA, the DSHS, and the DOL are directed to provide the SOS sufficient information to allow the SOS to obtain a digital copy of the citizen's signature from the DOL, when available. If the SOS is unable to obtain a digital copy of the citizen's signature from the DOL, the DSHS or the HCA will provide a digital signature to the SOS when available.

Prior to submitting voter registration information to the SOS, the DSHS will verify whether the person has already been offered the opportunity to register through the HBE. The Developmental Disabilities Administration (DDA) and the Aging and Long-Term Support Administration (AL TSA) within the DSHS are exempt from this verification for changes of address transactions. The DDA and the AL TSA must provide voter registration services by mail for all changes of address.

The QVRAs may only transmit to the SOS information relating to U.S. citizens. 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. If the SOS receives incomplete voter registration information from a QVRA, the SOS will mail that person a paper voter registration form.

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: None.

Fiscal Note: Available. New fiscal note requested on February 12, 2016.

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

Staff Summary of Public Testimony (State Government):

(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.

Staff Summary of Public Testimony (Appropriations):

(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 SOS 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 SOS 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 (State Government): 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 Testifying (Appropriations): 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 (State Government): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.