

SENATE BILL REPORT

SB 6379

As of February 10, 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: Senators Jayapal, Roach, Ranker, McCoy, Fain, Fraser, Pedersen, Hasegawa, Billig, Frockt, Carlyle, Lias, McAuliffe, Keiser, Darneille, Chase and Habib; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Security: 1/25/16.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

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 opportunities for 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 driver’s license or identicard applicants whether the applicant wants to register to vote or update an existing 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 requires that certain designated social services agencies perform voter registration activities. In addition to DOL, the Governor has designated the following as voter registration assistance agencies:

- the Department of Health;
- the Department of Services for the Blind;
- the Department of Social and Health Services;
- the Health Benefit Exchange (HBE); and

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- the Health Care Authority.

In 2015, California and Oregon enacted laws requiring the automatic voter registration of eligible driver's license and identification card applicants at motor vehicle departments unless the applicant opts out. Both states' laws require proof of U.S. citizenship or legal presence from driver's license and identification card applicants.

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 drivers' license or identicard application or renewal may serve as the electronic signature for voter registration purposes.

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

Summary of Bill: Automatic Voter Registration. An applicant for services or benefits at several state agencies, if eligible to register to vote, is automatically registered to vote when applying for services or benefits unless the applicant opts not to register.

Automatic voter registration takes place at Qualified Voter Registration Agencies (QVRAs). QVRAs include DOL, the HBE, and other agencies designated by the Governor that provide public assistance or services to persons with disabilities. As a regular part of providing assistance or services, QVRAs collect clients' name, address, birth date, signature, and citizenship information.

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 applicant's transaction with the agency will not be completed until the applicant is given the opportunity to decline being registered to vote.

The QVRA must also disclose to applicants:

- the qualifications for becoming a registered voter;
- the penalties for knowingly registering when ineligible or providing false registration information;
- that voter registration is voluntary and will not impact that individual's eligibility for other services or benefits;

- that the person's choice to register or not register will not be used for any other purpose; and
- about the ACP.

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 U.S. citizen, a digital copy of the person's signature, and an affirmation of the person's eligibility to be a registered voter. The HBE does not have to provide the person's digital signature, but must 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 where the person may be registered. The county auditor must then register that person to vote or update the registration information. If the SOS receives voter registration information within 21 days of an election, the SOS must wait until after the election to submit the information to the county auditor.

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

Transmission of Existing Records. Each QVRA must promptly transmit to the SOS the name, residential and mailing addresses, birth date, and acknowledgement of U.S. 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 must provide information for:

- how to decline registration;
- voting eligibility criteria;
- how to correct any missing or incorrect registration information; and
- 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. The county auditor must promptly send a notification to each person who is registered to vote or whose existing voter registration was updated under this procedure.

Crimes and Penalties. 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 under the act, that person is presumed to have acted with official authorization and is not guilty of a Class C felony.

An employee of a qualified voter registration agency 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.

Other Provisions. 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.

Appropriation: \$400,000 of GF-S is appropriated to the Secretary of State.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: This bill fits Washington's particular needs and conditions, enhances election system efficiency, and expands democracy to make it as easy as possible to vote. The programs implicated already verify citizenship in the course of registering clients for their programs. Very few people will be registered who are not qualified. Passing a bill like this would build trust that government can get things done and perhaps increase participation. Retroactive registration, capturing people who have already gotten benefits, will create a one-time cost. Technology levels the playing field for voter registration. Elections are a process to discern the will of the majority, and this is the next logical step. This is an incremental step to increasing voter turnout. Elections officials spend a lot of money administering our outdated voter registration system. A more automatic system will reduce the cost burden so election officials can focus time on administering elections and engaging citizens. This will make voter registration simpler and more immediate, meaning more people are likely to register to vote and actually vote.

Persons Testifying: PRO: Senator Jayapal, prime sponsor; Kim Wyman, Secretary of State; Ralph Munro, Former Secretary of State; Mairin Hackett, WashPIRG; Katherine Sims, Associated Students of the University of Washington; Steve Lindstrom, Evergreen High School.

Persons Signed In To Testify But Not Testifying: PRO: Emily Murphy, Win/Win Action Network; Alexander Wirth, Associated Students of The University of Washington; Erin Mulka, WSA.

Persons Signed In To Testify But Not Testifying: No one.