

FINAL BILL REPORT

E2SHB 2595

C 110 L 18
Synopsis as Enacted

Brief Description: Concerning procedures in order to automatically register citizens to vote.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti, Jinkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson and Stonier; by request of Governor Inslee).

House Committee on State Government, Elections & Information Technology
House Committee on Transportation
Senate Committee on State Government, Tribal Relations & Elections
Senate Committee on Transportation

Background:

Voter Registration. Any eligible voter must register in order to vote in any primary, special, or general election. Voter registration requires a person to provide his or her name, residential address, date of birth, affirmation of citizenship, and a signature attesting to the truth of the information provided. The Secretary of State (SOS) maintains a statewide voter registration database that includes information on every registered voter.

In order to vote in an election, a person must submit his or her registration application online or by mail no later than 29 days before the election date, or in person at his or her county auditor's office no later than eight days before the election date. A person may update his or her registration at least 29 days before an election for the change to be effective for that election. A voter who does not transfer his or her residential information by that deadline may still vote according to his or her previous address.

Motor Voter. The National Voter Registration Act (NVRA) requires states to provide the opportunity to register to vote for federal elections. Washington adopted the Motor Voter Act requiring the Department of Licensing (DOL) to provide voter registration services when a person applies for or renews a driver's license or state identification card. The Governor, in consultation with the SOS, may designate agencies to offer certain services to the public to provide an opportunity to register to vote. The Governor has designated the following agencies to provide voter registration services: the Department of Social and Health

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.

Services; the Health Care Authority; the Health Benefit Exchange (HBE); and the Department of Services for the Blind.

Enhanced Driver's License and Identicard. Any state resident who is also a citizen of the United States may obtain an enhanced driver's license (EDL) or enhanced identification card (EID). The applicant must provide the same information required for driver's license applications, as well as proof of their identity, citizenship, and state residency. Applicants also must complete an in-person interview with a DOL employee.

Summary:

The voter registration procedures is expanded in several ways.

Enhanced Driver's License and Enhanced Identification Applicants. Beginning July 1, 2019, any person who is at least 18 years old may be automatically registered to vote or have his or her voter registration updated upon receiving or renewing his or her EDL or EID, or changing his or her address, so long as the DOL's records include required voter registration information and provide a signature image. The applicant must be offered an opportunity to decline to register.

If the EDL or EID applicant has not declined registration to vote, the DOL must transmit the applicant's information to the SOS, including name, address, date of birth, gender, license number, signature image, and date the application was submitted. The DOL is prohibited from sharing data files used by the SOS to certify voter registration with a federal or state agency unless required by law. Personal information used for obtaining a driver's license or identicard is exempt from public disclosure.

The DOL must notify the SOS and county auditor when an EDL is cancelled due to inaccurate or incorrect application information that was transferred to the SOS.

Within 60 days of such automatic registration, the county auditor must mail an acknowledgement to the voter, which contains the person's designated precinct and other information the SOS may require. Such a mailing may not be forwarded to any other address. If the automatic registration is missing any required information, the county auditor must mail a request to the person to provide the missing information, which must be provided within 45 days, in order to complete an application.

Health Benefit Exchange Participants. Beginning July 1, 2019, the HBE must provide voter registration information to the SOS for each person who consents and meets voter qualification requirements. Such information includes the person's name, address, and date of birth. The SOS must first review the information to determine whether the person is already registered to vote, and then submit the information to the appropriate county auditor. The county auditor must notify the person that he or she is registered to vote. If the SOS receives the information within eight days of an election, the SOS must wait until after the election to provide the registration information to the county auditor.

The HBE must report any known impediments to implementation to the Governor and the Legislature by December 1, 2018.

Qualified Voter Registration Agencies. Certain qualified state agencies, except for the HBE, that provide public assistance or services to person's with disabilities and collect information related to voter registration, including names, addresses, birthdates, signature attestations and citizenship verification must report to the Legislature and the Governor on plans and barriers for implementing automatic voter registration services starting July 1, 2019. The reports are due by December 1, 2018. The Governor is authorized to decide whether a qualified agency must implement automatic voter registration services. Voters may change their address automatically at qualified agencies that have implemented automatic voter registration services.

The SOS must jointly determine with a qualified agency on the cause of any ineligible voter who becomes registered through the automatically registration process.

Protections for Unintentional Registration. If an ineligible person becomes registered to vote through an automatic registration process, his or her registration is deemed to be an authorized act and such an act may not be considered as a claim to citizenship. The same standard applies to an ineligible voter who becomes registered through the same process and illegally votes in an election, if he or she did not have knowledge of his or her ineligibility. The voter registration or record of vote must be removed from the voter registration database for any ineligible person who became registered to vote through the DOL or HBE process. The SOS and the relevant agency must jointly determine the cause where ineligible voters incidentally become registered to vote.

Votes on Final Passage:

House	50	48	
Senate	29	20	(Senate amended)
House			(House refused to concur)
Senate	27	21	(Senate receded/amended)
House	50	48	(House concurred)

Effective: June 7, 2018
July 1, 2019 (Sections 101-107)