

# HOUSE BILL REPORT

## SSB 6183

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### As Reported by House Committee On: State Government & Tribal Relations

**Title:** An act relating to allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials.

**Brief Description:** Allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials.

**Sponsors:** Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Hunt, Conway, Kuderer and Wilson, C.).

### Brief History:

#### Committee Activity:

State Government & Tribal Relations: 2/25/20, 2/26/20 [DPA].

#### Brief Summary of Substitute Bill (As Amended by Committee)

- Permits service and overseas voters to use a Common Access Card (CAC) digital signature to submit a voter registration form on the Secretary of State's (Secretary) website, if the Secretary can obtain a copy of the applicant's signature from the federal government.
- Requires the Secretary to adopt rules related to accepting online voter registration using a CAC digital signature.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Dolan, Hudgins, Mosbrucker and Smith.

**Staff:** Jason Zolle (786-7124).

### Background:

Registering to Vote.

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*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.*

To register as a voter, an applicant must submit an application containing the applicant's name, residential address, date of birth, driver's license or state identification number or the last four digits of the applicant's social security number, signature (to attest to the truth of the information on the application), and a check mark or indication to confirm United States citizenship.

A person who has a valid Washington driver's license, identification card, or tribal identification card may register to vote online at the Secretary of State's (Secretary) website. The Secretary must then obtain a digital copy of the applicant's driver's license or state identification card signature from the Department of Licensing. A tribal identification card may be used only if the Secretary can obtain a copy of the applicant's signature from the federal government or tribal government. Obtaining the applicant's signature is necessary because the county auditor compares the signature on a ballot declaration to the signature on file to determine whether the ballot may be counted.

Service and overseas voters may request an absentee ballot and register to vote by signing the ballot declaration on the return envelope of the ballot.

#### Digital Signatures.

A digital signature is a method of signing documents electronically in a manner that verifies the authenticity of the document—i.e., that it came from the person who signed it and that it has not been altered in transmission. Digital signatures use Public Key Infrastructure technology:

- An electronic document is turned into a unique "hash," i.e., a series of numbers and letters between A and F.
- When a document is electronically signed, a private "key" is randomly generated along with a corresponding public key.
- Using the private key, the document's hash is encrypted so that it cannot be edited.
- The document is electronically transmitted to the recipient along with the public key.
- Software on the recipient's computer uses the public key to decrypt the hash.

If the document is changed after signing, the hash decrypted by the public key will not match the document, and the signature will be invalidated. Therefore, the recipient can determine whether the document was altered in transmission.

#### Common Access Card.

The Common Access Card (CAC) is the standard identification for active duty uniformed military service personnel, members of the Selected Reserve, Department of Defense (DOD) civilian employees, and eligible contractor personnel. The CAC is used to enable physical access to buildings and controlled spaces, and it provides access to DOD computer networks and systems. The CAC has an integrated circuit chip; a person inserts a CAC into a computer that has a smart-card reader and types in a personal identification number to gain access to certain networks, systems, and applications. A person who has a CAC can also use it to generate a digital signature on an electronic document.

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#### **Summary of Amended Bill:**

A service or overseas voter may use a digital signature to submit a voter registration electronically on the Secretary's website, if the Secretary can obtain a copy of the applicant's signature from the federal government.

The Secretary must adopt rules related to accepting online voter registration using a CAC digital signature.

**Amended Bill Compared to Substitute Bill:**

The amended bill specifies that an overseas or service voter may register to vote on the Secretary's website only if the Secretary can obtain physical signatures for such voters from the federal government. It also clarifies that rules related to accepting digital signatures for voter registration must provide for registration only on the Secretary's website.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a simple bill with a nice idea. The CAC is used by DOD employees, and everyone with a CAC uses it every day. Service members can file federal income taxes with their CAC. This bill would allow them to use it for voter registration purposes. Changes in the Senate were made to remove use of a CAC for online ballot transmission. The Senate chose not to prohibit online ballot transmission, but to remain silent because some county auditors want to continue to accept ballots in that manner. For now, the bill is limited to voter registration.

(Opposed) None.

**Persons Testifying:** Senator Hunt, prime sponsor; and Paddy McGuire, Mason County Auditor's Office.

**Persons Signed In To Testify But Not Testifying:** None.