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**State Government & Tribal Affairs**  
**Committee**

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**HB 1798**

**Brief Description:** Allowing voter registration up to and on election day.

**Sponsors:** Representatives Miloscia, Hunt, Seaquist, Green, Darneille, Liias, Pettigrew, Conway, Kenney and Hudgins.

**Brief Summary of Bill**

- Authorizes voters to register up to and on the day of a primary, special election or general election.

**Hearing Date:** 2/17/09

**Staff:** Tracey O'Brien (786-7196)

**Background:**

Eligibility: To be eligible to vote, a person must be a U.S. citizen, at least 18 years of age and a resident of the precinct for at least 30 days before the election. For the purposes of registering and voting, a person's residence is a person's permanent address where he or she physically resides and maintains his or her abode. A voter who lacks a traditional residential address, such as a person who resides in a shelter, park, motor home or marina, is assigned a precinct based on the voter's physical location. A voter does not lose his or her voting residency if absent due to state or federal employment, military service, school attendance, out-of-state business, or navigation at sea. One must physically leave the previous residence with the intention of establishing a new residence at another location.

A person loses the right to vote if he or she is judicially declared incompetent or is convicted of an "infamous" crime (a felony) and the person's civil rights have not been restored. *See Wash. State Con., Art. VI, Sec. 3.*

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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.*

Voter Registration Services: Under the state's implementation of the federal National Voter Registration Act (NVRA), the Department of Licensing is required to provide voter registration services when a person applies for or renews a driver's license or state identification card.

In addition to the DOL, the following agencies and programs offer voter registration as required by the NVRA:

- the Department of Health's Women-Infants-Children Program;
- the Department of Social and Health Services (DSHS) Community Services Offices;
- the DSHS's Division of Vocational Rehabilitation;
- the DSHS's Mental Health Division;
- the DSHS's Ageing and Disabilities Service Administration; and
- the Department of Services for the Blind.

Also, institutions of higher education are required to place an active prompt on their course registration websites that links to the Secretary of State's (SOS) voter registration website and ask the student if they would like to register to vote.

Finally, in 2008 the SOS began online voter registration in addition to the mail-in registration form. (ID), or a Social Security number, he or she will be required to show one of the following items when casting a ballot (failure to do so either before or at the time of voting, will result in the ballot not being counted):

- valid photo ID;
- valid tribal ID of a federally recognized Indian tribe in Washington;
- copy of a current utility bill;
- current bank statement;
- copy of a current government check;
- copy of a current paycheck; or
- a government document that shows both the voter's name and address.

Registration Deadlines: A person may not register to vote at the polls or transfer his or her registration within 30 days prior to any primary, special election or general election. A person not registered in Washington may register to vote after the close of the period for registration to vote at the polls and ending on the 15th day before any primary, special election, or general election and receive an absentee ballot if he or she goes to the county auditor or a designated voter registration location.

### **Summary of Bill:**

A person not registered in Washington may register to vote after the closure of registration for voting at the polls up through the day of a primary, special election, or general election. He or she may register to vote in person at the County Auditor or at a designated voter registration location and apply for a ballot for that primary or election.

The county auditors and the SOS shall develop and implement a uniform statewide system that will allow for voter registration through election day and protect ballot integrity. This system must provide for the sequestering of a ballot issued to a voter under this act until the new voter registration has been verified by the county auditor. Only after the verification of the new

registration can the ballot be counted. The uniform statewide system must be in effect by May 1, 2011.

Any challenges to a voter who registered under this act must be filed at a time prescribed by rules adopted by the SOS.

**Appropriation:** None.

**Fiscal Note:** Requested on February 10, 2009.

**Effective Date:** The bill contains multiple effective dates. Section 2 takes effect 90 days after adjournment of the session in which the bill is passed. Sections 1, 3, and 4 takes effect on May 1, 2011.