

Multiple Agency Fiscal Note Summary

Bill Number: 5856 SB	Title: Voter reg. challenges
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Secretary of State	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cheri Keller, OFM	Phone: (360) 584-2207	Date Published: Final 1/ 9/2024
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Individual State Agency Fiscal Note

Bill Number: 5856 SB	Title: Voter reg. challenges	Agency: 085-Office of the Secretary of State
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Greg Vogel	Phone: 360-786-7413	Date: 01/02/2024
Agency Preparation: Bonnie Luntzel	Phone: 360-570-5575	Date: 01/08/2024
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 01/08/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/08/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section(1)(c) requires the Office of the Secretary of State (OSOS) to update the Voter Registration Challenge form and materials to note the new criteria.

Section(1)(f)(ii)(A) requires OSOS to provide/create a form, to address voter eligibility challenges based on residence and mailing address.

The time required to create the challenge form will be minimal and therefore this bill has no fiscal impact to OSOS.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

None.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5856 SB

Title: Voter reg. challenges

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties: could experience indeterminate changes in workload due to changing how auditors respond to voter challenges
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: impacts to auditors' workloads

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/09/2024
Leg. Committee Contact: Greg Vogel	Phone: 360-786-7413	Date: 01/02/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/09/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/09/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

The proposed legislation would make changes to voter challenges.

Sec. 1 amends RCW 29A.08.810 to change how a person may challenge a voter registration.

Sec. 2 amends RCW 29A.08.820.

Sec. 2 (1) would allow an auditor's designee to preside over a hearing when a challenge is filed with the county auditor of the county where the challenged voter is registered no later than 45 days before the election.

Sec. 2 (3) would allow the county auditor to dismiss a challenge if the voter is qualified under RCW 29A.04.151 or 29A.08.112, or if the challenged voter's registration is inactive.

Sec. 2 (4) would require the county auditor to attempt to resolve the challenge question through one or more of the following methods prior to any hearing:

(a) contacting the challenged voter to:

-- update their residence address for voting;

-- confirm that the voter no longer considers themselves a resident for voting purposes and obtain cancellation signed by the voter; or,

-- learn whether the voter is currently residing at a temporary address with the intent to return to the registered address.

(b) searching the statewide voter registration database to determine if the voter is registered at any other address within the state, and resolve the error.

(c) determining if the voter is currently qualified under RCW 29A.04.151 or 29A.08.112.

Sec. 2 (5) If the county auditor is successful in resolving the challenge through any of the methods contained in subsection (4) of this section, then the auditor would be required to dismiss the challenge and notify the challenger.

Sec. 3 amends RCW 29A.08.835.

Sec. 3 (1) would specify the amount of time auditors would have to post the affidavit of a voter challenge to the auditor's website (10 business days) so long as the challenges have not been dismissed for administrative reasons and cannot be resolved under RCW 29A.08.820(4).

Sec. 4 amends RCW 29A.98.840.

Sec. 4 (1) states that the county auditor would have 10 days after receiving a voter challenge to determine whether the challenge is in proper form and if the factual basis meets the legal grounds for a challenge. In the case of a dismissal, the proposed legislation would clarify that only when permitted must an auditor notify a challenger of the reasons for the dismissal.

Sec. 4 (2) would add that if a challenge has not been dismissed for administrative reasons, or resolved by the voter updating information when the challenge is in proper form and the factual basis meets the legal grounds for a challenge, then the auditor must notify the challenged voter via certified mail to both the mailing address and the residential address of the voter registration on record. If the affidavit is returned as undeliverable, then the county auditor would be required to move the challenged voter to an inactive status and send a confirmation notice pursuant to RCW 29A.08.030. The county auditor would no longer be required to provide all materials to any person upon request. However, materials provided to the challenged voter are not exempt from copying or inspection under chapter 42.56 RCW, except for voters qualifying for exemption under RCW 29A.04.151 or 20A.08.112.

Sec. 4 (3) would specify that all notices must be by certified mail with return requested to the addresses provided in the voter registration record for residence and for mailing.

Sec. 4 (5) would change sustained challenges language to reflect that an auditor or an auditor's designee may sustain a challenge. Specifically, if the challenge is based on a failure to meet the legal qualifications to vote, and the auditor, auditor's designee, or canvassing board sustains the challenge, then the voter registration must be cancelled and any challenged ballot may not be counted. Language to include an auditor or the auditor's designee among those who can sustain a challenge is also amended for residential address challenges. If the challenge is based on an allegation that the challenged voter resides at a different address than the residential address provided, and the auditor, the auditor's designee, or the canvassing board sustains the challenge, the voter must be permitted to correct their address and the voter's ballot must be counted if the challenge is resolved. The proposed legislation would qualify that the challenge must be sustained by the auditor, the auditor's designee or the canvassing board prior to certification of the election.

Sec. 4 (6) would add the decision of an auditor's designee to those whose decision is final subject only to a judicial review by the superior court under chapter 34.05 RCW.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

Counties could experience indeterminate workload impacts resulting from the proposed legislation; however, such expenditure impacts are indeterminate until additional information is available.

Until additional information is available, the Local Government Fiscal Note Program cannot determine workload impacts, such as increasing or reducing auditors' and auditors' designees' time required to research voter challenges, contact challenged voters, amend voter registration records or sustain voter challenges. The proposed legislation's expenditure impact is therefore indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The proposed legislation would not impact local governments' revenue.

SOURCES:

Washington Association of County Officials