

Multiple Agency Fiscal Note Summary

Bill Number: 1339 HB	Title: Native Americans/voting
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of the Secretary of State	.0	25,000	25,000	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	25,000	25,000	0.0	0	0	0.0	0	0

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	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 902-9810	Date Published: Final 1/29/2019
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

ENPID: 53741

FNS029 Multi Agency rollup

Individual State Agency Fiscal Note

Bill Number: 1339 HB	Title: Native Americans/voting	Agency: 085-Office of the Secretary of State
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Account					
General Fund-State 001-1	25,000	0	25,000	0	0
Total \$	25,000	0	25,000	0	0

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: Jason Zolle	Phone: 360-786-7124	Date: 01/23/2019
Agency Preparation: Tara Pritchett	Phone: 360-704-5240	Date: 01/25/2019
Agency Approval: Mark Neary	Phone: 360-902-4186	Date: 01/25/2019
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/28/2019

Part II: Narrative Explanation

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

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

Section 1 allows a non-traditional address to be used for voter registration purposes when a voter resides on a reservation or on tribal lands.

Section 2 clarifies a definition of unidentifiable location to include an unmarked home. A non-traditional address may designate an address of a tribal building that may serve as a ballot drop box or collection site. If a voter does not reside on tribal land, they must use their traditional residential address.

Section 3 allows a tribal identification card to be used for voter registration purposes. The OSOS voter registration system must electronically receive an online voter registration application as long as a signature is provided electronically by the tribal authority.

Section 4 requires the governor to offer voter registration at any state-funded facility or program that is located on tribal lands. OSOS must provide notice where services are available.

Section 5 establishes drop boxes on tribal lands.

Section 6 establishes voting centers on tribal lands. It provides exceptions to the use of a tribal identification card with allowing it to be expired and not requiring a residential address in order to be deemed as valid.

Section 7 provides for civil action if a violation is alleged to have occurred.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The changes that may be necessary to the voter registration application (section 3) need to be made by an outside vendor. Given the complexity of the application and time involved to make the changes, test the system and then deploy for public use, the estimated cost to OSOS for the change would be \$25,000. These are one-time costs to OSOS.

The costs for outside vendor work is approximately \$250 per hour. Gathering requirements for design and architecture changes is estimated to require 40 hours, programming changes is estimated at 40 hours, and documentation and testing at 20 hours, for a total of 100 hours, putting the estimated cost for this project at \$25,000.

OSOS staff will be required to work on the business rules side of this project as well as testing, however, OSOS will accomplish this within existing FTEs.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	25,000	0	25,000	0	0
Total \$			25,000	0	25,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	25,000		25,000		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	25,000	0	25,000	0	0

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1339 HB	Title: Native Americans/voting	Agency: 100-Office of Attorney General
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Part I: Estimates

☒ No Fiscal Impact

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: Jason Zolle	Phone: 360-786-7124	Date: 01/23/2019
Agency Preparation: Michael Shinn	Phone: 360-759-2122	Date: 01/24/2019
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 01/24/2019
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/25/2019

Part II: Narrative Explanation

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

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

No fiscal impact. This legislation is not expected to generate any costs or savings for the Attorney General's Office (AGO). The AGO completed an analysis for legal services and fiscal impact from the most likely state agencies.

The AGO Government Compliance & Enforcement (GCE) division has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Office of the Secretary of State (SEC). This bill only relates to work performed by the Elections Division of the SEC, and will not impact any of the legal services GCE provides for this client. New legal services are assumed to be nominal and costs are not included in this request.

The Solicitor General's Office has reviewed this bill and determined it will not increase or decrease the division's workload. This bill requires the SEC and county officials to incorporate certain tribal-specific requirements into existing election laws. This work is unlikely to require additional legal advice beyond our normal scope. New legal services are assumed to be nominal and costs are not included in this request.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1339 HB	Title: Native Americans/voting	Agency: 240-Department of Licensing
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Part I: Estimates

☒ No Fiscal Impact

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: Jason Zolle	Phone: 360-786-7124	Date: 01/23/2019
Agency Preparation: Merdan Bazarov	Phone: 360-664-3966	Date: 01/25/2019
Agency Approval: Justin Leppa	Phone: 360-902-3644	Date: 01/25/2019
OFM Review: Veronica Jarvis	Phone: (360) 902-0649	Date: 01/28/2019

Part II: Narrative Explanation

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

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

This bill allows for online voter registration with tribal identification cards through the Secretary of State website. It permits voters on an Indian reservation or Indian lands to use a tribally designated building or nontraditional address as their residential address when registering to vote. Additionally, this bill allows tribes to request voter registration services, ballot drop boxes on Indian reservations, and creates civil cause of action to enforce these provisions.

No fiscal impact. This proposed legislation does not create any cash receipts, costs or savings for the Department of Licensing.

This bill is effective 90 days past Sine Die.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1339 HB	Title: Native Americans/voting
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Potential cost to county auditors for procurement, travel, staff time
- ☐ Special Districts:
- ☒ Specific jurisdictions only: Counties with an Indian tribe with a reservation
- ☐ 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: No. of civil actions (litigation risk); No. of tribes requesting ballot drop boxes; no. of ballot drop boxes requested per tribe; no. of tribes designating a building as a ballot pickup and collection location; no. of buildings with such designation; locations of designated buildings within or out of the voter's precinct

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Renee Martine-Tebow	Phone: 360-725-5045	Date: 01/28/2019
Leg. Committee Contact: Jason Zolle	Phone: 360-786-7124	Date: 01/23/2019
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/28/2019
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/29/2019

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Sec. 1 (2) expands nontraditional addresses to include when a voter resides on an Indian reservation or Indian lands .

Sec. 2 (2) and (3) states a voter who resides in an unmarked home that the voter deems to be his or her residence is deemed to lack a traditional address. The address of a tribally designated building that is a ballot pickup and collection location under section 5 (4) may serve as the residential address and mailing address for voters living on Indian lands if the tribally designated building is in the same precinct as the voter. If the designated tribal building is not in the same precinct as the voter, the voter may use the designated building as a mailing address and may separately designate the voter's appropriate precinct through a nontraditional address .

Sec. 5 (3) and (4) requires the county auditor to establish at least one ballot drop box on an Indian reservation on a site selected by the tribe, at the request of an Indian tribe with a reservation in the county. The Indian tribe may also designate at least one building as a ballot pickup and collection location at no cost to the tribe. The county auditor of the county in which the building is located must collect ballots from that location.

Sec. 6 states a tribal identification card is not required to include a residential address or an expiration date to be considered valid .

Sec. 7 allows the attorney general to bring a civil action for such declaratory or injunctive relief as is necessary to carry out the provisions of section 5 (3) and (4). A person or tribal government may bring a civil action for declaratory or injunctive relief with respect to sections 1 (2), 2 (3), and/or 5 (3) and (4).

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This bill would increase county expenditures by an indeterminate amount, due to the potential increase in the number of required ballot drop boxes (drop box). It is unknown the number of tribes which would request a drop box nor the total number of drop boxes requested per tribe. It is unknown the number of tribes which would designate a building as a ballot pickup and collection location nor the number of buildings with such a designation. It is unknown which designated buildings would be within or without the voter's precinct. There are also potential litigation costs to local governments.

PROCUREMENT COSTS - DROP BOXES

Procurement costs per drop box ranges from \$1,000 to \$2,500. Estimates for box installation range from \$500 to \$7,000, depending on site conditions, labor costs, and location. However, according to the Washington State Association of County Auditors, the typical cost to purchase and install a ballot box (both permanent and temporary) is no more than \$4,000 (statewide figure).

BALLOT PICKUP AND COLLECTION COSTS

There are additional costs for mileage and staffing per day for ballot pickup and collection.

- Cost per mile = \$0.17
- Staffing costs = \$17.40 per hour (includes minimal legally required benefits)
- Total staff time per day = 12 hours
- Total staffing costs per day = \$208.80 plus mileage

POTENTIAL LITIGATION:

Jurisdictions challenged with voting rights infringement would incur costs when working with plaintiffs to craft a potential remedy. The nature and extent of these processes would vary on a case-by-case basis and cannot be estimated. Implementation costs would occur where a remedy is agreed to by both parties.

In cases where a remedy is not achieved, jurisdictions would incur legal costs. These costs would also vary based upon the nature of the voting rights challenge. The Association of Washington Cities states that litigation under the California Voter Rights Act (CVRA) in the State of California had resulted in costs of over \$1 million to at least one city. The Washington Association for County Officials (WACO) estimated that the first year of the CVRA resulted in over \$4 million in legal judgements against local governments in California. Washington's population is approximately 18.5 percent of California's so a proportionate estimate based upon California's experience would result in expenditures of just over \$740,000. Therefore, the Local Government Fiscal Note Program assumes approximately \$740,000 in costs in the first full year after enactment.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This bill would not impact county revenues.

SOURCES:

King County Director of Elections

List of Native American Reservations in Washington https://en.wikipedia.org/wiki/List_of_Native_American_reservations_in_Washington

Local Government Fiscal Note HB 2173 (2017)

Local Government Fiscal Note Program "Municipal Travel Cost Calculator" (2019)

Office of the Attorney General fiscal note

Office of the Secretary of State

Pierce County Auditor Office

Snohomish County Auditor Office

Thurston County Auditor Office

Washington Association of County Auditors

Washington Association of County Officials

Washington Tribes Map <https://www.washingtontribes.org/tribes-map>