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SENATE BILL 6340

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State of Washington

64th Legislature

2016 Regular Session

By Senators Fain, Billig, Roach, Hasegawa, Sheldon, Lias, Rivers, Pedersen, Mullet, Litzow, Carlyle, McAuliffe, Conway, Darneille, Chase, Frockt, and Jayapal; by request of Secretary of State

Read first time 01/18/16. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to voter preregistration of persons seventeen  
2 years of age including the designation of voter registration  
3 locations and voter preregistration locations; amending RCW  
4 28A.230.150, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.310,  
5 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760, 29A.84.140,  
6 46.20.155, and 42.56.250; adding new sections to chapter 29A.08 RCW;  
7 creating a new section; prescribing penalties; and providing a  
8 contingent effective date.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** The secretary of state and legislature  
11 recognize the importance of voting and voter registration. To ensure  
12 that all eligible citizens can conveniently register to vote,  
13 Washington state has fully implemented motor voter registration  
14 through the department of licensing, agency-based registration,  
15 registration by mail, in-person registration, and online  
16 registration. In addition, the secretary of state delivers a voter  
17 information pamphlet to every household in Washington state that  
18 includes information about how to register to vote. Voter  
19 registration information is provided to college students at the time  
20 of registration for classes and the secretary of state sends voter  
21 registration information to all young people when they turn eighteen

1 years of age. Annually, following ongoing voter registration list  
2 maintenance, the secretary of state contacts potentially eligible,  
3 but not yet registered voters, with registration information. Voter  
4 registration information is also provided in several languages, and  
5 in forms accessible to persons with disabilities. Materials are also  
6 available to persons conducting voter registration drives.

7 Participation in voting by those between the ages of eighteen and  
8 twenty-four is the lowest of any age group. If a person views voting  
9 as important at age eighteen, they are likely to become a lifelong  
10 voter. It is the intent of the secretary of state and legislature to  
11 formalize a preregistration process for those not yet eighteen, to  
12 authorize all persons seventeen years old to preregister to vote, and  
13 to engage these new voters and encourage their civic participation in  
14 an educational environment.

15 **Sec. 2.** RCW 28A.230.150 and 1969 ex.s. c 223 s 28A.02.090 are  
16 each amended to read as follows:

17 On January 16th of each year or the preceding Friday when January  
18 16th falls on a nonschool day, there shall be observed within each  
19 public school "Temperance and Good Citizenship Day." Annually the  
20 state superintendent of public instruction shall duly prepare and  
21 publish for circulation among the teachers of the state a program for  
22 use on such day embodying topics pertinent thereto and may from year  
23 to year designate particular laws for special observance.

24 Each year on "Temperance and Good Citizenship Day," or another  
25 day designated by the secretary of state, there shall be an event,  
26 coordinated by the county auditor of each county, in each history or  
27 social studies class attended by high school seniors encouraging  
28 students seventeen years of age or older to preregister or register  
29 to vote online from the classroom, if funds are provided for county  
30 auditor outreach activities. The students shall be given adequate  
31 time to complete the preregistration or registration process.

32 **Sec. 3.** RCW 29A.08.110 and 2009 c 369 s 10 are each amended to  
33 read as follows:

34 (1) An application is considered complete only if it contains the  
35 information required by RCW 29A.08.010. The applicant is considered  
36 to be registered to vote as of the original date of mailing (~~( $\oplus$ )~~),  
37 date of delivery, or eighteenth birthday, whichever is applicable.  
38 The auditor shall record the appropriate precinct identification,

1 taxing district identification, and date of registration on the  
2 voter's record in the state voter registration list. Any mailing  
3 address provided shall be used only for mail delivery purposes, and  
4 not for precinct assignment or residency purposes. Within sixty days  
5 after the receipt of an application or transfer, the auditor shall  
6 send to the applicant, by first-class nonforwardable mail, an  
7 acknowledgment notice identifying the registrant's precinct and  
8 containing such other information as may be required by the secretary  
9 of state. The postal service shall be instructed not to forward a  
10 voter registration card to any other address and to return to the  
11 auditor any card which is not deliverable.

12 (2) If an application is not complete, the auditor shall promptly  
13 mail a verification notice to the applicant. The verification notice  
14 shall require the applicant to provide the missing information. If  
15 the applicant provides the required information within forty-five  
16 days, the applicant shall be registered to vote as of the original  
17 date of application. The applicant shall not be placed on the  
18 official list of registered voters until the application is complete.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.08  
20 RCW to read as follows:

21 (1) A person may preregister to vote if he or she is seventeen  
22 years of age.

23 (2) A person who preregisters to vote may not vote until reaching  
24 eighteen years of age, and his or her name may not be added to the  
25 statewide voter registration database list of voters until such time  
26 as he or she is eighteen years of age or will be eighteen years of  
27 age before the next election.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.08  
29 RCW to read as follows:

30 (1) A person who has attained seventeen years of age may submit a  
31 voter preregistration application by mail.

32 (2) The applicant must attest to the truth of the information  
33 provided on the application by affirmatively accepting the  
34 information as true.

35 (3) If preregistering by mail, the person must provide a  
36 signature for voter preregistration purposes.

37 (4) The applicant must affirmatively acknowledge that they will  
38 not vote until their eighteenth birthday.

1 (5) The secretary of state may employ additional security  
2 measures to ensure the accuracy and integrity of voter  
3 preregistration applications submitted electronically.

4 **Sec. 6.** RCW 29A.08.125 and 2009 c 369 s 12 are each amended to  
5 read as follows:

6 (1) The office of the secretary of state shall maintain a  
7 statewide voter registration database. This database must be a  
8 centralized, uniform, interactive computerized statewide voter  
9 registration list that contains the name and registration information  
10 of every registered voter in the state.

11 (2) The statewide list is the official list of registered voters  
12 for the conduct of all elections.

13 (3) The statewide list must include, but is not limited to, the  
14 name, date of birth, residence address, signature, gender, and date  
15 of registration of every legally registered voter in the state.

16 (4) A unique identifier must be assigned to each registered voter  
17 in the state.

18 (5) The database must be coordinated with other government  
19 databases within the state including, but not limited to, the  
20 department of corrections, the department of licensing, the  
21 department of health, the administrative office of the courts, and  
22 county auditors. The database may also be coordinated with the  
23 databases of election officials in other states.

24 (6) Authorized employees of the secretary of state and each  
25 county auditor must have immediate electronic access to the  
26 information maintained in the database.

27 (7) Voter registration information received by each county  
28 auditor must be electronically entered into the database. The office  
29 of the secretary of state must provide support, as needed, to enable  
30 each county auditor to enter and maintain voter registration  
31 information in the state database.

32 (8) The secretary of state has data authority over all voter  
33 registration data.

34 (9) The voter registration database must be designed to  
35 accomplish at a minimum, the following:

- 36 (a) Comply with the help America vote act of 2002 (P.L. 107-252);  
37 (b) Identify duplicate voter registrations;  
38 (c) Identify suspected duplicate voters;

1 (d) Screen against any available databases maintained by other  
2 government agencies to identify voters who are ineligible to vote due  
3 to a felony conviction, lack of citizenship, or mental incompetence;

4 (e) Provide images of voters' signatures for the purpose of  
5 checking signatures on initiative and referendum petitions;

6 (f) Provide for a comparison between the voter registration  
7 database and the department of licensing change of address database;

8 (g) Provide access for county auditors that includes the  
9 capability to update registrations and search for duplicate  
10 registrations; (~~and~~)

11 (h) Provide for the cancellation of registrations of voters who  
12 have moved out of state; and

13 (i) Provide for the storage of pending preregistration records  
14 for persons seventeen years of age in a manner that these records  
15 will not appear on the official list of registered voters until the  
16 preregistrant is eligible to vote.

17 (10) The secretary of state may, upon agreement with other  
18 appropriate jurisdictions, screen against any available databases  
19 maintained by election officials in other states and databases  
20 maintained by federal agencies including, but not limited to, the  
21 federal bureau of investigation, the federal court system, the  
22 federal bureau of prisons, and the bureau of citizenship and  
23 immigration services.

24 (11) The database shall retain information regarding previous  
25 successful appeals of proposed cancellations of registrations in  
26 order to avoid repeated cancellations for the same reason.

27 (12) Each county auditor shall maintain a list of all registered  
28 voters within the county that are contained on the official statewide  
29 voter registration list. In addition to the information maintained in  
30 the statewide database, the county database must also maintain the  
31 applicable taxing district and precinct codes for each voter in the  
32 county, and a list of elections in which the individual voted.

33 (13) Each county auditor shall allow electronic access and  
34 information transfer between the county's voter registration system  
35 and the official statewide voter registration list.

36 **Sec. 7.** RCW 29A.08.210 and 2009 c 369 s 16 are each amended to  
37 read as follows:

1 An applicant for voter registration shall complete an application  
2 providing the following information concerning his or her  
3 qualifications as a voter in this state:

4 (1) The former address of the applicant if previously registered  
5 to vote;

6 (2) The applicant's full name;

7 (3) The applicant's date of birth;

8 (4) The address of the applicant's residence for voting purposes;

9 (5) The mailing address of the applicant if that address is not  
10 the same as the address in subsection (4) of this section;

11 (6) The sex of the applicant;

12 (7) The applicant's Washington state driver's license number,  
13 Washington state identification card number, or the last four digits  
14 of the applicant's social security number if he or she does not have  
15 a Washington state driver's license or Washington state  
16 identification card;

17 (8) A check box allowing the applicant to indicate that he or she  
18 is a member of the armed forces, national guard, or reserves, or that  
19 he or she is an overseas voter;

20 (9) A check box allowing the applicant to confirm that he or she  
21 is at least eighteen years of age or will be eighteen years of age  
22 (~~by the next election~~) before voting;

23 (10) Clear and conspicuous language, designed to draw the  
24 applicant's attention, stating that the applicant must be a United  
25 States citizen in order to register to vote;

26 (11) A check box and declaration confirming that the applicant is  
27 a citizen of the United States;

28 (12) The following warning:

29 "If you knowingly provide false information on this voter  
30 registration form or knowingly make a false declaration about your  
31 qualifications for voter registration you will have committed a class  
32 C felony that is punishable by imprisonment for up to five years, a  
33 fine of up to ten thousand dollars, or both."

34 (13) The oath required by RCW 29A.08.230 and a space for the  
35 applicant's signature; and

36 (14) Any other information that the secretary of state determines  
37 is necessary to establish the identity of the applicant and prevent  
38 duplicate or fraudulent voter registrations.

39 This information shall be recorded on a single registration form  
40 to be prescribed by the secretary of state.

1       **Sec. 8.** RCW 29A.08.310 and 2009 c 369 s 19 are each amended to  
2 read as follows:

3       (1) The governor, in consultation with the secretary of state,  
4 shall designate agencies to provide voter registration services in  
5 compliance with federal statutes.

6       (2) Each state agency designated in compliance with federal law  
7 shall provide voter registration services for employees and the  
8 public within each office of that agency according with the  
9 requirements of the national voter registration act.

10       (3) The governor, in consultation with the secretary of state,  
11 may designate additional agencies and offices to provide voter  
12 registration services.

13       (4) The secretary of state shall design and provide a standard  
14 notice informing the public of the availability of voter  
15 registration, which notice shall be posted in each state agency where  
16 such services are available.

17       (~~(4)~~) (5) Each institution of higher education shall put in  
18 place an active prompt on its course registration web site, or  
19 similar web site that students actively and regularly use, that, if  
20 selected, will link the student to the secretary of state's voter  
21 registration web site. The prompt must ask the student if he or she  
22 wishes to register to vote.

23       **Sec. 9.** RCW 29A.08.615 and 2003 c 111 s 238 are each amended to  
24 read as follows:

25       (1) Registered voters are divided into two categories, "active"  
26 and "inactive." All registered voters are classified as active,  
27 unless assigned to inactive status by the county auditor.

28       (2) Persons preregistered under RCW 29A.08.110 are classified as  
29 "pending" until attaining eighteen years of age.

30       **Sec. 10.** RCW 29A.08.710 and 2005 c 246 s 17 are each amended to  
31 read as follows:

32       (1) The county auditor shall have custody of the original voter  
33 registration records for each county. The original voter registration  
34 form must be filed without regard to precinct and is considered  
35 confidential and unavailable for public inspection and copying. An  
36 automated file of all registered voters must be maintained pursuant  
37 to RCW 29A.08.125. An auditor may maintain the automated file in lieu  
38 of filing or maintaining the original voter registration forms if the

1 automated file includes all of the information from the original  
2 voter registration forms including, but not limited to, a retrievable  
3 facsimile of each voter's signature.

4 (2) The following information contained in voter registration  
5 records or files regarding a voter or a group of voters is available  
6 for public inspection and copying, except as provided in RCW  
7 40.24.060: The voter's name, address, political jurisdiction, gender,  
8 date of birth, voting record, date of registration, and registration  
9 number. The information contained in voter preregistration  
10 applications is exempt from public inspection and copying until the  
11 applicant reaches age eighteen. No other information from voter  
12 registration records or files is available for public inspection or  
13 copying.

14 **Sec. 11.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to  
15 read as follows:

16 (1) In the case of voter registration records received through  
17 the department of licensing or an agency designated under RCW  
18 29A.08.310, the identity of the office or agency at which any  
19 particular individual registered to vote is not available for public  
20 inspection and shall not be disclosed to the public. Any record of a  
21 particular individual's choice not to register to vote at an office  
22 of the department of licensing or a state agency designated under RCW  
23 29A.08.310 is not available for public inspection and any information  
24 regarding such a choice by a particular individual shall not be  
25 disclosed to the public. The information contained in voter  
26 preregistration applications is exempt from public inspection and  
27 copying until the applicant reaches age eighteen.

28 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,  
29 precinct lists and current lists of registered voters are public  
30 records and must be made available for public inspection and copying  
31 under such reasonable rules and regulations as the county auditor or  
32 secretary of state may prescribe. The county auditor or secretary of  
33 state shall promptly furnish current lists of registered voters in  
34 his or her possession, at actual reproduction cost, to any person  
35 requesting such information. The lists shall not be used for the  
36 purpose of mailing or delivering any advertisement or offer for any  
37 property, establishment, organization, product, or service or for the  
38 purpose of mailing or delivering any solicitation for money,  
39 services, or anything of value. However, the lists and labels may be



1 used for any political purpose. The county auditor or secretary of  
2 state must provide a copy of RCW 29A.08.740 to the person requesting  
3 the material that is released under this section.

4 (3) For the purposes of this section, "political purpose" means a  
5 purpose concerned with the support of or opposition to any candidate  
6 for any partisan or nonpartisan office or concerned with the support  
7 of or opposition to any ballot proposition or issue. "Political  
8 purpose" includes, but is not limited to, such activities as the  
9 advertising for or against any candidate or ballot measure or the  
10 solicitation of financial support.

11 **Sec. 12.** RCW 29A.08.760 and 2011 1st sp.s. c 43 s 813 are each  
12 amended to read as follows:

13 The secretary of state shall provide a duplicate copy of the  
14 master statewide computer file or electronic data file of registered  
15 voters to the consolidated technology services agency for purposes of  
16 creating the jury source list without cost. The information contained  
17 in voter preregistration applications is exempt until the applicant  
18 reaches age eighteen. Restrictions as to the commercial use of the  
19 information on the statewide computer tape or data file of registered  
20 voters, and penalties for its misuse, shall be the same as provided  
21 in RCW 29A.08.720 and 29A.08.740.

22 **Sec. 13.** RCW 29A.84.140 and 2005 c 246 s 22 are each amended to  
23 read as follows:

24 A person who knows that he or she does not possess the legal  
25 qualifications of a voter and who registers to vote is guilty of a  
26 class C felony. This section does not apply to persons age seventeen  
27 preregistered under RCW 29A.08.110.

28 NEW SECTION. **Sec. 14.** A new section is added to chapter 29A.08  
29 RCW to read as follows:

30 (1) A person who has attained seventeen years of age and has a  
31 valid Washington state driver's license or identicard may submit a  
32 voter preregistration application electronically on the secretary of  
33 state's web site.

34 (2) The applicant must attest to the truth of the information  
35 provided on the application by affirmatively accepting the  
36 information as true.

1 (3) If preregistering electronically, the applicant must  
2 affirmatively assent to the use of his or her driver's license or  
3 identicard signature for voter preregistration purposes.

4 (4) The applicant must affirmatively acknowledge that they will  
5 not vote until their eighteenth birthday.

6 (5) A voter preregistration application submitted electronically  
7 is otherwise considered a registration by mail.

8 (6) For each electronic preregistration application, the  
9 secretary of state must obtain a digital copy of the applicant's  
10 driver's license or identicard signature from the department of  
11 licensing.

12 (7) The secretary of state may employ additional security  
13 measures to ensure the accuracy and integrity of voter  
14 preregistration applications submitted electronically.

15 **Sec. 15.** RCW 46.20.155 and 2013 c 11 s 90 are each amended to  
16 read as follows:

17 (1) Before issuing an original license or identicard or renewing  
18 a license or identicard under this chapter, the licensing agent shall  
19 determine if the applicant wants to register to vote or update his or  
20 her voter registration by asking the following question:

21 "Do you want to register or preregister to vote or update your  
22 voter registration?"

23 If the applicant chooses to register, preregister, or update a  
24 registration, the agent shall ask the following:

25 (1) "Are you a United States citizen?"

26 (2) "Are you or will you be eighteen years of age (~~on or~~)  
27 before (~~the next election~~) you vote?"

28 If the applicant answers in the affirmative to both questions,  
29 the agent shall then submit the registration, preregistration, or  
30 update. If the applicant answers in the negative to either question,  
31 the agent shall not submit (~~a voter registration~~) an application.  
32 Information provided for preregistration under this section is exempt  
33 from public inspection and copying under chapter 42.56 RCW.

34 (2) The department shall establish a procedure that substantially  
35 meets the requirements of subsection (1) of this section when  
36 permitting an applicant to renew a license or identicard by mail or  
37 by electronic commerce.

1       **Sec. 16.** RCW 42.56.250 and 2014 c 106 s 1 are each amended to  
2 read as follows:

3       The following employment and licensing information is exempt from  
4 public inspection and copying under this chapter:

5       (1) Test questions, scoring keys, and other examination data used  
6 to administer a license, employment, or academic examination;

7       (2) All applications for public employment, including the names  
8 of applicants, resumes, and other related materials submitted with  
9 respect to an applicant;

10       (3) The following information held by any public agency in  
11 personnel records, public employment related records, volunteer  
12 rosters, or included in any mailing list of employees or volunteers  
13 of any public agency: Residential addresses, residential telephone  
14 numbers, personal wireless telephone numbers, personal (~~electronic~~  
15 ~~mail~~) email addresses, social security numbers, driver's license  
16 numbers, identicard numbers, and emergency contact information of  
17 employees or volunteers of a public agency, and the names, dates of  
18 birth, residential addresses, residential telephone numbers, personal  
19 wireless telephone numbers, personal (~~electronic—mail~~) email  
20 addresses, social security numbers, and emergency contact information  
21 of dependents of employees or volunteers of a public agency. For  
22 purposes of this subsection, "employees" includes independent  
23 provider home care workers as defined in RCW 74.39A.240;

24       (4) Information that identifies a person who, while an agency  
25 employee: (a) Seeks advice, under an informal process established by  
26 the employing agency, in order to ascertain his or her rights in  
27 connection with a possible unfair practice under chapter 49.60 RCW  
28 against the person; and (b) requests his or her identity or any  
29 identifying information not be disclosed;

30       (5) Investigative records compiled by an employing agency  
31 conducting an active and ongoing investigation of a possible unfair  
32 practice under chapter 49.60 RCW or of a possible violation of other  
33 federal, state, or local laws prohibiting discrimination in  
34 employment;

35       (6) Criminal history records checks for board staff finalist  
36 candidates conducted pursuant to RCW 43.33A.025;

37       (7) Except as provided in RCW 47.64.220, salary and benefit  
38 information for maritime employees collected from private employers  
39 under RCW 47.64.220(1) and described in RCW 47.64.220(2); (~~and~~)

1 (8) Photographs and month and year of birth in the personnel  
2 files of employees and workers of criminal justice agencies as  
3 defined in RCW 10.97.030. The news media, as defined in RCW  
4 5.68.010(5), shall have access to the photographs and full date of  
5 birth. For the purposes of this subsection, news media does not  
6 include any person or organization of persons in the custody of a  
7 criminal justice agency as defined in RCW 10.97.030; and

8 (9) Information contained in voter preregistration records under  
9 Title 29A RCW and RCW 46.20.155.

10 NEW SECTION. **Sec. 17.** Sections 14 and 15 of this act do not  
11 take effect until the statewide voter registration database operated  
12 by the secretary of state is compliant with RCW 29A.08.125.

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