
SENATE BILL 6379

State of Washington

64th Legislature

2016 Regular Session

By Senators Jayapal, Roach, Ranker, McCoy, Fain, Fraser, Pedersen, Hasegawa, Billig, Frockt, Carlyle, Liiias, McAuliffe, Keiser, Darneille, Chase, and Habib; by request of Secretary of State

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

1 AN ACT Relating to providing automatic voter registration at
2 qualified voter registration agencies; amending RCW 29A.08.410,
3 29A.08.420, and 29A.08.720; adding a new section to chapter 29A.04
4 RCW; adding new sections to chapter 29A.08 RCW; adding a new section
5 to chapter 29A.84 RCW; creating a new section; making an
6 appropriation; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

9 (a) The right to vote is enshrined as one of the greatest virtues
10 of our democracy and that an engaged citizenry is essential at each
11 level of government to ensure that all voices are heard; and

12 (b) Voter registration is a barrier for our citizens to
13 participate in elections. State and local governments should take
14 every step possible to make it easier to vote in Washington state and
15 ensure that fundamental values of a true democracy with full
16 participation remains one of our most important functions. Providing
17 additional opportunities for people to register to vote and helping
18 them make their own choices about who represents them in this
19 democracy and about important issues that are central to their lives
20 and communities are essential to upholding these values.

1 (2) Therefore, the legislature intends to increase the
2 opportunity to register to vote for persons qualified under Article
3 VI of the Washington state Constitution by expanding the streamlined
4 voter registration process that will increase opportunities for voter
5 registration without placing new undue burdens on government
6 agencies.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04
8 RCW to read as follows:

9 "Qualified voter registration agency" means the department of
10 licensing, the health benefit exchange, or an office providing public
11 assistance and/or services to persons with disabilities designated
12 pursuant to RCW 29A.08.310(1) that collects, processes, and stores
13 the following information as part of providing assistance or
14 services:

- 15 (1) Names;
- 16 (2) Traditional or nontraditional residential addresses;
- 17 (3) Dates of birth;
- 18 (4) A signature attesting to the truth of the information
19 provided on the application for assistance or services; and
- 20 (5) Citizenship information, verified via social security
21 administration data match or manually verified by the agency during
22 the client transaction.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.08
24 RCW to read as follows:

25 (1) With each application for assistance or services listing the
26 information described in section 2 of this act, and with each related
27 recertification, renewal, or change of address, each qualified voter
28 registration agency shall inform the person of the following:

29 (a) Unless the person declines to register to vote or update an
30 existing voter registration, or is found to be ineligible to vote,
31 the person will be registered to vote or, if applicable, the person's
32 voter registration will be updated;

33 (b)(i) The qualifications to be registered to vote; (ii) the
34 penalties under chapter 29A.84 RCW for registering to vote when
35 ineligible or providing false registration information; and (iii)
36 that the person should not register to vote if the person does not
37 meet the qualifications to register;

1 (c) That voter registration is voluntary, and the person's choice
2 to register or decline to register to vote will not affect the
3 availability of agency services or benefits, and that the person's
4 choice to register or not register to vote will not be used for any
5 other purposes;

6 (d) Information about the address confidentiality program
7 established under chapter 40.24 RCW, including notification that
8 registration to vote does not affect any existing program
9 participation.

10 (2) Each qualified voter registration agency shall:

11 (a) Ensure that each application for service or assistance, and
12 each related recertification, renewal, or change of address cannot be
13 completed until the person is given the opportunity to decline being
14 registered to vote;

15 (b) Promptly provide to the secretary of state, in a format to be
16 determined by the secretary in consultation with the agency, the
17 following information for each person who does not decline to
18 register to vote:

19 (i) The person's name;

20 (ii) The person's traditional or nontraditional residential
21 address;

22 (iii) The person's mailing address, if different from the
23 person's traditional or nontraditional residential address;

24 (iv) The person's date of birth;

25 (v) Acknowledgment that the person is a citizen of the United
26 States;

27 (vi) Except for the health benefit exchange, a digital copy of
28 the person's signature; and

29 (vii) An affirmation of the person's eligibility to register to
30 vote; and

31 (c) Offer each person an opportunity to decline to register to
32 vote or to update an existing registration at each application for
33 service or assistance, and each related recertification, renewal, or
34 change of address, regardless of whether the person previously
35 declined to register to vote or update an existing registration.

36 (3) A qualified voter registration agency shall not use a
37 person's declination to register to vote to affect the person's
38 eligibility for services or benefits provided by a qualified voter
39 registration agency.

1 (4) The secretary of state shall consult with each qualified
2 voter registration agency to establish a procedure for transmitting
3 digital copies of signatures of persons who do not decline to
4 register to vote. The secretary of state shall consult with the
5 health benefit exchange to ensure that sufficient information for
6 each person who seeks services or benefits provided by the health
7 benefit exchange and who does not decline to register to vote is
8 provided to the secretary of state to allow the secretary of state to
9 obtain a digital copy of the person's signature.

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

12 (1)(a) Except as provided in (b) of this subsection, upon
13 receiving the data for, and a digital copy of the signature of, a
14 person as provided in section 3(2)(b) of this act, the secretary of
15 state shall determine whether the person is already registered to
16 vote. If the person is not already registered to vote, the secretary
17 of state shall provide the information to the county auditor of the
18 county in which the person may be registered as a voter, and the
19 auditor shall register the person to vote.

20 (b) If the secretary of state receives information about a person
21 pursuant to section 3 of this act within twenty-one days of an
22 election in which that person would otherwise be eligible to vote,
23 the secretary of state shall wait until after the election to provide
24 the information to the county auditor of the county in which that
25 person may be registered as a voter.

26 (2) If the person is already registered to vote, but the
27 residential address transmitted by the qualified voter registration
28 agency is different from the residential address on the person's
29 current registration, the secretary of state shall direct the auditor
30 of the county in which the person may be registered as a voter to
31 update the person's voter registration.

32 (3) The county auditor shall promptly send a notification to each
33 person who is registered to vote or whose existing voter registration
34 is updated under this section.

35 (4) A voter registration submitted under this section is
36 otherwise considered an electronic voter registration.

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

1 (1) Each qualified voter registration agency, except for the
2 health benefit exchange, shall promptly transmit to the secretary of
3 state the information of each person for whom it retains all the
4 information listed in section 3(2)(b) (i) through (vi) of this act on
5 January 1, 2017. The health benefit exchange shall promptly transmit
6 to the secretary of state the information of each person for whom it
7 retains all the information listed in section 3(2)(b) (i) through (v)
8 of this act on January 1, 2017.

9 (2) The secretary of state shall:

10 (a) Identify persons whose information is transmitted pursuant to
11 subsection (1) of this section who are eligible to be, but are not
12 currently, registered to vote;

13 (b) Promptly send each person identified notice, which must not
14 identify the agency transmitting the information, but which must
15 include:

16 (i) An explanation that voter registration is voluntary, but that
17 if the person does not decline to register within sixty days, the
18 person will be registered to vote;

19 (ii) A statement offering the opportunity to decline voter
20 registration through any means determined by the secretary of state
21 and consistent with this act;

22 (iii) The eligibility criteria for voting in federal and state
23 elections;

24 (iv) The instruction that the person should decline registration
25 if ineligible to vote;

26 (v) Instructions for correcting an erroneous registration;

27 (vi) Instructions for providing any additional information
28 required for voter registration purposes; and

29 (vii) Information about the address confidentiality program
30 established under chapter 40.24 RCW, including notification that
31 registration to vote does not affect any existing program
32 participation;

33 (c) Promptly register to vote any person who does not decline to
34 register within sixty days of the notification, unless the secretary
35 of state receives information about a person pursuant to this section
36 within twenty-one days of an election in which that person would
37 otherwise be eligible to vote, in which case the secretary of state
38 shall wait until after the election to register the person to vote.

39 (3) Information transmitted to the secretary of state pursuant to
40 subsection (1) of this section shall be used only for voter

1 registration purposes, is not available for public inspection, and
2 shall not be disclosed to the public.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.08
4 RCW to read as follows:

5 (1) If a person who is ineligible to vote becomes registered to
6 vote under section 3 or 5 of this act in the absence of a knowing
7 violation by that person of RCW 29A.84.140, that person's
8 registration shall be presumed to have been with official
9 authorization and not the fault of that person.

10 (2) Unless the person willfully and knowingly votes or attempts
11 to vote knowing that he or she is not entitled to vote, a person who
12 is ineligible to vote, becomes registered to vote under section 3 or
13 5 of this act, and votes or attempts to vote in an election held
14 after the effective date of the person's registration shall be
15 presumed to have acted with official authorization and shall not be
16 guilty of a class C felony under RCW 29A.84.130.

17 **Sec. 7.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to
18 read as follows:

19 A registered voter who changes his or her residence from one
20 address to another within the same county may transfer his or her
21 registration to the new address in one of the following ways:

22 (1) Sending the county auditor a request stating both the voter's
23 present address and the address from which the voter was last
24 registered;

25 (2) Appearing in person before the county auditor and making such
26 a request;

27 (3) Telephoning or emailing the county auditor to transfer the
28 registration; ~~((or))~~

29 (4) Submitting a voter registration application; or

30 (5) Submitting information to a qualified voter registration
31 agency.

32 **Sec. 8.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to
33 read as follows:

34 A registered voter who changes his or her residence from one
35 county to another county must do so by submitting a voter
36 registration form or by submitting information to a qualified voter
37 registration agency. The county auditor of the voter's new county

1 shall transfer the voter's registration from the county of the
2 previous registration.

3 **Sec. 9.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to
4 read as follows:

5 (1) In the case of voter registration records received through
6 qualified voter registration agencies, the department of licensing,
7 or an agency designated under RCW 29A.08.310, the identity of the
8 office or agency at which any particular individual registered to
9 vote shall be used only for voter registration purposes, is not
10 available for public inspection, and shall not be disclosed to the
11 public. Any record of a particular individual's choice not to
12 register to vote at an office of the department of licensing or a
13 state agency designated under RCW 29A.08.310 shall be used only for
14 voter registration purposes, is not available for public inspection,
15 and any information regarding such a choice by a particular
16 individual shall not be disclosed to the public.

17 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,
18 precinct lists and current lists of registered voters are public
19 records and must be made available for public inspection and copying
20 under such reasonable rules and regulations as the county auditor or
21 secretary of state may prescribe. The county auditor or secretary of
22 state shall promptly furnish current lists of registered voters in
23 his or her possession, at actual reproduction cost, to any person
24 requesting such information. The lists shall not be used for the
25 purpose of mailing or delivering any advertisement or offer for any
26 property, establishment, organization, product, or service or for the
27 purpose of mailing or delivering any solicitation for money,
28 services, or anything of value. However, the lists and labels may be
29 used for any political purpose. The county auditor or secretary of
30 state must provide a copy of RCW 29A.08.740 to the person requesting
31 the material that is released under this section.

32 (3) For the purposes of this section, "political purpose" means a
33 purpose concerned with the support of or opposition to any candidate
34 for any partisan or nonpartisan office or concerned with the support
35 of or opposition to any ballot proposition or issue. "Political
36 purpose" includes, but is not limited to, such activities as the
37 advertising for or against any candidate or ballot measure or the
38 solicitation of financial support.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.84
2 RCW to read as follows:

3 An employee of a qualified voter registration agency is guilty of
4 a gross misdemeanor punishable to the same extent as a gross
5 misdemeanor that is punishable under RCW 9A.20.021, if he or she
6 willfully:

7 (1) Neglects or refuses to perform any duty required by law in
8 connection with the registration of voters;

9 (2) Neglects or refuses to perform such duty in the manner
10 required by voter registration law;

11 (3) Enters or causes or permits to be entered on the voter
12 registration records the name of any person in any other manner or at
13 any other time than as prescribed by voter registration law or enters
14 or causes or permits to be entered on such records the name of any
15 person not entitled to be thereon; or

16 (4) Destroys, mutilates, conceals, changes, or alters any
17 registration record in connection therewith except as authorized by
18 voter registration law.

19 NEW SECTION. **Sec. 11.** The sum of four hundred thousand dollars,
20 or as much thereof as may be necessary, is appropriated for the
21 fiscal year ending June 30, 2017, from the general fund to the
22 secretary of state for the purposes of this act.

23 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act take
24 effect January 1, 2017.

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