

E2SHB 2595 - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

NOT ADOPTED 02/28/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the
4 automatic voter registration act of 2018.

5 NEW SECTION. **Sec. 2.** (1) The legislature finds that:

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

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

17 (2) Therefore, the legislature intends to increase the
18 opportunity to register to vote for persons qualified under Article
19 VI of the Washington state Constitution by expanding the streamlined
20 voter registration process that will increase opportunities for voter
21 registration without placing new undue burdens on government
22 agencies.

23 **PART I**

24 **AUTOMATIC VOTER REGISTRATION FOR ENHANCED DRIVER'S LICENSE**

25 NEW SECTION. **Sec. 101.** A new section is added to chapter 29A.08
26 RCW to read as follows:

27 A person age eighteen years or older who is a citizen of the
28 United States applying for or renewing an enhanced driver's license

1 or identicard issued under RCW 46.20.202 or changing the address for
2 an existing enhanced driver's license or identicard pursuant to RCW
3 46.20.205 may be registered to vote or update voter registration
4 information at the time of registration or renewal by automated
5 process if the department of licensing record associated with the
6 applicant verifies United States citizenship, contains the data
7 required for voter registration under RCW 29A.08.010, and includes a
8 signature image. The person must be informed that his or her record
9 will be used for voter registration, and offered an opportunity to
10 decline to register.

11 NEW SECTION. **Sec. 102.** A new section is added to chapter 29A.08
12 RCW to read as follows:

13 (1) If the applicant in section 101 of this act does not decline
14 registration, the application is submitted pursuant to RCW
15 29A.08.350.

16 (2) For each such application, the secretary of state must obtain
17 a digital copy of the applicant's signature image from the department
18 of licensing.

19 NEW SECTION. **Sec. 103.** A new section is added to chapter 29A.08
20 RCW to read as follows:

21 (1)(a) For persons age eighteen years and older registering under
22 section 101 of this act, an application is considered complete only
23 if it contains the information required by RCW 29A.08.010 and
24 verification of citizenship. The applicant is considered to be
25 registered to vote as of the original date of application or renewal
26 of an enhanced driver's license or identicard issued under RCW
27 46.20.202 or application for change of address for an existing
28 enhanced driver's license or identicard pursuant to RCW 46.20.205.
29 The auditor shall record the appropriate precinct identification,
30 taxing district identification, and date of registration on the
31 voter's record in the state voter registration list. Any mailing
32 address provided shall be used only for mail delivery purposes, and
33 not for precinct assignment or residency purposes. Within sixty days
34 after the receipt of an application or transfer, the auditor shall
35 send to the applicant, by first-class nonforwardable mail, an
36 acknowledgment notice identifying the registrant's precinct and
37 containing such other information as may be required by the secretary
38 of state. The United States postal service shall be instructed not to

1 forward a voter registration card to any other address and to return
2 to the auditor any card which is not deliverable.

3 (b) An auditor may use other means to communicate with potential
4 and registered voters such as, but not limited to, email, phone, or
5 text messaging. The alternate form of communication must not be in
6 lieu of the first-class mail requirements. The auditor shall act in
7 compliance with all voter notification processes established in
8 federal law.

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

16 (3) If the prospective registration applicant declines to
17 register to vote or the information provided by the department of
18 licensing does not indicate citizenship, the information must not be
19 included on the list of registered voters.

20 (4) The department of licensing is prohibited from sharing data
21 files used by the secretary of state to certify voters registered
22 through the automated process outlined in section 102 of this act
23 with any federal agency, or state agency other than the secretary of
24 state. Personal information supplied for the purposes of obtaining a
25 driver's license or identicard is exempt from public inspection
26 pursuant to RCW 42.56.230.

27 NEW SECTION. **Sec. 104.** A new section is added to chapter 46.20
28 RCW to read as follows:

29 For persons eighteen years of age or older who the department has
30 verified United States citizenship, who are applying for or renewing
31 an enhanced driver's license or identicard under RCW 46.20.202 or
32 applying for a change of address for an existing enhanced driver's
33 license or identicard pursuant to RCW 46.20.205, and who have not
34 declined to register to vote, the department shall produce and
35 transmit to the secretary of state the following information from the
36 records of each individual: The name, address, date of birth, gender
37 of the applicant, the driver's license number, signature image, and
38 the date on which the application was submitted. The department and

1 the secretary of state shall process information as an automated
2 application on a daily basis.

3 **Sec. 105.** RCW 29A.08.350 and 2013 c 11 s 18 are each amended to
4 read as follows:

5 The department of licensing shall produce and transmit to the
6 secretary of state the following information from the records of each
7 individual who requested a voter registration or update at a driver's
8 license facility: The name, address, date of birth, gender of the
9 applicant, the driver's license number, signature image, and the date
10 on which the application for voter registration or update was
11 submitted. The secretary of state shall process the registrations and
12 updates as an electronic application.

13 **Sec. 106.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to
14 read as follows:

15 (1) The department is authorized to cancel any driver's license
16 upon determining that the licensee was not entitled to the issuance
17 of the license, or that the licensee failed to give the required or
18 correct information in his or her application, or that the licensee
19 is incompetent to drive a motor vehicle for any of the reasons under
20 RCW 46.20.031 (4) and (7).

21 (2) Upon such cancellation, the licensee must surrender the
22 license so canceled to the department.

23 (3) Upon the cancellation of an enhanced driver's license or
24 identocard for failure of the licensee to give correct information,
25 if such information had been transferred to the secretary of state
26 for purposes of voter registration, the department must immediately
27 notify the office of the secretary of state, and the county auditor
28 of the county of the licensee's address of record, of the
29 cancellation of the license or identocard and the identification of
30 the incorrect information.

31 PART II

32 ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE

33 NEW SECTION. **Sec. 201.** A new section is added to chapter 29A.04
34 RCW to read as follows:

35 (1) The health benefit exchange shall provide the following
36 information to the secretary of state's office for consenting

1 Washington healthplanfinder applicants, including applicants who file
2 changes of address, who reside in Washington, are age eighteen years
3 or older, and are verified citizens, for the purpose of the
4 applicants being registered to vote:

5 (a) Names;

6 (b) Traditional or nontraditional residential addresses; and

7 (c) Dates of birth.

8 (2) The health benefit exchange shall consult with the secretary
9 of state's office to ensure that sufficient information is provided
10 to allow the secretary of state to obtain a digital copy of the
11 person's signature when available from the department of licensing
12 and establish other criteria and procedures.

13 (3) If applicable, the health benefit exchange shall report any
14 known barriers or impediments to implementation of this section to
15 the appropriate committees of the legislature and the governor no
16 later than December 1, 2019.

17 NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.04
18 RCW to read as follows:

19 If the health benefit exchange determines, in consultation with
20 the health care authority, that implementation of automatic voter
21 registration will require application or process changes subject to
22 approval from the centers for medicare and medicaid services,
23 implementation is contingent on approval from the centers for
24 medicare and medicaid services. If applicable, the exchange shall
25 report any known barriers or impediments to implementation of
26 automatic voter registration to the appropriate committees of the
27 legislature and the governor no later than December 1, 2019.

28 **PART III**

29 **AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES**

30 NEW SECTION. **Sec. 301.** A new section is added to chapter 29A.04
31 RCW to read as follows:

32 (1) "Qualified voter registration agency" means a state agency
33 providing public assistance or services to persons with disabilities,
34 designated pursuant to RCW 29A.08.310(1), that collects, processes,
35 and stores the following information as part of providing assistance
36 or services:

37 (a) Names;

- 1 (b) Traditional or nontraditional residential addresses;
2 (c) Dates of birth;
3 (d) A signature attesting to the truth of the information
4 provided on the application for assistance or services; and
5 (e) Verification of citizenship information, via social security
6 administration data match or manually verified by the agency during
7 the client transaction.

8 (2) Qualified voter registration agencies should seek to provide
9 automatic voter registration services under section 302 of this act
10 with any or all agency transactions. If a qualified voter
11 registration agency chooses to provide automatic voter registration
12 services, the agency:

13 (a) Must consult with the secretary of state's office to
14 establish automatic voter registration criteria and procedures; and

15 (b) May adopt rules to enable the agency to provide automatic
16 voter registration services.

17 (3) Qualified voter registration agencies that do not intend to
18 seek to provide automatic voter registration services shall submit a
19 report to the governor and appropriate legislative committees no
20 later than December 1, 2019, detailing the reasons that make
21 providing automatic voter registration services not feasible.

22 (4) For agencies submitting a report under subsection (3) of this
23 section, the governor shall consult with the secretary of state's
24 office to make a decision as to whether the agency should implement
25 automatic voter registration. The governor shall make the final
26 decision at the governor's sole discretion.

27 (5) Once an agency has implemented automatic voter registration,
28 it shall continue to provide automatic voter registration unless
29 legislation is enacted that directs the agency to do otherwise.

30 NEW SECTION. **Sec. 302.** A new section is added to chapter 29A.08
31 RCW to read as follows:

32 (1) With each application for assistance or services listing the
33 information described in section 301 of this act, and with each
34 related recertification, renewal, or change of address, each
35 qualified voter registration agency that chooses to or is required to
36 provide automatic voter registration services, as provided in section
37 301 of this act shall inform the person of the following:

38 (a) Unless the person declines to register to vote or update an
39 existing voter registration, or is found to be ineligible to vote,

1 the person will be registered to vote or, if applicable, the person's
2 voter registration will be updated;

3 (b)(i) The qualifications to be registered to vote;

4 (ii) The penalties under chapter 29A.84 RCW for registering to
5 vote when ineligible or providing false registration information; and

6 (iii) That the person should not register to vote if the person
7 does not meet the qualifications to register;

8 (c) That voter registration is voluntary, and the person's choice
9 to register or decline to register to vote will not affect the
10 availability of agency services or benefits, and that the person's
11 choice to register or decline to register to vote will not be used
12 for any other purposes or retained by the agency; and

13 (d) Information about the address confidentiality program
14 established under chapter 40.24 RCW, including how to register for
15 the address confidentiality program and how voter registration may
16 impact participation in the program.

17 (2) Each qualified voter registration agency shall:

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

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

26 (i) The person's name;

27 (ii) The person's traditional or nontraditional residential
28 address;

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

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

32 (v) Confirmation that the person is a citizen of the United
33 States;

34 (vi) A digital copy of the person's signature; and

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

37 (c) Offer each person an opportunity to decline to register to
38 vote or to update an existing registration at each application for
39 service or assistance, and each related recertification, renewal, or

1 change of address, regardless of whether the person previously
2 declined to register to vote or update an existing registration.

3 (3) The department of social and health services is not required
4 to follow subsections (1) and (2) of this section where the
5 department has verified that the person has already been offered the
6 opportunity to register to vote pursuant to this act at the health
7 benefit exchange.

8 (4) A qualified voter registration agency shall not use a
9 person's declination to register to vote to affect the person's
10 eligibility for services or benefits provided by a qualified voter
11 registration agency.

12 (5) The secretary of state shall consult with each qualified
13 voter registration agency to establish a procedure for transmitting
14 digital copies of signatures of persons who do not decline to
15 register to vote.

16 (6) Each qualified voter registration agency is prohibited from
17 sharing information used to verify identity with any federal agency
18 unless required by law. The agency may not retain any records or
19 documentation used to certify eligibility to vote under this section
20 once the certification process has been completed and recorded unless
21 required by law. Personal information in files maintained for
22 patients or clients of agencies providing public assistance or
23 services to persons with disabilities is exempt from public
24 inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

25 NEW SECTION. **Sec. 303.** A new section is added to chapter 29A.08
26 RCW to read as follows:

27 (1)(a) Except as provided in (b) of this subsection, upon
28 receiving the data for, and a digital copy of the signature of, a
29 person as provided in section 302(2)(b) of this act, the secretary of
30 state shall determine whether the person is already registered to
31 vote. If the person is not already registered to vote, the secretary
32 of state shall provide the information to the county auditor of the
33 county in which the person may be registered as a voter, and the
34 auditor shall register the person to vote.

35 (b) If the secretary of state receives information about a person
36 pursuant to section 302 of this act within eight days of an election
37 in which that person would otherwise be eligible to vote, the
38 secretary of state shall wait until after the election to provide the

1 information to the county auditor of the county in which that person
2 may be registered as a voter.

3 (2) If the person is already registered to vote, but the
4 residential address transmitted by the qualified voter registration
5 agency is different from the residential address on the person's
6 current registration, the secretary of state shall direct the auditor
7 of the county in which the person may be registered as a voter to
8 update the person's voter registration.

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

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

14 NEW SECTION. **Sec. 304.** A new section is added to chapter 29A.08
15 RCW to read as follows:

16 (1) If a person who is ineligible to vote becomes automatically
17 registered to vote under section 101 or 302 of this act in the
18 absence of a knowing violation by that person of RCW 29A.84.140, that
19 person's registration is presumed to not be the fault of that person.

20 (2) If a person who is ineligible to vote becomes automatically
21 registered to vote under section 102 or 302 of this act and votes or
22 attempts to vote in the absence of a knowing violation by that person
23 of RCW 29A.84.130, that person's vote is presumed not to be the fault
24 of that person.

25 (3) An ineligible voter who successfully completes the voter
26 registration process must have their voter registration invalidated.

27 (4) Should an ineligible individual become registered to vote,
28 the office of the secretary of state and the relevant agency shall
29 jointly determine the cause.

30 **Sec. 305.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to
31 read as follows:

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

35 (1) Sending the county auditor a request stating both the voter's
36 present address and the address from which the voter was last
37 registered;

- 1 (2) Appearing in person before the county auditor and making such
2 a request;
- 3 (3) Telephoning or emailing the county auditor to transfer the
4 registration; ((~~or~~))
- 5 (4) Submitting a voter registration application;
- 6 (5) Submitting information to the department of licensing;
- 7 (6) Submitting information to the health benefit exchange; or
- 8 (7) Submitting information to a qualified voter registration
9 agency.

10 **Sec. 306.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to
11 read as follows:

12 A registered voter who changes his or her residence from one
13 county to another county must do so by submitting a voter
14 registration form or by submitting information to the department of
15 licensing, the health benefit exchange, or a qualified voter
16 registration agency. The county auditor of the voter's new county
17 shall transfer the voter's registration from the county of the
18 previous registration.

19 **Sec. 307.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to
20 read as follows:

21 (1) In the case of voter registration records received through
22 the department of licensing, the health benefit exchange, or an
23 agency designated under RCW 29A.08.310, the identity of the office or
24 agency at which any particular individual registered to vote must be
25 used only for voter registration purposes, is not available for
26 public inspection, and shall not be disclosed to the public. Any
27 record of a particular individual's choice not to register to vote at
28 an office of the department of licensing or a state agency designated
29 under RCW 29A.08.310 is not available for public inspection and any
30 information regarding such a choice by a particular individual shall
31 not be disclosed to the public.

32 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,
33 precinct lists and current lists of registered voters are public
34 records and must be made available for public inspection and copying
35 under such reasonable rules and regulations as the county auditor or
36 secretary of state may prescribe. The county auditor or secretary of
37 state shall promptly furnish current lists of registered voters in
38 his or her possession, at actual reproduction cost, to any person

1 requesting such information. The lists shall not be used for the
2 purpose of mailing or delivering any advertisement or offer for any
3 property, establishment, organization, product, or service or for the
4 purpose of mailing or delivering any solicitation for money,
5 services, or anything of value. However, the lists and labels may be
6 used for any political purpose. The county auditor or secretary of
7 state must provide a copy of RCW 29A.08.740 to the person requesting
8 the material that is released under this section.

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

16 NEW SECTION. **Sec. 308.** A new section is added to chapter 29A.84
17 RCW to read as follows:

18 An employee of a qualified voter registration agency is guilty of
19 a gross misdemeanor, if he or she willfully:

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

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

24 (3) Enters or causes or permits to be entered on the voter
25 registration records the name of any person in any other manner or at
26 any other time than as prescribed by voter registration law, or
27 enters or causes or permits to be entered on such records the name of
28 any person not entitled to be thereon; or

29 (4) Destroys, mutilates, conceals, changes, or alters any
30 registration record in connection therewith except as authorized by
31 voter registration law.

32 **PART IV**
33 **MISCELLANEOUS**

34 **Sec. 401.** RCW 29A.08.110 and 2009 c 369 s 10 are each amended to
35 read as follows:

36 (1) For persons registering under RCW 29A.08.120, 29A.08.123,
37 29A.08.330, and 29A.08.340, an application is considered complete

1 only if it contains the information required by RCW 29A.08.010. The
2 applicant is considered to be registered to vote as of the original
3 date of mailing or date of delivery, whichever is applicable. The
4 auditor shall record the appropriate precinct identification, taxing
5 district identification, and date of registration on the voter's
6 record in the state voter registration list. Any mailing address
7 provided shall be used only for mail delivery purposes, and not for
8 precinct assignment or residency purposes. Within sixty days after
9 the receipt of an application or transfer, the auditor shall send to
10 the applicant, by first-class nonforwardable mail, an acknowledgment
11 notice identifying the registrant's precinct and containing such
12 other information as may be required by the secretary of state. The
13 postal service shall be instructed not to forward a voter
14 registration card to any other address and to return to the auditor
15 any card which is not deliverable.

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

23 **Sec. 402.** RCW 29A.08.710 and 2005 c 246 s 17 are each amended to
24 read as follows:

25 (1) The county auditor shall have custody of the original voter
26 registration records for each county. The original voter registration
27 form must be filed without regard to precinct and is considered
28 confidential and unavailable for public inspection and copying. An
29 automated file of all registered voters must be maintained pursuant
30 to RCW 29A.08.125. An auditor may maintain the automated file in lieu
31 of filing or maintaining the original voter registration forms if the
32 automated file includes all of the information from the original
33 voter registration forms including, but not limited to, a retrievable
34 facsimile of each voter's signature.

35 (2) The following information contained in voter registration
36 records or files regarding a voter or a group of voters is available
37 for public inspection and copying, except as provided in RCW
38 40.24.060: The voter's name, address, political jurisdiction, gender,
39 (~~date~~) year of birth, voting record, date of registration, and

1 registration number. No other information from voter registration
2 records or files is available for public inspection or copying.

3 NEW SECTION. **Sec. 403.** Sections 101 through 308 of this act
4 take effect July 1, 2019. Automatic voter registration at the
5 department of licensing under sections 101 through 106 of this act
6 must be implemented by July 1, 2019."

E2SHB 2595 - S COMM AMD

By Committee on State Government, Tribal Relations & Elections

NOT ADOPTED 02/28/2018

7 On page 1, line 3 of the title, after "vote;" strike the
8 remainder of the title and insert "amending RCW 29A.08.350,
9 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and
10 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new
11 section to chapter 46.20 RCW; adding new sections to chapter 29A.04
12 RCW; adding a new section to chapter 29A.84 RCW; creating new
13 sections; prescribing penalties; and providing an effective date."

EFFECT: (1) Requires automatic voter registration services to be offered with applications to change the address on an existing enhanced driver's license or identicard.

(2) Requires a response to a verification notice within 45 days for an application to be completed.

(3) Removes requirement that the Department of Licensing (DOL) determine that applicants meet constitutional voter eligibility requirements.

(4) Removes limitations on use of information verifying identity by the Health Benefit Exchange (HBE).

(5) Removes requirement that the HBE complete a study on the feasibility of offering automatic voter registration services.

(6) Authorizes social services agencies to offer automatic voter registration services, and requires a report for eligible agencies which choose not to.

(7) Requires the Secretary of State and affected agency to jointly determine the cause of the automatic registration of an ineligible voter, and removes exemptions from disclosure of materials used to make the determination.

(8) Removes requirement that an ineligible automatically registered voter have their record of vote removed from the voter registration database.

(9) Prohibits qualified voter registration agency officials from engaging in certain conduct with regard to voter registrations.

(10) Removes study of automatic voter registration at birth and of recently naturalized citizens.

(11) Prohibits disclosure of a registered voter's month and day of birth.

(12) Removes null and void clause.

(13) Modifies effective dates.

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