

# SENATE BILL REPORT

## SB 6092

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As of January 17, 2018

**Title:** An act relating to automatic voter registration, including establishing the future voter program for certain persons sixteen and seventeen years of age.

**Brief Description:** Concerning automatic voter registration, including establishing the future voter program for certain persons sixteen and seventeen years of age.

**Sponsors:** Senators Billig, Zeiger, Darneille, Palumbo, Carlyle, Van De Wege, Lias, Keiser, Pedersen, Hunt, Wellman, Kuderer and Mullet; by request of Secretary of State.

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 1/17/18.

**Brief Summary of Bill**

- Authorizes 16 and 17-year olds to register to vote at the Department of Licensing (DOL), designated agencies, electronically, and by mail.
- Requires voter registration services to be provided in certain classrooms on Temperance and Good Citizenship Day.
- Provides for eligible applicants for enhanced driver's licenses or identicards who do not decline the option to be automatically registered to vote.
- Exempts voter sign-up records of people under 18 years of age from public disclosure requirements and inclusion on the jury source list.

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### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Staff:** Samuel Brown (786-7470)

**Background:** Voter Registration Procedures. A person must be a United States citizen and at least 18 years of age on or before the next election to register to vote. Voters may register electronically, through the mail, or in person at various locations. The National Voter Registration Act requires states to provide residents the opportunity to register to vote for federal elections at certain state agencies.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Before issuing an original license, identification card, or license renewal, the DOL licensing agent must determine if the applicant wants to register to vote or transfer an existing voter registration. If so, the agent provides the applicant with a voter registration form with instructions, and records the applicant's request to register to vote. The applicant must provide the driver's licensing agent with information necessary to ensure correct identification and location of residence. Each driver's licensing facility in the state is required to send completed voter registration forms to the Secretary of State's (SOS) office.

In addition to DOL, the Governor has designated the following as voter registration assistance agencies:

- the Department of Health;
- the Department of Services for the Blind;
- the Department of Social and Health Services;
- the HBE; and
- the Health Care Authority.

Automatic Voter Registration at State Agencies. Since 2015, nine states and Washington, D.C. have enacted laws requiring the automatic voter registration of eligible applicants for services at state agencies, predominantly at motor vehicle departments, unless the applicant opts out.

Voter Registration of Persons Under 18 Years of Age. Currently, several states and Washington, D.C., permit individuals to register to vote before reaching 18 years of age, but provides that such persons are not eligible to participate in state elections and do not appear on voter registration lists until reaching 18 years of age. Persons may register to vote at 16 years of age in twelve states and Washington, D.C. Four additional states permit persons 17 years of age to register to vote. In all state elections in those states, persons are not eligible to participate in an election until reaching 18 years of age.

Temperance and Good Citizenship Day. On January 16, or the preceding Friday if January 16 falls on a weekend, each public school observes Temperance and Good Citizenship Day. The Office of the Superintendent of Public Instruction (OSPI) must annually produce a program for teachers to use on Temperance and Good Citizenship Day.

**Summary of Bill:** Voter Registration Sign-Up for Minors. A person may sign up to register to vote in person at a designated agency, electronically, or by mail upon their 16th birthday, but is not added to the statewide voter registration database until they turn 18 years old, or will be 18 years old before the next election. Such person's registration status will be pending until the person turns 18 years old.

State agencies that offer voter registration services must ask customers if they want to sign up to register to vote and offer voter registration sign-up services. The script that designated agencies use to ask customers if they wish to register to vote is modified to ask if the person is at least 16 years old.

Temperance and Good Citizenship Day. Each year on Temperance and Good Citizenship Day, social studies teachers must coordinate a voter registration event in each history or

social studies class attended by high school seniors. County auditors may help coordinate and participate as resources allow. Each event must encourage students who will be at least 18 years old by the next general election to register to vote.

OSPI, in consultation with the SOS, must update and distribute youth voter registration materials annually by December 1. OSPI must consult with the SOS to electronically collect information on the number of students who register at the event with the goal of registering at least 50,000 17 and 18-year olds annually, beginning January 2020. Starting on March 1, 2020, OSPI must report on yearly progress toward this goal and provide recommendations for increasing youth voter registration to the Governor and Legislature.

Automatic Voter Registration. United States citizens who are at least 16 years old applying for or renewing an enhanced driver's license or identicard may be automatically signed up to register to vote. The applicant must be informed that the applicant's record will be used for voter registration once they turn 18 years old, and offered the opportunity to decline to sign up to register. If the applicant does not decline, DOL must store the application until the person is 17 years and 8 months of age, and then forward the application to the SOS. The information forwarded must contain the most recent residence and mailing address on file with DOL.

Voter registration and voter registration sign-up applicants must acknowledge that they must be 18 years old to vote. A challenge to a person's right to vote must be based on personal knowledge that the challenged voter is not 18 years old. A qualified 16- or 17-year old applicant who signs up to register to vote is not guilty of a Class C felony.

Other Provisions. The SOS may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically. The SOS must store the pending registration records for persons who sign up to register to vote and must ensure that the records will not appear on the official list of registered voters until the applicant is eligible to vote. The information contained in voter sign-up records is exempt from public inspection and copying and inclusion on the jury source list.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2018.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on July 1, 2019.

**Staff Summary of Public Testimony:** PRO: Voter preregistration is about equal access to voter registration. Motor voter registration is the most popular method to register to vote, but it is not readily available to young voters, which is one of the reasons young voter participation is low. Voting is a constitutional right, and the government's obligation is to make barriers to exercising that right as low as possible. The Secretary of State supports automatic voter registration when all qualifications are present, and supports the extension of this process into other state agencies, as is done in other pending legislation.

**Persons Testifying:** PRO: Senator Andy Billig, Prime Sponsor; Greg Kimsey, Clark County Auditor; Lori Augino, Office of the Secretary of State; David Elliott, Office of the Secretary of State; Michael White, AP US Government & Politics, Meridian High School.

**Persons Signed In To Testify But Not Testifying:** No one.