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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2595

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State of Washington

65th Legislature

2018 Regular Session

**By** House Transportation (originally sponsored by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti, Jinkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson, and Stonier; by request of Governor Inslee)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to increasing opportunities for citizens to  
2 participate in elections by streamlining procedures in order to  
3 automatically register citizens to vote; amending RCW 29A.08.110,  
4 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding  
5 new sections to chapter 29A.08 RCW; adding a new section to chapter  
6 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new  
7 sections; prescribing penalties; providing effective dates; and  
8 providing an expiration date.

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

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

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

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

16 (b) State and local governments should take every step possible  
17 to make it easier to vote in Washington state and ensure that  
18 fundamental values of a true democracy with full participation  
19 remains one of our most important functions. Providing additional  
20 opportunities for people to register to vote and helping them make

1 their own choices about who represents them in this democracy and  
2 about important issues that are central to their lives and  
3 communities are essential to upholding these values.

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

10 **Sec. 101.** RCW 29A.08.110 and 2009 c 369 s 10 are each amended to  
11 read as follows:

12 (1) For persons registering under RCW 29A.08.120, 29A.08.123,  
13 29A.08.330, and 29A.08.340, an application is considered complete  
14 only if it contains the information required by RCW 29A.08.010. The  
15 applicant is considered to be registered to vote as of the original  
16 date of mailing or date of delivery, whichever is applicable. The  
17 auditor shall record the appropriate precinct identification, taxing  
18 district identification, and date of registration on the voter's  
19 record in the state voter registration list. Any mailing address  
20 provided shall be used only for mail delivery purposes, and not for  
21 precinct assignment or residency purposes. Within sixty days after  
22 the receipt of an application or transfer, the auditor shall send to  
23 the applicant, by first-class nonforwardable mail, an acknowledgment  
24 notice identifying the registrant's precinct and containing such  
25 other information as may be required by the secretary of state. The  
26 postal service shall be instructed not to forward a voter  
27 registration card to any other address and to return to the auditor  
28 any card which is not deliverable.

29 (2) If an application is not complete, the auditor shall promptly  
30 mail a verification notice to the applicant. The verification notice  
31 shall require the applicant to provide the missing information. If  
32 the applicant provides the required information within forty-five  
33 days, the applicant shall be registered to vote as of the original  
34 date of application. The applicant shall not be placed on the  
35 official list of registered voters until the application is complete.

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

1 The department of licensing shall implement an automatic voter  
2 registration system so that a person age eighteen years or older who  
3 is eligible to vote and has received or is renewing an enhanced  
4 driver's license or identicard issued under RCW 46.20.202 may be  
5 registered to vote or update voter registration information at the  
6 time of registration or renewal, by automated process if the  
7 department of licensing record associated with the applicant contains  
8 the data required to determine that the applicant meets voter  
9 qualification requirements, under Article VI of the Washington state  
10 Constitution, for voter registration under RCW 29A.08.010, and  
11 includes a signature image. The person must be informed that his or  
12 her record will be used for voter registration, and offered an  
13 opportunity to decline to register.

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

16 (1) If the applicant in section 102 of this act does not decline  
17 registration, the application is submitted pursuant to RCW  
18 29A.08.340.

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

22 NEW SECTION. **Sec. 104.** A new section is added to chapter 29A.08  
23 RCW to read as follows:

24 (1)(a) For persons age eighteen years and older registering under  
25 section 102 of this act, an application is considered complete only  
26 if it contains the information required by RCW 29A.08.010 and a  
27 verification of eligibility. The applicant is considered to be  
28 registered to vote as of the original date of issuance or renewal of  
29 an enhanced driver's license or identicard issued under RCW  
30 46.20.202. The auditor shall record the appropriate precinct  
31 identification, taxing district identification, and date of  
32 registration on the voter's record in the state voter registration  
33 list. Any mailing address provided shall be used only for mail  
34 delivery purposes, and not for precinct assignment or residency  
35 purposes. Within sixty days after the receipt of an application or  
36 transfer, the auditor shall send to the applicant, by first-class  
37 nonforwardable mail, an acknowledgment notice identifying the  
38 registrant's precinct and containing such other information as may be

1 required by the secretary of state. The United States postal service  
2 shall be instructed not to forward a voter registration card to any  
3 other address and to return to the auditor any card which is not  
4 deliverable.

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

11 (2) If an application is not complete, the auditor shall promptly  
12 mail a verification notice to the applicant. The verification notice  
13 must require the applicant to provide the missing information. The  
14 applicant must not be placed on the official list of registered  
15 voters until the 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. 105.** 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 determined are eligible to vote, who has been issued or is renewing  
31 an enhanced driver's license or identicard under RCW 46.20.202, and  
32 have not declined to register to vote, the department shall produce  
33 and transmit to the secretary of state the following information from  
34 the records of each individual: The name, address, date of birth,  
35 gender of the applicant, the driver's license number, signature  
36 image, and the date on which the application was submitted. The  
37 department and the secretary of state shall process information as an  
38 automated application on a daily basis.

1       **Sec. 106.** RCW 29A.08.350 and 2013 c 11 s 18 are each amended to  
2 read as follows:

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

11       **Sec. 107.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to  
12 read as follows:

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

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

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

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

31       (1) The health benefit exchange shall provide directly to the  
32 secretary of state's office information required to register to vote  
33 or transfer a registration for each consenting person who  
34 affirmatively indicates that they are interested in registering to  
35 vote, and:

- 36       (a) Submits a new or updated application;  
37       (b) Is at least eighteen years old;  
38       (c) Is a resident of Washington state; and

1 (d) Is verified as a United States Citizen.

2 (2) For each such person, the health benefit exchange shall  
3 provide directly to the secretary of state the following information:

4 (a) Name;

5 (b) Traditional or nontraditional residential address;

6 (c) Mailing address, if different from the traditional or  
7 nontraditional residential address; and

8 (d) Date of birth.

9 (3) The health benefit exchange shall consult with the secretary  
10 of state's office:

11 (a) To ensure that sufficient information is provided to the  
12 secretary of state to allow the secretary of state to obtain a  
13 digital copy of the person's signature when available from the  
14 department of licensing; and

15 (b) To establish procedures that are secure, and compliant with  
16 federal and state voting registration and privacy laws and rules. The  
17 information transferred under this section may only be used for voter  
18 registration purposes.

19 (4) If the health benefit exchange determines, in consultation  
20 with the health care authority, that implementation of this act  
21 requires application changes subject to approval from the centers for  
22 medicare and medicaid services, participation of the health benefit  
23 exchange shall be contingent on receiving that approval.

24 NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.08  
25 RCW to read as follows:

26 (1)(a) Except as provided in (b) of this subsection, upon  
27 receiving the data for, and a digital copy of the signature of, a  
28 person as provided in section 201 of this act, the secretary of state  
29 shall determine whether the person is already registered to vote. If  
30 the person is not already registered to vote, the secretary of state  
31 shall provide the information to the county auditor of the county in  
32 which the person may be registered as a voter, and the auditor shall  
33 register the person to vote.

34 (b) If the secretary of state receives information about a person  
35 pursuant to section 201 of this act within eight days of an election  
36 in which that person would otherwise be eligible to vote, the  
37 secretary of state shall wait until after the election to provide the  
38 information to the county auditor of the county in which that person  
39 may be registered as a voter.

1 (2) If the person is already registered to vote, but the  
2 residential address transmitted, in accordance with section 201 of  
3 this act, by the qualified voter registration agency is different  
4 from the residential address on the person's current registration,  
5 the secretary of state shall direct the auditor of the county in  
6 which the person may be registered as a voter to update the person's  
7 voter registration.

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

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

13 (5) Information transmitted from the health benefit exchange to  
14 the secretary of state, pursuant to subsection (1) of this section,  
15 that is used for voter registration purposes, may not be disclosed by  
16 the health benefit exchange to the public.

17 NEW SECTION. **Sec. 203.** (1) The health benefit exchange must  
18 study the feasibility of implementing automatic voter registration.  
19 The study must include:

20 (a) An examination of applicable federal and state voter  
21 registration and privacy laws and rules;

22 (b) Potential barriers to implementation of automatic voter  
23 registration and recommended solutions to mitigate those barriers,  
24 including alternatives for secure electronic voter registration;

25 (c) A process for secure data transfer to the secretary of state;  
26 and

27 (d) A timeline and the anticipated state costs for implementing  
28 identified options.

29 (2) The exchange must submit a report to the governor and  
30 appropriate committees of the legislature no later than December 1,  
31 2020.

32 NEW SECTION. **Sec. 204.** A new section is added to chapter 29A.08  
33 RCW to read as follows:

34 (1) If a person who is ineligible to vote becomes, in the rare  
35 occasion, registered to vote under section 102 or 201 of this act in  
36 the absence of a knowing violation by that person of RCW 29A.84.140,  
37 that person shall be deemed to have performed an authorized act of

1 registration and such act may not be considered as evidence of a  
2 claim to citizenship.

3 (2) Unless a person willfully and knowingly votes or attempts to  
4 vote knowing that he or she is not entitled to vote, a person who is  
5 ineligible to vote and becomes registered to vote under section 102  
6 or 201 of this act, and subsequently votes or attempts to vote in an  
7 election held after the effective date of the person's registration,  
8 is not guilty of violating RCW 29A.84.130, and shall be deemed to  
9 have performed an authorized act, and such act may not be considered  
10 as evidence of a claim to citizenship.

11 (3) A person who is ineligible to vote, who successfully  
12 completes the voter registration process under section 102 or 201 of  
13 this act or votes in an election, must have their voter registration,  
14 or record of vote, removed from the voter registration database and  
15 any other application records.

16 (4) Should an ineligible person become registered to vote, the  
17 office of the secretary of state shall conduct an investigation to  
18 determine the cause. Agencies shall cooperate fully with the  
19 secretary of state for the purposes of the investigation. Upon  
20 completion of the investigation, a report detailing the findings of  
21 the investigation must be submitted to the governor and legislature.  
22 The report may not contain any personally identifiable information.  
23 Any investigation records are not subject to public disclosure under  
24 chapter 42.56 RCW. After completing the report, the secretary of  
25 state must destroy all investigation materials.

26 **Sec. 205.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to  
27 read as follows:

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

31 (1) Sending the county auditor a request stating both the voter's  
32 present address and the address from which the voter was last  
33 registered;

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

36 (3) Telephoning or emailing the county auditor to transfer the  
37 registration; (~~or~~)

38 (4) Submitting a voter registration application;

39 (5) Submitting information to the department of licensing; or



1        (6) Submitting information to the health benefit exchange.

2        **Sec. 206.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to  
3 read as follows:

4        A registered voter who changes his or her residence from one  
5 county to another county must do so by submitting a voter  
6 registration form or by submitting information to the department of  
7 licensing or the health benefit exchange. The county auditor of the  
8 voter's new county shall transfer the voter's registration from the  
9 county of the previous registration.

10       **Sec. 207.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to  
11 read as follows:

12       (1) In the case of voter registration records received through  
13 the health benefit exchange, the department of licensing, or an  
14 agency designated under RCW 29A.08.310, the identity of the office or  
15 agency at which any particular individual registered to vote must be  
16 used only for voter registration purposes, is not available for  
17 public inspection, and shall not be disclosed to the public. Any  
18 record of a particular individual's choice not to register to vote at  
19 an office of the department of licensing or a state agency designated  
20 under RCW 29A.08.310 is not available for public inspection and any  
21 information regarding such a choice by a particular individual shall  
22 not be disclosed to the public.

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

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

8 NEW SECTION. **Sec. 301.** The legislature finds that advances in  
9 database integration and technology can create streamlined, less  
10 bureaucratic, and more efficient processes for the voter registration  
11 system. The legislature finds that information verifying voter  
12 eligibility filed with the state should be automatically integrated  
13 into the existing voter registration process in preparation for those  
14 who wish to participate in voting. Voter registration should not be  
15 an impediment or hurdle to participation in the election process, but  
16 rather a function of properly administered elections. The legislature  
17 further finds that continued improvement in database integration  
18 across state and local agencies should be applied to a modernized  
19 voter registration process and database in order to facilitate the  
20 participation of persons eligible to vote in future elections. The  
21 legislature further finds that the voter registration process should  
22 automatically commence at birth when a certificate of live birth has  
23 been filed with the state, bringing that new resident a step closer  
24 to fulfilling the current registration requirements, without changing  
25 those existing regulations.

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

28 (1) The office of the secretary of state must conduct a study and  
29 prepare recommendations for creating an automatic voter registration  
30 process for residents who recently completed the naturalization  
31 process, and for an automatic pending voter registration process at  
32 birth.

33 (2) For the automatic registration of residents who recently  
34 completed the naturalization process, the office should consult with  
35 federal agencies involved with naturalization to determine the  
36 feasibility of options for developing an automatic voter registration  
37 process for such persons.

1 (3) For automatic pending registration at birth, the office  
2 should consult with relevant state agencies that collect and maintain  
3 records containing personal information and consider ways for  
4 transferring and sharing such information with voter registration  
5 databases. Such considerations should include issues regarding data-  
6 sharing agreements and procedures, coordination among state and local  
7 agencies for updating voting registration records, address  
8 confirmation procedures, methods and procedures for collecting and  
9 verifying personally identifiable information, public notice and opt-  
10 out procedures, cybersecurity measures or standards, and delegation  
11 of authority necessary for implementation.

12 (4) The office must prepare a report to the appropriate  
13 legislative standing committees by December 1, 2019, that includes  
14 each study and proposed recommendations, including any legislative  
15 authority that may be needed to implement the proposed  
16 recommendations.

17 (5) This section expires June 30, 2020.

18 NEW SECTION. **Sec. 401.** Sections 101 through 202 and 204 through  
19 207 of this act take effect July 1, 2019.

20 NEW SECTION. **Sec. 402.** Sections 203, 301, and 302 of this act  
21 take effect July 1, 2018.

22 NEW SECTION. **Sec. 403.** If specific funding for the purposes of  
23 sections 201 and 202 of this act, referencing sections 201 and 202 of  
24 this act by bill or chapter number and section number, is not  
25 provided by June 30, 2018, in the omnibus appropriations act,  
26 sections 201 and 202 of this act are null and void.

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