
SECOND SUBSTITUTE HOUSE BILL 2595

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, 29A.08.410, 29A.08.420, and 29A.08.720; adding new
5 sections to chapter 29A.08 RCW; adding a new section to chapter 46.20
6 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 is applying for or 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 application or renewal
29 of 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
21 information used to verify identity with any federal agency unless
22 required by law or contractual obligation existing as of the
23 effective date of this section. The department may not collect any
24 records or documentation used to certify eligibility to vote under
25 this section once the certification process has been completed and
26 recorded unless required by law. Personal information supplied for
27 the purposes of obtaining a driver's license or identicard is exempt
28 from public inspection pursuant to RCW 42.56.230.

29 NEW SECTION. **Sec. 105.** A new section is added to chapter 46.20
30 RCW to read as follows:

31 For persons eighteen years of age or older who the department has
32 determined are eligible to vote, who are applying for or renewing an
33 enhanced driver's license or identicard under RCW 46.20.202, and have
34 not 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. 106.** 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 NEW SECTION. **Sec. 201.** A new section is added to chapter 29A.04
14 RCW to read as follows:

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

- 20 (a) Submits a new or updated application;
- 21 (b) Is at least eighteen years old;
- 22 (c) Is a resident of Washington state; and
- 23 (d) Is verified as a United States Citizen.

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

- 26 (a) Name;
- 27 (b) Traditional or nontraditional residential address;
- 28 (c) Mailing address, if different from the traditional or
29 nontraditional residential address; and
- 30 (d) Date of birth.

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

33 (a) To ensure that sufficient information is provided to the
34 secretary of state to allow the secretary of state to obtain a
35 digital copy of the person's signature when available from the
36 department of licensing; and

37 (b) To establish procedures that are secure, and compliant with
38 federal and state voting registration and privacy laws and rules. The

1 information transferred under this section may only be used for voter
2 registration purposes.

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

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

10 (1)(a) Except as provided in (b) of this subsection, upon
11 receiving the data for, and a digital copy of the signature of, a
12 person as provided in section 201 of this act, the secretary of state
13 shall determine whether the person is already registered to vote. If
14 the person is not already registered to vote, the secretary of state
15 shall provide the information to the county auditor of the county in
16 which the person may be registered as a voter, and the auditor shall
17 register the person to vote.

18 (b) If the secretary of state receives information about a person
19 pursuant to section 201 of this act within eight days of an election
20 in which that person would otherwise be eligible to vote, the
21 secretary of state shall wait until after the election to provide the
22 information to the county auditor of the county in which that person
23 may be registered as a voter.

24 (2) If the person is already registered to vote, but the
25 residential address transmitted, in accordance with section 201 of
26 this act, by the qualified voter registration agency is different
27 from the residential address on the person's current registration,
28 the secretary of state shall direct the auditor of the county in
29 which the person may be registered as a voter to update the person's
30 voter registration.

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

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

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

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

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

6 (b) Potential barriers to implementation of automatic voter
7 registration and recommended solutions to mitigate those barriers,
8 including alternatives for secure electronic voter registration;

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

11 (d) A timeline and the anticipated state costs for implementing
12 identified options.

13 (2) The exchange must submit a report to the governor and
14 appropriate committees of the legislature no later than December 1,
15 2020.

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

18 (1) If a person who is ineligible to vote becomes, in the rare
19 occasion, registered to vote under section 102 or 201 of this act in
20 the absence of a knowing violation by that person of RCW 29A.84.140,
21 that person shall be deemed to have performed an authorized act of
22 registration and such act may not be considered as evidence of a
23 claim to citizenship.

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

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

37 (4) Should an ineligible person become registered to vote, the
38 office of the secretary of state shall conduct an investigation to
39 determine the cause. Agencies shall cooperate fully with the

1 secretary of state for the purposes of the investigation. Upon
2 completion of the investigation, a report detailing the findings of
3 the investigation must be submitted to the governor and legislature.
4 The report may not contain any personally identifiable information.
5 Any investigation records are not subject to public disclosure under
6 chapter 42.56 RCW. After completing the report, the secretary of
7 state must destroy all investigation materials.

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

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

13 (1) Sending the county auditor a request stating both the voter's
14 present address and the address from which the voter was last
15 registered;

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

18 (3) Telephoning or emailing the county auditor to transfer the
19 registration; ~~((or))~~

20 (4) Submitting a voter registration application;

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

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

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

25 A registered voter who changes his or her residence from one
26 county to another county must do so by submitting a voter
27 registration form or by submitting information to the department of
28 licensing or the health benefit exchange. The county auditor of the
29 voter's new county shall transfer the voter's registration from the
30 county of the previous registration.

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

33 (1) In the case of voter registration records received through
34 the health benefit exchange, the department of licensing, or an
35 agency designated under RCW 29A.08.310, the identity of the office or
36 agency at which any particular individual registered to vote must be
37 used only for voter registration purposes, is not available for

1 public inspection, and shall not be disclosed to the public. Any
2 record of a particular individual's choice not to register to vote at
3 an office of the department of licensing or a state agency designated
4 under RCW 29A.08.310 is not available for public inspection and any
5 information regarding such a choice by a particular individual shall
6 not be disclosed to the public.

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

22 (3) For the purposes of this section, "political purpose" means a
23 purpose concerned with the support of or opposition to any candidate
24 for any partisan or nonpartisan office or concerned with the support
25 of or opposition to any ballot proposition or issue. "Political
26 purpose" includes, but is not limited to, such activities as the
27 advertising for or against any candidate or ballot measure or the
28 solicitation of financial support.

29 NEW SECTION. **Sec. 301.** The legislature finds that advances in
30 database integration and technology can create streamlined, less
31 bureaucratic, and more efficient processes for the voter registration
32 system. The legislature finds that information verifying voter
33 eligibility filed with the state should be automatically integrated
34 into the existing voter registration process in preparation for those
35 who wish to participate in voting. Voter registration should not be
36 an impediment or hurdle to participation in the election process, but
37 rather a function of properly administered elections. The legislature
38 further finds that continued improvement in database integration
39 across state and local agencies should be applied to a modernized

1 voter registration process and database in order to facilitate the
2 participation of persons eligible to vote in future elections. The
3 legislature further finds that the voter registration process should
4 automatically commence at birth when a certificate of live birth has
5 been filed with the state, bringing that new resident a step closer
6 to fulfilling the current registration requirements, without changing
7 those existing regulations.

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

10 (1) The office of the secretary of state must conduct a study and
11 prepare recommendations for creating an automatic voter registration
12 process for residents who recently completed the naturalization
13 process, and for an automatic pending voter registration process at
14 birth.

15 (2) For the automatic registration of residents who recently
16 completed the naturalization process, the office should consult with
17 federal agencies involved with naturalization to determine the
18 feasibility of options for developing an automatic voter registration
19 process for such persons.

20 (3) For automatic pending registration at birth, the office
21 should consult with relevant state agencies that collect and maintain
22 records containing personal information and consider ways for
23 transferring and sharing such information with voter registration
24 databases. Such considerations should include issues regarding data-
25 sharing agreements and procedures, coordination among state and local
26 agencies for updating voting registration records, address
27 confirmation procedures, methods and procedures for collecting and
28 verifying personally identifiable information, public notice and opt-
29 out procedures, cybersecurity measures or standards, and delegation
30 of authority necessary for implementation.

31 (4) The office must prepare a report to the appropriate
32 legislative standing committees by December 1, 2019, that includes
33 each study and proposed recommendations, including any legislative
34 authority that may be needed to implement the proposed
35 recommendations.

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

37 NEW SECTION. **Sec. 401.** Sections 101 through 202 and 204 through
38 207 of this act take effect July 1, 2019.

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

3 NEW SECTION. **Sec. 403.** If specific funding for the purposes of
4 sections 201 and 202 of this act, referencing sections 201 and 202 of
5 this act by bill or chapter number and section number, is not
6 provided by June 30, 2018, in the omnibus appropriations act,
7 sections 201 and 202 of this act are null and void.

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