
SUBSTITUTE SENATE BILL 5110

State of Washington**65th Legislature****2018 Regular Session**

By Senate Transportation (originally sponsored by Senators Billig, Hunt, Lias, Palumbo, Kuderer, Saldaña, Pedersen, Darneille, Carlyle, Keiser, Mullet, and Wellman)

READ FIRST TIME 01/30/18.

1 AN ACT Relating to collecting youth voter registration sign up
2 information; amending RCW 28A.230.150, 29A.08.110, 29A.08.125,
3 29A.08.210, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760,
4 29A.84.140, 46.20.155, 42.56.230, 29A.08.330, and 29A.08.810;
5 reenacting and amending RCW 42.56.250; adding a new section to
6 chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW;
7 creating new sections; prescribing penalties; and providing an
8 effective date.

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

10 NEW SECTION. **Sec. 1.** The legislature is committed to granting
11 equal access to voter registration for all voters. The legislature
12 recognizes the importance of fostering lifelong civic participation.
13 Currently, many young people are denied access to the most popular
14 form of voter registration, motor voter. If a young person obtains a
15 driver's license at the age of sixteen or seventeen, they may not
16 register to vote. Denial of motor voter to so many young voters has
17 contributed to lower voter registration levels in the youngest voter
18 age groups. In Washington, according to 2016 United States census
19 bureau statistics, only fifty-nine percent of eligible citizens
20 between the ages of eighteen and twenty-four are registered to vote.
21 Studies show that young adults who vote are likely to continue to do

1 so throughout adulthood. The legislature recognizes that these
2 representational disparities in registration rates and voting rates
3 within the youth electorate will improve by enacting election
4 policies that engage all young citizens. Therefore, the legislature
5 declares that this act, allowing eligible youth at least sixteen
6 years of age to preregister to vote, is intended to increase voter
7 turnout in young adults.

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

10 "Future voter" means a United States citizen and Washington state
11 resident, age sixteen or seventeen, who wishes to provide information
12 related to voter registration to the appropriate state agencies. A
13 person is a "future voter" from the time they sign up to register to
14 vote until their registration is no longer pending.

15 **Sec. 3.** RCW 28A.230.150 and 1969 ex.s. c 223 s 28A.02.090 are
16 each amended to read as follows:

17 (1) On January 16th of each year or the preceding Friday when
18 January 16th falls on a nonschool day, there shall be observed within
19 each public school "Temperance and Good Citizenship Day". Annually
20 the state superintendent of public instruction shall duly prepare and
21 publish for circulation among the teachers of the state a program for
22 use on such day embodying topics pertinent thereto and may from year
23 to year designate particular laws for special observance.

24 (2) Each year on "Temperance and Good Citizenship Day," social
25 studies teachers must, as resources allow, coordinate a voter
26 registration event in each history or social studies class attended
27 by high school seniors. This event is known as the future voter
28 program. Teachers must make voter sign up and registration available
29 to all students.

30 (3) County auditors may, as resources allow, help coordinate
31 elements of the future voter program, and participate in voter
32 registration events for students on "Temperance and Good Citizenship
33 Day."

34 (4) On each "Temperance and Good Citizenship Day" all students
35 who will be eighteen years of age or older by the time of the next
36 general election will be given the opportunity to register to vote
37 online in the classroom. Paper registration must also be made
38 available in the classroom. Students who do not possess a state

1 identocard or driver's license must be provided a paper registration
2 form. The event must include adequate time for students to complete
3 the registration process in class.

4 (5) The superintendent of public instruction, in consultation
5 with the secretary of state, must update and distribute youth voter
6 registration materials annually, by December 1st, for eligible
7 students to register to vote at school. Electronic notification of
8 the availability of the materials must be distributed to high school
9 principals and secondary social studies and history teachers.

10 (6) The superintendent of public instruction must consult with
11 the secretary of state to provide registration methods that enable
12 the electronic collection of information on the number of students
13 who registered to vote on "Temperance and Good Citizenship Day," with
14 the goal of achieving at least fifty thousand new voter registrations
15 for seventeen and eighteen year olds annually, beginning in January
16 2020.

17 (7) Beginning March 1, 2020, and annually thereafter, the
18 superintendent of public instruction must report on yearly progress
19 toward the goal established in subsection (5) of this section,
20 including the number of seventeen and eighteen year olds registered
21 to vote by county and recommendations for increasing youth voter
22 registration, to the governor and the appropriate standing committees
23 of the legislature in accordance with RCW 43.01.036.

24 (8) For the purposes of this section:

25 (a) "Future voter program" refers to the information that may be
26 collected by a number of processes about a future voter. Information
27 gathered for future voters is not public until the person becomes a
28 registered voter at age eighteen. Information related to a future
29 voter that is otherwise disclosable under chapter 29A.08 RCW cannot
30 be disclosed until the person's registration is no longer pending.

31 (b) "Sign up" means the act of providing information relevant to
32 eventual official voter registration at age eighteen, prior to
33 official registration at age eighteen.

34 **Sec. 4.** RCW 29A.08.110 and 2009 c 369 s 10 are each amended to
35 read as follows:

36 (1) An application is considered complete only if it contains the
37 information required by RCW 29A.08.010. The applicant is considered
38 to be registered to vote as of the original date of mailing (~~(or)~~)
39 date of delivery, or when the person will be at least eighteen years

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

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

21 (3) Once a future voter is no longer in pending status, as
22 defined in RCW 29A.08.615, his or her application to sign up to
23 register to vote is no longer pending and is subject to this section.

24 NEW SECTION. Sec. 5. A new section is added to chapter 29A.08
25 RCW to read as follows:

26 (1) A person may sign up to register to vote if he or she is
27 sixteen or seventeen years of age, as part of the future voter
28 program.

29 (2) A person who signs up to register to vote may not vote until
30 reaching eighteen years of age, and his or her name may not be added
31 to the statewide voter registration database list of voters until
32 such time as he or she is eighteen years of age or will be eighteen
33 years of age before the next election.

34 NEW SECTION. Sec. 6. A new section is added to chapter 29A.08
35 RCW to read as follows:

36 (1) A person who has attained sixteen years of age may sign up to
37 register to vote, as part of the future voter program, by submitting
38 a voter registration application.

1 (2) The applicant must attest to the truth of the information
2 provided on the application by affirmatively accepting the
3 information as true.

4 (3) If signing up to register, the person must provide a
5 signature for voter registration purposes.

6 (4) The applicant must affirmatively acknowledge that he or she
7 will not vote until his or her eighteenth birthday.

8 **Sec. 7.** RCW 29A.08.125 and 2009 c 369 s 12 are each amended to
9 read as follows:

10 (1) The office of the secretary of state shall maintain a
11 statewide voter registration database. This database must be a
12 centralized, uniform, interactive computerized statewide voter
13 registration list that contains the name and registration information
14 of every registered voter in the state.

15 (2) The statewide list is the official list of registered voters
16 for the conduct of all elections.

17 (3) The statewide list must include, but is not limited to, the
18 name, date of birth, residence address, signature, gender, and date
19 of registration of every legally registered voter in the state.

20 (4) A unique identifier must be assigned to each registered voter
21 in the state.

22 (5) The database must be coordinated with other government
23 databases within the state including, but not limited to, the
24 department of corrections, the department of licensing, the
25 department of health, the administrative office of the courts, and
26 county auditors. The database may also be coordinated with the
27 databases of election officials in other states.

28 (6) Authorized employees of the secretary of state and each
29 county auditor must have immediate electronic access to the
30 information maintained in the database.

31 (7) Voter registration information received by each county
32 auditor must be electronically entered into the database. The office
33 of the secretary of state must provide support, as needed, to enable
34 each county auditor to enter and maintain voter registration
35 information in the state database.

36 (8) The secretary of state has data authority over all voter
37 registration data.

38 (9) The voter registration database must be designed to
39 accomplish at a minimum, the following:

1 (a) Comply with the help America vote act of 2002 (P.L. 107-252);
2 (b) Identify duplicate voter registrations;
3 (c) Identify suspected duplicate voters;
4 (d) Screen against any available databases maintained by other
5 government agencies to identify voters who are ineligible to vote due
6 to a felony conviction, lack of citizenship, or mental incompetence;
7 (e) Provide images of voters' signatures for the purpose of
8 checking signatures on initiative and referendum petitions;
9 (f) Provide for a comparison between the voter registration
10 database and the department of licensing change of address database;
11 (g) Provide access for county auditors that includes the
12 capability to update registrations and search for duplicate
13 registrations; ((and))
14 (h) Provide for the cancellation of registrations of voters who
15 have moved out of state; and
16 (i) Provide for the storage of pending registration records for
17 all future voters who have not yet reached eighteen years of age in a
18 manner that these records will not appear on the official list of
19 registered voters until the future registrant is eligible to vote.
20 (10) The secretary of state may, upon agreement with other
21 appropriate jurisdictions, screen against any available databases
22 maintained by election officials in other states and databases
23 maintained by federal agencies including, but not limited to, the
24 federal bureau of investigation, the federal court system, the
25 federal bureau of prisons, and the bureau of citizenship and
26 immigration services.
27 (11) The database shall retain information regarding previous
28 successful appeals of proposed cancellations of registrations in
29 order to avoid repeated cancellations for the same reason.
30 (12) Each county auditor shall maintain a list of all registered
31 voters within the county that are contained on the official statewide
32 voter registration list. In addition to the information maintained in
33 the statewide database, the county database must also maintain the
34 applicable taxing district and precinct codes for each voter in the
35 county, and a list of elections in which the individual voted.
36 (13) Each county auditor shall allow electronic access and
37 information transfer between the county's voter registration system
38 and the official statewide voter registration list.

1 **Sec. 8.** RCW 29A.08.210 and 2009 c 369 s 16 are each amended to
2 read as follows:

3 An applicant for voter registration shall complete an application
4 providing the following information concerning his or her
5 qualifications as a voter in this state:

6 (1) The former address of the applicant if previously registered
7 to vote;

8 (2) The applicant's full name;

9 (3) The applicant's date of birth;

10 (4) The address of the applicant's residence for voting purposes;

11 (5) The mailing address of the applicant if that address is not
12 the same as the address in subsection (4) of this section;

13 (6) The sex of the applicant;

14 (7) The applicant's Washington state driver's license number,
15 Washington state identification card number, or the last four digits
16 of the applicant's social security number if he or she does not have
17 a Washington state driver's license or Washington state
18 identification card;

19 (8) A check box allowing the applicant to indicate that he or she
20 is a member of the armed forces, national guard, or reserves, or that
21 he or she is an overseas voter;

22 (9) A check box allowing the applicant to (~~confirm~~) acknowledge
23 that he or she is at least eighteen years (~~of age or will be~~
24 ~~eighteen years of age by the next election~~) old or is at least
25 sixteen years old and will vote only after he or she reaches the age
26 of eighteen;

27 (10) Clear and conspicuous language, designed to draw the
28 applicant's attention, stating that the applicant must be a United
29 States citizen in order to register to vote;

30 (11) A check box and declaration confirming that the applicant is
31 a citizen of the United States;

32 (12) The following warning:

33 "If you knowingly provide false information on this voter
34 registration form or knowingly make a false declaration about your
35 qualifications for voter registration you will have committed a class
36 C felony that is punishable by imprisonment for up to five years, a
37 fine of up to ten thousand dollars, or both."

38 (13) The oath required by RCW 29A.08.230 and a space for the
39 applicant's signature; and

1 (14) Any other information that the secretary of state determines
2 is necessary to establish the identity of the applicant and prevent
3 duplicate or fraudulent voter registrations.

4 This information shall be recorded on a single registration form
5 to be prescribed by the secretary of state.

6 **Sec. 9.** RCW 29A.08.615 and 2003 c 111 s 238 are each amended to
7 read as follows:

8 (1) Registered voters are divided into two categories, "active"
9 and "inactive." All registered voters are classified as active,
10 unless assigned to inactive status by the county auditor.

11 (2) Persons signing up to register to vote as future voters who
12 have not yet reached eighteen years of age are classified as
13 "pending" until the person will be at least eighteen years of age
14 before the next election.

15 **Sec. 10.** RCW 29A.08.710 and 2005 c 246 s 17 are each amended to
16 read as follows:

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

28 (2) The following information contained in voter registration
29 records or files regarding a voter or a group of voters is available
30 for public inspection and copying, except as provided in RCW
31 40.24.060: The voter's name, address, political jurisdiction, gender,
32 date of birth, voting record, date of registration, and registration
33 number. Information related to a future voter that is otherwise
34 disclosable under this chapter cannot be disclosed until the person's
35 registration is no longer pending. No other information from voter
36 registration records or files is available for public inspection or
37 copying.

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

3 (1) In the case of voter registration records received through
4 the department of licensing or an agency designated under RCW
5 29A.08.310, the identity of the office or agency at which any
6 particular individual registered to vote is not available for public
7 inspection and shall not be disclosed to the public. Any record of a
8 particular individual's choice not to register to vote at an office
9 of the department of licensing or a state agency designated under RCW
10 29A.08.310 is not available for public inspection and any information
11 regarding such a choice by a particular individual shall not be
12 disclosed to the public. Information that is otherwise disclosable
13 under this chapter cannot be disclosed on a future voter until the
14 person's registration is no longer pending.

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

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

37 **Sec. 12.** RCW 29A.08.760 and 2011 1st sp.s. c 43 s 813 are each
38 amended to read as follows:

1 The secretary of state shall provide a duplicate copy of the
2 master statewide computer file or electronic data file of registered
3 voters to the consolidated technology services agency for purposes of
4 creating the jury source list without cost. Information that is
5 otherwise disclosable under this chapter cannot be disclosed on a
6 future voter until the person's registration is no longer pending.
7 Restrictions as to the commercial use of the information on the
8 statewide computer tape or data file of registered voters, and
9 penalties for its misuse, shall be the same as provided in RCW
10 29A.08.720 and 29A.08.740.

11 **Sec. 13.** RCW 29A.84.140 and 2005 c 246 s 22 are each amended to
12 read as follows:

13 A person who knows that he or she does not possess the legal
14 qualifications of a voter and who registers to vote is guilty of a
15 class C felony. This section does not apply to persons age sixteen or
16 seventeen signing up to register to vote as authorized under section
17 5 of this act.

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

20 (1) A person who has attained sixteen years of age and has a
21 valid Washington state driver's license or identicard may sign up to
22 register to vote as part of the future voter program, by submitting a
23 voter registration application electronically on the secretary of
24 state's web site.

25 (2) The applicant must attest to the truth of the information
26 provided on the application by affirmatively accepting the
27 information as true.

28 (3) If signing up to register electronically, the applicant must
29 affirmatively assent to the use of his or her driver's license or
30 identicard signature for voter registration purposes.

31 (4) The applicant must affirmatively acknowledge that he or she
32 will not vote until his or her eighteenth birthday.

33 (5) For each electronic registration application, the secretary
34 of state must obtain a digital copy of the applicant's driver's
35 license or identicard signature from the department of licensing.

36 (6) The secretary of state may employ additional security
37 measures to ensure the accuracy and integrity of voter
38 preregistration applications submitted electronically.

1 **Sec. 15.** RCW 46.20.155 and 2013 c 11 s 90 are each amended to
2 read as follows:

3 (1) Before issuing an original license or identicard or renewing
4 a license or identicard under this chapter, the licensing agent shall
5 determine if the applicant wants to register to vote or update his or
6 her voter registration by asking the following question:

7 "Do you want to register or sign up to vote or update your voter
8 registration?"

9 If the applicant chooses to register, sign up, or update a
10 registration, the agent shall ask the following:

11 (1) "Are you a United States citizen?"

12 (2) "Are you (~~or will you be eighteen years of age on or before~~
13 ~~the next election~~) at least eighteen years old or are you at least
14 sixteen years old and will you vote only after you turn eighteen?"

15 If the applicant answers in the affirmative to both questions,
16 the agent shall then submit the registration, sign up form, or
17 update. If the applicant answers in the negative to either question,
18 the agent shall not submit (~~a voter registration~~) an application.
19 Information that is otherwise disclosable under chapter 29A.08 RCW
20 cannot be disclosed on the future voter until the person's
21 registration is no longer pending.

22 (2) The department shall establish a procedure that substantially
23 meets the requirements of subsection (1) of this section when
24 permitting an applicant to renew a license or identicard by mail or
25 by electronic commerce.

26 **Sec. 16.** RCW 42.56.230 and 2017 3rd sp.s. c 6 s 222 are each
27 amended to read as follows:

28 The following personal information is exempt from public
29 inspection and copying under this chapter:

30 (1) Personal information in any files maintained for students in
31 public schools, patients or clients of public institutions or public
32 health agencies, or welfare recipients;

33 (2)(a) Personal information:

34 (i) For a child enrolled in licensed child care in any files
35 maintained by the department of children, youth, and families;

36 (ii) For a child enrolled in a public or nonprofit program
37 serving or pertaining to children, adolescents, or students,

1 including but not limited to early learning or child care services,
2 parks and recreation programs, youth development programs, and after-
3 school programs; or

4 (iii) For the family members or guardians of a child who is
5 subject to the exemption under this subsection (2) if the family
6 member or guardian has the same last name as the child or if the
7 family member or guardian resides at the same address as the child
8 and disclosure of the family member's or guardian's information would
9 result in disclosure of the personal information exempted under
10 (a)(i) and (ii) of this subsection.

11 (b) Emergency contact information under this subsection (2) may
12 be provided to appropriate authorities and medical personnel for the
13 purpose of treating the individual during an emergency situation;

14 (3) Personal information in files maintained for employees,
15 appointees, or elected officials of any public agency to the extent
16 that disclosure would violate their right to privacy;

17 (4) Information required of any taxpayer in connection with the
18 assessment or collection of any tax if the disclosure of the
19 information to other persons would: (a) Be prohibited to such persons
20 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
21 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
22 to privacy or result in unfair competitive disadvantage to the
23 taxpayer;

24 (5) Credit card numbers, debit card numbers, electronic check
25 numbers, card expiration dates, or bank or other financial
26 information as defined in RCW 9.35.005 including social security
27 numbers, except when disclosure is expressly required by or governed
28 by other law;

29 (6) Personal and financial information related to a small loan or
30 any system of authorizing a small loan in RCW 31.45.093;

31 (7)(a) Any record used to prove identity, age, residential
32 address, social security number, or other personal information
33 required to apply for a driver's license or identicard.

34 (b) Information provided under RCW 46.20.111 that indicates that
35 an applicant declined to register with the selective service system.

36 (c) Any record pertaining to a vehicle license plate, driver's
37 license, or identicard issued under RCW 46.08.066 that, alone or in
38 combination with any other records, may reveal the identity of an
39 individual, or reveal that an individual is or was, performing an
40 undercover or covert law enforcement, confidential public health

1 work, public assistance fraud, or child support investigative
2 activity. This exemption does not prevent the release of the total
3 number of vehicle license plates, drivers' licenses, or identicards
4 that, under RCW 46.08.066, an agency or department has applied for,
5 been issued, denied, returned, destroyed, lost, and reported for
6 misuse.

7 (d) Any record pertaining to a vessel registration issued under
8 RCW 88.02.330 that, alone or in combination with any other records,
9 may reveal the identity of an individual, or reveal that an
10 individual is or was, performing an undercover or covert law
11 enforcement activity. This exemption does not prevent the release of
12 the total number of vessel registrations that, under RCW 88.02.330,
13 an agency or department has applied for, been issued, denied,
14 returned, destroyed, lost, and reported for misuse;

15 (8) All information related to individual claims resolution
16 structured settlement agreements submitted to the board of industrial
17 insurance appeals under RCW 51.04.063, other than final orders from
18 the board of industrial insurance appeals.

19 Upon request by the legislature, the department of licensing
20 shall provide a report to the legislature containing all of the
21 information in subsection (7)(c) and (d) of this section that is
22 subject to public disclosure; ~~((and))~~

23 (9) Voluntarily submitted information contained in a database
24 that is part of or associated with enhanced 911 emergency
25 communications systems, or information contained or used in emergency
26 notification systems as provided under RCW 38.52.575 and 38.52.577;
27 and

28 (10) Information that is otherwise disclosable under chapter
29 29A.08 RCW cannot be disclosed on a future voter until the person's
30 registration is no longer pending.

31 **Sec. 17.** RCW 42.56.250 and 2017 c 38 s 1 and 2017 c 16 s 1 are
32 each reenacted and amended to read as follows:

33 The following employment and licensing information is exempt from
34 public inspection and copying under this chapter:

35 (1) Test questions, scoring keys, and other examination data used
36 to administer a license, employment, or academic examination;

37 (2) All applications for public employment, including the names
38 of applicants, resumes, and other related materials submitted with
39 respect to an applicant;

1 (3) Professional growth plans (PGPs) in educator license renewals
2 submitted through the eCert system in the office of the
3 superintendent of public instruction;

4 (4) The following information held by any public agency in
5 personnel records, public employment related records, volunteer
6 rosters, or included in any mailing list of employees or volunteers
7 of any public agency: Residential addresses, residential telephone
8 numbers, personal wireless telephone numbers, personal email
9 addresses, social security numbers, driver's license numbers,
10 identicard numbers, and emergency contact information of employees or
11 volunteers of a public agency, and the names, dates of birth,
12 residential addresses, residential telephone numbers, personal
13 wireless telephone numbers, personal email addresses, social security
14 numbers, and emergency contact information of dependents of employees
15 or volunteers of a public agency. For purposes of this subsection,
16 "employees" includes independent provider home care workers as
17 defined in RCW 74.39A.240;

18 (5) Information that identifies a person who, while an agency
19 employee: (a) Seeks advice, under an informal process established by
20 the employing agency, in order to ascertain his or her rights in
21 connection with a possible unfair practice under chapter 49.60 RCW
22 against the person; and (b) requests his or her identity or any
23 identifying information not be disclosed;

24 (6) Investigative records compiled by an employing agency
25 conducting an active and ongoing investigation of a possible unfair
26 practice under chapter 49.60 RCW or of a possible violation of other
27 federal, state, or local laws prohibiting discrimination in
28 employment;

29 (7) Criminal history records checks for board staff finalist
30 candidates conducted pursuant to RCW 43.33A.025;

31 (8) Except as provided in RCW 47.64.220, salary and benefit
32 information for maritime employees collected from private employers
33 under RCW 47.64.220(1) and described in RCW 47.64.220(2);

34 (9) Photographs and month and year of birth in the personnel
35 files of employees and workers of criminal justice agencies as
36 defined in RCW 10.97.030. The news media, as defined in RCW
37 5.68.010(5), shall have access to the photographs and full date of
38 birth. For the purposes of this subsection, news media does not
39 include any person or organization of persons in the custody of a
40 criminal justice agency as defined in RCW 10.97.030; (~~and~~))

1 (10) The global positioning system data that would indicate the
2 location of the residence of a public employee or volunteer using the
3 global positioning system recording device; and

4 (11) Information that is otherwise disclosable under chapter
5 29A.08 RCW cannot be disclosed on a future voter until the person's
6 registration is no longer pending.

7 **Sec. 18.** RCW 29A.08.330 and 2013 c 11 s 16 are each amended to
8 read as follows:

9 (1) The secretary of state shall prescribe the method of voter
10 registration for each designated agency. The agency shall use either
11 the state voter registration by mail form with a separate declination
12 form for the applicant to indicate that he or she declines to
13 register at this time, or the agency may use a separate form approved
14 for use by the secretary of state.

15 (2) The person providing service at the agency shall offer voter
16 registration services to every client whenever he or she applies for
17 service or assistance and with each renewal, recertification, or
18 change of address. The person providing service shall give the
19 applicant the same level of assistance with the voter registration
20 application as is offered to fill out the agency's forms and
21 documents, including information about age and citizenship
22 requirements for voter registration.

23 (3) The person providing service at the agency shall determine if
24 the prospective applicant wants to register to vote or update his or
25 her voter registration by asking the following question:

26 "Do you want to register or sign up to vote or update your voter
27 registration?"

28 If the applicant chooses to register, sign up, or update a
29 registration, the service agent shall ask the following:

30 (a) "Are you a United States citizen?"

31 (b) "Are you (~~or will you be eighteen years of age on or before~~
32 ~~the next election~~)) at least eighteen years old or are you at least
33 sixteen years old and will you vote only after you turn eighteen?"

34 If the applicant answers in the affirmative to both questions,
35 the agent shall then provide the applicant with a voter registration
36 form and instructions and shall record that the applicant has
37 requested to sign up to vote, register to vote, or update a voter

1 registration. If the applicant answers in the negative to either
2 question, the agent shall not provide the applicant with a voter
3 registration (~~form~~) application.

4 (4) If an agency uses a computerized application process, it may,
5 in consultation with the secretary of state, develop methods to
6 capture simultaneously the information required for voter
7 registration during a person's computerized application process.

8 (5) Each designated agency shall transmit the applications to the
9 secretary of state or appropriate county auditor within three
10 business days.

11 (6) Information that is otherwise disclosable under this chapter
12 cannot be disclosed on the future voter until the person's
13 registration is no longer pending.

14 **Sec. 19.** RCW 29A.08.810 and 2011 c 10 s 20 are each amended to
15 read as follows:

16 (1) Registration of a person as a voter is presumptive evidence
17 of his or her right to vote. A challenge to the person's right to
18 vote must be based on personal knowledge of one of the following:

19 (a) The challenged voter has been convicted of a felony and the
20 voter's civil rights have not been restored;

21 (b) The challenged voter has been judicially declared ineligible
22 to vote due to mental incompetency;

23 (c) The challenged voter does not live at the residential address
24 provided, in which case the challenger must either:

25 (i) Provide the challenged voter's actual residence on the
26 challenge form; or

27 (ii) Submit evidence that he or she exercised due diligence to
28 verify that the challenged voter does not reside at the address
29 provided and to attempt to contact the challenged voter to learn the
30 challenged voter's actual residence, including that the challenger
31 personally:

32 (A) Sent a letter with return service requested to the challenged
33 voter's residential address provided, and to the challenged voter's
34 mailing address, if provided;

35 (B) Visited the residential address provided and contacted
36 persons at the address to determine whether the voter resides at the
37 address and, if not, obtained and submitted with the challenge form a
38 signed affidavit subject to the penalties of perjury from a person
39 who owns or manages property, resides, or is employed at the address

1 provided, that to his or her personal knowledge the challenged voter
2 does not reside at the address as provided on the voter registration;

3 (C) Searched local telephone directories, including online
4 directories, to determine whether the voter maintains a telephone
5 listing at any address in the county;

6 (D) Searched county auditor property records to determine whether
7 the challenged voter owns any property in the county; and

8 (E) Searched the statewide voter registration database to
9 determine if the voter is registered at any other address in the
10 state;

11 (d) The challenged voter (~~(will)~~) is not (~~(be)~~) eighteen years of
12 age (~~(by the next election)~~); or

13 (e) The challenged voter is not a citizen of the United States.

14 (2) A person's right to vote may be challenged by another
15 registered voter or the county prosecuting attorney.

16 (3) The challenger must file a signed affidavit subject to the
17 penalties of perjury swearing that, to his or her personal knowledge
18 and belief, having exercised due diligence to personally verify the
19 evidence presented, the challenged voter either is not qualified to
20 vote or does not reside at the address given on his or her voter
21 registration record based on one of the reasons allowed in subsection
22 (1) of this section. The challenger must provide the factual basis
23 for the challenge, including any information required by subsection
24 (1)(c) of this section, in the signed affidavit. The challenge may
25 not be based on unsupported allegations or allegations by anonymous
26 third parties. All documents pertaining to the challenge are public
27 records.

28 (4) Challenges based on a felony conviction under RCW 29A.08.520
29 must be heard according to RCW 29A.08.520 and rules adopted by the
30 secretary of state.

31 NEW SECTION. **Sec. 20.** If specific funding for the purposes of
32 this act, referencing this act by bill or chapter number, is not
33 provided by June 30, 2018, in the omnibus transportation
34 appropriations act, this act is null and void.

35 NEW SECTION. **Sec. 21.** This act takes effect June 30, 2019.

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