
SENATE BILL 5335

State of Washington

65th Legislature

2017 Regular Session

By Senators Fain, Billig, Zeiger, Walsh, Keiser, Conway, Pedersen, Wellman, and Hasegawa; by request of Secretary of State

Read first time 01/20/17. Referred to Committee on State Government.

1 AN ACT Relating to collecting voter registration sign up
2 information for persons seventeen years of age during the period one
3 year prior to attaining eighteen years of age including the
4 designation of voter registration locations and voter sign up
5 locations; amending RCW 28A.230.150, 29A.08.110, 29A.08.125,
6 29A.08.210, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760,
7 29A.84.140, 46.20.155, and 42.56.250; adding new sections to chapter
8 29A.08 RCW; creating a new section; prescribing penalties; and
9 providing a contingent effective date.

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

11 NEW SECTION. **Sec. 1.** The secretary of state and legislature
12 recognize the importance of voting and voter registration. To ensure
13 that all eligible citizens can conveniently register to vote,
14 Washington state has fully implemented motor voter registration
15 through the department of licensing, agency-based voter registration,
16 voter registration by mail, in-person voter registration, and online
17 voter registration. In addition, the secretary of state delivers a
18 voter information pamphlet to every household in Washington state
19 that includes information about how to register to vote. Voter
20 registration information is provided to college students at the time
21 of registration for classes and the secretary of state sends voter

1 registration information to all young people when they turn eighteen
2 years of age. Annually, following ongoing voter registration list
3 maintenance, the secretary of state contacts potentially eligible,
4 but not yet registered voters, with registration information. Voter
5 registration information is also provided in several languages, and
6 in forms accessible to persons with disabilities. Materials are also
7 available to persons conducting voter registration drives.

8 Participation in voting by those between the ages of eighteen and
9 twenty-four is the lowest of any age group. If a person views voting
10 as important at age eighteen, they are likely to become a lifelong
11 voter. It is the intent of the secretary of state and legislature to
12 formalize a registration sign up process for those not yet eighteen,
13 to authorize all persons seventeen years old to sign up to register
14 to vote, and to engage these new voters and encourage their civic
15 participation in an educational environment.

16 **Sec. 2.** RCW 28A.230.150 and 1969 ex.s. c 223 s 28A.02.090 are
17 each amended to read as follows:

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

25 Each year on "Temperance and Good Citizenship Day," or another
26 day designated by the secretary of state, there shall be an event,
27 coordinated by the county auditor of each county, in each history or
28 social studies class attended by high school seniors encouraging
29 students seventeen years of age or older to sign up to register or
30 register to vote online from the classroom, if funds are provided for
31 county auditor outreach activities. The students shall be given
32 adequate time to complete the preregistration or registration
33 process.

34 **Sec. 3.** 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 ((~~o~~))_

1 date of delivery, or eighteenth birthday, whichever is applicable.
2 The auditor shall record the appropriate precinct identification,
3 taxing district identification, and date of registration on the
4 voter's record in the state voter registration list. Any mailing
5 address provided shall be used only for mail delivery purposes, and
6 not for precinct assignment or residency purposes. Within sixty days
7 after the receipt of an application or transfer, the auditor shall
8 send to the applicant, by first-class nonforwardable mail, an
9 acknowledgment notice identifying the registrant's precinct and
10 containing such other information as may be required by the secretary
11 of state. The postal service shall be instructed not to forward a
12 voter registration card to any other address and to return to the
13 auditor any card which is not 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 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.08
22 RCW to read as follows:

23 (1) A person may sign up to register to vote if he or she is
24 seventeen years of age.

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

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.08
31 RCW to read as follows:

32 (1) A person who has attained seventeen years of age may sign up
33 to register to vote by submitting a voter registration application by
34 mail or online.

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

1 (3) If signing up to register by mail, the person must provide a
2 signature for voter registration purposes.

3 (4) If signing up to register online, the person must authorize
4 the use of his or her signature on file with department of licensing
5 for voter registration purposes.

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

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

11 **Sec. 6.** RCW 29A.08.125 and 2009 c 369 s 12 are each amended to
12 read as follows:

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

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

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

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

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

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

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

1 (8) The secretary of state has data authority over all voter
2 registration data.

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

5 (a) Comply with the help America vote act of 2002 (P.L. 107-252);

6 (b) Identify duplicate voter registrations;

7 (c) Identify suspected duplicate voters;

8 (d) Screen against any available databases maintained by other
9 government agencies to identify voters who are ineligible to vote due
10 to a felony conviction, lack of citizenship, or mental incompetence;

11 (e) Provide images of voters' signatures for the purpose of
12 checking signatures on initiative and referendum petitions;

13 (f) Provide for a comparison between the voter registration
14 database and the department of licensing change of address database;

15 (g) Provide access for county auditors that includes the
16 capability to update registrations and search for duplicate
17 registrations; ((and))

18 (h) Provide for the cancellation of registrations of voters who
19 have moved out of state; and

20 (i) Provide for the storage of pending registration records for
21 persons seventeen years of age in a manner that these records will
22 not appear on the official list of registered voters until the future
23 registrant is eligible to vote.

24 (10) The secretary of state may, upon agreement with other
25 appropriate jurisdictions, screen against any available databases
26 maintained by election officials in other states and databases
27 maintained by federal agencies including, but not limited to, the
28 federal bureau of investigation, the federal court system, the
29 federal bureau of prisons, and the bureau of citizenship and
30 immigration services.

31 (11) The database shall retain information regarding previous
32 successful appeals of proposed cancellations of registrations in
33 order to avoid repeated cancellations for the same reason.

34 (12) Each county auditor shall maintain a list of all registered
35 voters within the county that are contained on the official statewide
36 voter registration list. In addition to the information maintained in
37 the statewide database, the county database must also maintain the
38 applicable taxing district and precinct codes for each voter in the
39 county, and a list of elections in which the individual voted.

1 (13) Each county auditor shall allow electronic access and
2 information transfer between the county's voter registration system
3 and the official statewide voter registration list.

4 **Sec. 7.** RCW 29A.08.210 and 2009 c 369 s 16 are each amended to
5 read as follows:

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

9 (1) The former address of the applicant if previously registered
10 to vote;

11 (2) The applicant's full name;

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

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

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

16 (6) The sex of the applicant;

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

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

25 (9) A check box allowing the applicant to confirm that he or she
26 is at least eighteen years of age or will be eighteen years of age
27 (~~by the next election~~) before voting;

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

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

33 (12) The following warning:

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

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

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

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

8 **Sec. 8.** RCW 29A.08.615 and 2003 c 111 s 238 are each amended to
9 read as follows:

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

13 (2) Persons signing up to register to vote who have not yet
14 reached eighteen years of age are classified as "pending" until
15 attaining eighteen years of age.

16 **Sec. 9.** RCW 29A.08.710 and 2005 c 246 s 17 are each amended to
17 read as follows:

18 (1) The county auditor shall have custody of the original voter
19 registration records for each county. The original voter registration
20 form must be filed without regard to precinct and is considered
21 confidential and unavailable for public inspection and copying. An
22 automated file of all registered voters must be maintained pursuant
23 to RCW 29A.08.125. An auditor may maintain the automated file in lieu
24 of filing or maintaining the original voter registration forms if the
25 automated file includes all of the information from the original
26 voter registration forms including, but not limited to, a retrievable
27 facsimile of each 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. The information contained in voter registration applications
34 for persons signing up to register to vote prior to age eighteen is
35 exempt from public inspection and copying until the applicant reaches
36 age eighteen. No other information from voter registration records or
37 files is available for public inspection or copying.

1 **Sec. 10.** 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. The information contained in voter
13 registration applications for persons signing up to register to vote
14 prior to age eighteen is exempt from public inspection and copying
15 until the applicant reaches age eighteen.

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

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

38 **Sec. 11.** RCW 29A.08.760 and 2011 1st sp.s. c 43 s 813 are each
39 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. The information contained
5 in voter registration applications for persons signing up to register
6 to vote prior to age eighteen is exempt from inclusion until the
7 applicant reaches age eighteen. Restrictions as to the commercial use
8 of the information on the statewide computer tape or data file of
9 registered voters, and penalties for its misuse, shall be the same as
10 provided in RCW 29A.08.720 and 29A.08.740.

11 **Sec. 12.** 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 seventeen
16 signing up to register to vote as authorized under section 4 of this
17 act.

18 NEW SECTION. **Sec. 13.** A new section is added to chapter 29A.08
19 RCW to read as follows:

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

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

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

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

32 (5) A voter registration application submitted electronically is
33 otherwise considered a registration by mail.

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

1 (7) The secretary of state may employ additional security
2 measures to ensure the accuracy and integrity of voter
3 preregistration applications submitted electronically.

4 **Sec. 14.** RCW 46.20.155 and 2013 c 11 s 90 are each amended to
5 read as follows:

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

10 "Do you want to register or sign up to vote or update your voter
11 registration?"

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

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

15 (2) "Are you or will you be eighteen years of age (~~on or~~)
16 before (~~the next election~~) you vote?"

17 If the applicant answers in the affirmative to both questions,
18 the agent shall then submit the registration, sign up form, or
19 update. If the applicant answers in the negative to either question,
20 the agent shall not submit (~~a voter registration~~) an application.
21 Information provided for persons under eighteen years of age under
22 this section is exempt from public inspection and copying under
23 chapter 42.56 RCW.

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

28 **Sec. 15.** RCW 42.56.250 and 2014 c 106 s 1 are each amended to
29 read as follows:

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

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

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

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

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

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

26 (6) Criminal history records checks for board staff finalist
27 candidates conducted pursuant to RCW 43.33A.025;

28 (7) Except as provided in RCW 47.64.220, salary and benefit
29 information for maritime employees collected from private employers
30 under RCW 47.64.220(1) and described in RCW 47.64.220(2); (~~and~~)

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

38 (9) Information contained in voter preregistration records under
39 Title 29A RCW and RCW 46.20.155.

1 NEW SECTION. **Sec. 16.** (1) Section 14 of this act does not take
2 effect until the statewide voter registration database operated by
3 the secretary of state is compliant with RCW 29A.08.125, as amended
4 in this act.

5 (2) The secretary of state's office must provide written notice
6 to the code reviser's office when the statewide voter registration
7 database is compliant with RCW 29A.08.125.

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