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SENATE BILL 5857

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State of Washington

65th Legislature

2017 Regular Session

By Senator Chase

Read first time 02/27/17. Referred to Committee on State Government.

1 AN ACT Relating to automatic voter registration; amending RCW  
2 29A.08.410, 29A.08.420, and 29A.08.720; adding a new section to  
3 chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding  
4 a new section to chapter 29A.84 RCW; creating a new section; making  
5 an appropriation; and providing an effective date.

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

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

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

11 (b) Voter registration is a barrier for our citizens to  
12 participate in elections. State and local governments should take  
13 every step possible to make it easier to vote in Washington state and  
14 ensure that fundamental values of a true democracy with full  
15 participation remains one of our most important functions. Providing  
16 additional opportunities for people to register to vote and helping  
17 them make their own choices about who represents them in this  
18 democracy and about important issues that are central to their lives  
19 and communities are essential to upholding these values.

20 (2) Therefore, the legislature intends to increase the  
21 opportunity to register to vote for persons qualified under Article

1 VI of the Washington state Constitution by expanding the streamlined  
2 voter registration process that will increase opportunities for voter  
3 registration without placing new undue burdens on government  
4 agencies.

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

7 "Qualified voter registration agency" means the department of  
8 licensing, the health benefit exchange, or an office providing public  
9 assistance and/or services to persons with disabilities designated  
10 pursuant to RCW 29A.08.310(1) that collects, processes, and stores  
11 the following information as part of providing assistance or  
12 services:

- 13 (1) Names;
- 14 (2) Traditional or nontraditional residential addresses;
- 15 (3) Dates of birth;
- 16 (4) A signature attesting to the truth of the information  
17 provided on the application for assistance or services; and
- 18 (5) Citizenship information, verified via social security  
19 administration data match or manually verified by the agency during  
20 the client transaction.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.08  
22 RCW to read as follows:

23 (1) With each application for assistance or services listing the  
24 information described in section 2 of this act, and with each related  
25 recertification, renewal, or change of address, each qualified voter  
26 registration agency, other than the department of social and health  
27 services, shall inform the person of the following:

28 (a) Unless the person declines to register to vote or update an  
29 existing voter registration, or is found to be ineligible to vote,  
30 the person will be registered to vote or, if applicable, the person's  
31 voter registration will be updated;

32 (b)(i) The qualifications to be registered to vote; (ii) the  
33 penalties under chapter 29A.84 RCW for registering to vote when  
34 ineligible or providing false registration information; and (iii)  
35 that the person should not register to vote if the person does not  
36 meet the qualifications to register;

37 (c) That voter registration is voluntary, and the person's choice  
38 to register or decline to register to vote will not affect the

1 availability of agency services or benefits, and that the person's  
2 choice to register or not register to vote will not be used for any  
3 other purposes;

4 (d) Information about the address confidentiality program  
5 established under chapter 40.24 RCW, including notification that  
6 registration to vote does not affect any existing program  
7 participation.

8 (2) Each qualified voter registration agency other than the  
9 department of social and health services shall:

10 (a) Ensure that each application for service or assistance, and  
11 each related recertification, renewal, or change of address cannot be  
12 completed until the person is given the opportunity to decline being  
13 registered to vote;

14 (b) Promptly provide to the secretary of state, in a format to be  
15 determined by the secretary of state in consultation with the agency,  
16 all necessary information for each person who does not decline to  
17 register to vote, including:

18 (i) The person's name;

19 (ii) The person's traditional or nontraditional residential  
20 address;

21 (iii) The person's mailing address, if different from the  
22 person's traditional or nontraditional residential address;

23 (iv) The person's date of birth;

24 (v) Acknowledgment that the person is a citizen of the United  
25 States;

26 (vi) Except for the health benefit exchange and the health care  
27 authority, a digital copy of the person's signature; and

28 (vii) An affirmation of the person's eligibility to register to  
29 vote; and

30 (c) Offer each person an opportunity to decline to register to  
31 vote or to update an existing registration at each application for  
32 service or assistance, and each related recertification, renewal, or  
33 change of address, regardless of whether the person previously  
34 declined to register to vote or update an existing registration.

35 (3) A qualified voter registration agency shall not use a  
36 person's declination to register to vote to affect the person's  
37 eligibility for services or benefits provided by a qualified voter  
38 registration agency.

39 (4) The secretary of state shall consult with each qualified  
40 voter registration agency to establish a procedure for transmitting

1 digital copies of signatures of persons who do not decline to  
2 register to vote. The secretary of state shall consult with the  
3 health benefit exchange, the department of social and health  
4 services, the health care authority, and the department of licensing  
5 to ensure that all necessary information is provided to the secretary  
6 of state to allow the secretary of state to obtain a digital copy of  
7 the person's signature from the department of licensing, when  
8 available.

9 (5) If the secretary of state is unable to obtain a digital copy  
10 of a person's signature from the department of licensing for a person  
11 who seeks services or benefits provided by the department of social  
12 and health services or the health care authority and does not decline  
13 to register to vote, the department of social and health services or  
14 the health care authority shall provide the secretary of state a  
15 digital copy of the person's signature, when available.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.08  
17 RCW to read as follows:

18 With each application for assistance or service listing the  
19 information described in section 2 of this act, and with each related  
20 recertification, renewal, or change of address, except for a change  
21 of address for the developmental disabilities administration and the  
22 aging and long-term support administration, the department of social  
23 and health services shall verify whether the person is already  
24 offered the opportunity to register to vote pursuant to this act at  
25 the health benefit exchange.

26 (1) For each such application where the person is not already  
27 offered the opportunity to be registered to vote pursuant to this act  
28 at the health benefit exchange, the department of social and health  
29 services shall inform the person of the following:

30 (a) Unless the person declines to register to vote or update an  
31 existing voter registration, or is found to be ineligible to vote,  
32 the person will be registered to vote or, if applicable, the person's  
33 voter registration will be updated;

34 (b)(i) The qualifications to be registered to vote; (ii) the  
35 penalties under chapter 29A.84 RCW for registering to vote when  
36 ineligible or providing false registration information; and (iii)  
37 that the person should not register to vote if the person does not  
38 meet the qualifications to register;

1 (c) That voter registration is voluntary, and the person's choice  
2 to register or decline to register to vote will not affect the  
3 availability of agency services or benefits, and that the person's  
4 choice to register or not register to vote will not be used for any  
5 other purposes;

6 (d) Information about the address confidentiality program  
7 established under chapter 40.24 RCW, including notification that  
8 registration to vote does not affect any existing program  
9 participation.

10 (2) For each such application where the person is not already  
11 offered the opportunity to be registered to vote pursuant to this act  
12 at the health benefit exchange, the department of social and health  
13 services shall:

14 (a) Ensure that the application for service or assistance, and  
15 each related recertification, renewal, or change of address cannot be  
16 completed until the person is given the opportunity to decline being  
17 registered to vote;

18 (b) Promptly provide to the secretary of state, in a format to be  
19 determined by the secretary of state in consultation with the  
20 department, all necessary information for each person who does not  
21 decline to register to vote, including:

22 (i) The person's name;

23 (ii) The person's traditional or nontraditional residential  
24 address;

25 (iii) The person's mailing address, if different from the  
26 person's traditional or nontraditional residential address;

27 (iv) The person's date of birth;

28 (v) Acknowledgment that the person is a citizen of the United  
29 States; and

30 (vi) An affirmation of the person's eligibility to register to  
31 vote; and

32 (c) Offer each person an opportunity to decline to register to  
33 vote or to update an existing registration at each application for  
34 service or assistance, and each related recertification, renewal, or  
35 change of address, regardless of whether the person previously  
36 declined to register to vote or update an existing registration.

37 (3) For all changes of address, the developmental disabilities  
38 administration and the aging and long-term support administration  
39 shall provide voter registration services as required by section 7 of  
40 the national voter registration act and RCW 29A.08.310.

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

3        (1)(a)    Except as provided in (b) of this subsection, upon  
4    receiving the information provided under section 3(2)(b) or 4(2)(b)  
5    of this act, the secretary of state shall determine whether the  
6    person is already registered to vote. If the person is not already  
7    registered to vote, the secretary of state shall provide the  
8    information and a digital copy of the person's signature as provided  
9    in this act to the county auditor of the county in which the person  
10   may be registered as a voter, and the auditor shall register the  
11   person to vote. If the information provided under section 3(2)(b) or  
12   4(2)(b) of this act is incomplete, the secretary of state shall mail  
13   the person a voter registration application.

14        (b) If the secretary of state receives information about a person  
15   pursuant to section 3 of this act within twenty-one days of an  
16   election in which that person would otherwise be eligible to vote,  
17   the secretary of state shall wait until after the election to provide  
18   the information to the county auditor of the county in which that  
19   person may be registered as a voter.

20        (2) If the person is already registered to vote, but the  
21   residential address transmitted by the qualified voter registration  
22   agency is different from the residential address on the person's  
23   current registration, the secretary of state shall direct the auditor  
24   of the county in which the person may be registered as a voter to  
25   update the person's voter registration.

26        (3) The county auditor shall promptly send a notification to each  
27   person who is registered to vote or whose existing voter registration  
28   is updated under this section.

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

31        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 29A.08  
32   RCW to read as follows:

33        (1) Each qualified voter registration agency, except for the  
34   health benefit exchange, shall promptly transmit to the secretary of  
35   state the information of each person for whom it retains all the  
36   information listed in section 3(2)(b) (i) through (vi) or 4(2)(b) (i)  
37   through (v) of this act on January 1, 2018. The health benefit  
38   exchange shall promptly transmit to the secretary of state the  
39   information of each person for whom it retains all the information

1 listed in section 3(2)(b) (i) through (v) or 4(2)(b) (i) through (iv)  
2 of this act on January 1, 2018.

3 (2) The secretary of state shall:

4 (a) Identify persons whose information is transmitted pursuant to  
5 subsection (1) of this section who are eligible to be, but are not  
6 currently, registered to vote;

7 (b) Promptly send each person identified notice, which must not  
8 identify the agency transmitting the information, but which must  
9 include:

10 (i) An explanation that voter registration is voluntary, but that  
11 if the person does not decline to register within sixty days, the  
12 person will be registered to vote;

13 (ii) A statement offering the opportunity to decline voter  
14 registration through any means determined by the secretary of state  
15 and consistent with this act;

16 (iii) The eligibility criteria for voting in federal and state  
17 elections;

18 (iv) The instruction that the person should decline registration  
19 if ineligible to vote;

20 (v) Instructions for correcting an erroneous registration;

21 (vi) Instructions for providing any additional information  
22 required for voter registration purposes; and

23 (vii) Information about the address confidentiality program  
24 established under chapter 40.24 RCW, including notification that  
25 registration to vote does not affect any existing program  
26 participation;

27 (c) Promptly register to vote any person who does not decline to  
28 register within sixty days of the notification, unless the secretary  
29 of state receives information about a person pursuant to this section  
30 within twenty-one days of an election in which that person would  
31 otherwise be eligible to vote, in which case the secretary of state  
32 shall wait until after the election to register the person to vote.

33 (3) Information transmitted to the secretary of state pursuant to  
34 subsection (1) of this section shall be used only for voter  
35 registration purposes, is not available for public inspection, and  
36 shall not be disclosed to the public.

37 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.08  
38 RCW to read as follows:

1 (1) If a person who is ineligible to vote becomes registered to  
2 vote under section 3, 4, or 6 of this act in the absence of a knowing  
3 violation by that person of RCW 29A.84.140, that person's  
4 registration shall be presumed to have been with official  
5 authorization and not the fault of that person.

6 (2) Unless the person willfully and knowingly votes or attempts  
7 to vote knowing that he or she is not entitled to vote, a person who  
8 is ineligible to vote, becomes registered to vote under section 3, 4,  
9 or 6 of this act, and votes or attempts to vote in an election held  
10 after the effective date of the person's registration shall be  
11 presumed to have acted with official authorization and shall not be  
12 guilty of a class C felony under RCW 29A.84.130.

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

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

18 (1) Sending the county auditor a request stating both the voter's  
19 present address and the address from which the voter was last  
20 registered;

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

23 (3) Telephoning or emailing the county auditor to transfer the  
24 registration; (~~or~~)

25 (4) Submitting a voter registration application; or

26 (5) Submitting information to a qualified voter registration  
27 agency.

28 **Sec. 9.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to  
29 read as follows:

30 A registered voter who changes his or her residence from one  
31 county to another county must do so by submitting a voter  
32 registration form or by submitting information to a qualified voter  
33 registration agency. The county auditor of the voter's new county  
34 shall transfer the voter's registration from the county of the  
35 previous registration.

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



1 (1) In the case of voter registration records received through  
2 qualified voter registration agencies, the department of licensing,  
3 or an agency designated under RCW 29A.08.310, the identity of the  
4 office or agency at which any particular individual registered to  
5 vote shall be used only for voter registration purposes, is not  
6 available for public inspection, and shall not be disclosed to the  
7 public. Any record of a particular individual's choice not to  
8 register to vote at an office of the department of licensing or a  
9 state agency designated under RCW 29A.08.310 shall be used only for  
10 voter registration purposes, is not available for public inspection,  
11 and any information regarding such a choice by a particular  
12 individual shall not be disclosed to the public.

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

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

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.84  
36 RCW to read as follows:

37 An employee of a qualified voter registration agency is guilty of  
38 a gross misdemeanor punishable to the same extent as a gross

1 misdemeanor that is punishable under RCW 9A.20.021, if he or she  
2 willfully:

3 (1) Neglects or refuses to perform any duty required by law in  
4 connection with the registration of voters;

5 (2) Neglects or refuses to perform such duty in the manner  
6 required by voter registration law;

7 (3) Enters or causes or permits to be entered on the voter  
8 registration records the name of any person in any other manner or at  
9 any other time than as prescribed by voter registration law or enters  
10 or causes or permits to be entered on such records the name of any  
11 person not entitled to be thereon; or

12 (4) Destroys, mutilates, conceals, changes, or alters any  
13 registration record in connection therewith except as authorized by  
14 voter registration law.

15 NEW SECTION. **Sec. 12.** The sum of four hundred thousand dollars,  
16 or as much thereof as may be necessary, is appropriated for the  
17 fiscal year ending June 30, 2017, from the general fund to the  
18 secretary of state for the purposes of this act.

19 NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act take  
20 effect January 1, 2018.

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