

SENATE BILL REPORT

ESB 6313

As Amended by House, March 5, 2020

Title: An act relating to increasing opportunities for young voters.

Brief Description: Increasing opportunities for young voters.

Sponsors: Senators Liias, Kuderer, Hunt, Randall, Mullet, Keiser, Billig, Saldaña, Darneille, Hasegawa, Takko, Rolfes, McCoy, Stanford, Das, Dhingra, Lovelett, Nguyen and Wilson, C.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/22/20, 1/29/20 [DPS, DNP].

Floor Activity:

Passed Senate: 2/13/20, 28-19.

Passed House: 3/05/20, 56-41.

Brief Summary of Engrossed Bill

- Allows persons to vote in a primary election if they are 17 years old, but will be 18 by the general election.
- Requires that DOL provide an automated process for 16 and 17 year olds to sign up to register to vote.
- Requires that public universities, if requested by the student government, and certain public university branch campuses open student engagement hubs to provide ballots.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6313 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Minority Report: Do not pass.

Signed by Senators Zeiger, Ranking Member; Muzzall, Assistant Ranking Member; Hawkins.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Samuel Brown (786-7470)

Background: Registering to Vote. Persons who are age 18 or older and who are United States citizens that have lived in the state, county, and precinct for 30 days immediately preceding an election are entitled to vote. The National Voter Registration Act requires states to provide the opportunity to register to vote for federal elections.

Washington adopted the Motor Voter Act, requiring the Department of Licensing (DOL) to provide voter registration services. Before issuing an original license, identification card, or license renewal, the licensing agent must determine if the applicant wants to register to vote or transfer an existing voter registration. If so, the agent provides the applicant with a voter registration form with instructions, and records the applicant's request to register to vote. In addition to DOL, the following agencies and programs offer voter registration:

- the Department of Social and Health Services (DSHS) Community Services Division;
- the DSHS Aging and Long-Term Support Administration;
- the DSHS Division of Vocational Rehabilitation;
- the DSHS Developmental Disabilities Administration;
- the DSHS Aging and Disabilities Service Administration;
- the Department of Services for the Blind;
- the Health Care Authority; and
- the Health Benefits Exchange (HBE).

Automatic Voter Registration. In 2018, the Legislature passed E2SHB 2595, which provides for an automatic voter registration process at two state agencies. At DOL, an applicant for an enhanced driver's license or identicard, or for a change of address on an existing enhanced driver's license or identicard, is automatically registered to vote or update an existing registration if the applicant is over 18 years of age and United States citizenship is verified unless the applicant opts not to register. HBE transmits the name, address, and date of birth of each consenting applicant who is a citizen and at least 18 years old to the Secretary of State (SOS) for the purpose of the applicant being registered to vote. The Governor and SOS may require other agencies to provide automatic voter registration.

Sign-up to Register to Vote. In 2018, the Legislature also passed 2SHB 1513, which allows certain minors to sign up to register to vote. A person who is at least 16 years of age and who meets all other voter registration requirements may register to vote electronically, or at any location where voter registration is permitted, but is not added to the state voter list until such time as the person will be 18 years of age by the next election.

Summary of Engrossed Bill: Eligibility to Vote in Primary Elections. A person may vote in a primary election if they are 17 years old, but will be 18 by the general election. Conforming amendments are made to the voter registration application and prompts for voter registration at state agencies. Candidates for precinct committee officer must be 18 years old by the date of the election for precinct committee officer.

Automatic Sign-up to Register to Vote. DOL must provide an automated process for 16 and 17 year olds to sign up to register to vote when receiving or renewing enhanced driver's license or identicard or changing the address on an existing enhanced driver's license or identicard. Applicants must meet the requirements for voter registration, other than age, and

the DOL record must include a signature image. A person automatically signing up to register to vote is not added to the statewide voter registration database until such time as the person is eligible to vote in the next election.

Student Engagement Hubs. Each public university branch campus must open a student engagement center which provides ballots. Each public four-year university, upon request of its student government, must open a student engagement center which provides ballots and voter registration materials. Student engagement hubs may be open during business hours in the eight days before an election, and up to 8 p.m. on election night. Each university must contract with the county auditor for the operation of student engagement hubs. State and local voters' pamphlets must list the location of student engagement hubs. SOS may provide grants to county auditors to implement student engagement hubs, subject to appropriations.

Other Provisions. The Office of the Superintendent of Public Instruction, in collaboration with the Association of County Auditors and a 501(c)(3) nonprofit engaged in voter outreach and increasing participation, must identify and make available civics materials for high school courses.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Our democracy works best when everyone has a voice and a stake in the decisions that are made. We expect the proportion of people seeking enhanced identification to rise as REAL ID is implemented. Seventeen year olds deserve to have a voice in who appears on the November ballot, particularly in races which are practically decided at the primary stage. Student engagement hubs at Central Washington University have been hugely successful. Campuses are happy to provide spaces on campus for student engagement hubs. Auditors have ideas on how to sort ballots of 17-year-olds to make sure their votes are only counted in elections they are eligible to vote in. We can implement student engagement hubs in the same way as a current program at libraries.

Student engagement hubs will remove barriers students face around transportation, moving frequently, and a lack of culture around voting. This will increase participation and create a voting culture, making more consistent voters. If the government can send me to basic training, I should be able to vote in the primary election. Our county auditor had a number of violations that caused confusion among students on how to fix issues around registration and receiving ballots. The Democratic Party allows 17-year-olds to participate in caucuses; those voters should be able to vote in state and local primaries which may be just as important to them. Student engagement hubs include same-day voter registration and ballot printing, which are currently located off-campus and geographically inaccessible for many students.

Young people are not apathetic; they need opportunities, access, and education to participate fully in the electoral process. It makes sense to allow those who will vote in the general election to participate in the primary. This will increase youth engagement not only in voting but also in policymaking.

CON: Increasing young voter turnout should not come at the expense of minors' privacy. Children should be protected from targeted electioneering. There are constitutional concerns with the bill—the Attorney General concluded that the qualifications for electors are mandatory prerequisites to registration. We have concerns about administering the changes proposed and whether necessary resources will be allocated.

OTHER: We have concerns about how the bill will be funded. Some provisions may have a fiscal cost, and it is unclear what the state pays for and what counties pay for. We appreciate that implementation is delayed so auditors have time to develop procedures. We would like clarification that student engagement hubs are not public voting centers, with those associated requirements.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Connor Urcuyo, citizen; Paul Francis, Council of Presidents; Maggie Yuse, University of Washington; Cindy Black, Fix Democracy First; Mary Hall, Thurston County Auditor; Mo Pannier, Washington Bus; Matthew Sutherland, Graduate and Professional Student Association at WSU; Zackary Turnee, Washington Student Association; Nancy Canales-Montiel, Associated Students of CWU.

CON: Jay Jennings, Office of Secretary of State.

OTHER: Mike Hoover, Washington State Association of Counties; Julie Anderson, Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Requires student engagement hubs to allow students to download ballots from an online portal rather than provide replacement ballots.
- Requires, upon request of student government organizations, student engagement hubs to provide ballots, in addition to voter registration materials.
- Specifies that student engagement hubs are nonpartisan and must be operated in a manner that avoids partisan influence or electioneering.
- Clarifies that student engagement hubs are not voting centers.