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**ENGROSSED SUBSTITUTE HOUSE BILL 1513**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Transportation (originally sponsored by Representatives Bergquist, Stambaugh, Frame, Hudgins, Sawyer, Slatter, Macri, Gregerson, Peterson, McBride, Doglio, Appleton, Fitzgibbon, Goodman, Tharinger, Farrell, Pollet, Ormsby, Dolan, and Riccelli)

AN ACT Relating to collecting youth voter registration sign up information; amending RCW 46.20.155, 29A.08.330, 29A.08.210, 28A.230.150, 29A.08.710, 29A.08.810, 29A.08.110, 29A.08.720, 29A.08.760, 29A.84.140, 29A.08.125, and 29A.08.615; reenacting and amending RCW 42.56.230; adding new sections to chapter 29A.08 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature is committed to granting equal access to voter registration for all voters. The legislature recognizes the importance of fostering lifelong civic participation. Currently, many young people are denied access to the most popular form of voter registration, motor voter. If a young person obtains a driver's license at the age of sixteen or seventeen, they may not register to vote. Denial of motor voter to so many young voters has contributed to lower voter registration levels in the youngest voter age groups. In Washington, according to 2016 United States census bureau statistics, only twenty-one percent of eligible citizens between the ages of eighteen and twenty-four are registered to vote. Studies show that young adults who vote are likely to continue to do so throughout adulthood. The legislature recognizes that these representational disparities in registration rates and voting rates within the youth electorate will improve by enacting election policies that engage all young citizens. Therefore, the legislature declares that this act, allowing eligible youth at least sixteen years of age to preregister to vote, is intended to increase voter turnout in young adults.

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

(1) A person may sign up to register to vote at the department of licensing if he or she is sixteen or seventeen years of age.

(2) A person may sign up to register to vote at all other locations and through electronic means if he or she is sixteen or seventeen years of age.

(3) A person who signs up to vote may not vote until he or she is eighteen years of age, and his or her name may not be added to the statewide voter registration database until such time as he or she will be eighteen years of age before the next election.

(4) For the purposes of this section and RCW 28A.230.150, 29A.08.330, 29A.08.710, 42.56.230, and 46.20.155, "sign up" means the act of providing information relevant to eventual official voter registration at age eighteen, prior to official registration at age eighteen.

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

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

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

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

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

(2) "Are you ((~~or will you be eighteen~~)) at least sixteen years of age ((~~on or before the next election~~))?"

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

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

(3) For the purposes of this section, "sign up" has the definition given in section 2 of this act.

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

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

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

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

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

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

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

(b) "Are you ((~~or will you be eighteen~~)) at least sixteen years of age ((~~on or before the next election~~))?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a form to sign up to register to vote or a voter registration form and instructions and shall record that the applicant has requested to sign up to register, register, or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form or form to sign up to register to vote. Information provided for persons under eighteen years of age under this section is exempt from public inspection and copying under chapter 42.56 RCW.

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

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

(6) For the purposes of this section, "sign up" has the definition given in section 2 of this act.

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

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

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

(2) The applicant's full name;

(3) The applicant's date of birth;

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

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

(6) The sex of the applicant;

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

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

(9) A check box allowing the applicant to ((~~confirm~~)) acknowledge that he or she ((~~is at least~~)) must be eighteen years of age ((~~or will be eighteen years of age by the next election~~)) to vote;

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

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

(12) The following warning:

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

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

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

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

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

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

(2) Each year on "Temperance and Good Citizenship Day," social studies teachers must, as resources allow, coordinate a voter registration event in each history or social studies class attended by high school seniors. Teachers must make voter sign up and registration available to all students.

(3) County auditors may, as resources allow, help coordinate and participate in voter registration events for students on "Temperence and Good Citizenship Day."

(4) Each temperance and good citizenship day event must encourage students who will be eighteen years of age or older by the time of the next general election to register to vote online from the classroom. Students who do not possess a state identicard or driver's license must be provided a paper registration form. The event must include adequate time for students to complete the registration process in class.

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

(6) The superintendent of public instruction must consult with the secretary of state to provide registration methods that enable the electronic collection of information on the number of students who registered to vote on "Temperance and Good Citizenship Day," with the goal of achieving at least fifty thousand new voter registrations for seventeen and eighteen year olds annually, beginning in January 2018.

(7) Beginning March 1, 2019, and annually thereafter, the superintendent of public instruction must report on yearly progress toward the goal established in subsection (5) of this section, including the number of seventeen and eighteen year olds registered to vote by county and recommendations for increasing youth voter registration, to the governor and the appropriate standing committees of the legislature in accordance with RCW 43.01.036.

(8) For the purposes of this section, "sign up" has the definition given in section 2 of this act.

**Sec.**  RCW 42.56.230 and 2015 c 224 s 2 and 2015 c 47 s 1 are each reenacted and amended to read as follows:

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

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

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of early learning;

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs; or

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

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

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

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

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

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

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

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

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

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

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

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

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

(10) Information contained in voter sign up records under Title 29A RCW and RCW 46.20.155. For the purposes of this subsection, "sign up" has the definition given in section 2 of this act.

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

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

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(3) The information contained in voter sign up records is exempt from public inspection and copying.

(4) For the purposes of this section, "sign up" has the definition given in section 2 of this act.

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

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

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

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

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

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

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

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

(B) Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;

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

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

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

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

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

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

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

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

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

(1) An application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing ((~~or~~)), date of delivery, or eighteenth birthday, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

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

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

(1) A person may sign up to register to vote upon his or her sixteenth birthday.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) In the case of voter registration records received through the department of licensing or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public. The information contained in voter registration applications for persons signing up to register to vote prior to age eighteen is exempt from public inspection and copying until the applicant reaches age eighteen.

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

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

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

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the consolidated technology services agency for purposes of creating the jury source list without cost. The information contained in voter registration applications for persons signing up to register to vote prior to age eighteen is exempt from inclusion until the applicant reaches age eighteen. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.720 and 29A.08.740.

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

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony. This section does not apply to persons under eighteen who sign up to register to vote as authorized under section 11 of this act.

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

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

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

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

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

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

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

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

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

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

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

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  This act takes effect January 1, 2018.

**--- END ---**