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**SENATE BILL 5110**

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

**By** Senators Billig, Hunt, Liias, Palumbo, Kuderer, Saldaña, Pedersen, Darneille, Carlyle, Keiser, Mullet, and Wellman

AN ACT Relating to enhancing youth voter registration; amending RCW 29A.08.210, 29A.08.330, 29A.08.710, 29A.08.810, 46.20.155, and 42.56.250; adding a new section to chapter 29A.08 RCW; creating new sections; and providing a contingent 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. More than forty percent of new voters are registered through motor voter, but this easy and popular form of voter registration is not available to young people if they obtained their driver's license at the age of sixteen or seventeen. 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 the United States census bureau, only 50.8 percent of eligible citizens between the ages of eighteen and twenty-four are registered to vote, compared to sixty-eight to eighty percent for other age groups. 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 preregister to vote at any location where voter registration occurs or through electronic means if he or she is sixteen or seventeen years of age.

(2) A person who preregisters 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.

**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 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 preregistration or registration 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 preregister or register to vote or update your voter registration?"

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

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

(b) "((~~Are you or~~)) Will you be ((~~eighteen~~)) sixteen years of age or older on ((~~or before~~)) the day of the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to preregister, 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.

(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 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. Information provided for preregistration under this section is exempt from public inspection and copying pursuant to RCW 42.56.250.

**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 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. The information contained in voter preregistration applications is exempt from public inspection and copying. No other information from voter registration records or files is available for public inspection or copying.

**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 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 preregister or register to vote or update his or her voter registration by asking the following question:

"Do you want to preregister or register to vote or update your voter registration?"

If the applicant chooses to preregister or register to vote, or update a 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 preregistration, registration, or update. If the applicant answers in the negative to either question, the agent shall not submit ((~~a voter registration~~)) an application. Information provided for preregistration under this section is exempt from public inspection and copying pursuant to RCW 42.56.250.

(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.

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  This act may be known and cited as the young voter registration equality act.

NEW SECTION. **Sec.**  This act takes effect when the statewide voter registration database operated by the secretary of state is compliant with RCW 29A.08.125. The secretary of state must provide notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the secretary of state.

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