

**E2SHB 2595 - S AMD 930**

By Senator Hunt

ADOPTED 03/07/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the  
4 automatic voter registration act of 2018.

5 NEW SECTION. **Sec. 2.** (1) The legislature finds that:

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

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

17 (2) Therefore, the legislature intends to increase the  
18 opportunity to register to vote for persons qualified under Article  
19 VI of the Washington state Constitution by expanding the streamlined  
20 voter registration process that will increase opportunities for voter  
21 registration without placing new undue burdens on government  
22 agencies.

23 **PART I**

24 **Sec. 101.** RCW 29A.08.110 and 2009 c 369 s 10 are each amended to  
25 read as follows:

26 (1) For persons registering under RCW 29A.08.120, 29A.08.123,  
27 29A.08.330, and 29A.08.340, an application is considered complete  
28 only if it contains the information required by RCW 29A.08.010. The  
29 applicant is considered to be registered to vote as of the original

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

23 The department of licensing shall implement an automatic voter  
24 registration system so that a person age eighteen years or older who  
25 meets requirements for voter registration and has received or is  
26 renewing an enhanced driver's license or identicard issued under RCW  
27 46.20.202 or is changing the address for an existing enhanced  
28 driver's license or identicard pursuant to RCW 46.20.205 may be  
29 registered to vote or update voter registration information at the  
30 time of registration, renewal, or change of address, by automated  
31 process if the department of licensing record associated with the  
32 applicant contains the data required to determine whether the  
33 applicant meets requirements for voter registration under RCW  
34 29A.08.010, other information as required by the secretary of state,  
35 and includes a signature image. The person must be informed that his  
36 or her record will be used for voter registration and offered an  
37 opportunity to decline to register.

1        NEW SECTION.    **Sec. 103.**    A new section is added to chapter 29A.08  
2    RCW to read as follows:

3        (1) If the applicant in section 102 of this act does not decline  
4    registration, the application is submitted pursuant to RCW  
5    29A.08.350.

6        (2) For each such application, the secretary of state must obtain  
7    a digital copy of the applicant's signature image from the department  
8    of licensing.

9        NEW SECTION.    **Sec. 104.**    A new section is added to chapter 29A.08  
10   RCW to read as follows:

11       (1)(a) For persons age eighteen years and older registering under  
12   section 102 of this act, an application is considered complete only  
13   if it contains the information required by RCW 29A.08.010 and other  
14   information as required by the secretary of state. The applicant is  
15   considered to be registered to vote as of the original date of  
16   issuance or renewal or date of change of address of an enhanced  
17   driver's license or identicard issued under RCW 46.20.202 or change  
18   of address for an existing enhanced driver's license or identicard  
19   pursuant to RCW 46.20.205. The auditor shall record the appropriate  
20   precinct identification, taxing district identification, and date of  
21   registration on the voter's record in the state voter registration  
22   list. Any mailing address provided shall be used only for mail  
23   delivery purposes, and not for precinct assignment or residency  
24   purposes. Within sixty days after the receipt of an application or  
25   transfer, the auditor shall send to the applicant, by first-class  
26   nonforwardable mail, an acknowledgment notice identifying the  
27   registrant's precinct and containing such other information as may be  
28   required by the secretary of state. The United States postal service  
29   shall be instructed not to forward a voter registration card to any  
30   other address and to return to the auditor any card which is not  
31   deliverable.

32       (b) An auditor may use other means to communicate with potential  
33   and registered voters such as, but not limited to, email, phone, or  
34   text messaging. The alternate form of communication must not be in  
35   lieu of the first-class mail requirements. The auditor shall act in  
36   compliance with all voter notification processes established in  
37   federal law.

38       (2) If an application is not complete, the auditor shall promptly  
39   mail a verification notice to the applicant. The verification notice

1 must require the applicant to provide the missing information. If the  
2 applicant provides the required information within forty-five days,  
3 the applicant must be registered to vote. The applicant must not be  
4 placed on the official list of registered voters until the  
5 application is complete.

6 (3) If the prospective registration applicant declines to  
7 register to vote or the information provided by the department of  
8 licensing does not indicate citizenship, the information must not be  
9 included on the list of registered voters.

10 (4) The department of licensing is prohibited from sharing data  
11 files used by the secretary of state to certify voters registered  
12 through the automated process outlined in section 102 of this act  
13 with any federal agency, or state agency other than the secretary of  
14 state. Personal information supplied for the purposes of obtaining a  
15 driver's license or identicard is exempt from public inspection  
16 pursuant to RCW 42.56.230.

17 NEW SECTION. **Sec. 105.** A new section is added to chapter 46.20  
18 RCW to read as follows:

19 For persons eighteen years of age or older who meet requirements  
20 for voter registration, who have been issued or are renewing an  
21 enhanced driver's license or identicard under RCW 46.20.202 or  
22 applying for a change of address for an existing enhanced driver's  
23 license or identicard pursuant to RCW 46.20.205, and have not  
24 declined to register to vote, the department shall produce and  
25 transmit to the secretary of state the following information from the  
26 records of each individual: The name, address, date of birth, gender  
27 of the applicant, the driver's license number, signature image, and  
28 the date on which the application was submitted. The department and  
29 the secretary of state shall process information as an automated  
30 application on a daily basis.

31 **Sec. 106.** RCW 29A.08.350 and 2013 c 11 s 18 are each amended to  
32 read as follows:

33 The department of licensing shall produce and transmit to the  
34 secretary of state the following information from the records of each  
35 individual who requested a voter registration or update at a driver's  
36 license facility: The name, address, date of birth, gender of the  
37 applicant, the driver's license number, signature image, and the date  
38 on which the application for voter registration or update was

1 submitted. The secretary of state shall process the registrations and  
2 updates as an electronic application.

3 **Sec. 107.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to  
4 read as follows:

5 (1) The department is authorized to cancel any driver's license  
6 upon determining that the licensee was not entitled to the issuance  
7 of the license, or that the licensee failed to give the required or  
8 correct information in his or her application, or that the licensee  
9 is incompetent to drive a motor vehicle for any of the reasons under  
10 RCW 46.20.031 (4) and (7).

11 (2) Upon such cancellation, the licensee must surrender the  
12 license so canceled to the department.

13 (3) Upon the cancellation of an enhanced driver's license or  
14 identocard for failure of the licensee to give correct information,  
15 if such information had been transferred to the secretary of state  
16 for purposes of voter registration, the department must immediately  
17 notify the office of the secretary of state, and the county auditor  
18 of the county of the licensee's address of record, of the  
19 cancellation of the license or identocard and identify the incorrect  
20 information.

21 **PART II**

22 NEW SECTION. **Sec. 201.** A new section is added to chapter 29A.04  
23 RCW to read as follows:

24 (1) Beginning July 1, 2019, the health benefit exchange shall  
25 provide the following information to the secretary of state's office  
26 for consenting Washington healthplanfinder applicants who  
27 affirmatively indicate that they are interested in registering to  
28 vote, including applicants who file changes of address, who reside in  
29 Washington, are age eighteen years or older, and are verified  
30 citizens, for voter registration purposes:

31 (a) Names;

32 (b) Traditional or nontraditional residential addresses;

33 (c) Mailing addresses, if different from the traditional or  
34 nontraditional residential address; and

35 (d) Dates of birth.

36 (2) The health benefit exchange shall consult with the secretary  
37 of state's office to ensure that sufficient information is provided

1 to allow the secretary of state to obtain a digital copy of the  
2 person's signature when available from the department of licensing  
3 and establish other criteria and procedures that are secure and  
4 compliant with federal and state voter registration and privacy laws  
5 and rules.

6 (3) If applicable, the health benefit exchange shall report any  
7 known barriers or impediments to implementation of this section to  
8 the appropriate committees of the legislature and the governor no  
9 later than December 1, 2018.

10 (4) If the health benefit exchange determines, in consultation  
11 with the health care authority, that implementation of this act  
12 requires changes subject to approval from the centers for medicare  
13 and medicaid services, participation of the health benefit exchange  
14 is contingent on receiving that approval.

15 NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.08  
16 RCW to read as follows:

17 (1) The governor shall make a decision, in consultation with the  
18 office of the secretary of state, as to whether each agency  
19 identified in subsection (3) of this section shall implement  
20 automatic voter registration. The final decision is at the governor's  
21 sole discretion.

22 (2)(a) Each agency identified in subsection (3) of this section  
23 shall submit a report to the governor and appropriate legislative  
24 committees no later than December 1, 2018, describing:

25 (i) Steps needed to implement automatic voter registration under  
26 this act by July 1, 2019;

27 (ii) Barriers to implementation, including ways to mitigate those  
28 barriers; and

29 (iii) Applicable federal and state privacy protections for voter  
30 registration information.

31 (b) In preparing the report required under this subsection, the  
32 agency may consult with the secretary of state's office to determine  
33 automatic voter registration criteria and procedures.

34 (3) This section applies to state agencies, other than the health  
35 benefit exchange, providing public assistance or services to persons  
36 with disabilities, designated pursuant to RCW 29A.08.310(1), that  
37 collect, process, and store the following information as part of  
38 providing assistance or services:

39 (a) Names;

1 (b) Traditional or nontraditional residential addresses;

2 (c) Dates of birth;

3 (d) A signature attesting to the truth of the information  
4 provided on the application for assistance or services; and

5 (e) Verification of citizenship information, via social security  
6 administration data match or manually verified by the agency during  
7 the client transaction.

8 (4) Once an agency has implemented automatic voter registration,  
9 it shall continue to provide automatic voter registration unless  
10 legislation is enacted that directs the agency to do otherwise.

11 (5) Agencies may not begin verifying citizenship as part of an  
12 agency transaction for the sole purpose of providing automatic voter  
13 registration.

14 NEW SECTION. **Sec. 203.** A new section is added to chapter 29A.08  
15 RCW to read as follows:

16 (1) If a person who is ineligible to vote becomes, in the rare  
17 occasion, registered to vote under section 102 or 201 of this act in  
18 the absence of a knowing violation by that person of RCW 29A.84.140,  
19 that person shall be deemed to have performed an authorized act of  
20 registration and such act may not be considered as evidence of a  
21 claim to citizenship.

22 (2) Unless a person willfully and knowingly votes or attempts to  
23 vote knowing that he or she is not entitled to vote, a person who is  
24 ineligible to vote and becomes registered to vote under section 102  
25 or 201 of this act, and subsequently votes or attempts to vote in an  
26 election held after the effective date of the person's registration,  
27 is not guilty of violating RCW 29A.84.130, and shall be deemed to  
28 have performed an authorized act, and such act may not be considered  
29 as evidence of a claim to citizenship.

30 (3) A person who is ineligible to vote, who successfully  
31 completes the voter registration process under section 102 or 201 of  
32 this act or votes in an election, must have their voter registration,  
33 or record of vote, removed from the voter registration database and  
34 any other application records.

35 (4) Should an ineligible individual become registered to vote,  
36 the office of the secretary of state and the relevant agency shall  
37 jointly determine the cause.

1       **Sec. 204.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to  
2 read as follows:

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

6       (1) Sending the county auditor a request stating both the voter's  
7 present address and the address from which the voter was last  
8 registered;

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

11       (3) Telephoning or emailing the county auditor to transfer the  
12 registration; ~~((or))~~

13       (4) Submitting a voter registration application;

14       (5) Submitting information to the department of licensing;

15       (6) Submitting information to the health benefit exchange; or

16       (7) Submitting information to an agency designated under section  
17 202 of this act once automatic voter registration is implemented at  
18 the agency.

19       **Sec. 205.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to  
20 read as follows:

21       A registered voter who changes his or her residence from one  
22 county to another county must do so by submitting a voter  
23 registration form or by submitting information to the department of  
24 licensing, the health benefit exchange, or an agency designated under  
25 section 202 of this act once automatic voter registration is  
26 implemented at the agency. The county auditor of the voter's new  
27 county shall transfer the voter's registration from the county of the  
28 previous registration.

29       **Sec. 206.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to  
30 read as follows:

31       (1) In the case of voter registration records received through  
32 the health benefit exchange, the department of licensing, or an  
33 agency designated under RCW 29A.08.310, the identity of the office or  
34 agency at which any particular individual registered to vote must be  
35 used only for voter registration purposes, is not available for  
36 public inspection, and shall not be disclosed to the public. Any  
37 record of a particular individual's choice not to register to vote at  
38 an office of the department of licensing or a state agency designated

1 under RCW 29A.08.310 is not available for public inspection and any  
2 information regarding such a choice by a particular individual shall  
3 not be disclosed to the public.

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

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

26 NEW SECTION. **Sec. 207.** A new section is added to chapter 29A.08  
27 RCW to read as follows:

28 The office of the secretary of state may adopt rules to implement  
29 automatic voter registration under this act.

30 NEW SECTION. **Sec. 208.** Sections 101 through 107 of this act  
31 take effect July 1, 2019."

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**ADOPTED 03/07/2018**

1 On page 1, line 3 of the title, after "vote;" strike the  
2 remainder of the title and insert "amending RCW 29A.08.110,  
3 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding  
4 new sections to chapter 29A.08 RCW; adding a new section to chapter  
5 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new  
6 sections; and providing an effective date."

EFFECT: (1) Requires automatic voter registration services to be offered with applications to change the address on an existing enhanced driver's license or identicaid.

(2) Requires a response to a verification notice within 45 days for an application to be completed.

(3) Removes requirement that the Department of Licensing (DOL) determine that applicants meet constitutional voter eligibility requirements.

(4) Clarifies that a person automatically registered to vote at DOL who must respond to a verification notice is not placed on the list of registered voters until the application is complete.

(5) Removes limitations on use of information verifying identity by the Health Benefit Exchange (HBE).

(6) Removes requirement that the HBE complete a study on the feasibility of offering automatic voter registration services.

(7) Requires that HBE report on barriers to implementation of electronic voter registration information transfer by December 1, 2018.

(8) Requires certain social services agencies to offer automatic voter registration services if directed by the Governor, following a report on possible implementation.

(9) Requires the Secretary of State and affected agency to jointly determine the cause of the automatic registration of an ineligible voter, and removes exemptions from disclosure of materials used to make the determination.

(10) Allows voters to change addresses of existing registrations automatically at authorized social services agencies.

(11) Removes study of automatic voter registration at birth and of recently naturalized citizens.

(12) Modifies effective dates.

(13) Removes null-and-void clause.

(14) Authorizes the Secretary of State to adopt rules to implement automatic voter registration.

--- END ---