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SENATE BILL 5110

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State of Washington

65th Legislature

2017 Regular Session

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

Read first time 01/12/17. Referred to Committee on State Government.

1 AN ACT Relating to enhancing youth voter registration; amending  
2 RCW 29A.08.210, 29A.08.330, 29A.08.710, 29A.08.810, 46.20.155, and  
3 42.56.250; adding a new section to chapter 29A.08 RCW; creating new  
4 sections; and providing a contingent effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature is committed to granting  
7 equal access to voter registration for all voters. The legislature  
8 recognizes the importance of fostering lifelong civic participation.  
9 Currently, many young people are denied access to the most popular  
10 form of voter registration, motor voter. More than forty percent of  
11 new voters are registered through motor voter, but this easy and  
12 popular form of voter registration is not available to young people  
13 if they obtained their driver's license at the age of sixteen or  
14 seventeen. Denial of motor voter to so many young voters has  
15 contributed to lower voter registration levels in the youngest voter  
16 age groups. In Washington, according to the United States census  
17 bureau, only 50.8 percent of eligible citizens between the ages of  
18 eighteen and twenty-four are registered to vote, compared to sixty-  
19 eight to eighty percent for other age groups. Studies show that young  
20 adults who vote are likely to continue to do so throughout adulthood.  
21 The legislature recognizes that these representational disparities in

1 registration rates and voting rates within the youth electorate will  
2 improve by enacting election policies that engage all young citizens.  
3 Therefore, the legislature declares that this act, allowing eligible  
4 youth at least sixteen years of age to preregister to vote, is  
5 intended to increase voter turnout in young adults.

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

8 (1) A person may preregister to vote at any location where voter  
9 registration occurs or through electronic means if he or she is  
10 sixteen or seventeen years of age.

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

15 **Sec. 3.** RCW 29A.08.210 and 2009 c 369 s 16 are each amended to  
16 read as follows:

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

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

22 (2) The applicant's full name;

23 (3) The applicant's date of birth;

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

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

27 (6) The sex of the applicant;

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

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

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

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

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

6 (12) The following warning:

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

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

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

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

19 **Sec. 4.** RCW 29A.08.330 and 2013 c 11 s 16 are each amended to  
20 read as follows:

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

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

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

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

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

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

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

8 If the applicant answers in the affirmative to both questions,  
9 the agent shall then provide the applicant with a voter registration  
10 form and instructions and shall record that the applicant has  
11 requested to preregister, register, or update a voter registration.  
12 If the applicant answers in the negative to either question, the  
13 agent shall not provide the applicant with a voter registration form.

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

18 (5) Each designated agency shall transmit the applications to the  
19 secretary of state or appropriate county auditor within three  
20 business days. Information provided for preregistration under this  
21 section is exempt from public inspection and copying pursuant to RCW  
22 42.56.250.

23 **Sec. 5.** RCW 29A.08.710 and 2005 c 246 s 17 are each amended to  
24 read as follows:

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

35 (2) The following information contained in voter registration  
36 records or files regarding a voter or a group of voters is available  
37 for public inspection and copying, except as provided in RCW

1 40.24.060: The voter's name, address, political jurisdiction, gender,  
2 date of birth, voting record, date of registration, and registration  
3 number. The information contained in voter preregistration  
4 applications is exempt from public inspection and copying. No other  
5 information from voter registration records or files is available for  
6 public inspection or copying.

7 **Sec. 6.** RCW 29A.08.810 and 2011 c 10 s 20 are each amended to  
8 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **Sec. 7.** RCW 46.20.155 and 2013 c 11 s 90 are each amended to  
25 read as follows:

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

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

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

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

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

1 If the applicant answers in the affirmative to both questions,  
2 the agent shall then submit the preregistration, registration, or  
3 update. If the applicant answers in the negative to either question,  
4 the agent shall not submit (~~(a voter registration)~~) an application.  
5 Information provided for preregistration under this section is exempt  
6 from public inspection and copying pursuant to RCW 42.56.250.

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

11 **Sec. 8.** RCW 42.56.250 and 2014 c 106 s 1 are each amended to  
12 read as follows:

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

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

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

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

34 (4) Information that identifies a person who, while an agency  
35 employee: (a) Seeks advice, under an informal process established by  
36 the employing agency, in order to ascertain his or her rights in  
37 connection with a possible unfair practice under chapter 49.60 RCW

1 against the person; and (b) requests his or her identity or any  
2 identifying information not be disclosed;

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

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

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

13 (8) Photographs and month and year of birth in the personnel  
14 files of employees and workers of criminal justice agencies as  
15 defined in RCW 10.97.030. The news media, as defined in RCW  
16 5.68.010(5), shall have access to the photographs and full date of  
17 birth. For the purposes of this subsection, news media does not  
18 include any person or organization of persons in the custody of a  
19 criminal justice agency as defined in RCW 10.97.030; and

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

22 NEW SECTION. Sec. 9. This act may be known and cited as the  
23 young voter registration equality act.

24 NEW SECTION. Sec. 10. This act takes effect when the statewide  
25 voter registration database operated by the secretary of state is  
26 compliant with RCW 29A.08.125. The secretary of state must provide  
27 notice of the effective date of this act to affected parties, the  
28 chief clerk of the house of representatives, the secretary of the  
29 senate, the office of the code reviser, and others as deemed  
30 appropriate by the secretary of state.

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