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**SENATE BILL 5857**

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

**By** Senator Chase

AN ACT Relating to automatic voter registration; amending RCW 29A.08.410, 29A.08.420, and 29A.08.720; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; creating a new section; making an appropriation; and providing an effective date.

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

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

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

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

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

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

"Qualified voter registration agency" means the department of licensing, the health benefit exchange, or an office providing public assistance and/or services to persons with disabilities designated pursuant to RCW 29A.08.310(1) that collects, processes, and stores the following information as part of providing assistance or services:

(1) Names;

(2) Traditional or nontraditional residential addresses;

(3) Dates of birth;

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

(5) Citizenship information, verified via social security administration data match or manually verified by the agency during the client transaction.

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

(1) With each application for assistance or services listing the information described in section 2 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency, other than the department of social and health services, shall inform the person of the following:

(a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;

(b)(i) The qualifications to be registered to vote; (ii) the penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and (iii) that the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or not register to vote will not be used for any other purposes;

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including notification that registration to vote does not affect any existing program participation.

(2) Each qualified voter registration agency other than the department of social and health services shall:

(a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary of state in consultation with the agency, all necessary information for each person who does not decline to register to vote, including:

(i) The person's name;

(ii) The person's traditional or nontraditional residential address;

(iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;

(iv) The person's date of birth;

(v) Acknowledgment that the person is a citizen of the United States;

(vi) Except for the health benefit exchange and the health care authority, a digital copy of the person's signature; and

(vii) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(4) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital copies of signatures of persons who do not decline to register to vote. The secretary of state shall consult with the health benefit exchange, the department of social and health services, the health care authority, and the department of licensing to ensure that all necessary information is provided to the secretary of state to allow the secretary of state to obtain a digital copy of the person's signature from the department of licensing, when available.

(5) If the secretary of state is unable to obtain a digital copy of a person's signature from the department of licensing for a person who seeks services or benefits provided by the department of social and health services or the health care authority and does not decline to register to vote, the department of social and health services or the health care authority shall provide the secretary of state a digital copy of the person's signature, when available.

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

With each application for assistance or service listing the information described in section 2 of this act, and with each related recertification, renewal, or change of address, except for a change of address for the developmental disabilities administration and the aging and long-term support administration, the department of social and health services shall verify whether the person is already offered the opportunity to register to vote pursuant to this act at the health benefit exchange.

(1) For each such application where the person is not already offered the opportunity to be registered to vote pursuant to this act at the health benefit exchange, the department of social and health services shall inform the person of the following:

(a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;

(b)(i) The qualifications to be registered to vote; (ii) the penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and (iii) that the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or not register to vote will not be used for any other purposes;

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including notification that registration to vote does not affect any existing program participation.

(2) For each such application where the person is not already offered the opportunity to be registered to vote pursuant to this act at the health benefit exchange, the department of social and health services shall:

(a) Ensure that the application for service or assistance, and each related recertification, renewal, or change of address cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary of state in consultation with the department, all necessary information for each person who does not decline to register to vote, including:

(i) The person's name;

(ii) The person's traditional or nontraditional residential address;

(iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;

(iv) The person's date of birth;

(v) Acknowledgment that the person is a citizen of the United States; and

(vi) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) For all changes of address, the developmental disabilities administration and the aging and long-term support administration shall provide voter registration services as required by section 7 of the national voter registration act and RCW 29A.08.310.

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

(1)(a) Except as provided in (b) of this subsection, upon receiving the information provided under section 3(2)(b) or 4(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information and a digital copy of the person's signature as provided in this act to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote. If the information provided under section 3(2)(b) or 4(2)(b) of this act is incomplete, the secretary of state shall mail the person a voter registration application.

(b) If the secretary of state receives information about a person pursuant to section 3 of this act within twenty-one days of an election in which that person would otherwise be eligible to vote, the secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

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

(1) Each qualified voter registration agency, except for the health benefit exchange, shall promptly transmit to the secretary of state the information of each person for whom it retains all the information listed in section 3(2)(b) (i) through (vi) or 4(2)(b) (i) through (v) of this act on January 1, 2018. The health benefit exchange shall promptly transmit to the secretary of state the information of each person for whom it retains all the information listed in section 3(2)(b) (i) through (v) or 4(2)(b) (i) through (iv) of this act on January 1, 2018.

(2) The secretary of state shall:

(a) Identify persons whose information is transmitted pursuant to subsection (1) of this section who are eligible to be, but are not currently, registered to vote;

(b) Promptly send each person identified notice, which must not identify the agency transmitting the information, but which must include:

(i) An explanation that voter registration is voluntary, but that if the person does not decline to register within sixty days, the person will be registered to vote;

(ii) A statement offering the opportunity to decline voter registration through any means determined by the secretary of state and consistent with this act;

(iii) The eligibility criteria for voting in federal and state elections;

(iv) The instruction that the person should decline registration if ineligible to vote;

(v) Instructions for correcting an erroneous registration;

(vi) Instructions for providing any additional information required for voter registration purposes; and

(vii) Information about the address confidentiality program established under chapter 40.24 RCW, including notification that registration to vote does not affect any existing program participation;

(c) Promptly register to vote any person who does not decline to register within sixty days of the notification, unless the secretary of state receives information about a person pursuant to this section within twenty-one days of an election in which that person would otherwise be eligible to vote, in which case the secretary of state shall wait until after the election to register the person to vote.

(3) Information transmitted to the secretary of state pursuant to subsection (1) of this section shall be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public.

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

(1) If a person who is ineligible to vote becomes registered to vote under section 3, 4, or 6 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration shall be presumed to have been with official authorization and not the fault of that person.

(2) Unless the person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote, becomes registered to vote under section 3, 4, or 6 of this act, and votes or attempts to vote in an election held after the effective date of the person's registration shall be presumed to have acted with official authorization and shall not be guilty of a class C felony under RCW 29A.84.130.

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

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

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

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

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

(4) Submitting a voter registration application; or

(5) Submitting information to a qualified voter registration agency.

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

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

**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 qualified voter registration agencies, 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 shall be used only for voter registration purposes, 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 shall be used only for voter registration purposes, is not available for public inspection, and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(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.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, if he or she willfully:

(1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;

(2) Neglects or refuses to perform such duty in the manner required by voter registration law;

(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

NEW SECTION. **Sec.**  The sum of four hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2017, from the general fund to the secretary of state for the purposes of this act.

NEW SECTION. **Sec.**  Sections 1 through 11 of this act take effect January 1, 2018.

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