

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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By Senator Hunt

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.

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