
SECOND SUBSTITUTE SENATE BILL 6353

State of Washington

65th Legislature

2018 Regular Session

By Senate Ways & Means (originally sponsored by Senators Hunt, Billig, Kuderer, Saldaña, Conway, Carlyle, Hasegawa, Dhingra, McCoy, Nelson, Mullet, Lias, Rolfes, Hobbs, Keiser, Cleveland, Chase, Darneille, Frockt, Palumbo, Van De Wege, Ranker, Wellman, Takko, and Pedersen; by request of Governor Inslee)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to increasing opportunities for citizens to
2 participate in elections by streamlining procedures in order to
3 automatically register citizens to vote; amending RCW 29A.08.110,
4 29A.08.350, 29A.08.410, 29A.08.420, and 29A.08.720; adding new
5 sections to chapter 29A.08 RCW; adding a new section to chapter 46.20
6 RCW; adding new sections to chapter 29A.04 RCW; adding a new section
7 to chapter 29A.84 RCW; creating new sections; prescribing penalties;
8 providing effective dates; and providing an expiration date.

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

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

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

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

16 (b) State and local governments should take every step possible
17 to make it easier to vote in Washington state and ensure that
18 fundamental values of a true democracy with full participation
19 remains one of our most important functions. Providing additional
20 opportunities for people to register to vote and helping them make

1 their own choices about who represents them in this democracy and
2 about important issues that are central to their lives and
3 communities are essential to upholding these values.

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

10 **PART I**

11 **AUTOMATIC VOTER REGISTRATION FOR ENHANCED DRIVER'S LICENSE**

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

14 (1) For persons registering under RCW 29A.08.120, 29A.08.123,
15 29A.08.330, and 29A.08.340, an application is considered complete
16 only if it contains the information required by RCW 29A.08.010. The
17 applicant is considered to be registered to vote as of the original
18 date of mailing or date of delivery, whichever is applicable. The
19 auditor shall record the appropriate precinct identification, taxing
20 district identification, and date of registration on the voter's
21 record in the state voter registration list. Any mailing address
22 provided shall be used only for mail delivery purposes, and not for
23 precinct assignment or residency purposes. Within sixty days after
24 the receipt of an application or transfer, the auditor shall send to
25 the applicant, by first-class nonforwardable mail, an acknowledgment
26 notice identifying the registrant's precinct and containing such
27 other information as may be required by the secretary of state. The
28 postal service shall be instructed not to forward a voter
29 registration card to any other address and to return to the auditor
30 any card which is not deliverable.

31 (2) If an application is not complete, the auditor shall promptly
32 mail a verification notice to the applicant. The verification notice
33 shall require the applicant to provide the missing information. If
34 the applicant provides the required information within forty-five
35 days, the applicant shall be registered to vote as of the original
36 date of application. The applicant shall not be placed on the
37 official list of registered voters until the application is complete.

1 NEW SECTION. **Sec. 102.** A new section is added to chapter 29A.08
2 RCW to read as follows:

3 A person age eighteen years or older who is a citizen of the
4 United States applying for or renewing an enhanced driver's license
5 or identicard issued under RCW 46.20.202 may be registered to vote or
6 update voter registration information at the time of registration or
7 renewal, by automated process if the department of licensing record
8 associated with the applicant verifies United States citizenship,
9 contains the data required for voter registration under RCW
10 29A.08.010, and includes a signature image. The person must be
11 informed that his or her record will be used for voter registration,
12 and offered an opportunity to decline to register.

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

15 (1) If the applicant in section 102 of this act does not decline
16 registration, the application is submitted pursuant to RCW
17 29A.08.340.

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

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

23 (1)(a) For persons age eighteen years and older registering under
24 section 102 of this act, an application is considered complete only
25 if it contains the information required by RCW 29A.08.010 and
26 citizenship information. The applicant is considered to be registered
27 to vote as of the original date of application or renewal of an
28 enhanced driver's license or identicard issued under RCW 46.20.202.
29 The auditor shall record the appropriate precinct identification,
30 taxing district identification, and date of registration on the
31 voter's record in the state voter registration list. Any mailing
32 address provided shall be used only for mail delivery purposes, and
33 not for precinct assignment or residency purposes. Within sixty days
34 after the receipt of an application or transfer, the auditor shall
35 send to the applicant, by first-class nonforwardable mail, an
36 acknowledgment notice identifying the registrant's precinct and
37 containing such other information as may be required by the secretary
38 of state. The United States postal service shall be instructed not to

1 forward a voter registration card to any other address and to return
2 to the auditor any card which is not deliverable.

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

9 (2) If an application is not complete, the auditor shall promptly
10 mail a verification notice to the applicant. The verification notice
11 must require the applicant to provide the missing information. If the
12 applicant provides the required information within forty-five days,
13 the applicant must be registered to vote as of the original date of
14 application. The applicant must not be placed on the official list of
15 registered voters until the application is complete.

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

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

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

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

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

1 on which the application for voter registration or update was
2 submitted. The secretary of state shall process the registrations and
3 updates as an electronic application.

4 **PART II**

5 **AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES**

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

8 (1) "Qualified voter registration agency" means an office
9 providing public assistance or services to persons with disabilities,
10 designated pursuant to RCW 29A.08.310(1), that collects, processes,
11 and stores the following information as part of providing assistance
12 or services:

13 (a) Names;

14 (b) Traditional or nontraditional residential addresses;

15 (c) Dates of birth;

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

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

21 (2) Qualified voter registration agencies should seek to provide
22 automatic voter registration services under section 203 of this act
23 with any or all agency transactions. If a qualified voter
24 registration agency chooses to provide automatic voter registration
25 services, the agency:

26 (a) Must consult with the secretary of state's office to
27 establish automatic voter registration criteria and procedures; and

28 (b) May adopt rules to enable the agency to provide automatic
29 voter registration services.

30 (3) Qualified voter registration agencies that do not intend to
31 seek to provide automatic voter registration services shall submit a
32 report to the governor and appropriate legislative committees no
33 later than December 1, 2019, detailing the reasons that make
34 providing automatic voter registration services not feasible.

35 (4) For agencies submitting a report under subsection (3) of this
36 section, the governor shall consult with the secretary of state's
37 office to make a decision as to whether the agency should implement

1 automatic voter registration. The governor shall make the final
2 decision at the governor's sole discretion.

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

6 NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.04
7 RCW to read as follows:

8 (1) The health benefit exchange shall provide the following
9 information to the secretary of state's office for consenting
10 Washington healthplanfinder applicants who reside in Washington, are
11 age eighteen years or older, and are verified citizens, for the
12 purpose of the applicants being registered to vote:

- 13 (a) Names;
- 14 (b) Traditional or nontraditional residential addresses; and
- 15 (c) Dates of birth.

16 (2) The health benefit exchange shall consult with the secretary
17 of state's office to establish automatic voter registration criteria
18 and procedures, and ensure that sufficient information is provided to
19 the secretary of state, to allow the secretary of state to obtain a
20 digital copy of the person's signature when available from the
21 department of licensing.

22 (3) If the health benefit exchange determines, in consultation
23 with the health care authority, that implementation of the bill will
24 require application or process changes subject to approval from the
25 centers for medicare and medicaid services, participation of the
26 health benefit exchange is contingent on approval from the centers
27 for medicare and medicaid services. If applicable, the exchange shall
28 report any known barriers or impediments to implementation of
29 automatic voter registration to the appropriate committees of the
30 legislature and to the governor no later than December 1, 2019.

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

33 (1) With each application for assistance or services listing the
34 information described in section 201 of this act, and with each
35 related recertification, renewal, or change of address, each
36 qualified voter registration agency that chooses to or is required to
37 provide automatic voter registration services, as provided in section
38 201 of this act, shall inform the person of the following:

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

5 (b)(i) The qualifications to be registered to vote;

6 (ii) The penalties under chapter 29A.84 RCW for registering to
7 vote when ineligible or providing false registration information; and

8 (iii) That the person should not register to vote if the person
9 does not meet the qualifications to register;

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

15 (d) Information about the address confidentiality program
16 established under chapter 40.24 RCW, including how to register for
17 the address confidentiality program and how voter registration may
18 impact participation in the program.

19 (2) Each qualified voter registration agency shall:

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

24 (b) Promptly provide to the secretary of state, in a format to be
25 determined by the secretary in consultation with the agency, the
26 following information for each person who does not decline to
27 register to vote:

28 (i) The person's name;

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

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

33 (iv) The person's date of birth;

34 (v) Confirmation that the person is a citizen of the United
35 States;

36 (vi) A digital copy of the person's signature; and

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

39 (c) Offer each person an opportunity to decline to register to
40 vote or to update an existing registration at each application for

1 service or assistance, and each related recertification, renewal, or
2 change of address, regardless of whether the person previously
3 declined to register to vote or update an existing registration.

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

8 (4) The secretary of state shall consult with each qualified
9 voter registration agency to establish a procedure for transmitting
10 digital copies of signatures of persons who do not decline to
11 register to vote.

12 NEW SECTION. **Sec. 204.** A new section is added to chapter 29A.08
13 RCW to read as follows:

14 (1)(a) Except as provided in (b) of this subsection, upon
15 receiving the data for, and a digital copy of the signature of, a
16 person as provided in section 203(2)(b) of this act, the secretary of
17 state shall determine whether the person is already registered to
18 vote. If the person is not already registered to vote, the secretary
19 of state shall provide the information to the county auditor of the
20 county in which the person may be registered as a voter, and the
21 auditor shall register the person to vote.

22 (b) If the secretary of state receives information about a person
23 pursuant to section 203 of this act within eight days of an election
24 in which that person would otherwise be eligible to vote, the
25 secretary of state shall wait until after the election to provide the
26 information to the county auditor of the county in which that person
27 may be registered as a voter.

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

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

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

1 NEW SECTION. **Sec. 205.** A new section is added to chapter 29A.08
2 RCW to read as follows:

3 (1) Each qualified voter registration agency that elects to
4 provide automatic voter registration services shall promptly transmit
5 to the secretary of state the information of each person for whom it
6 retains all the information listed in section 203(2)(b) (i) through
7 (vi) of this act on July 1, 2020.

8 (2) The secretary of state shall:

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

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

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

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

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

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

25 (v) Instructions for correcting an erroneous registration;

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

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

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

38 (3) Information transmitted to the secretary of state pursuant to
39 subsection (1) of this section shall be used for voter registration

1 purposes, is not available for public inspection, and shall not be
2 disclosed to the public.

3 NEW SECTION. **Sec. 206.** A new section is added to chapter 29A.08
4 RCW to read as follows:

5 (1) If a person who is ineligible to vote becomes, in the rare
6 occasion, registered to vote under section 102 or 203 of this act in
7 the absence of a knowing violation by that person of RCW 29A.84.140,
8 that person's registration shall be presumed to have been with
9 official authorization and not the fault of that person.

10 (2) Unless a person willfully and knowingly votes or attempts to
11 vote knowing that he or she is not entitled to vote, a person who is
12 ineligible to vote, becomes registered to vote under section 102 or
13 203 of this act, and votes or attempts to vote in an election held
14 after the effective date of the person's registration is presumed to
15 have acted with official authorization and not to be guilty of
16 violating RCW 29A.84.130.

17 (3) An ineligible voter who successfully completes the voter
18 registration process must have their voter registration invalidated.

19 (4) Should an ineligible individual become registered to vote,
20 the office of the secretary of state shall conduct an investigation
21 to determine the cause. Agencies participating in automatic voter
22 registration shall cooperate fully with the secretary of state for
23 the purposes of the investigation. Upon completion of the
24 investigation, a report detailing the findings of the investigation
25 must be submitted to the governor and legislature.

26 **Sec. 207.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to
27 read as follows:

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

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

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

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

38 (4) Submitting a voter registration application;

- 1 (5) Submitting information to the department of licensing; or
2 (6) Submitting information to a qualified voter registration
3 agency.

4 **Sec. 208.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to
5 read as follows:

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

12 **Sec. 209.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to
13 read as follows:

14 (1) In the case of voter registration records received through
15 qualified voter registration agencies, the department of licensing,
16 or an agency designated under RCW 29A.08.310, the identity of the
17 office or agency at which any particular individual registered to
18 vote must be used only for voter registration purposes, is not
19 available for public inspection, and shall not be disclosed to the
20 public. Any record of a particular individual's choice not to
21 register to vote at an office of the department of licensing or a
22 state agency designated under RCW 29A.08.310 is not available for
23 public inspection and any information regarding such a choice by a
24 particular individual shall not be disclosed to the public.

25 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,
26 precinct lists and current lists of registered voters are public
27 records and must be made available for public inspection and copying
28 under such reasonable rules and regulations as the county auditor or
29 secretary of state may prescribe. The county auditor or secretary of
30 state shall promptly furnish current lists of registered voters in
31 his or her possession, at actual reproduction cost, to any person
32 requesting such information. The lists shall not be used for the
33 purpose of mailing or delivering any advertisement or offer for any
34 property, establishment, organization, product, or service or for the
35 purpose of mailing or delivering any solicitation for money,
36 services, or anything of value. However, the lists and labels may be
37 used for any political purpose. The county auditor or secretary of

1 state must provide a copy of RCW 29A.08.740 to the person requesting
2 the material that is released under this section.

3 (3) For the purposes of this section, "political purpose" means a
4 purpose concerned with the support of or opposition to any candidate
5 for any partisan or nonpartisan office or concerned with the support
6 of or opposition to any ballot proposition or issue. "Political
7 purpose" includes, but is not limited to, such activities as the
8 advertising for or against any candidate or ballot measure or the
9 solicitation of financial support.

10 NEW SECTION. **Sec. 210.** A new section is added to chapter 29A.84
11 RCW to read as follows:

12 An employee of a qualified voter registration agency is guilty of
13 a gross misdemeanor, if he or she willfully:

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

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

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

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

26 **PART III**
27 **STUDY OF AUTOMATIC VOTER REGISTRATION AT BIRTH AND OF NATURALIZED**
28 **CITIZENS**

29 NEW SECTION. **Sec. 301.** The legislature finds that advances in
30 database integration and technology can create streamlined, less
31 bureaucratic, and more efficient processes for citizens in the voter
32 registration system. Information from certificates of birth filed
33 with the state should be automatically integrated into the existing
34 voter registration process in preparation for those citizens'
35 participation in voting. Voter registration should not be an
36 impediment or hurdle to participation in the election process, but
37 rather a function of properly administered elections. Continued

1 improvement in database integration across state and local agencies
2 should be applied to a modernized voter registration process and
3 database in order to facilitate eligible citizens' participation in
4 future elections. Voter registration should automatically occur at
5 birth when a certificate of live birth has been filed with the state,
6 bringing that new state citizen a step closer to fulfilling the
7 current registration requirements, without changing those existing
8 regulations. A task force should facilitate proper implementation of
9 this streamlining technology integration project.

10 NEW SECTION. **Sec. 302.** A new section is added to chapter 29A.08
11 RCW to read as follows:

12 (1) The office of the secretary of state must conduct a study and
13 prepare recommendations for creating an automatic voter registration
14 process for residents who recently completed the naturalization
15 process, and for an automatic voter registration process at birth.

16 (2) For the automatic registration of residents who recently
17 completed the naturalization process, the office should consult with
18 federal agencies involved with naturalization to determine the
19 feasibility of options for developing an automatic voter registration
20 process for such persons.

21 (3) For automatic registration at birth, the office should
22 consult with relevant state agencies that collect and maintain
23 records containing personal information and consider ways for
24 transferring and sharing such information with voter registration
25 databases. Such considerations should include issues regarding data-
26 sharing agreements and procedures, coordination among state and local
27 agencies for updating voting registration records, address
28 confirmation procedures, methods and procedures for collecting and
29 verifying personally identifiable information, public notice and opt-
30 out procedures, cybersecurity measures or standards, and delegation
31 of authority necessary for implementation.

32 (4) The office must prepare a report to the appropriate
33 legislative standing committees by December 1, 2019, that includes
34 each study and proposed recommendations, including any legislative
35 authority that may be needed to implement the proposed
36 recommendations.

37 (5) This section expires June 30, 2020.

1

MISCELLANEOUS

2 NEW SECTION. **Sec. 401.** Sections 101 through 210 of this act
3 take effect July 1, 2019. Automatic voter registration at the
4 department of licensing under sections 101 through 106 of this act
5 must be implemented by July 1, 2019.

6 NEW SECTION. **Sec. 402.** Sections 301 and 302 of this act take
7 effect July 1, 2018.

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