

HOUSE BILL REPORT

HB 1063

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to authorizing seventeen year olds to participate in primary elections.

Brief Description: Authorizing seventeen year olds to participate in primary elections.

Sponsors: Representatives Bergquist, Stonier and Paul.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/30/19, 2/8/19 [DPS].

Brief Summary of Substitute Bill

- Allows 17 year olds who will be 18 by the upcoming general election to vote in the primary election and presidential primary election immediately preceding that general election.
- Makes disclosable for public inspection and copying the voter registration information of 17 year olds who are eligible to vote in primary elections either once they turn 18 or once they have voted in a primary election, not including the presidential primary, whichever is first.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Appleton, Dolan and Hudgins.

Minority Report: Do not pass. Signed by 4 members: Representatives Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Mosbrucker and Smith.

Staff: Alaura Valley (786-7291) and Desiree Omli (786-7105).

Background:

Elections.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person is entitled to vote if he or she is a United States citizen, has lived at their address in Washington for at least 30 days prior to the election, is at least 18 years old, is not under the Department of Corrections supervision for a felony conviction, and is not disqualified to vote due to a court order.

A 16 or 17 year old may sign up to register to vote. A person who signs up to register to vote is referred to as a future voter. Upon signing up to register to vote, the applicant must confirm that they are either 18 years old or at least 16 years old and will only vote upon turning age 18. A future voter must provide the same information needed for a voter registration.

There are three types of elections in Washington: general, primary, and special. General elections are held on the first Tuesday after the first Monday each November. Primaries must be held in August for November general elections. Primary elections serve as a procedure for winnowing candidates for public office to a final list of two as part of a special or general election. Washington uses a top-two primary rather than a party nominating system, meaning the two candidates who receive the most votes in the primary advance to the general election. Presidential primaries are held on the fourth Tuesday in May or on an alternative date proposed by the Secretary of State (Secretary). Special elections are any election that is not a general election. Special elections can be held in conjunction with a primary or on other specified dates. Issues addressed on special elections include levies, bonds, levy lid lifts, annexations, and changes in government structure.

Voter Registration Database and the Public Records Act.

The Secretary must maintain a statewide voter registration database, and each county auditor must maintain custody of the original voter registration records. Subject to certain restrictions, either the county auditor or the Secretary must make available for public inspection and copying the precinct lists and lists of registered voters. The only information available for public inspection and copying includes the voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number.

The Secretary must store the pending registration records for persons who sign up to register to vote and must ensure that the records will not appear on the official list of registered voters until the applicant will be at least 18 years old by the next election. Personally identifiable information and information that is otherwise disclosable under election law is exempt from public inspection and copying until the subject of the record reaches age 18, except for the purposes of processing and delivering ballots.

Summary of Substitute Bill:

A 17-year-old person who is not 18 years of age at the time of a primary election or presidential primary, but will be 18 by the time of the upcoming general election, may vote in the primary election or presidential primary. A 17 year old who is qualified to vote in the upcoming general election may only vote in the primary elections which winnow down candidates for the general election. The 17 year old who will be 18 by the time of the general election may not vote in any special elections, including those held in conjunction with

primary elections, before reaching the age of 18. The oath signed during voter registration is changed to specify that the voter will not vote in a general election until they are 18, or a primary election until they will be 18 by the following general election.

In the case of a primary election held in conjunction with a special election, the county auditor must provide a qualifying future voter either:

- the same ballot as provided to other persons and instructions explaining in which races the future voter may and may not vote;
- or a ballot containing only the races in which they may vote.

If the county auditor chooses to issue qualified 17-year-old voters the same ballots sent to other voters, the county auditor must, upon the return of ballots, segregate and review the returned ballots. If the county auditor finds a future voter has voted on a race or issue they were not eligible to vote on, the county auditor must create a duplicate ballot and process it using the same procedures used for other duplicate ballots.

When a 17 year old will be 18 years old by the next general election, that person's voter registration information will be made available for public inspection either when they turn 18 years old, or when they have voted in a primary election, not including a presidential primary, whichever is earlier. Information necessary for the purpose of processing and delivering ballots may be disclosed prior to this time.

Substitute Bill Compared to Original Bill:

The substitute bill:

- grants county auditors discretion to decide whether to send qualified 17-year-old voters either the same ballot as other voters, subject to a checking and duplication regime, or a different ballot from other voters, containing only the races in which a qualified 17-year-old voter may vote on; and
- modifies the disclosure provision to allow for public inspection copying of voter registration information when the subject of the record turns 18 years old or votes in a primary election, not including a presidential primary, as a qualified 17 year old, whichever is first. The exception for information necessary for processing and delivering ballots is retained.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2020.

Staff Summary of Public Testimony:

(In support) Costs would be minimal to county auditors because it is a relatively few number of ballots. It is important to engage young people in the electoral process. Providing 17 year olds with the ability to help select the pool of candidates they will later vote on in the general

election is good for the democratic process, civic engagement, and education. Youth in Washington are continually becoming more politically engaged and should be able to participate in elections in a meaningful way. Primaries are not technically elections because they only winnow down candidates. Many other states have successfully adopted similar laws.

(Opposed) While increasing voter participation is importance, it should not come at the cost of the privacy of minors. Voter registration information is public record and a significant resource in effective campaigning. However, a minor's data should be protected from targeted electioneering activity before they reach the constitutional voting age. The disclosure requirements in this bill puts children at risk of data misuse. The strict protections of children's data in schools and health care should be maintained for voter registration information. It is not constitutional for 17 year olds to vote.

Persons Testifying: (In support) Representative Bergquist, prime sponsor; Julie Wise, King County Elections; Paddy McGuire, Mason County Auditor's Office; Toby Guevin, Thurston County Auditor's Office; Alex Hur, Washington Voting Justice Coalition; Alex Davidson, CivicLinkWA; Michael Levenkov, University of Washington Student Legislative Committee; and Sachi Madan and Thadeus Smith, BackPAC.

(Opposed) Jay Jennings, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.