

SB 5153 - H COMM AMD

By Committee on State Government & Tribal Relations

ADOPTED 04/05/2023

1 Strike everything after the enacting clause and insert the
2 following:

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

5 Information that is otherwise disclosable under this chapter
6 cannot be disclosed for a future voter until the person reaches 18
7 years of age, or until the person is eligible to participate in the
8 next presidential primary, primary, or election. This information is
9 exempt from public inspection and copying under chapter 42.56 RCW.
10 Information may be disclosed for the purpose of processing and
11 delivering ballots.

12 **Sec. 2.** RCW 29A.04.070 and 2018 c 109 s 2 are each amended to
13 read as follows:

14 "Future voter" means a United States citizen and Washington state
15 resident, age sixteen or seventeen, who (~~wishes to provide~~) has
16 provided information related to voter registration to the appropriate
17 state agencies.

18 **Sec. 3.** RCW 29A.08.170 and 2020 c 208 s 15 are each amended to
19 read as follows:

20 (1) A person may sign up to register to vote if he or she is
21 sixteen or seventeen years of age, as part of the future voter
22 program.

23 (2) A person who signs up to register to vote may not vote until
24 reaching eighteen years of age unless the person is seventeen years
25 of age at the primary election or presidential primary election and
26 will be eighteen years of age by the general election.

27 (3) A person who signs up to register to vote may not be added to
28 the statewide voter registration (~~database~~) list of voters until
29 such time as he or she will be eligible to vote in the next election.

1 **Sec. 4.** RCW 29A.08.174 and 2020 c 208 s 17 are each amended to
2 read as follows:

3 (1) A person who has attained sixteen years of age and has a
4 valid Washington state driver's license or identicard may sign up to
5 register to vote as part of the future voter program, by submitting a
6 voter registration application electronically on the secretary of
7 state(~~(-S)~~) website.

8 (2) The applicant must attest to the truth of the information
9 provided on the application by affirmatively accepting the
10 information as true.

11 (3) If signing up to register electronically, the applicant must
12 affirmatively assent to the use of his or her driver's license or
13 identicard signature for voter registration purposes.

14 (4) The applicant must affirmatively acknowledge that he or she
15 will not vote in a special or general election until his or her
16 eighteenth birthday, and will only vote in a primary election or
17 presidential primary election if he or she will be eighteen years of
18 age by the general election.

19 (5) For each electronic registration application, the secretary
20 of state must obtain a digital copy of the applicant's driver's
21 license or identicard signature from the department of licensing.

22 (6) The secretary of state may employ additional security
23 measures to ensure the accuracy and integrity of voter
24 preregistration applications submitted electronically.

25 **Sec. 5.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to
26 read as follows:

27 (1) The secretary of state shall prescribe the method of voter
28 registration for each designated agency. The agency shall use either
29 the state voter registration by mail form with a separate declination
30 form for the applicant to indicate that he or she declines to
31 register at this time, or the agency may use a separate form approved
32 for use by the secretary of state.

33 (2) The person providing service at the agency shall offer voter
34 registration services to every client whenever he or she applies for
35 service or assistance and with each renewal, recertification, or
36 change of address. The person providing service shall give the
37 applicant the same level of assistance with the voter registration
38 application as is offered to fill out the agency's forms and

1 documents, including information about age and citizenship
2 requirements for voter registration.

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

6 "Do you want to register or sign up to vote or update your voter
7 registration?"

8 If the applicant chooses to register, sign up, or update a
9 registration, the service agent shall ask the following:

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

11 (b) "Are you at least sixteen years old?"

12 If the applicant answers in the affirmative to both questions,
13 the agent shall then provide the applicant with a voter registration
14 form and instructions and shall record that the applicant has
15 requested to sign up to vote, register to vote, or update a voter
16 registration. If the applicant answers in the negative to either
17 question, the agent shall not provide the applicant with a voter
18 registration application.

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

23 (5) Each designated agency shall transmit the applications to the
24 secretary of state or appropriate county auditor within three
25 business days and must be received by the election official by the
26 required voter registration deadline.

27 (6) ~~((Information that is otherwise disclosable under this
28 chapter cannot be disclosed on the future voter until the person
29 reaches eighteen years of age, except for the purpose of processing
30 and delivering ballots.))~~ Disclosure of information on individuals
31 under the age of 18 is subject to section 1 of this act.

32 **Sec. 6.** RCW 29A.08.615 and 2018 c 109 s 9 are each amended to
33 read as follows:

34 (1) Registered voters are divided into two categories, "active"
35 and "inactive." All registered voters are classified as active,
36 unless assigned to inactive status by the county auditor.

1 (2) Persons signing up to register to vote as future voters as
2 defined under RCW 29A.04.070 are classified as "pending" until the
3 person will be at least eighteen years of age by the next election,
4 or eligible to participate in the next presidential primary or
5 primary under RCW 29A.08.110 or 29A.08.170.

6 **Sec. 7.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to
7 read as follows:

8 (1) The county auditor shall have custody of the original voter
9 registration records and voter registration sign up records for each
10 county. The original voter registration form must be filed without
11 regard to precinct and is considered confidential and unavailable for
12 public inspection and copying. An automated file of all registered
13 voters must be maintained pursuant to RCW 29A.08.125. An auditor may
14 maintain the automated file in lieu of filing or maintaining the
15 original voter registration forms if the automated file includes all
16 of the information from the original voter registration forms
17 including, but not limited to, a retrievable facsimile of each
18 voter's signature.

19 (2)(a) The following information contained in voter registration
20 records or files regarding a voter or a group of voters is available
21 for public inspection and copying, except as provided in RCW
22 40.24.060 and (b) of this subsection: The voter's name, address,
23 political jurisdiction, gender, date of birth, voting record, date of
24 registration, and registration number. No other information from
25 voter registration records or files is available for public
26 inspection or copying.

27 (b) (~~The personally identifiable information of individuals who~~
28 ~~are under the age of eighteen are exempt from public inspection and~~
29 ~~copying until the subject of the record is eighteen years of age,~~
30 ~~except for the purpose of processing and delivering ballots.))
31 Disclosure of information on individuals under the age of 18 is
32 subject to section 1 of this act.~~

33 **Sec. 8.** RCW 29A.08.720 and 2018 c 110 s 206 and 2018 c 109 s 11
34 are each reenacted and amended to read as follows:

35 (1) In the case of voter registration records received through
36 the health benefit exchange, the department of licensing, or an
37 agency designated under RCW 29A.08.310, the identity of the office or
38 agency at which any particular individual registered to vote must be

1 used only for voter registration purposes, is not available for
2 public inspection, and shall not be disclosed to the public. Any
3 record of a particular individual's choice not to register to vote at
4 an office of the department of licensing or a state agency designated
5 under RCW 29A.08.310 is not available for public inspection and any
6 information regarding such a choice by a particular individual shall
7 not be disclosed to the public. (~~Information that is otherwise~~
8 ~~disclosable under this chapter cannot be disclosed on the future~~
9 ~~voter until the person reaches eighteen years of age, except for the~~
10 ~~purpose of processing and delivering ballots.))~~

11 (2) Disclosure of information on individuals under the age of 18
12 is subject to section 1 of this act.

13 (3)(a) Subject to the restrictions of RCW 29A.08.710 and
14 40.24.060, and (b) of this subsection, precinct lists and current
15 lists of registered voters are public records and must be made
16 available for public inspection and copying under such reasonable
17 rules and regulations as the county auditor or secretary of state may
18 prescribe. The county auditor or secretary of state shall promptly
19 furnish current lists of registered voters in his or her possession,
20 at actual reproduction cost, to any person requesting such
21 information. The lists shall not be used for the purpose of mailing
22 or delivering any advertisement or offer for any property,
23 establishment, organization, product, or service or for the purpose
24 of mailing or delivering any solicitation for money, services, or
25 anything of value. However, the lists and labels may be used for any
26 political purpose. The county auditor or secretary of state must
27 provide a copy of RCW 29A.08.740 to the person requesting the
28 material that is released under this section.

29 (b) (~~The personally identifiable information of individuals who~~
30 ~~are under the age of eighteen are exempt from public inspection and~~
31 ~~copying until the subject of the record is eighteen years of age,~~
32 ~~except for the purpose of processing and delivering ballots.~~

33 ~~(3))~~ (3)) Disclosure of information on individuals under the age of
34 18 is subject to section 1 of this act.

35 (4) For the purposes of this section, "political purpose" means a
36 purpose concerned with the support of or opposition to any candidate
37 for any partisan or nonpartisan office or concerned with the support
38 of or opposition to any ballot proposition or issue. "Political
39 purpose" includes, but is not limited to, such activities as the

1 advertising for or against any candidate or ballot measure or the
2 solicitation of financial support.

3 **Sec. 9.** RCW 29A.08.760 and 2018 c 109 s 12 are each amended to
4 read as follows:

5 The secretary of state shall provide a duplicate copy of the
6 master statewide computer file or electronic data file of registered
7 voters to the consolidated technology services agency for purposes of
8 creating the jury source list without cost. The information contained
9 in a voter registration application is exempt from inclusion until
10 the applicant reaches age eighteen. ~~((Information that is otherwise
11 disclosable under this chapter cannot be disclosed on the future
12 voter until the person reaches eighteen years of age, except for the
13 purpose of processing and delivering ballots.))~~ Disclosure of
14 information on individuals under the age of 18 is subject to section
15 1 of this act. Restrictions as to the commercial use of the
16 information on the statewide computer ~~((tape or))~~ data file of
17 registered voters, and penalties for its misuse, shall be the same as
18 provided in RCW 29A.08.720 and 29A.08.740.

19 **Sec. 10.** RCW 29A.08.770 and 2018 c 109 s 19 are each amended to
20 read as follows:

21 The secretary of state and each county auditor shall maintain for
22 at least two years and shall make available for public inspection and
23 copying all records concerning the implementation of programs and
24 activities conducted for the purpose of insuring the accuracy and
25 currency of official lists of eligible voters. These records must
26 include lists of the names and addresses of all persons to whom
27 notices are sent and information concerning whether or not each
28 person has responded to the notices. These records must contain lists
29 of all persons removed from the list of eligible voters and the
30 reasons why the voters were removed. ~~((The personally identifiable
31 information of individuals who are under the age of eighteen are
32 exempt from public inspection and copying until the subject of the
33 record is eighteen years of age, except for the purpose of processing
34 and delivering ballots.))~~ Disclosure of information on individuals
35 under the age of 18 is subject to section 1 of this act.

36 **Sec. 11.** RCW 29A.80.041 and 2020 c 208 s 19 are each amended to
37 read as follows:

1 (1) Any member of a major political party who is a registered
2 voter in the precinct and who will be at least eighteen years old by
3 the date of the precinct committee officer election may file his or
4 her declaration of candidacy as prescribed under RCW 29A.24.031 with
5 the county auditor for the office of precinct committee officer of
6 his or her party in that precinct.

7 (2) Disclosure of filing information for precinct committee
8 officer candidates who have not reached the age of 18 is the same as
9 all candidates for precinct committee officer.

10 (3) When elected at the primary, the precinct committee officer
11 shall serve so long as the committee officer remains an eligible
12 voter in that precinct.

13 **Sec. 12.** RCW 46.20.155 and 2018 c 109 s 15 are each amended to
14 read as follows:

15 (1) Before issuing an original license or identicard or renewing
16 a license or identicard under this chapter, the licensing agent shall
17 determine if the applicant wants to register to vote or update his or
18 her voter registration by asking the following question:

19 "Do you want to register or sign up to vote or update your voter
20 registration?"

21 If the applicant chooses to register, sign up, or update a
22 registration, the agent shall ask the following:

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

24 (2) "Are you at least eighteen years old or are you at least
25 sixteen years old and will you vote only after you turn eighteen?"

26 If the applicant answers in the affirmative to both questions,
27 the agent shall then submit the registration, sign up form, or
28 update. If the applicant answers in the negative to either question,
29 the agent shall not submit an application.

30 (2) Information that is otherwise disclosable under chapter
31 29A.08 RCW cannot be disclosed (~~on the~~) for a future voter until
32 the person reaches eighteen years of age(~~, except~~) or until the
33 person is eligible to participate in the next presidential primary,
34 primary, or election, or for the purpose of processing and delivering
35 ballots.

36 (~~(2)~~) (3) The department shall establish a procedure that
37 substantially meets the requirements of subsection (1) of this

1 section when permitting an applicant to renew a license or identicard
2 by mail or by electronic commerce.

3 **Sec. 13.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to
4 read as follows:

5 (1) Before issuing an original license or identicard or renewing
6 a license or identicard under this chapter, the licensing agent shall
7 determine if the applicant wants to register to vote or update his or
8 her voter registration by asking the following question:

9 "Do you want to register or sign up to vote or update your voter
10 registration?"

11 If the applicant chooses to register, sign up, or update a
12 registration, the agent shall ask the following:

13 ~~((1))~~ "Are you a United States citizen?"

14 ~~((2) "Are you at least sixteen years old?")~~

15 If the applicant answers in the affirmative ~~((to both~~
16 ~~questions))~~, the agent shall then submit the registration, sign up
17 form, or update. If the applicant answers in the negative to
18 ~~((either))~~ the question, the agent shall not submit an application.

19 (2) Information that is otherwise disclosable under chapter
20 29A.08 RCW cannot be disclosed ~~((on the))~~ for a future voter until
21 the person reaches eighteen years of age~~((, except))~~ or until the
22 person is eligible to participate in the next presidential primary,
23 primary, or election, or for the purpose of processing and delivering
24 ballots.

25 ~~((2))~~ (3) The department shall establish a procedure that
26 substantially meets the requirements of subsection (1) of this
27 section when permitting an applicant to renew a license or identicard
28 by mail or by electronic commerce.

29 **Sec. 14.** RCW 42.56.230 and 2021 c 89 s 1 are each amended to
30 read as follows:

31 The following personal information is exempt from public
32 inspection and copying under this chapter:

33 (1) Personal information in any files maintained for students in
34 public schools, patients or clients of public institutions or public
35 health agencies, or welfare recipients;

36 (2) (a) Personal information:

1 (i) For a child enrolled in licensed child care in any files
2 maintained by the department of children, youth, and families;

3 (ii) For a child enrolled in a public or nonprofit program
4 serving or pertaining to children, adolescents, or students,
5 including but not limited to early learning or child care services,
6 parks and recreation programs, youth development programs, and after-
7 school programs;

8 (iii) For the family members or guardians of a child who is
9 subject to the exemption under this subsection (2) if the family
10 member or guardian has the same last name as the child or if the
11 family member or guardian resides at the same address as the child
12 and disclosure of the family member's or guardian's information would
13 result in disclosure of the personal information exempted under
14 (a)(i) and (ii) of this subsection; or

15 (iv) For substitute caregivers who are licensed or approved to
16 provide overnight care of children by the department of children,
17 youth, and families.

18 (b) Emergency contact information under this subsection (2) may
19 be provided to appropriate authorities and medical personnel for the
20 purpose of treating the individual during an emergency situation;

21 (3) Personal information in files maintained for employees,
22 appointees, or elected officials of any public agency to the extent
23 that disclosure would violate their right to privacy;

24 (4) Information required of any taxpayer in connection with the
25 assessment or collection of any tax if the disclosure of the
26 information to other persons would: (a) Be prohibited to such persons
27 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
28 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
29 to privacy or result in unfair competitive disadvantage to the
30 taxpayer;

31 (5) Credit card numbers, debit card numbers, electronic check
32 numbers, card expiration dates, or bank or other financial
33 information as defined in RCW 9.35.005 including social security
34 numbers, except when disclosure is expressly required by or governed
35 by other law;

36 (6) Personal and financial information related to a small loan or
37 any system of authorizing a small loan in RCW 31.45.093;

38 (7)(a) Any record used to prove identity, age, residential
39 address, social security number, or other personal information
40 required to apply for a driver's license or identicard.

1 (b) Information provided under RCW 46.20.111 that indicates that
2 an applicant declined to register with the selective service system.

3 (c) Any record pertaining to a vehicle license plate, driver's
4 license, or identicard issued under RCW 46.08.066 that, alone or in
5 combination with any other records, may reveal the identity of an
6 individual, or reveal that an individual is or was, performing an
7 undercover or covert law enforcement, confidential public health
8 work, public assistance fraud, or child support investigative
9 activity. This exemption does not prevent the release of the total
10 number of vehicle license plates, drivers' licenses, or identicards
11 that, under RCW 46.08.066, an agency or department has applied for,
12 been issued, denied, returned, destroyed, lost, and reported for
13 misuse.

14 (d) Any record pertaining to a vessel registration issued under
15 RCW 88.02.330 that, alone or in combination with any other records,
16 may reveal the identity of an individual, or reveal that an
17 individual is or was, performing an undercover or covert law
18 enforcement activity. This exemption does not prevent the release of
19 the total number of vessel registrations that, under RCW 88.02.330,
20 an agency or department has applied for, been issued, denied,
21 returned, destroyed, lost, and reported for misuse.

22 Upon request by the legislature, the department of licensing
23 shall provide a report to the legislature containing all of the
24 information in (c) of this subsection (7) and this subsection (7)(d)
25 that is subject to public disclosure;

26 (8) All information related to individual claim resolution
27 settlement agreements submitted to the board of industrial insurance
28 appeals under RCW 51.04.063, other than final orders from the board
29 of industrial insurance appeals. The board of industrial insurance
30 appeals shall provide to the department of labor and industries
31 copies of all final claim resolution settlement agreements;

32 (9) Voluntarily submitted information contained in a database
33 that is part of or associated with enhanced 911 emergency
34 communications systems, or information contained or used in emergency
35 notification systems as provided under RCW 38.52.575 and 38.52.577;

36 (10) ~~((Until the person reaches eighteen years of age,~~
37 ~~information, otherwise disclosable under chapter 29A.08 RCW, that~~
38 ~~relates to a future voter, except for the purpose of processing and~~
39 ~~delivering ballots)) Information relating to a future voter, as
40 provided in section 1 of this act;~~

1 (11) All information submitted by a person to the state, either
2 directly or through a state-licensed gambling establishment, or
3 Indian tribes, or tribal enterprises that own gambling operations or
4 facilities with class III gaming compacts, as part of the self-
5 exclusion program established in RCW 9.46.071 or 67.70.040 for people
6 with a gambling problem or gambling disorder; and

7 (12) Names, addresses, or other personal information of
8 individuals who participated in the bump-fire stock buy-back program
9 under RCW 43.43.920.

10 **Sec. 15.** RCW 42.56.250 and 2020 c 106 s 1 are each amended to
11 read as follows:

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

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

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

20 (3) Professional growth plans (PGPs) in educator license renewals
21 submitted through the eCert system in the office of the
22 superintendent of public instruction;

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

38 (5) Information that identifies a person who, while an agency
39 employee: (a) Seeks advice, under an informal process established by

1 the employing agency, in order to ascertain his or her rights in
2 connection with a possible unfair practice under chapter 49.60 RCW
3 against the person; and (b) requests his or her identity or any
4 identifying information not be disclosed;

5 (6) Investigative records compiled by an employing agency in
6 connection with an investigation of a possible unfair practice under
7 chapter 49.60 RCW or of a possible violation of other federal, state,
8 or local laws or an employing agency's internal policies prohibiting
9 discrimination or harassment in employment. Records are exempt in
10 their entirety while the investigation is active and ongoing. After
11 the agency has notified the complaining employee of the outcome of
12 the investigation, the records may be disclosed only if the names of
13 complainants, other accusers, and witnesses are redacted, unless a
14 complainant, other accuser, or witness has consented to the
15 disclosure of his or her name. The employing agency must inform a
16 complainant, other accuser, or witness that his or her name will be
17 redacted from the investigation records unless he or she consents to
18 disclosure;

19 (7) Criminal history records checks for board staff finalist
20 candidates conducted pursuant to RCW 43.33A.025;

21 (8) Photographs and month and year of birth in the personnel
22 files of employees or volunteers of a public agency, including
23 employees and workers of criminal justice agencies as defined in RCW
24 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have
25 access to the photographs and full date of birth. For the purposes of
26 this subsection, news media does not include any person or
27 organization of persons in the custody of a criminal justice agency
28 as defined in RCW 10.97.030;

29 (9) The global positioning system data that would indicate the
30 location of the residence of a public employee or volunteer using the
31 global positioning system recording device;

32 ~~((Until the person reaches eighteen years of age,~~
33 ~~information, otherwise disclosable under chapter 29A.08 RCW, that~~
34 ~~relates to a future voter, except for the purpose of processing and~~
35 ~~delivering ballots)) Information relating to a future voter, as
36 provided in section 1 of this act; and~~

37 (11) Voluntarily submitted information collected and maintained
38 by a state agency or higher education institution that identifies an
39 individual state employee's personal demographic details. "Personal
40 demographic details" means race or ethnicity, sexual orientation as

1 defined by RCW 49.60.040(~~(+26)~~) (27), immigration status, national
2 origin, or status as a person with a disability. This exemption does
3 not prevent the release of state employee demographic information in
4 a deidentified or aggregate format.

5 (12) Upon receipt of a request for information located
6 exclusively in an employee's personnel, payroll, supervisor, or
7 training file, the agency must provide notice to the employee, to any
8 union representing the employee, and to the requestor. The notice
9 must state:

- 10 (a) The date of the request;
- 11 (b) The nature of the requested record relating to the employee;
- 12 (c) That the agency will release any information in the record
13 which is not exempt from the disclosure requirements of this chapter
14 at least ten days from the date the notice is made; and
- 15 (d) That the employee may seek to enjoin release of the records
16 under RCW 42.56.540.

17 NEW SECTION. **Sec. 16.** RCW 29A.08.375 (Automatic registration—
18 Rule-making authority) and 2018 c 110 s 207 are each repealed.

19 NEW SECTION. **Sec. 17.** Section 12 of this act expires September
20 1, 2023.

21 NEW SECTION. **Sec. 18.** Section 13 of this act takes effect
22 September 1, 2023."

23 Correct the title.

EFFECT: Specifies that information about a future voter may be disclosed when they are eligible to vote in the next presidential primary, primary, or election, rather than "a" primary or election. Removes language exempting "persons voting in primaries pursuant to" the statutory definition of "elector" from the crime of illegal voter registration, which currently does not apply to 16- and 17-year-olds who register to vote under the future voter program.

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