
SUBSTITUTE HOUSE BILL 2682

State of Washington

64th Legislature

2016 Regular Session

By House Appropriations (originally sponsored by Representatives S. Hunt, Kilduff, Appleton, Orwall, Bergquist, Reykdal, Stanford, Pettigrew, Gregerson, Ormsby, Hickel, Frame, and Pollet; by request of Secretary of State)

READ FIRST TIME 02/09/16.

1 AN ACT Relating to providing automatic voter registration at
2 qualified voter registration agencies; amending RCW 29A.08.410,
3 29A.08.420, and 29A.08.720; adding a new section to chapter 29A.04
4 RCW; adding new sections to chapter 29A.08 RCW; adding a new section
5 to chapter 29A.84 RCW; creating new sections; and providing an
6 effective date.

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

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

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

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

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

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04
8 RCW to read as follows:

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

15 (a) Names;

16 (b) Traditional or nontraditional residential addresses;

17 (c) Dates of birth;

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

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

23 (2) Only information relating to United States citizens may be
24 transmitted to the secretary of state.

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

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

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

36 (b)(i) The qualifications to be registered to vote; (ii) the
37 penalties under chapter 29A.84 RCW for registering to vote when
38 ineligible or providing false registration information; and (iii)

1 that the person should not register to vote if the person does not
2 meet the qualifications to register;

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

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

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

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

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

22 (i) The person's name;

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

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

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

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

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

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

34 (c) Only information relating to United States citizens may be
35 transmitted to the secretary of state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) The person's name;

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

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

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

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

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

37 (c) Only information relating to United States citizens may be
38 transmitted to the secretary of state; and

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

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.08
9 RCW to read as follows:

10 (1)(a) Except as provided in (b) of this subsection, upon
11 receiving the information provided under section 3(2)(b) or 4(2)(b)
12 of this act, the secretary of state shall determine whether the
13 person is already registered to vote. If the person is not already
14 registered to vote, the secretary of state shall provide the
15 information and a digital copy of the person's signature as provided
16 in this act to the county auditor of the county in which the person
17 may be registered as a voter, and the auditor shall register the
18 person to vote. If the information provided under section 3(2)(b) or
19 4(2)(b) of this act is incomplete, the secretary of state shall mail
20 the person a voter registration application.

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

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

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

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

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.08
2 RCW to read as follows:

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

8 (2) Unless the person willfully and knowingly votes or attempts
9 to vote knowing that he or she is not entitled to vote, a person who
10 is ineligible to vote, becomes registered to vote under section 3 or
11 4 of this act, and votes or attempts to vote in an election held
12 after the effective date of the person's registration shall be
13 presumed to have acted with official authorization and shall not be
14 guilty of a class C felony under RCW 29A.84.130.

15 **Sec. 7.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to
16 read as follows:

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

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

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

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

27 (4) Submitting a voter registration application; or

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

30 **Sec. 8.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to
31 read as follows:

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

1 **Sec. 9.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to
2 read as follows:

3 (1) In the case of voter registration records received through
4 qualified voter registration agencies, the department of licensing,
5 or an agency designated under RCW 29A.08.310, the identity of the
6 office or agency at which any particular individual registered to
7 vote shall be used only for voter registration purposes, is not
8 available for public inspection, and shall not be disclosed to the
9 public. Any record of a particular individual's choice not to
10 register to vote at an office of the department of licensing or a
11 state agency designated under RCW 29A.08.310 shall be used only for
12 voter registration purposes, is not available for public inspection,
13 and any information regarding such a choice by a particular
14 individual shall not be disclosed to the public.

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

30 (3) For the purposes of this section, "political purpose" means a
31 purpose concerned with the support of or opposition to any candidate
32 for any partisan or nonpartisan office or concerned with the support
33 of or opposition to any ballot proposition or issue. "Political
34 purpose" includes, but is not limited to, such activities as the
35 advertising for or against any candidate or ballot measure or the
36 solicitation of financial support.

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

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

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

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

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

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

17 NEW SECTION. **Sec. 11.** Nothing in this act is intended to
18 relieve any agency of its obligations under the national voter
19 registration act.

20 NEW SECTION. **Sec. 12.** This act takes effect January 1, 2017.

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