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**SUBSTITUTE HOUSE BILL 2595**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti, Jenkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson, and Stonier; 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 a new section to chapter 29A.04 RCW; creating new  
7 sections; prescribing penalties; providing effective dates; and  
8 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        The department of licensing shall implement an automatic voter  
4    registration system so that a person age eighteen years or older who  
5    is eligible to vote and is applying for or renewing an enhanced  
6    driver's license or identicard issued under RCW 46.20.202 may be  
7    registered to vote or update voter registration information at the  
8    time of registration or renewal, by automated process if the  
9    department of licensing record associated with the applicant contains  
10   the data required to determine that the applicant meets voter  
11   qualification requirements, under Article VI of the Washington state  
12   Constitution, for voter registration under RCW 29A.08.010, and  
13   includes a signature image. The person must be informed that his or  
14   her record will be used for voter registration, and offered an  
15   opportunity to decline to register.

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

18        (1) If the applicant in section 102 of this act does not decline  
19    registration, the application is submitted pursuant to RCW  
20    29A.08.340.

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

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

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

1 nonforwardable mail, an acknowledgment notice identifying the  
2 registrant's precinct and containing such other information as may be  
3 required by the secretary of state. The United States postal service  
4 shall be instructed not to forward a voter registration card to any  
5 other address and to return to the auditor any card which is not  
6 deliverable.

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

13 (2) If an application is not complete, the auditor shall promptly  
14 mail a verification notice to the applicant. The verification notice  
15 must require the applicant to provide the missing information. The  
16 applicant must not be placed on the official list of registered  
17 voters until the application is complete.

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

22 (4) The department of licensing is prohibited from sharing  
23 information used to verify identity with any federal agency unless  
24 required by law. The department may not retain any records or  
25 documentation used to certify eligibility to vote under this section  
26 once the certification process has been completed and recorded unless  
27 required by law. Personal information supplied for the purposes of  
28 obtaining a driver's license or identicard is exempt from public  
29 inspection pursuant to RCW 42.56.230.

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

32 For persons eighteen years of age or older who the department has  
33 determined are eligible to vote, who are applying for or renewing an  
34 enhanced driver's license or identicard under RCW 46.20.202, and have  
35 not declined to register to vote, the department shall produce and  
36 transmit to the secretary of state the following information from the  
37 records of each individual: The name, address, date of birth, gender  
38 of the applicant, the driver's license number, signature image, and  
39 the date on which the application was submitted. The department and

1 the secretary of state shall process information as an automated  
2 application on a daily basis.

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

5 The department of licensing shall produce and transmit to the  
6 secretary of state the following information from the records of each  
7 individual who requested a voter registration or update at a driver's  
8 license facility: The name, address, date of birth, gender of the  
9 applicant, the driver's license number, signature image, and the date  
10 on which the application for voter registration or update was  
11 submitted. The secretary of state shall process the registrations and  
12 updates as an electronic application.

13 **PART II**

14 **AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES**

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

17 (1) The health benefit exchange shall provide directly to the  
18 secretary of state's office information required to register to vote  
19 or transfer a registration for each consenting person who:

- 20 (a) Submits a new or updated application;
- 21 (b) Is at least eighteen years old;
- 22 (c) Is a resident of Washington state; and
- 23 (d) Is verified as a United States Citizen.

24 (2) For each such person, the health benefit exchange shall  
25 provide directly to the secretary of state the following information:

- 26 (a) Name;
- 27 (b) Traditional or nontraditional residential address;
- 28 (c) Mailing address, if different from the traditional or  
29 nontraditional residential address; and
- 30 (d) Date of birth.

31 (3) The health benefit exchange shall consult with the secretary  
32 of state's office:

- 33 (a) To ensure that sufficient information is provided to the  
34 secretary of state to allow the secretary of state to obtain a  
35 digital copy of the person's signature when available from the  
36 department of licensing; and

1 (b) To establish automatic voter registration procedures that are  
2 secure, and compliant with federal and state voting registration and  
3 privacy laws and rules. The information transferred under this  
4 section may only be used for voter registration purposes.

5 (4) If the health benefit exchange determines, in consultation  
6 with the health care authority, that implementation of this act  
7 requires application changes subject to approval from the centers for  
8 medicare and medicaid services, participation of the health benefit  
9 exchange shall be contingent on receiving that approval.

10 NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.08  
11 RCW to read as follows:

12 (1)(a) Except as provided in (b) of this subsection, upon  
13 receiving the data for, and a digital copy of the signature of, a  
14 person as provided in section 201 of this act, the secretary of state  
15 shall determine whether the person is already registered to vote. If  
16 the person is not already registered to vote, the secretary of state  
17 shall provide the information to the county auditor of the county in  
18 which the person may be registered as a voter, and the auditor shall  
19 register the person to vote.

20 (b) If the secretary of state receives information about a person  
21 pursuant to section 201 of this act within eight days of an election  
22 in which that person would otherwise be eligible to vote, the  
23 secretary of state shall wait until after the election to provide the  
24 information to the county auditor of the county in which that person  
25 may be registered as a voter.

26 (2) If the person is already registered to vote, but the  
27 residential address transmitted, in accordance with section 201 of  
28 this act, by the qualified voter registration agency is different  
29 from the residential address on the person's current registration,  
30 the secretary of state shall direct the auditor of the county in  
31 which the person may be registered as a voter to update the person's  
32 voter registration.

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

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

38 (5) Information transmitted from the health benefit exchange to  
39 the secretary of state, pursuant to subsection (1) of this section,

1 that is used for voter registration purposes, may not be disclosed by  
2 the health benefit exchange to the public.

3 NEW SECTION. **Sec. 203.** 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 201 of this act in  
7 the absence of a knowing violation by that person of RCW 29A.84.140,  
8 that person shall be deemed to have performed an authorized act of  
9 registration and such act may not be considered as evidence of a  
10 claim to citizenship.

11 (2) Unless a person willfully and knowingly votes or attempts to  
12 vote knowing that he or she is not entitled to vote, a person who is  
13 ineligible to vote and becomes registered to vote under section 102  
14 or 201 of this act, and subsequently votes or attempts to vote in an  
15 election held after the effective date of the person's registration,  
16 is not guilty of violating RCW 29A.84.130, and shall be deemed to  
17 have performed an authorized act, and such act may not be considered  
18 as evidence of a claim to citizenship.

19 (3) A person who is ineligible to vote, who successfully  
20 completes the voter registration process or votes in an election,  
21 must have their voter registration, or record of vote, removed from  
22 the voter registration database and any other application records.

23 (4) Should an ineligible person become registered to vote, the  
24 office of the secretary of state shall conduct an investigation to  
25 determine the cause. Agencies participating in automatic voter  
26 registration shall cooperate fully with the secretary of state for  
27 the purposes of the investigation. Upon completion of the  
28 investigation, a report detailing the findings of the investigation  
29 must be submitted to the governor and legislature. The report may not  
30 contain any personally identifiable information.

31 **Sec. 204.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to  
32 read as follows:

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

36 (1) Sending the county auditor a request stating both the voter's  
37 present address and the address from which the voter was last  
38 registered;

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

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

5 (4) Submitting a voter registration application;

6 (5) Submitting information to the department of licensing; or

7 (6) Submitting information to the health benefit exchange.

8 **Sec. 205.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to  
9 read as follows:

10 A registered voter who changes his or her residence from one  
11 county to another county must do so by submitting a voter  
12 registration form or by submitting information to the department of  
13 licensing or the health benefit exchange. The county auditor of the  
14 voter's new county shall transfer the voter's registration from the  
15 county of the previous registration.

16 **Sec. 206.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to  
17 read as follows:

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

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

1 purpose of mailing or delivering any solicitation for money,  
2 services, or anything of value. However, the lists and labels may be  
3 used for any political purpose. The county auditor or secretary of  
4 state must provide a copy of RCW 29A.08.740 to the person requesting  
5 the material that is released under this section.

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

13 NEW SECTION. **Sec. 207.** (1) The health benefit exchange must  
14 study the feasibility of implementing automatic voter registration.  
15 The study must include:

16 (a) An examination of applicable federal and state voter  
17 registration and privacy laws and rules;

18 (b) Potential barriers to implementation of automatic voter  
19 registration and recommended solutions to mitigate those barriers,  
20 including alternatives for secure electronic voter registration;

21 (c) A process for secure data transfer to the secretary of state;  
22 and

23 (d) A timeline and the anticipated state costs for implementing  
24 identified options.

25 (2) The exchange must submit a report to the governor and  
26 appropriate committees of the legislature no later than December 1,  
27 2020.

### 28 **PART III**

#### 29 **PENDING VOTER REGISTRATION AT BIRTH AND TASK FORCE**

30 NEW SECTION. **Sec. 301.** The legislature finds that advances in  
31 database integration and technology can create streamlined, less  
32 bureaucratic, and more efficient processes for the voter registration  
33 system. The legislature finds that information verifying voter  
34 eligibility filed with the state should be automatically integrated  
35 into the existing voter registration process in preparation for those  
36 who wish to participate in voting. Voter registration should not be  
37 an impediment or hurdle to participation in the election process, but

1 rather a function of properly administered elections. The legislature  
2 further finds that continued improvement in database integration  
3 across state and local agencies should be applied to a modernized  
4 voter registration process and database in order to facilitate the  
5 participation of persons eligible to vote in future elections. The  
6 legislature further finds that the voter registration process should  
7 automatically commence at birth when a certificate of live birth has  
8 been filed with the state, bringing that new resident a step closer  
9 to fulfilling the current registration requirements, without changing  
10 those existing regulations.

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

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

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

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

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

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

