

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2595**

65th Legislature  
2018 Regular Session

Passed by the House March 7, 2018  
Yeas 50 Nays 48

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**Speaker of the House of Representatives**

Passed by the Senate March 6, 2018  
Yeas 27 Nays 21

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2595** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2595

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AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By House Transportation (originally sponsored by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti, Jinkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson, and Stonier; by request of Governor Inslee)

READ FIRST TIME 02/06/18.

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, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding  
5 new sections to chapter 29A.08 RCW; adding a new section to chapter  
6 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new  
7 sections; and providing an effective date.

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

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

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

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

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

1 about important issues that are central to their lives and  
2 communities are essential to upholding these values.

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

9 **PART I**

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

12 (1) For persons registering under RCW 29A.08.120, 29A.08.123,  
13 29A.08.330, and 29A.08.340, an application is considered complete  
14 only if it contains the information required by RCW 29A.08.010. The  
15 applicant is considered to be registered to vote as of the original  
16 date of mailing or date of delivery, whichever is applicable. The  
17 auditor shall record the appropriate precinct identification, taxing  
18 district identification, and date of registration on the voter's  
19 record in the state voter registration list. Any mailing address  
20 provided shall be used only for mail delivery purposes, and not for  
21 precinct assignment or residency purposes. Within sixty days after  
22 the receipt of an application or transfer, the auditor shall send to  
23 the applicant, by first-class nonforwardable mail, an acknowledgment  
24 notice identifying the registrant's precinct and containing such  
25 other information as may be required by the secretary of state. The  
26 postal service shall be instructed not to forward a voter  
27 registration card to any other address and to return to the auditor  
28 any card which is not deliverable.

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

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

1       The department of licensing shall implement an automatic voter  
2 registration system so that a person age eighteen years or older who  
3 meets requirements for voter registration and has received or is  
4 renewing an enhanced driver's license or identicard issued under RCW  
5 46.20.202 or is changing the address for an existing enhanced  
6 driver's license or identicard pursuant to RCW 46.20.205 may be  
7 registered to vote or update voter registration information at the  
8 time of registration, renewal, or change of address, by automated  
9 process if the department of licensing record associated with the  
10 applicant contains the data required to determine whether the  
11 applicant meets requirements for voter registration under RCW  
12 29A.08.010, other information as required by the secretary of state,  
13 and includes a signature image. The person must be informed that his  
14 or 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.08.350.

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 other  
29 information as required by the secretary of state. The applicant is  
30 considered to be registered to vote as of the original date of  
31 issuance or renewal or date of change of address of an enhanced  
32 driver's license or identicard issued under RCW 46.20.202 or change  
33 of address for an existing enhanced driver's license or identicard  
34 pursuant to RCW 46.20.205. The auditor shall record the appropriate  
35 precinct identification, taxing district identification, and date of  
36 registration on the voter's record in the state voter registration  
37 list. Any mailing address provided shall be used only for mail  
38 delivery purposes, and not for precinct assignment or residency

1 purposes. Within sixty days after the receipt of an application or  
2 transfer, the auditor shall send to the applicant, by first-class  
3 nonforwardable mail, an acknowledgment notice identifying the  
4 registrant's precinct and containing such other information as may be  
5 required by the secretary of state. The United States postal service  
6 shall be instructed not to forward a voter registration card to any  
7 other address and to return to the auditor any card which is not  
8 deliverable.

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

15 (2) If an application is not complete, the auditor shall promptly  
16 mail a verification notice to the applicant. The verification notice  
17 must require the applicant to provide the missing information. If the  
18 applicant provides the required information within forty-five days,  
19 the applicant must be registered to vote. The applicant must not be  
20 placed on the official list of registered voters until the  
21 application is complete.

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

26 (4) The department of licensing is prohibited from sharing data  
27 files used by the secretary of state to certify voters registered  
28 through the automated process outlined in section 102 of this act  
29 with any federal agency, or state agency other than the secretary of  
30 state. Personal information supplied for the purposes of obtaining a  
31 driver's license or identicard is exempt from public inspection  
32 pursuant to RCW 42.56.230.

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

35 For persons eighteen years of age or older who meet requirements  
36 for voter registration, who have been issued or are renewing an  
37 enhanced driver's license or identicard under RCW 46.20.202 or  
38 applying for a change of address for an existing enhanced driver's  
39 license or identicard pursuant to RCW 46.20.205, and have not

1 declined to register to vote, the department shall produce and  
2 transmit to the secretary of state the following information from the  
3 records of each individual: The name, address, date of birth, gender  
4 of the applicant, the driver's license number, signature image, and  
5 the date on which the application was submitted. The department and  
6 the secretary of state shall process information as an automated  
7 application on a daily basis.

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

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

18 **Sec. 107.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to  
19 read as follows:

20 (1) The department is authorized to cancel any driver's license  
21 upon determining that the licensee was not entitled to the issuance  
22 of the license, or that the licensee failed to give the required or  
23 correct information in his or her application, or that the licensee  
24 is incompetent to drive a motor vehicle for any of the reasons under  
25 RCW 46.20.031 (4) and (7).

26 (2) Upon such cancellation, the licensee must surrender the  
27 license so canceled to the department.

28 (3) Upon the cancellation of an enhanced driver's license or  
29 identocard for failure of the licensee to give correct information,  
30 if such information had been transferred to the secretary of state  
31 for purposes of voter registration, the department must immediately  
32 notify the office of the secretary of state, and the county auditor  
33 of the county of the licensee's address of record, of the  
34 cancellation of the license or identocard and identify the incorrect  
35 information.

36

## PART II

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

3        (1) Beginning July 1, 2019, the health benefit exchange shall  
4    provide the following information to the secretary of state's office  
5    for consenting Washington healthplanfinder applicants who  
6    affirmatively indicate that they are interested in registering to  
7    vote, including applicants who file changes of address, who reside in  
8    Washington, are age eighteen years or older, and are verified  
9    citizens, for voter registration purposes:

10        (a) Names;

11        (b) Traditional or nontraditional residential addresses;

12        (c) Mailing addresses, if different from the traditional or  
13    nontraditional residential address; and

14        (d) Dates of birth.

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

22        (3) If applicable, the health benefit exchange shall report any  
23    known barriers or impediments to implementation of this section to  
24    the appropriate committees of the legislature and the governor no  
25    later than December 1, 2018.

26        (4) If the health benefit exchange determines, in consultation  
27    with the health care authority, that implementation of this act  
28    requires changes subject to approval from the centers for medicare  
29    and medicaid services, participation of the health benefit exchange  
30    is contingent on receiving that approval.

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

33        (1) The governor shall make a decision, in consultation with the  
34    office of the secretary of state, as to whether each agency  
35    identified in subsection (3) of this section shall implement  
36    automatic voter registration. The final decision is at the governor's  
37    sole discretion.

1 (2)(a) Each agency identified in subsection (3) of this section  
2 shall submit a report to the governor and appropriate legislative  
3 committees no later than December 1, 2018, describing:

4 (i) Steps needed to implement automatic voter registration under  
5 this act by July 1, 2019;

6 (ii) Barriers to implementation, including ways to mitigate those  
7 barriers; and

8 (iii) Applicable federal and state privacy protections for voter  
9 registration information.

10 (b) In preparing the report required under this subsection, the  
11 agency may consult with the secretary of state's office to determine  
12 automatic voter registration criteria and procedures.

13 (3) This section applies to state agencies, other than the health  
14 benefit exchange, providing public assistance or services to persons  
15 with disabilities, designated pursuant to RCW 29A.08.310(1), that  
16 collect, process, and store the following information as part of  
17 providing assistance or services:

18 (a) Names;

19 (b) Traditional or nontraditional residential addresses;

20 (c) Dates of birth;

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

23 (e) Verification of citizenship information, via social security  
24 administration data match or manually verified by the agency during  
25 the client transaction.

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

29 (5) Agencies may not begin verifying citizenship as part of an  
30 agency transaction for the sole purpose of providing automatic voter  
31 registration.

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

34 (1) If a person who is ineligible to vote becomes, in the rare  
35 occasion, registered to vote under section 102 or 201 of this act in  
36 the absence of a knowing violation by that person of RCW 29A.84.140,  
37 that person shall be deemed to have performed an authorized act of  
38 registration and such act may not be considered as evidence of a  
39 claim to citizenship.



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

9 (3) A person who is ineligible to vote, who successfully  
10 completes the voter registration process under section 102 or 201 of  
11 this act or votes in an election, must have their voter registration,  
12 or record of vote, removed from the voter registration database and  
13 any other application records.

14 (4) Should an ineligible individual become registered to vote,  
15 the office of the secretary of state and the relevant agency shall  
16 jointly determine the cause.

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

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

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

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

27 (3) Telephoning or emailing the county auditor to transfer the  
28 registration; (~~(e)~~)

29 (4) Submitting a voter registration application;

30 (5) Submitting information to the department of licensing;

31 (6) Submitting information to the health benefit exchange; or

32 (7) Submitting information to an agency designated under section  
33 202 of this act once automatic voter registration is implemented at  
34 the agency.

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

37 A registered voter who changes his or her residence from one  
38 county to another county must do so by submitting a voter

1 registration form or by submitting information to the department of  
2 licensing, the health benefit exchange, or an agency designated under  
3 section 202 of this act once automatic voter registration is  
4 implemented at the agency. The county auditor of the voter's new  
5 county shall transfer the voter's registration from the county of the  
6 previous registration.

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

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

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

35 (3) 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 NEW SECTION. **Sec. 207.** A new section is added to chapter 29A.08  
4 RCW to read as follows:

5 The office of the secretary of state may adopt rules to implement  
6 automatic voter registration under this act.

7 NEW SECTION. **Sec. 208.** Sections 101 through 107 of this act  
8 take effect July 1, 2019.

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