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**SUBSTITUTE SENATE BILL 6353**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Hunt, Billig, Kuderer, Saldaña, Conway, Carlyle, Hasegawa, Dhingra, McCoy, Nelson, Mullet, Lias, Rolfes, Hobbs, Keiser, Cleveland, Chase, Darneille, Frockt, Palumbo, Van De Wege, Ranker, Wellman, Takko, and Pedersen; by request of Governor Inslee)

READ FIRST TIME 02/01/18.

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 new sections to chapter 29A.04 RCW; adding a new section  
7 to chapter 29A.84 RCW; creating new sections; prescribing penalties;  
8 providing effective dates; and 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        A person age eighteen years or older who is a citizen of the  
4    United States applying for or renewing an enhanced driver's license  
5    or identicard issued under RCW 46.20.202 may be registered to vote or  
6    update voter registration information at the time of registration or  
7    renewal, by automated process if the department of licensing record  
8    associated with the applicant verifies United States citizenship,  
9    contains the data required for voter registration under RCW  
10   29A.08.010, and includes a signature image. The person must be  
11   informed that his or her record will be used for voter registration,  
12   and offered an opportunity to decline to register.

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

15        (1) If the applicant in section 102 of this act does not decline  
16    registration, the application is submitted pursuant to RCW  
17    29A.08.340.

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

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

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

1 forward a voter registration card to any other address and to return  
2 to the auditor any card which is not deliverable.

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

9 (2) If an application is not complete, the auditor shall promptly  
10 mail a verification notice to the applicant. The verification notice  
11 must require the applicant to provide the missing information. If the  
12 applicant provides the required information within forty-five days,  
13 the applicant must be registered to vote as of the original date of  
14 application. The applicant must not be placed on the official list of  
15 registered voters until the application is complete.

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

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

22 For persons eighteen years of age or older who the department has  
23 determined are citizens of the United States and who are applying for  
24 or renewing an enhanced driver's license or identicard under RCW  
25 46.20.202, and have not declined to register to vote, the department  
26 shall produce and transmit to the secretary of state the following  
27 information from the records of each individual: The name, address,  
28 date of birth, gender of the applicant, the driver's license number,  
29 signature image, and the date on which the application was submitted.  
30 The department and the secretary of state shall process information  
31 as an automated application on a daily basis.

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

34 The department of licensing shall produce and transmit to the  
35 secretary of state the following information from the records of each  
36 individual who requested a voter registration or update at a driver's  
37 license facility: The name, address, date of birth, gender of the  
38 applicant, the driver's license number, signature image, and the date

1 on which the application for voter registration or update was  
2 submitted. The secretary of state shall process the registrations and  
3 updates as an electronic application.

4 **PART II**

5 **AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES**

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

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

13 (a) Names;

14 (b) Traditional or nontraditional residential addresses;

15 (c) Dates of birth;

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

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

21 (2) Qualified voter registration agencies should seek to provide  
22 automatic voter registration services under section 203 of this act  
23 with any or all agency transactions. If a qualified voter  
24 registration agency chooses to provide automatic voter registration  
25 services, the agency:

26 (a) Must consult with the secretary of state's office to  
27 establish automatic voter registration criteria and procedures; and

28 (b) May adopt rules to enable the agency to provide automatic  
29 voter registration services.

30 (3) Qualified voter registration agencies that do not intend to  
31 seek to provide automatic voter registration services shall submit a  
32 report to the governor and appropriate legislative committees no  
33 later than December 1, 2019, detailing the reasons that make  
34 providing automatic voter registration services not feasible.

35 (4) For agencies submitting a report under subsection (3) of this  
36 section, the governor shall consult with the secretary of state's  
37 office to make a decision as to whether the agency should implement

1 automatic voter registration. The governor shall make the final  
2 decision at the governor's sole discretion.

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

6 NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.04  
7 RCW to read as follows:

8 (1) The health benefit exchange shall provide the following  
9 information to the secretary of state's office for consenting  
10 Washington healthplanfinder applicants who reside in Washington, are  
11 over eighteen years old, and are verified citizens, for the purpose  
12 of the applicants being registered to vote:

13 (a) Names;

14 (b) Traditional or nontraditional residential addresses; and

15 (c) Dates of birth.

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

22 (3) If the health benefit exchange determines, in consultation  
23 with the health care authority, that implementation of the bill will  
24 require application or process changes subject to approval from the  
25 centers for medicare and medicaid services, participation of the  
26 health benefit exchange is contingent on approval from the centers  
27 for medicare and medicaid services. If applicable, the exchange shall  
28 report any known barriers or impediments to implementation of  
29 automatic voter registration to the appropriate committees of the  
30 legislature and to the governor no later than December 1, 2019.

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

33 (1) With each application for assistance or services listing the  
34 information described in section 201 of this act, and with each  
35 related recertification, renewal, or change of address, each  
36 qualified voter registration agency that chooses to or is required to  
37 provide automatic voter registration services, as provided in section  
38 201 of this act, shall inform the person of the following:

1 (a) Unless the person declines to register to vote or update an  
2 existing voter registration, or is found to be ineligible to vote,  
3 the person will be registered to vote or, if applicable, the person's  
4 voter registration will be updated;

5 (b)(i) The qualifications to be registered to vote;

6 (ii) The penalties under chapter 29A.84 RCW for registering to  
7 vote when ineligible or providing false registration information; and

8 (iii) That the person should not register to vote if the person  
9 does not meet the qualifications to register;

10 (c) That voter registration is voluntary, and the person's choice  
11 to register or decline to register to vote will not affect the  
12 availability of agency services or benefits, and that the person's  
13 choice to register or decline to register to vote will not be used  
14 for any other purposes or retained by the agency; and

15 (d) Information about the address confidentiality program  
16 established under chapter 40.24 RCW, including how to register for  
17 the address confidentiality program and how voter registration may  
18 impact participation in the program.

19 (2) Each qualified voter registration agency shall:

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

24 (b) Promptly provide to the secretary of state, in a format to be  
25 determined by the secretary in consultation with the agency, the  
26 following information for each person who does not decline to  
27 register to vote:

28 (i) The person's name;

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

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

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

34 (v) Confirmation that the person is a citizen of the United  
35 States;

36 (vi) A digital copy of the person's signature; and

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

39 (c) 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) A qualified voter registration agency shall not use a  
5 person's declination to register to vote to affect the person's  
6 eligibility for services or benefits provided by a qualified voter  
7 registration agency.

8 (4) The secretary of state shall consult with each qualified  
9 voter registration agency to establish a procedure for transmitting  
10 digital copies of signatures of persons who do not decline to  
11 register to vote.

12 NEW SECTION. **Sec. 204.** A new section is added to chapter 29A.08  
13 RCW to read as follows:

14 (1)(a) Except as provided in (b) of this subsection, upon  
15 receiving the data for, and a digital copy of the signature of, a  
16 person as provided in section 203(2)(b) of this act, the secretary of  
17 state shall determine whether the person is already registered to  
18 vote. If the person is not already registered to vote, the secretary  
19 of state shall provide the information to the county auditor of the  
20 county in which the person may be registered as a voter, and the  
21 auditor shall register the person to vote.

22 (b) If the secretary of state receives information about a person  
23 pursuant to section 203 of this act within eight days of an election  
24 in which that person would otherwise be eligible to vote, the  
25 secretary of state shall wait until after the election to provide the  
26 information to the county auditor of the county in which that person  
27 may be registered as a voter.

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

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

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



1        NEW SECTION.    **Sec. 205.**    A new section is added to chapter 29A.08  
2    RCW to read as follows:

3        (1) Each qualified voter registration agency that elects to  
4    provide automatic voter registration services shall promptly transmit  
5    to the secretary of state the information of each person for whom it  
6    retains all the information listed in section 203(2)(b) (i) through  
7    (vi) of this act on July 1, 2020.

8        (2) The secretary of state shall:

9        (a) Identify persons whose information is transmitted pursuant to  
10    subsection (1) of this section who are eligible to be, but are not  
11    currently, registered to vote;

12        (b) Promptly send each person identified notice, which must not  
13    identify the agency transmitting the information, but which must  
14    include:

15        (i) An explanation that voter registration is voluntary, but that  
16    if the person does not decline to register within sixty days, the  
17    person will be registered to vote;

18        (ii) A statement offering the opportunity to decline voter  
19    registration through any means determined by the secretary of state  
20    and consistent with this act;

21        (iii) The eligibility criteria for voting in federal and state  
22    elections;

23        (iv) The instruction that the person should decline registration  
24    if ineligible to vote;

25        (v) Instructions for correcting an erroneous registration;

26        (vi) Instructions for providing any additional information  
27    required for voter registration purposes; and

28        (vii) Information about the address confidentiality program  
29    established under chapter 40.24 RCW, including notification that  
30    registration to vote does not affect any existing program  
31    participation;

32        (c) Promptly register to vote any person who does not decline to  
33    register within sixty days of the notification, unless the secretary  
34    of state receives information about a person pursuant to this section  
35    within twenty-one days of an election in which that person would  
36    otherwise be eligible to vote, in which case the secretary of state  
37    shall wait until after the election to register the person to vote.

38        (3) Information transmitted to the secretary of state pursuant to  
39    subsection (1) of this section shall be used for voter registration

1 purposes, is not available for public inspection, and shall not be  
2 disclosed to the public.

3 NEW SECTION. **Sec. 206.** 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 203 of this act in  
7 the absence of a knowing violation by that person of RCW 29A.84.140,  
8 that person's registration shall be presumed to have been with  
9 official authorization and not the fault of that person.

10 (2) Unless a person willfully and knowingly votes or attempts to  
11 vote knowing that he or she is not entitled to vote, a person who is  
12 ineligible to vote, becomes registered to vote under section 102 or  
13 203 of this act, and votes or attempts to vote in an election held  
14 after the effective date of the person's registration is presumed to  
15 have acted with official authorization and not to be guilty of  
16 violating RCW 29A.84.130.

17 (3) An ineligible voter who successfully completes the voter  
18 registration process must have their voter registration invalidated.

19 (4) Should an ineligible individual become registered to vote,  
20 the office of the secretary of state shall conduct an investigation  
21 to determine the cause. Agencies participating in automatic voter  
22 registration shall cooperate fully with the secretary of state for  
23 the purposes of the investigation. Upon completion of the  
24 investigation, a report detailing the findings of the investigation  
25 must be submitted to the governor and legislature.

26 **Sec. 207.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to  
27 read as follows:

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

31 (1) Sending the county auditor a request stating both the voter's  
32 present address and the address from which the voter was last  
33 registered;

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

36 (3) Telephoning or emailing the county auditor to transfer the  
37 registration; (~~(e)~~)

38 (4) Submitting a voter registration application;

- 1       (5) Submitting information to the department of licensing; or  
2       (6) Submitting information to a qualified voter registration  
3       agency.

4       **Sec. 208.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to  
5 read as follows:

6       A registered voter who changes his or her residence from one  
7 county to another county must do so by submitting a voter  
8 registration form or by submitting information to the department of  
9 licensing or a qualified voter registration agency. The county  
10 auditor of the voter's new county shall transfer the voter's  
11 registration from the county of the previous registration.

12       **Sec. 209.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to  
13 read as follows:

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

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

1 state must provide a copy of RCW 29A.08.740 to the person requesting  
2 the material that is released under this section.

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

10 NEW SECTION. **Sec. 210.** A new section is added to chapter 29A.84  
11 RCW to read as follows:

12 An employee of a qualified voter registration agency is guilty of  
13 a gross misdemeanor, if he or she willfully:

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

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

18 (3) Enters or causes or permits to be entered on the voter  
19 registration records the name of any person in any other manner or at  
20 any other time than as prescribed by voter registration law, or  
21 enters or causes or permits to be entered on such records the name of  
22 any person not entitled to be thereon; or

23 (4) Destroys, mutilates, conceals, changes, or alters any  
24 registration record in connection therewith except as authorized by  
25 voter registration law.

26 **PART III**  
27 **STUDY OF AUTOMATIC VOTER REGISTRATION AT BIRTH AND OF NATURALIZED**  
28 **CITIZENS**

29 NEW SECTION. **Sec. 301.** The legislature finds that advances in  
30 database integration and technology can create streamlined, less  
31 bureaucratic, and more efficient processes for citizens in the voter  
32 registration system. Information from certificates of birth filed  
33 with the state should be automatically integrated into the existing  
34 voter registration process in preparation for those citizens'  
35 participation in voting. Voter registration should not be an  
36 impediment or hurdle to participation in the election process, but  
37 rather a function of properly administered elections. Continued

1 improvement in database integration across state and local agencies  
2 should be applied to a modernized voter registration process and  
3 database in order to facilitate eligible citizens' participation in  
4 future elections. Voter registration should automatically occur at  
5 birth when a certificate of live birth has been filed with the state,  
6 bringing that new state citizen a step closer to fulfilling the  
7 current registration requirements, without changing those existing  
8 regulations. A task force should facilitate proper implementation of  
9 this streamlining technology integration project.

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

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

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

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

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

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

1

**MISCELLANEOUS**

2        NEW SECTION.    **Sec. 401.**    Sections 201 through 210 of this act  
3 take effect July 1, 2019.

4        NEW SECTION.    **Sec. 402.**    Sections 301 and 302 of this act take  
5 effect July 1, 2018.

--- END ---