
SENATE BILL 5636

State of Washington

67th Legislature

2022 Regular Session

By Senators Hunt, Kuderer, Nguyen, Saldaña, and C. Wilson

Prefiled 01/04/22. Read first time 01/10/22. Referred to Committee on State Government & Elections.

1 AN ACT Relating to secure automatic voter registration; amending
2 RCW 29A.08.340, 29A.08.350, 46.20.155, 46.20.155, 29A.08.362,
3 29A.08.365, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.370,
4 29A.08.375, 29A.08.620, 29A.84.140, 29A.84.140, 46.08.195,
5 29A.08.630, and 46.20.207; adding new sections to chapter 29A.08 RCW;
6 repealing RCW 46.20.156, 29A.08.355, 29A.08.357, and 29A.08.359;
7 providing an effective date; and providing an expiration date.

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

9 **PART I**

10 **SECURE AUTOMATIC VOTER REGISTRATION AT THE DEPARTMENT OF LICENSING**

11 **Sec. 1.** RCW 29A.08.340 and 2013 c 11 s 17 are each amended to
12 read as follows:

13 ~~((1))~~ A person may register to vote or update his or her voter
14 registration when he or she applies for ~~((e))~~, renews, duplicates,
15 or replaces a driver's license, permit, or identification card under
16 chapter 46.20 RCW, and when he or she notifies the department of
17 licensing of a change of address for a driver's license, permit, or
18 identification card under RCW 46.08.195, under the procedures set
19 forth in sections 2, 3, and 4 of this act and RCW 29A.08.350.

1 ~~((2) To register to vote or update a registration, the applicant~~
2 ~~shall provide the information required by RCW 29A.08.010.~~

3 ~~(3) The driver licensing agent shall record that the applicant~~
4 ~~has requested to register to vote or update a voter registration.))~~

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

7 (1) The department of licensing must allow a person age 18 years
8 or older to be registered to vote or update voter registration
9 information by automated process at the time of registration,
10 renewal, duplication, replacement, or change of address, whether in
11 person, by mail, or by electronic commerce, if:

12 (a) The person meets the requirements for voter registration; and

13 (b) The department of licensing record associated with the
14 applicant contains:

15 (i) The data required to determine whether the applicant meets
16 the requirements for voter registration under RCW 29A.08.010;

17 (ii) Other information as required by the secretary of state; and

18 (iii) A signature image.

19 (2) Beginning September 1, 2023, the department of licensing must
20 allow a person 16 or 17 years of age to be signed up to register to
21 vote by automated process at the time of registration, renewal,
22 duplication, replacement, or change of address, whether in person, by
23 mail, or by electronic commerce, if:

24 (a) The person meets the requirements to sign up to register to
25 vote; and

26 (b) The department of licensing record associated with the
27 applicant contains:

28 (i) The data required to determine whether the applicant meets
29 the requirements for voter registration under RCW 29A.08.210, other
30 than age;

31 (ii) Other information as required by the secretary of state; and

32 (iii) A signature image.

33 (3) The person must be informed that his or her record will be
34 used for voter registration and offered an opportunity to decline to
35 register under the procedures set forth in sections 3 and 4 of this
36 act and RCW 29A.08.350 and 46.20.155.

37 (4) The department of licensing shall implement an electronic
38 information system that allows the department of licensing to
39 determine, at the time of the individual's driver's license

1 transaction, whether the individual is currently registered to vote
2 or signed up to register to vote in the state.

3 (5) For each type of document accepted by the department of
4 licensing for purposes of a driver's license transaction, the
5 department of licensing, in consultation with the secretary of state,
6 shall determine whether:

7 (a) The document demonstrates that the individual is a United
8 States citizen;

9 (b) The document demonstrates that the individual is not a United
10 States citizen at the time of the driver's license transaction; or

11 (c) The document does not demonstrate whether or not the
12 individual is a United States citizen at the time of the driver's
13 license transaction.

14 (6) If the individual presents a document demonstrating that the
15 individual is not a United States citizen at the time of the driver's
16 license transaction, the department of licensing shall not offer a
17 voter registration opportunity to the individual and shall not
18 produce or transmit information about the individual to the secretary
19 of state for voter registration purposes.

20 (7) If the department of licensing determines that the individual
21 is currently registered to vote or signed up to register to vote in
22 the state, the department of licensing shall transmit information to
23 the secretary of state as provided by section 3 of this act.

24 (8) If the department of licensing determines that:

25 (a) The individual is not currently registered to vote or signed
26 up to register to vote in the state; and

27 (b) The individual:

28 (i) Has received or is renewing an enhanced driver's license or
29 identicard issued under RCW 46.20.202 or is changing the address for
30 an existing enhanced driver's license or identicard pursuant to RCW
31 46.20.205, whether in person, by mail, or by electronic commerce; or

32 (ii) Engaged in a driver's license transaction in person, by
33 mail, or by electronic commerce and, as part of the transaction,
34 presented a document demonstrating that the individual is a United
35 States citizen,

36 the department of licensing shall transmit information to the
37 secretary of state as provided by section 4 of this act.

38 (9) If the department of licensing determines that the
39 individual:

1 (a) Is not currently registered to vote or signed up to register
2 to vote in the state;

3 (b) Has not received and is not renewing an enhanced driver's
4 license or identicard issued under RCW 46.20.202 and is not changing
5 the address for an existing enhanced driver's license or identicard
6 pursuant to RCW 46.20.205; and

7 (c) Engaged in a driver's license transaction in person, by mail,
8 or by electronic commerce and presented a document that does not
9 demonstrate whether or not the individual is a United States citizen
10 at the time of the transaction,

11 the department of licensing shall offer a voter registration
12 opportunity as provided by RCW 46.20.155 and shall transmit
13 information to the secretary of state as provided by RCW 29A.08.350.

14 (10) For individuals who are program participants under RCW
15 40.24.030, the department of licensing and the secretary of state
16 shall adopt procedures that substantially meet the requirements of
17 subsections (1) through (9) of this section.

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

20 (1) At least on a daily basis, the department of licensing shall
21 produce and transmit to the secretary of state the following
22 information from the records of each individual who:

23 (a) Is currently registered to vote or signed up to register to
24 vote in the state; and

25 (b) Engaged in a driver's license transaction in person, by mail,
26 or by electronic commerce on that date:

27 The name, address, date of birth, gender, driver's license
28 number, and signature image of the applicant, and the date on which
29 the update was submitted. If the department of licensing records
30 whether an individual prefers to communicate in a language other than
31 English, the department of licensing shall transmit the individual's
32 language preference to the secretary of state.

33 (2) The secretary of state shall process the update as an
34 electronic update as follows:

35 (a) If the information received from the department of licensing
36 indicates that the individual has not moved and has not changed their
37 name, the secretary of state shall:

38 (i) Cause the date of the update in the statewide voter
39 registration address to be recorded; and

1 (ii) If the individual is in inactive voter status, cause the
2 individual to be returned to active voter status as provided in RCW
3 29A.08.630.

4 (b) If the information received from the department of licensing
5 indicates that the individual has moved or changed their name, the
6 secretary of state shall:

7 (i) Cause the statewide voter registration database to be
8 updated;

9 (ii) If the individual is in inactive voter status, cause the
10 individual to be returned to active voter status as provided in RCW
11 29A.08.630; and

12 (iii) Within 10 days of the receipt of the information from the
13 department of licensing, cause an automatic voter registration
14 acknowledgment notice to be sent by nonforwardable mail to the
15 individual.

16 (c) The automatic voter registration acknowledgment notice shall
17 include, without limitation:

18 (i) A postage prepaid, preaddressed return form by which the
19 individual may decline the update or may select a language
20 preference;

21 (ii) A statement explaining that the individual's voter
22 registration has been updated, and stating that if the update was in
23 error, the person should return the notice and affirmatively decline
24 the update in writing;

25 (iii) The information set forth in (c)(i) and (ii) of this
26 subsection in at least each language for which the individual's
27 county of residence is covered under section 203 of the voting rights
28 act, 52 U.S.C. Sec. 10503; and

29 (iv) Information regarding how an individual can obtain more
30 information about the notice and assistance in the individual's
31 preferred language, including foreign languages as set forth in RCW
32 29A.08.270.

33 (d) The automatic voter registration acknowledgment notice may be
34 combined with an acknowledgment notice identifying the registrant's
35 precinct and containing such other information as may be required by
36 the secretary of state. The United States postal service shall be
37 instructed not to forward a voter registration card to any other
38 address and to return any card which is not deliverable.

39 (e) If an individual returns the notice and affirmatively
40 declines the update in writing, the secretary of state shall cause

1 the individual's information to be modified appropriately on the list
2 of registered voters.

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

5 (1) At least on a daily basis, the department of licensing shall
6 produce and transmit to the secretary of state the following
7 information from the records of each individual who:

8 (a) Is not currently registered to vote or signed up to register
9 to vote in the state; and

10 (b) Who, on that date, has:

11 (i) Received or is renewing an enhanced driver's license or
12 identicard issued under RCW 46.20.202 or is changing the address for
13 an existing enhanced driver's license or identicard pursuant to RCW
14 46.20.205, whether in person, by mail, or by electronic commerce; or

15 (ii) Engaged in a driver's license transaction in person, by
16 mail, or by electronic commerce, and, as part of the transaction,
17 presented a document that demonstrates that the individual is a
18 United States citizen:

19 The name, address, date of birth, gender, driver's license
20 number, and signature image of the applicant, and the date on which
21 the application for voter registration was submitted. If the
22 department of licensing records whether an individual prefers to
23 communicate in a language other than English, the department of
24 licensing shall transmit the individual's language preference to the
25 secretary of state.

26 (2) The secretary of state shall process the registrations as an
27 electronic application as follows:

28 (a) Within 10 days of the receipt of the information from the
29 department of licensing, the secretary of state shall cause an
30 automatic voter registration acknowledgment notice to be sent by
31 nonforwardable mail to the individual.

32 (b) The automatic voter registration acknowledgment notice shall
33 include, without limitation:

34 (i) A postage prepaid, preaddressed return form by which the
35 individual may decline to be registered to vote or may select a
36 language preference;

37 (ii) A statement explaining that the person has been registered
38 to vote or signed up to register to vote, as appropriate, setting
39 forth the qualifications to vote in this state, and stating that if

1 the individual does not meet the qualifications to vote in this
2 state, the person should return the notice and affirmatively decline
3 in writing to register to vote;

4 (iii) The information set forth in (b)(i) and (ii) of this
5 subsection in at least each language for which the individual's
6 county of residence is covered under section 203 of the voting rights
7 act, 52 U.S.C. Sec. 10503; and

8 (iv) Information regarding how an individual can obtain more
9 information about the notice and assistance in the individual's
10 preferred language, including foreign languages as set forth in RCW
11 29A.08.270.

12 (c) The automatic voter registration acknowledgment notice may be
13 combined with an acknowledgment notice identifying the registrant's
14 precinct and containing such other information as may be required by
15 the secretary of state. The United States postal service shall be
16 instructed not to forward a voter registration card to any other
17 address and to return any card which is not deliverable.

18 (d) If an individual returns the notice and affirmatively
19 declines in writing to register to vote, the secretary of state shall
20 cause the individual's information to be removed from the list of
21 registered voters, and the individual shall be deemed never to have
22 registered to vote. If the individual has voted in an election, the
23 returned notice is of no effect and the person remains registered as
24 of the original date of issuance or renewal or date of change of
25 address.

26 (3)(a) For persons age 18 years and older registering under this
27 section, an application is considered complete only if it contains
28 the information required by RCW 29A.08.010 and other information as
29 required by the secretary of state. The applicant is considered to be
30 registered to vote as of the original date of issuance or renewal or
31 date of change of address.

32 (b) For persons 16 or 17 years of age signing up to register
33 under this section, an application is considered complete only if it
34 contains the information required by RCW 29A.08.010 and other
35 information as required by the secretary of state. The applicant is
36 considered to be registered to vote as of the date set forth in RCW
37 29A.08.110(1).

38 (c) The auditor or secretary of state shall record the
39 appropriate precinct identification, taxing district identification,
40 and date of registration on the voter's record in the state voter

1 registration list. Any mailing address provided shall be used only
2 for mail delivery purposes, and not for precinct assignment or
3 residency purposes.

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

10 (4) If an application is not complete, the secretary of state
11 shall cause a verification notice to be promptly mailed to the
12 applicant. The verification notice must require the applicant to
13 provide the missing information. If the applicant provides the
14 required information within 45 days, the applicant must be registered
15 to vote. The applicant must not be placed on the official list of
16 registered voters until the application is complete.

17 (5) The department of licensing is prohibited from sharing data
18 files used by the secretary of state to certify voters registered
19 through the automated process outlined in this section with any
20 federal agency, or state agency other than the secretary of state.
21 Personal information supplied for the purposes of obtaining a
22 driver's license or identicard is exempt from public inspection
23 pursuant to RCW 42.56.230.

24 **Sec. 5.** RCW 29A.08.350 and 2018 c 110 s 106 are each amended to
25 read as follows:

26 ((The)) At least on a daily basis, the department of licensing
27 shall produce and transmit to the secretary of state the following
28 information from the records of each individual who ~~((requested))~~:

29 (1) Is not currently registered to vote or signed up to register
30 to vote in the state;

31 (2) Has not received and is not renewing an enhanced driver's
32 license or identicard issued under RCW 46.20.202 and is not changing
33 the address for an existing enhanced driver's license or identicard
34 pursuant to RCW 46.20.205;

35 (3) Engaged in a driver's license transaction on that date and,
36 as part of the transaction, presented a document that does not
37 demonstrate whether or not the individual is a United States citizen
38 at the time of the transaction; and

1 (4) Requested a voter registration ((~~or update at a driver's~~
2 license facility)) as provided by RCW 46.20.155:

3 The name, address, date of birth, gender of the applicant, the
4 driver's license number, signature image, and the date on which the
5 application for voter registration or update was submitted. If the
6 department of licensing records whether an individual prefers to
7 communicate in a language other than English, the department of
8 licensing shall transmit the individual's language preference to the
9 secretary of state. The secretary of state shall process the
10 registrations and updates as an electronic application.

11 **Sec. 6.** RCW 46.20.155 and 2018 c 109 s 15 are each amended to
12 read as follows:

13 (1) Before issuing an original license or identicard ((~~or~~),
14 renewing, duplicating, or replacing a license, permit, or identicard
15 under this chapter, and before accepting a change of address for a
16 driver's license, permit, or identicard card under this chapter to an
17 individual who:

18 (a) Is not currently registered to vote or signed up to register
19 to vote in the state;

20 (b) Has not received and is not renewing an enhanced driver's
21 license or identicard issued under RCW 46.20.202 and is not changing
22 the address for an existing enhanced driver's license or identicard
23 pursuant to RCW 46.20.205; and

24 (c) Engaged in a driver's license transaction and presented a
25 document that does not demonstrate whether or not the individual is a
26 United States citizen at the time of the transaction, the licensing
27 agent shall determine if the applicant wants to register to vote ((~~or~~
28 update his or her voter registration)) by asking the following
29 question:

30 ((~~"Do you want to register or sign up to vote or update your~~
31 voter registration?")) "Our records show that you are not registered
32 to vote in Washington. While you're here, do you want to register to
33 vote?" The department of licensing, with the approval of the
34 secretary of state, may direct licensing agents to ask a
35 substantially similar question designed to improve applicant
36 understanding.

37 If the applicant chooses to register((~~r~~)) or sign up((~~r~~ or update
38 a registration)), the agent shall ask the following:

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

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

4 If the applicant answers in the affirmative to both questions,
5 the agent shall then submit the registration(~~(7)~~) or sign up form(~~(7~~
6 ~~or update)~~). If the applicant answers in the negative to either
7 question, the agent shall not submit an application. Information that
8 is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed
9 on the future voter until the person reaches eighteen years of age,
10 except for the purpose of processing and delivering ballots.

11 (2) The department shall establish a procedure that substantially
12 meets the requirements of subsection (1) of this section when
13 permitting an applicant described in subsection (1)(a) through (c) of
14 this section to renew a license, permit, or identicard or submit a
15 change of address for a driver's license, permit, or identification
16 card by mail or by electronic commerce.

17 **Sec. 7.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to
18 read as follows:

19 (1) Before issuing an original license or identicard (~~(0#)~~),
20 renewing, duplicating, or replacing a license, permit, or identicard
21 under this chapter, and before accepting a change of address for a
22 driver's license, permit, or identicard card under this chapter to an
23 individual who:

24 (a) Is not currently registered to vote or signed up to register
25 to vote in the state;

26 (b) Has not received and is not renewing an enhanced driver's
27 license or identicard issued under RCW 46.20.202 and is not changing
28 the address for an existing enhanced driver's license or identicard
29 pursuant to RCW 46.20.205; and

30 (c) Engaged in a driver's license transaction and presented a
31 document that does not demonstrate whether or not the individual is a
32 United States citizen at the time of the transaction, the licensing
33 agent shall determine if the applicant wants to register to vote (~~(0#~~
34 update his or her voter registration)) by asking the following
35 question:

36 (("Do you want to register or sign up to vote or update your
37 voter registration?")) "Our records show that you are not registered
38 to vote in Washington. While you're here, do you want to register to

1 vote?" The department of licensing, with the approval of the
2 secretary of state, may direct licensing agents to ask a
3 substantially similar question designed to improve applicant
4 understanding.

5 If the applicant chooses to register(~~(7)~~) or sign up(~~(7 or update~~
6 ~~a registration)~~), the agent shall ask the following:

- 7 (1) "Are you a United States citizen?"
- 8 (2) "Are you at least sixteen years old ?"

9 If the applicant answers in the affirmative to both questions,
10 the agent shall then submit the registration(~~(7)~~) or sign up form(~~(7~~
11 ~~or update)~~). If the applicant answers in the negative to either
12 question, the agent shall not submit an application. Information that
13 is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed
14 on the future voter until the person reaches eighteen years of age,
15 except for the purpose of processing and delivering ballots.

16 (2) The department shall establish a procedure that substantially
17 meets the requirements of subsection (1) of this section when
18 permitting an applicant described in subsection (1)(a) through (c) of
19 this section to renew a license, permit, or identicard or submit a
20 change of address for a driver's license, permit, or identification
21 card by mail or by electronic commerce.

22 NEW SECTION. Sec. 8. The following acts or parts of acts are
23 each repealed:

24 (1) RCW 46.20.156 (Voter registration—Automatic—Enhanced
25 driver's licenses and identicards) and 2020 c 208 s 21 & 2018 c 110 s
26 105;

27 (2) RCW 29A.08.355 (Automatic registration and automatic sign-up
28 to register—Enhanced driver's licenses and identicards) and 2020 c
29 208 s 7 & 2018 c 110 s 102;

30 (3) RCW 29A.08.357 (Automatic registration—Enhanced driver's
31 licenses and identicards—Application submission) and 2018 c 110 s
32 103; and

33 (4) RCW 29A.08.359 (Automatic registration—Enhanced driver's
34 licenses and identicards—Procedure—Auditor duties—Confidentiality)
35 and 2020 c 208 s 18, 2019 c 391 s 8, & 2018 c 110 s 104.

1 PART II

2 SECURE AUTOMATIC VOTER REGISTRATION AT OTHER STATE AGENCIES

3 Sec. 9. RCW 29A.08.362 and 2018 c 110 s 201 are each amended to
4 read as follows:

5 (1) (~~Beginning July 1, 2019, the~~) The health benefit exchange
6 and health care authority shall provide the following information to
7 the secretary of state's office for (~~consenting~~) each Washington
8 healthplanfinder applicant (~~s who affirmatively indicate that they~~
9 are interested in registering to vote, including applicants who file
10 changes of address)) and Washington apple health applicant contained
11 on an initial, renewal, or change of address application, who reside
12 in Washington, are age (~~eighteen~~) 16 years or older, and are
13 verified as citizens through the health benefit exchange or health
14 care authority, for voter registration purposes:

15 (a) Names;

16 (b) Traditional or nontraditional residential addresses;

17 (c) Mailing addresses, if different from the traditional or
18 nontraditional residential address; (~~and~~)

19 (d) Dates of birth;

20 (e) Last four digits of social security numbers;

21 (f) The date on which the application was submitted; and

22 (g) Whether an individual prefers to communicate in a language
23 other than English, if the health benefit exchange or health care
24 authority records such information.

25 (2) Beginning September 1, 2023, the health benefit exchange and
26 health care authority shall provide the information specified in
27 subsection (1) of this section for applicants who are age 16 or older
28 and otherwise meet the criteria specified in subsection (1) of this
29 section.

30 (3) The secretary of state shall process the information as an
31 electronic application or electronic update through a procedure that
32 substantially meets the requirements of sections 3 and 4 of this act,
33 including the mailing of an automatic voter registration
34 acknowledgment notice that shall include, without limitation:

35 (a) A postage prepaid, preaddressed return form by which the
36 individual may decline to be registered to vote or decline the
37 update, or may select a language preference;

38 (b) A statement explaining that the person has been registered to
39 vote or signed up to register to vote, as appropriate, setting forth

1 the qualifications to vote in this state, and stating that if the
2 individual does not meet the qualifications to vote in this state,
3 the person should return the notice and affirmatively decline in
4 writing to register to vote;

5 (c) The information set forth in (a) and (b) of this subsection
6 in at least each language for which the individual's county of
7 residence is covered under section 203 of the voting rights act, 52
8 U.S.C. Sec. 10503; and

9 (d) Information regarding how an individual can obtain more
10 information about the notice and assistance in the individual's
11 preferred language, including foreign languages as set forth in RCW
12 29A.08.270.

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

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

25 ~~(4))~~ (5) If the health benefit exchange and health care
26 authority determine((s, in consultation with the health care
27 authority,)) that implementation of ((chapter 110, Laws of 2018))
28 this act requires changes subject to approval from the centers for
29 medicare and medicaid services, participation of the health benefit
30 exchange and health care authority is contingent on receiving that
31 approval.

32 (6) For applicants who are program participants under RCW
33 40.24.030, the health benefit exchange, the health care authority,
34 and the secretary of state shall adopt procedures that substantially
35 meet the requirements of subsections (1) through (4) of this section.

36 **Sec. 10.** RCW 29A.08.365 and 2018 c 110 s 202 are each amended to
37 read as follows:

38 (1) The governor shall make a decision, in consultation with the
39 office of the secretary of state, as to whether each agency

1 identified in subsection (3) of this section shall implement
2 automatic voter registration. The final decision is at the governor's
3 sole discretion.

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

7 (i) Steps needed to implement automatic voter registration under
8 chapter 110, Laws of 2018 by July 1, 2019;

9 (ii) Barriers to implementation, including ways to mitigate those
10 barriers; and

11 (iii) Applicable federal and state privacy protections for voter
12 registration information.

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

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

21 (a) Names;

22 (b) Traditional or nontraditional residential addresses;

23 (c) Dates of birth;

24 (d) A signature (~~(attesting)~~) or other attestation to the truth
25 of the information provided on the application for assistance or
26 services; and

27 (e) (~~(Verification)~~) Reliable verification of citizenship
28 information, via (~~(social security administration data)~~) database
29 match or manually verified by the agency during the client
30 transaction.

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

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

37 (6) The governor may make a decision, in consultation with the
38 office of the secretary of state, as to whether other state agencies
39 that collect, possess, and store the information identified in
40 subsection (3) (a), (b), (c), and (e) of this section may implement

1 automatic voter registration through a procedure that substantially
2 meets the requirements of sections 3 and 4 of this act, or as to
3 whether other state agencies that collect, possess, and store the
4 information in subsection (3)(a) through (c) of this section may
5 implement automatic voter registration updates for already registered
6 voters through a procedure that substantially meets the requirements
7 of section 3 of this act. The governor may make the same decision, in
8 consultation with the office of the secretary of state, as to local
9 or federal agencies, provided that such agencies consent to
10 implementing automatic voter registration or automatic voter
11 registration updates. The final decision is at the governor's sole
12 discretion.

13 **PART III**

14 **TECHNICAL AND CONFORMING AMENDMENTS**

15 **Sec. 11.** RCW 29A.08.030 and 2009 c 369 s 7 are each amended to
16 read as follows:

17 The definitions set forth in this section apply throughout this
18 chapter, unless the context clearly requires otherwise.

19 (1) "Verification notice" means a notice sent by the county
20 auditor or secretary of state to a voter registration applicant and
21 is used to verify or collect information about the applicant in order
22 to complete the registration. The verification notice must be
23 designed to include a postage prepaid, preaddressed return form by
24 which the applicant may verify or send information.

25 (2) "Acknowledgment notice" means a notice sent by nonforwardable
26 mail by the county auditor or secretary of state to a registered
27 voter to acknowledge a voter registration transaction, which can
28 include initial registration, transfer, or reactivation of an
29 inactive registration. An acknowledgment notice may be a voter
30 registration card.

31 (3) "Identification notice" means a notice sent to a
32 provisionally registered voter to confirm the applicant's identity.

33 (4) "Confirmation notice" means a notice sent to a registered
34 voter by first-class forwardable mail at the address indicated on the
35 voter's permanent registration record and to any other address at
36 which the county auditor or secretary of state could reasonably
37 expect mail to be received by the voter in order to confirm the
38 voter's residence address. The confirmation notice must be designed

1 to include a postage prepaid, preaddressed return form by which the
2 registrant may verify the address information.

3 (5) "Automatic voter registration acknowledgment notice" or "AVR
4 acknowledgment notice" means a notice sent by nonforwardable mail by
5 the county auditor or secretary of state to a registered voter to
6 acknowledge an automatic voter registration transaction, which can
7 include initial registration, transfer, or reactivation of an
8 inactive registration. An automatic voter registration acknowledgment
9 notice may be a voter registration card. The automatic voter
10 registration acknowledgment notice must be designed to include a
11 postage prepaid, preaddressed return form by which the registrant may
12 decline the voter registration transaction or provide any additional
13 information requested in the notice.

14 (6) "Driver's license transaction" means an application, renewal
15 application, duplicate application, and replacement application for a
16 driver's license, permit, or identification card under chapter 46.20
17 RCW, and a notification to the department of licensing of a change of
18 address for a driver's license, permit, or identification card under
19 RCW 46.08.195.

20 **Sec. 12.** RCW 29A.08.110 and 2020 c 208 s 14 are each amended to
21 read as follows:

22 (1) For persons registering under RCW 29A.08.120, 29A.08.123,
23 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an
24 application is considered complete only if it contains the
25 information required by RCW 29A.08.010. The applicant is considered
26 to be registered to vote as of:

27 (a) The original date of receipt;

28 (b) When the person will be at least eighteen years old by the
29 next election; or

30 (c) When the person will be at least seventeen years old by the
31 next primary election or presidential primary election and eighteen
32 years old by the general election, whichever is applicable.

33 (2) As soon as practicable, the auditor shall record the
34 appropriate precinct identification, taxing district identification,
35 and date of registration on the voter's record in the state voter
36 registration list. The secretary of state shall, pursuant to RCW
37 29A.04.611, establish procedures to enable new or updated voter
38 registrations to be recorded on an expedited basis. Any mailing
39 address provided shall be used only for mail delivery purposes, and

1 not for precinct assignment or residency purposes. (~~Within sixty~~)
2 For applications or transfers other than those applications received
3 as provided in sections 3 and 4 of this act and RCW 29A.08.362 and
4 29A.08.365, within 60 days after the receipt of an application or
5 transfer, the auditor shall send to the applicant, by first-class
6 nonforwardable mail, an acknowledgment notice identifying the
7 registrant's precinct and containing such other information as may be
8 required by the secretary of state. The postal service shall be
9 instructed not to forward a voter registration card to any other
10 address and to return to the auditor any card which is not
11 deliverable.

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

19 (4) Once a future voter is no longer in pending status, as
20 described in RCW 29A.08.615, his or her application to sign up to
21 register to vote is no longer pending and is subject to this section.

22 **Sec. 13.** RCW 29A.08.125 and 2018 c 109 s 7 are each amended to
23 read as follows:

24 (1) The office of the secretary of state shall maintain a
25 statewide voter registration database. This database must be a
26 centralized, uniform, interactive computerized statewide voter
27 registration list that contains the name and registration information
28 of every registered voter in the state.

29 (2) The statewide list is the official list of registered voters
30 for the conduct of all elections.

31 (3) The statewide list must include, but is not limited to, the
32 name, date of birth, residence address, signature, gender, and date
33 of registration of every legally registered voter in the state.

34 (4) A unique identifier must be assigned to each registered voter
35 in the state.

36 (5) The database must be coordinated with other government
37 databases within the state including, but not limited to, the
38 department of corrections, the department of licensing, the
39 department of health, the administrative office of the courts, and

1 county auditors. The database may also be coordinated with the
2 databases of election officials in other states.

3 (6) Authorized employees of the secretary of state and each
4 county auditor must have immediate electronic access to the
5 information maintained in the database.

6 (7) Voter registration information received by each county
7 auditor must be electronically entered into the database. The office
8 of the secretary of state must provide support, as needed, to enable
9 each county auditor to enter and maintain voter registration
10 information in the state database.

11 (8) The secretary of state has data authority over all voter
12 registration data.

13 (9) The voter registration database must be designed to
14 accomplish at a minimum, the following:

15 (a) Comply with the help America vote act of 2002 (P.L. 107-252);

16 (b) Identify duplicate voter registrations;

17 (c) Identify suspected duplicate voters;

18 (d) Screen against any available databases maintained by other
19 government agencies to identify voters who are ineligible to vote due
20 to a felony conviction, lack of citizenship, or mental incompetence;

21 (e) Provide images of voters' signatures for the purpose of
22 checking signatures on initiative and referendum petitions;

23 (f) Provide for a comparison between the voter registration
24 database and the department of licensing change of address database;

25 (g) Provide access for county auditors that includes the
26 capability to update registrations and search for duplicate
27 registrations;

28 (h) Provide for the cancellation of registrations of voters who
29 have moved out of state; (~~and~~)

30 (i) Provide for the storage of pending registration records for
31 all future voters who have not yet reached eighteen years of age in a
32 manner that these records will not appear on the official list of
33 registered voters until the future registrant is no longer in pending
34 status as defined under RCW 29A.08.615;

35 (j) Allow the department of licensing to determine, at the time
36 of an individual's driver's license transaction, whether the
37 individual is currently registered to vote in the state; and

38 (k) Allow for the processing of information about individuals
39 transmitted to the secretary as provided by sections 2, 3, and 4 of

1 this act and RCW 29A.08.350, 29A.08.362, and 29A.08.365 as electronic
2 applications and updates. This includes, but is not limited to:

3 (i) Providing for a comparison between the voter registration
4 database and the information transmitted about an individual to
5 determine whether an individual is currently registered to vote in
6 the state, and if the individual is currently registered to vote,
7 whether the information indicates that the individual has moved or
8 that individual has changed their name; and

9 (ii) Facilitating the mailing of an automatic voter registration
10 acknowledgment notice and the processing of any such notices returned
11 by the individual or returned as undeliverable by the postal service.

12 (10) The secretary of state may, upon agreement with other
13 appropriate jurisdictions, screen against any available databases
14 maintained by election officials in other states and databases
15 maintained by federal agencies including, but not limited to, the
16 federal bureau of investigation, the federal court system, the
17 federal bureau of prisons, and the bureau of citizenship and
18 immigration services.

19 (11) The database shall retain information regarding previous
20 successful appeals of proposed cancellations of registrations in
21 order to avoid repeated cancellations for the same reason.

22 (12) Each county auditor shall maintain a list of all registered
23 voters within the county that are contained on the official statewide
24 voter registration list. In addition to the information maintained in
25 the statewide database, the county database must also maintain the
26 applicable taxing district and precinct codes for each voter in the
27 county, and a list of elections in which the individual voted.

28 (13) Each county auditor shall allow electronic access and
29 information transfer between the county's voter registration system
30 and the official statewide voter registration list.

31 **Sec. 14.** RCW 29A.08.370 and 2018 c 110 s 203 are each amended to
32 read as follows:

33 (1) If a person who is ineligible to vote becomes, in the rare
34 occasion, registered to vote under RCW ((~~29A.08.355~~)) 29A.08.340 or
35 29A.08.362 or section 4 of this act in the absence of a knowing
36 violation by that person of RCW 29A.84.140, that person shall be
37 deemed to have performed an authorized act of registration and such
38 act may not be considered as evidence of a 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 RCW
4 (~~29A.08.355~~) 29A.08.340 or 29A.08.362 or section 4 of this act, and
5 subsequently votes or attempts to vote in an election held after the
6 effective date of the person's registration, is not guilty of
7 violating RCW 29A.84.130, and shall be deemed to have performed an
8 authorized act, and such act may not be considered as evidence of a
9 claim to citizenship.

10 (3) A person who is ineligible to vote, who successfully
11 completes the voter registration process under RCW (~~29A.08.355~~)
12 29A.08.340 or 29A.08.362 or section 4 of this act or votes in an
13 election, must have their voter registration, or record of vote,
14 removed from the voter registration database and any other
15 application records.

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

19 **Sec. 15.** RCW 29A.08.375 and 2018 c 110 s 207 are each amended to
20 read as follows:

21 The office of the secretary of state may adopt rules to implement
22 automatic voter registration under (~~chapter 110, Laws of 2018~~) this
23 act.

24 **Sec. 16.** RCW 29A.08.620 and 2011 c 10 s 17 are each amended to
25 read as follows:

26 (1) Each county auditor must request change of address
27 information from the postal service for all mail ballots.

28 (2) The county auditor shall transfer the registration of a voter
29 and send an acknowledgment notice to the new address informing the
30 voter of the transfer if change of address information received by
31 the county auditor from the postal service(~~(, the department of~~
32 ~~licensing, or another agency designated to provide voter registration~~
33 ~~services))~~) indicates that the voter has moved within the county.

34 (3) The county auditor shall place a voter on inactive status and
35 send to all known addresses a confirmation notice and a voter
36 registration application if change of address information received by
37 the county auditor from the postal service(~~(, the department of~~
38 ~~licensing, or another agency designated to provide voter registration~~

1 ~~services~~) indicates that the voter has moved from one county to
2 another.

3 (4) The county auditor shall place a voter on inactive status and
4 send to all known addresses a confirmation notice if any of the
5 following occur:

6 (a) Any document mailed by the county auditor to a voter is
7 returned by the postal service as undeliverable without address
8 correction information; or

9 (b) Change of address information received from the postal
10 service, the department of licensing, or another state agency
11 designated to provide voter registration services indicates that the
12 voter has moved out of the state.

13 **Sec. 17.** RCW 29A.84.140 and 2018 c 109 s 13 are each amended to
14 read as follows:

15 A person who knows that he or she does not possess the legal
16 qualifications of a voter and who registers to vote is guilty of a
17 class C felony. This section does not apply to persons age sixteen or
18 seventeen signing up to register to vote as authorized under RCW
19 29A.08.170 or section 2 of this act.

20 **Sec. 18.** RCW 29A.84.140 and 2020 c 208 s 20 are each amended to
21 read as follows:

22 A person who knows that he or she does not possess the legal
23 qualifications of a voter and who registers to vote is guilty of a
24 class C felony. This section does not apply to persons age sixteen or
25 seventeen signing up to register to vote as authorized under RCW
26 29A.08.170 or (~~(29A.08.355(2))~~) section 2 of this act.

27 **Sec. 19.** RCW 46.08.195 and 2017 c 147 s 2 are each amended to
28 read as follows:

29 (1) The name, residence address, and mailing address (if
30 different) submitted by an applicant for a driver's license or other
31 permit, identicard, certificate of title, or vehicle or vessel
32 registration is the name and address of record for the person.

33 (2)(a) If an applicant for or the holder of a driver's license,
34 permit, identicard, certificate of title, or vehicle or vessel
35 registration changes his or her name or address, he or she must
36 notify the department of the change in writing on a form provided by
37 the department. The written notification, or other means as

1 designated by rule of the department, is the exclusive means by which
2 the name or address of record maintained by the department concerning
3 the person may be changed.

4 (b) (~~The form must contain a place for the person to indicate~~
5 ~~that an address change is not for voting purposes.~~) The department
6 must notify the secretary of state by the means described in ((RCW
7 ~~29A.08.350~~)) section 3 of this act of all change of address
8 information for ((~~natural persons~~)) a driver's license, permit, or
9 identocard received by means of this form ((~~except information on~~
10 ~~persons indicating that the change is not for voting purposes~~)).

11 (3) Any notice regarding the refusal, cancellation, suspension,
12 revocation, disqualification, probation, or nonrenewal of the
13 driver's license, commercial driver's license, permit, driving
14 privilege, identocard, certificate of title, or vehicle or vessel
15 registration mailed to the address of record of the applicant or
16 holder is effective notwithstanding the applicant or holder's failure
17 to receive the notice.

18 (4) The department may not change the name of record of a person
19 who is the holder of a driver's license, other driving permit, or
20 identocard under this section unless the person has again satisfied
21 the department regarding his or her identity in the manner provided
22 under RCW 46.20.035.

23 **Sec. 20.** RCW 29A.08.630 and 2009 c 369 s 31 are each amended to
24 read as follows:

25 The county auditor shall return an inactive voter to active voter
26 status if, prior to the passage of two federal general elections, the
27 voter:

28 (1) Notifies the auditor of a change of address;

29 (2) Responds to a confirmation notice with information that he or
30 she continues to reside at the registration address; (~~or~~)

31 (3) Engages in a driver's license transaction or other agency
32 transaction and provides information indicating that the voter has
33 not moved; or

34 (4) Votes or attempts to vote in a primary, special election, or
35 general election. If the inactive voter fails to provide such a
36 notice or take such an action within that period, the auditor shall
37 cancel the person's voter registration.

1 **Sec. 21.** RCW 46.20.207 and 2018 c 110 s 107 are each amended to
2 read as follows:

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

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

11 (3) Upon the cancellation of (~~an enhanced~~) a driver's license
12 or identicard for failure of the licensee to give correct
13 information, if such information had been transferred to the
14 secretary of state for purposes of voter registration, the department
15 must immediately notify the office of the secretary of state, and the
16 county auditor of the county of the licensee's address of record, of
17 the cancellation of the license or identicard and identify the
18 incorrect information.

19 NEW SECTION. **Sec. 22.** Sections 6 and 17 of this act expire
20 September 1, 2023.

21 NEW SECTION. **Sec. 23.** Sections 7 and 18 of this act take effect
22 September 1, 2023.

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