
SENATE BILL 5153

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senators Valdez, Hunt, Nguyen, and C. Wilson

Prefiled 01/04/23. Read first time 01/09/23. Referred to Committee on State Government & Elections.

1 AN ACT Relating to uniform disclosure of records related to
2 future voters and making conforming amendments related to
3 participation of future voters in state primaries; amending RCW
4 29A.04.070, 29A.08.170, 29A.08.174, 29A.08.330, 29A.08.615,
5 29A.08.710, 29A.08.760, 29A.08.770, 29A.80.041, 46.20.155, 46.20.155,
6 42.56.230, and 42.56.250; reenacting and amending RCW 29A.08.720;
7 adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375;
8 providing an effective date; and providing an expiration date.

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

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

12 Information that is otherwise disclosable under this chapter
13 cannot be disclosed for a future voter until the person reaches 18
14 years of age, or until the person is eligible to participate in the
15 next presidential primary, primary, or election. This information is
16 exempt from public inspection and copying under chapter 42.56 RCW.
17 Information may be disclosed for the purpose of processing and
18 delivering ballots.

19 **Sec. 2.** RCW 29A.04.070 and 2018 c 109 s 2 are each amended to
20 read as follows:

1 "Future voter" means a United States citizen and Washington state
2 resident, age sixteen or seventeen, who (~~wishes to provide~~) has
3 provided information related to voter registration to the appropriate
4 state agencies.

5 **Sec. 3.** RCW 29A.08.170 and 2020 c 208 s 15 are each amended to
6 read as follows:

7 (1) A person may sign up to register to vote if he or she is
8 sixteen or seventeen years of age, as part of the future voter
9 program.

10 (2) A person who signs up to register to vote may not vote until
11 reaching eighteen years of age unless the person is seventeen years
12 of age at the primary election or presidential primary election and
13 will be eighteen years of age by the general election.

14 (3) A person who signs up to register to vote may not be added to
15 the statewide voter registration (~~(database)~~) list of voters until
16 such time as he or she will be eligible to vote in the next election.

17 **Sec. 4.** RCW 29A.08.174 and 2020 c 208 s 17 are each amended to
18 read as follows:

19 (1) A person who has attained sixteen years of age and has a
20 valid Washington state driver's license or identicard may sign up to
21 register to vote as part of the future voter program, by submitting a
22 voter registration application electronically on the secretary of
23 state(~~(S)~~) website.

24 (2) The applicant must attest to the truth of the information
25 provided on the application by affirmatively accepting the
26 information as true.

27 (3) If signing up to register electronically, the applicant must
28 affirmatively assent to the use of his or her driver's license or
29 identicard signature for voter registration purposes.

30 (4) The applicant must affirmatively acknowledge that he or she
31 will not vote in a special or general election until his or her
32 eighteenth birthday, and will only vote in a primary election or
33 presidential primary election if he or she will be eighteen years of
34 age by the general election.

35 (5) For each electronic registration application, the secretary
36 of state must obtain a digital copy of the applicant's driver's
37 license or identicard signature from the department of licensing.

1 (6) The secretary of state may employ additional security
2 measures to ensure the accuracy and integrity of voter
3 preregistration applications submitted electronically.

4 **Sec. 5.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to
5 read as follows:

6 (1) The secretary of state shall prescribe the method of voter
7 registration for each designated agency. The agency shall use either
8 the state voter registration by mail form with a separate declination
9 form for the applicant to indicate that he or she declines to
10 register at this time, or the agency may use a separate form approved
11 for use by the secretary of state.

12 (2) The person providing service at the agency shall offer voter
13 registration services to every client whenever he or she applies for
14 service or assistance and with each renewal, recertification, or
15 change of address. The person providing service shall give the
16 applicant the same level of assistance with the voter registration
17 application as is offered to fill out the agency's forms and
18 documents, including information about age and citizenship
19 requirements for voter registration.

20 (3) The person providing service at the agency shall determine if
21 the prospective applicant wants to register to vote or update his or
22 her voter registration by asking the following question:

23 "Do you want to register or sign up to vote or update your voter
24 registration?"

25 If the applicant chooses to register, sign up, or update a
26 registration, the service agent shall ask the following:

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

28 (b) "Are you at least sixteen years old?"

29 If the applicant answers in the affirmative to both questions,
30 the agent shall then provide the applicant with a voter registration
31 form and instructions and shall record that the applicant has
32 requested to sign up to vote, register to vote, or update a voter
33 registration. If the applicant answers in the negative to either
34 question, the agent shall not provide the applicant with a voter
35 registration application.

36 (4) If an agency uses a computerized application process, it may,
37 in consultation with the secretary of state, develop methods to

1 capture simultaneously the information required for voter
2 registration during a person's computerized application process.

3 (5) Each designated agency shall transmit the applications to the
4 secretary of state or appropriate county auditor within three
5 business days and must be received by the election official by the
6 required voter registration deadline.

7 (6) (~~Information that is otherwise disclosable under this~~
8 ~~chapter cannot be disclosed on the future voter until the person~~
9 ~~reaches eighteen years of age, except for the purpose of processing~~
10 ~~and delivering ballots.)) Disclosure of information on individuals
11 under the age of 18 is subject to section 1 of this act.~~

12 **Sec. 6.** RCW 29A.08.615 and 2018 c 109 s 9 are each amended to
13 read as follows:

14 (1) Registered voters are divided into two categories, "active"
15 and "inactive." All registered voters are classified as active,
16 unless assigned to inactive status by the county auditor.

17 (2) Persons signing up to register to vote as future voters as
18 defined under RCW 29A.04.070 are classified as "pending" until the
19 person will be at least eighteen years of age by the next election,
20 or eligible to participate in the next presidential primary or
21 primary under RCW 29A.08.110 or 29A.08.170.

22 **Sec. 7.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to
23 read as follows:

24 (1) The county auditor shall have custody of the original voter
25 registration records and voter registration sign up records for each
26 county. The original voter registration form must be filed without
27 regard to precinct and is considered confidential and unavailable for
28 public inspection and copying. An automated file of all registered
29 voters must be maintained pursuant to RCW 29A.08.125. An auditor may
30 maintain the automated file in lieu of filing or maintaining the
31 original voter registration forms if the automated file includes all
32 of the information from the original voter registration forms
33 including, but not limited to, a retrievable facsimile of each
34 voter's signature.

35 (2) (a) The following information contained in voter registration
36 records or files regarding a voter or a group of voters is available
37 for public inspection and copying, except as provided in RCW
38 40.24.060 and (b) of this subsection: The voter's name, address,

1 political jurisdiction, gender, date of birth, voting record, date of
2 registration, and registration number. No other information from
3 voter registration records or files is available for public
4 inspection or copying.

5 ~~(b) ((The personally identifiable information of individuals who
6 are under the age of eighteen are exempt from public inspection and
7 copying until the subject of the record is eighteen years of age,
8 except for the purpose of processing and delivering ballots.))~~
9 Disclosure of information on individuals under the age of 18 is
10 subject to section 1 of this act.

11 **Sec. 8.** RCW 29A.08.720 and 2018 c 110 s 206 and 2018 c 109 s 11
12 are each reenacted and amended to read as follows:

13 (1) In the case of voter registration records received through
14 the health benefit exchange, the department of licensing, or an
15 agency designated under RCW 29A.08.310, the identity of the office or
16 agency at which any particular individual registered to vote must be
17 used only for voter registration purposes, is not available for
18 public inspection, and shall not be disclosed to the public. Any
19 record of a particular individual's choice not to register to vote at
20 an office of the department of licensing or a state agency designated
21 under RCW 29A.08.310 is not available for public inspection and any
22 information regarding such a choice by a particular individual shall
23 not be disclosed to the public. ~~((Information that is otherwise
24 disclosable under this chapter cannot be disclosed on the future
25 voter until the person reaches eighteen years of age, except for the
26 purpose of processing and delivering ballots.))~~

27 (2) Disclosure of information on individuals under the age of 18
28 is subject to section 1 of this act.

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

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

6 ~~(b) ((The personally identifiable information of individuals who
7 are under the age of eighteen are exempt from public inspection and
8 copying until the subject of the record is eighteen years of age,
9 except for the purpose of processing and delivering ballots.~~

10 ~~(3))~~ Disclosure of information on individuals under the age of
11 18 is subject to section 1 of this act.

12 (4) For the purposes of this section, "political purpose" means a
13 purpose concerned with the support of or opposition to any candidate
14 for any partisan or nonpartisan office or concerned with the support
15 of or opposition to any ballot proposition or issue. "Political
16 purpose" includes, but is not limited to, such activities as the
17 advertising for or against any candidate or ballot measure or the
18 solicitation of financial support.

19 **Sec. 9.** RCW 29A.08.760 and 2018 c 109 s 12 are each amended to
20 read as follows:

21 The secretary of state shall provide a duplicate copy of the
22 master statewide computer file or electronic data file of registered
23 voters to the consolidated technology services agency for purposes of
24 creating the jury source list without cost. The information contained
25 in a voter registration application is exempt from inclusion until
26 the applicant reaches age eighteen. ~~((Information that is otherwise
27 disclosable under this chapter cannot be disclosed on the future
28 voter until the person reaches eighteen years of age, except for the
29 purpose of processing and delivering ballots.))~~ Disclosure of
30 information on individuals under the age of 18 is subject to section
31 1 of this act. Restrictions as to the commercial use of the
32 information on the statewide computer ~~((tape or))~~ data file of
33 registered voters, and penalties for its misuse, shall be the same as
34 provided in RCW 29A.08.720 and 29A.08.740.

35 **Sec. 10.** RCW 29A.08.770 and 2018 c 109 s 19 are each amended to
36 read as follows:

37 The secretary of state and each county auditor shall maintain for
38 at least two years and shall make available for public inspection and

1 copying all records concerning the implementation of programs and
2 activities conducted for the purpose of insuring the accuracy and
3 currency of official lists of eligible voters. These records must
4 include lists of the names and addresses of all persons to whom
5 notices are sent and information concerning whether or not each
6 person has responded to the notices. These records must contain lists
7 of all persons removed from the list of eligible voters and the
8 reasons why the voters were removed. (~~The personally identifiable
9 information of individuals who are under the age of eighteen are
10 exempt from public inspection and copying until the subject of the
11 record is eighteen years of age, except for the purpose of processing
12 and delivering ballots.~~) Disclosure of information on individuals
13 under the age of 18 is subject to section 1 of this act.

14 **Sec. 11.** RCW 29A.80.041 and 2020 c 208 s 19 are each amended to
15 read as follows:

16 (1) Any member of a major political party who is a registered
17 voter in the precinct and who will be at least eighteen years old by
18 the date of the precinct committee officer election may file his or
19 her declaration of candidacy as prescribed under RCW 29A.24.031 with
20 the county auditor for the office of precinct committee officer of
21 his or her party in that precinct.

22 (2) Disclosure of filing information for precinct committee
23 officer candidates who have not reached the age of 18 is the same as
24 all candidates for precinct committee officer.

25 (3) When elected at the primary, the precinct committee officer
26 shall serve so long as the committee officer remains an eligible
27 voter in that precinct.

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

30 (1) Before issuing an original license or identicard or renewing
31 a license or identicard under this chapter, the licensing agent shall
32 determine if the applicant wants to register to vote or update his or
33 her voter registration by asking the following question:

34 "Do you want to register or sign up to vote or update your voter
35 registration?"

36 If the applicant chooses to register, sign up, or update a
37 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, sign up form, or
6 update. If the applicant answers in the negative to either question,
7 the agent shall not submit an application.

8 (2) Information that is otherwise disclosable under chapter
9 29A.08 RCW cannot be disclosed (~~(on the)~~) for a future voter until
10 the person reaches eighteen years of age(~~(, except)~~) or until the
11 person is eligible to participate in the next presidential primary,
12 primary, or election, or for the purpose of processing and delivering
13 ballots.

14 (~~(+2)~~) (3) The department shall establish a procedure that
15 substantially meets the requirements of subsection (1) of this
16 section when permitting an applicant to renew a license or identicard
17 by mail or by electronic commerce.

18 **Sec. 13.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to
19 read as follows:

20 (1) Before issuing an original license or identicard or renewing
21 a license or identicard under this chapter, the licensing agent shall
22 determine if the applicant wants to register to vote or update his or
23 her voter registration by asking the following question:

24 "Do you want to register or sign up to vote or update your voter
25 registration?"

26 If the applicant chooses to register, sign up, or update a
27 registration, the agent shall ask the following:

28 (~~(+1)~~) "Are you a United States citizen?"

29 (~~(+2)~~ "~~Are you at least sixteen years old?~~")

30 If the applicant answers in the affirmative (~~(to both~~
31 ~~questions)),~~ the agent shall then submit the registration, sign up
32 form, or update. If the applicant answers in the negative to
33 (~~(either)~~) the question, the agent shall not submit an application.

34 (2) Information that is otherwise disclosable under chapter
35 29A.08 RCW cannot be disclosed (~~(on the)~~) for a future voter until
36 the person reaches eighteen years of age(~~(, except)~~) or until the
37 person is eligible to participate in the next presidential primary,

1 primary, or election, or for the purpose of processing and delivering
2 ballots.

3 ~~((2))~~ (3) The department shall establish a procedure that
4 substantially meets the requirements of subsection (1) of this
5 section when permitting an applicant to renew a license or identicard
6 by mail or by electronic commerce.

7 **Sec. 14.** RCW 42.56.230 and 2021 c 89 s 1 are each amended to
8 read as follows:

9 The following personal information is exempt from public
10 inspection and copying under this chapter:

11 (1) Personal information in any files maintained for students in
12 public schools, patients or clients of public institutions or public
13 health agencies, or welfare recipients;

14 (2)(a) Personal information:

15 (i) For a child enrolled in licensed child care in any files
16 maintained by the department of children, youth, and families;

17 (ii) For a child enrolled in a public or nonprofit program
18 serving or pertaining to children, adolescents, or students,
19 including but not limited to early learning or child care services,
20 parks and recreation programs, youth development programs, and after-
21 school programs;

22 (iii) For the family members or guardians of a child who is
23 subject to the exemption under this subsection (2) if the family
24 member or guardian has the same last name as the child or if the
25 family member or guardian resides at the same address as the child
26 and disclosure of the family member's or guardian's information would
27 result in disclosure of the personal information exempted under
28 (a)(i) and (ii) of this subsection; or

29 (iv) For substitute caregivers who are licensed or approved to
30 provide overnight care of children by the department of children,
31 youth, and families.

32 (b) Emergency contact information under this subsection (2) may
33 be provided to appropriate authorities and medical personnel for the
34 purpose of treating the individual during an emergency situation;

35 (3) Personal information in files maintained for employees,
36 appointees, or elected officials of any public agency to the extent
37 that disclosure would violate their right to privacy;

38 (4) Information required of any taxpayer in connection with the
39 assessment or collection of any tax if the disclosure of the

1 information to other persons would: (a) Be prohibited to such persons
2 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
3 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
4 to privacy or result in unfair competitive disadvantage to the
5 taxpayer;

6 (5) Credit card numbers, debit card numbers, electronic check
7 numbers, card expiration dates, or bank or other financial
8 information as defined in RCW 9.35.005 including social security
9 numbers, except when disclosure is expressly required by or governed
10 by other law;

11 (6) Personal and financial information related to a small loan or
12 any system of authorizing a small loan in RCW 31.45.093;

13 (7)(a) Any record used to prove identity, age, residential
14 address, social security number, or other personal information
15 required to apply for a driver's license or identicard.

16 (b) Information provided under RCW 46.20.111 that indicates that
17 an applicant declined to register with the selective service system.

18 (c) Any record pertaining to a vehicle license plate, driver's
19 license, or identicard issued under RCW 46.08.066 that, alone or in
20 combination with any other records, may reveal the identity of an
21 individual, or reveal that an individual is or was, performing an
22 undercover or covert law enforcement, confidential public health
23 work, public assistance fraud, or child support investigative
24 activity. This exemption does not prevent the release of the total
25 number of vehicle license plates, drivers' licenses, or identicards
26 that, under RCW 46.08.066, an agency or department has applied for,
27 been issued, denied, returned, destroyed, lost, and reported for
28 misuse.

29 (d) Any record pertaining to a vessel registration issued under
30 RCW 88.02.330 that, alone or in combination with any other records,
31 may reveal the identity of an individual, or reveal that an
32 individual is or was, performing an undercover or covert law
33 enforcement activity. This exemption does not prevent the release of
34 the total number of vessel registrations that, under RCW 88.02.330,
35 an agency or department has applied for, been issued, denied,
36 returned, destroyed, lost, and reported for misuse.

37 Upon request by the legislature, the department of licensing
38 shall provide a report to the legislature containing all of the
39 information in (c) of this subsection (7) and this subsection (7)(d)
40 that is subject to public disclosure;

1 (8) All information related to individual claim resolution
2 settlement agreements submitted to the board of industrial insurance
3 appeals under RCW 51.04.063, other than final orders from the board
4 of industrial insurance appeals. The board of industrial insurance
5 appeals shall provide to the department of labor and industries
6 copies of all final claim resolution settlement agreements;

7 (9) Voluntarily submitted information contained in a database
8 that is part of or associated with enhanced 911 emergency
9 communications systems, or information contained or used in emergency
10 notification systems as provided under RCW 38.52.575 and 38.52.577;

11 ~~((Until the person reaches eighteen years of age,~~
12 ~~information, otherwise disclosable under chapter 29A.08 RCW, that~~
13 ~~relates to a future voter, except for the purpose of processing and~~
14 ~~delivering ballots)) Information relating to a future voter, as
15 provided in section 1 of this act;~~

16 (11) All information submitted by a person to the state, either
17 directly or through a state-licensed gambling establishment, or
18 Indian tribes, or tribal enterprises that own gambling operations or
19 facilities with class III gaming compacts, as part of the self-
20 exclusion program established in RCW 9.46.071 or 67.70.040 for people
21 with a gambling problem or gambling disorder; and

22 (12) Names, addresses, or other personal information of
23 individuals who participated in the bump-fire stock buy-back program
24 under RCW 43.43.920.

25 **Sec. 15.** RCW 42.56.250 and 2020 c 106 s 1 are each amended to
26 read as follows:

27 The following employment and licensing information is exempt from
28 public inspection and copying under this chapter:

29 (1) Test questions, scoring keys, and other examination data used
30 to administer a license, employment, or academic examination;

31 (2) All applications for public employment other than for
32 vacancies in elective office, including the names of applicants,
33 resumes, and other related materials submitted with respect to an
34 applicant;

35 (3) Professional growth plans (PGPs) in educator license renewals
36 submitted through the eCert system in the office of the
37 superintendent of public instruction;

38 (4) The following information held by any public agency in
39 personnel records, public employment related records, volunteer

1 rosters, or included in any mailing list of employees or volunteers
2 of any public agency: Residential addresses, residential telephone
3 numbers, personal wireless telephone numbers, personal email
4 addresses, social security numbers, driver's license numbers,
5 identicard numbers, payroll deductions including the amount and
6 identification of the deduction, and emergency contact information of
7 employees or volunteers of a public agency, and the names, dates of
8 birth, residential addresses, residential telephone numbers, personal
9 wireless telephone numbers, personal email addresses, social security
10 numbers, and emergency contact information of dependents of employees
11 or volunteers of a public agency. For purposes of this subsection,
12 "employees" includes independent provider home care workers as
13 defined in RCW 74.39A.240;

14 (5) Information that identifies a person who, while an agency
15 employee: (a) Seeks advice, under an informal process established by
16 the employing agency, in order to ascertain his or her rights in
17 connection with a possible unfair practice under chapter 49.60 RCW
18 against the person; and (b) requests his or her identity or any
19 identifying information not be disclosed;

20 (6) Investigative records compiled by an employing agency in
21 connection with an investigation of a possible unfair practice under
22 chapter 49.60 RCW or of a possible violation of other federal, state,
23 or local laws or an employing agency's internal policies prohibiting
24 discrimination or harassment in employment. Records are exempt in
25 their entirety while the investigation is active and ongoing. After
26 the agency has notified the complaining employee of the outcome of
27 the investigation, the records may be disclosed only if the names of
28 complainants, other accusers, and witnesses are redacted, unless a
29 complainant, other accuser, or witness has consented to the
30 disclosure of his or her name. The employing agency must inform a
31 complainant, other accuser, or witness that his or her name will be
32 redacted from the investigation records unless he or she consents to
33 disclosure;

34 (7) Criminal history records checks for board staff finalist
35 candidates conducted pursuant to RCW 43.33A.025;

36 (8) Photographs and month and year of birth in the personnel
37 files of employees or volunteers of a public agency, including
38 employees and workers of criminal justice agencies as defined in RCW
39 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have
40 access to the photographs and full date of birth. For the purposes of

1 this subsection, news media does not include any person or
2 organization of persons in the custody of a criminal justice agency
3 as defined in RCW 10.97.030;

4 (9) The global positioning system data that would indicate the
5 location of the residence of a public employee or volunteer using the
6 global positioning system recording device;

7 ~~((Until the person reaches eighteen years of age,~~
8 ~~information, otherwise disclosable under chapter 29A.08 RCW, that~~
9 ~~relates to a future voter, except for the purpose of processing and~~
10 ~~delivering ballots)) Information relating to a future voter, as
11 provided in section 1 of this act; and~~

12 (11) Voluntarily submitted information collected and maintained
13 by a state agency or higher education institution that identifies an
14 individual state employee's personal demographic details. "Personal
15 demographic details" means race or ethnicity, sexual orientation as
16 defined by RCW 49.60.040(~~((+26+))~~) (27), immigration status, national
17 origin, or status as a person with a disability. This exemption does
18 not prevent the release of state employee demographic information in
19 a deidentified or aggregate format.

20 (12) Upon receipt of a request for information located
21 exclusively in an employee's personnel, payroll, supervisor, or
22 training file, the agency must provide notice to the employee, to any
23 union representing the employee, and to the requestor. The notice
24 must state:

25 (a) The date of the request;

26 (b) The nature of the requested record relating to the employee;

27 (c) That the agency will release any information in the record
28 which is not exempt from the disclosure requirements of this chapter
29 at least ten days from the date the notice is made; and

30 (d) That the employee may seek to enjoin release of the records
31 under RCW 42.56.540.

32 NEW SECTION. **Sec. 16.** RCW 29A.08.375 (Automatic registration—
33 Rule-making authority) and 2018 c 110 s 207 are each repealed.

34 NEW SECTION. **Sec. 17.** Section 12 of this act expires September
35 1, 2023.

1 NEW SECTION. **Sec. 18.** Section 13 of this act takes effect
2 September 1, 2023.

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