

---

ENGROSSED THIRD SUBSTITUTE SENATE BILL 6353

---

State of Washington

65th Legislature

2018 Regular Session

**By** Senate Transportation (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 02/06/18.

1 AN ACT Relating to increasing opportunities for citizens to  
2 participate in elections by streamlining procedures in order to  
3 automatically register citizens to vote; amending RCW 29A.08.350,  
4 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710;  
5 adding new sections to chapter 29A.08 RCW; adding a new section to  
6 chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding  
7 a new section to chapter 29A.84 RCW; creating new sections;  
8 prescribing penalties; and providing an effective 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 NEW SECTION. **Sec. 101.** A new section is added to chapter 29A.08  
13 RCW to read as follows:

14 A person age eighteen years or older who is a citizen of the  
15 United States applying for or renewing an enhanced driver's license  
16 or identicard issued under RCW 46.20.202 or changing the address for  
17 an existing enhanced driver's license or identicard pursuant to RCW  
18 46.20.205 may be registered to vote or update voter registration  
19 information at the time of registration or renewal by automated  
20 process if the department of licensing record associated with the  
21 applicant verifies United States citizenship, contains the data  
22 required for voter registration under RCW 29A.08.010, and includes a  
23 signature image. The person must be informed that his or her record  
24 will be used for voter registration, and offered an opportunity to  
25 decline to register.

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

28 (1) If the applicant in section 101 of this act does not decline  
29 registration, the application is submitted pursuant to RCW  
30 29A.08.350.

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

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

1 (1)(a) For persons age eighteen years and older registering under  
2 section 101 of this act, an application is considered complete only  
3 if it contains the information required by RCW 29A.08.010 and  
4 verification of citizenship. The applicant is considered to be  
5 registered to vote as of the original date of application or renewal  
6 of an enhanced driver's license or identicard issued under RCW  
7 46.20.202 or application for change of address for an existing  
8 enhanced driver's license or identicard pursuant to RCW 46.20.205.  
9 The auditor shall record the appropriate precinct identification,  
10 taxing district identification, and date of registration on the  
11 voter's record in the state voter registration list. Any mailing  
12 address provided shall be used only for mail delivery purposes, and  
13 not for precinct assignment or residency purposes. Within sixty days  
14 after the receipt of an application or transfer, the auditor shall  
15 send to the applicant, by first-class nonforwardable mail, an  
16 acknowledgment notice identifying the registrant's precinct and  
17 containing such other information as may be required by the secretary  
18 of state. The United States postal service shall be instructed not to  
19 forward a voter registration card to any other address and to return  
20 to the auditor any card which is not deliverable.

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

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

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

38 (4) The department of licensing is prohibited from sharing  
39 information used to verify identity with any federal agency unless  
40 required by law. The department may not retain any records or

1 documentation used to certify eligibility to vote under this section  
2 once the certification process has been completed and recorded unless  
3 required by law. Personal information supplied for the purposes of  
4 obtaining a driver's license or identicard is exempt from public  
5 inspection pursuant to RCW 42.56.230.

6 NEW SECTION. **Sec. 104.** A new section is added to chapter 46.20  
7 RCW to read as follows:

8 For persons eighteen years of age or older who the department has  
9 verified United States citizenship, who are applying for or renewing  
10 an enhanced driver's license or identicard under RCW 46.20.202 or  
11 applying for a change of address for an existing enhanced driver's  
12 license or identicard pursuant to RCW 46.20.205, and who have not  
13 declined to register to vote, the department shall produce and  
14 transmit to the secretary of state the following information from the  
15 records of each individual: The name, address, date of birth, gender  
16 of the applicant, the driver's license number, signature image, and  
17 the date on which the application was submitted. The department and  
18 the secretary of state shall process information as an automated  
19 application on a daily basis.

20 **Sec. 105.** RCW 29A.08.350 and 2013 c 11 s 18 are each amended to  
21 read as follows:

22 The department of licensing shall produce and transmit to the  
23 secretary of state the following information from the records of each  
24 individual who requested a voter registration or update at a driver's  
25 license facility: The name, address, date of birth, gender of the  
26 applicant, the driver's license number, signature image, and the date  
27 on which the application for voter registration or update was  
28 submitted. The secretary of state shall process the registrations and  
29 updates as an electronic application.

30 **PART II**  
31 **ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE**

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

34 (1) The health benefit exchange shall provide the following  
35 information to the secretary of state's office for consenting  
36 Washington healthplanfinder applicants, including applicants who file

1 changes of address, who reside in Washington, are age eighteen years  
2 or older, and are verified citizens, for the purpose of the  
3 applicants being registered to vote:

4 (a) Names;

5 (b) Traditional or nontraditional residential addresses; and

6 (c) Dates of birth.

7 (2) The health benefit exchange shall consult with the secretary  
8 of state's office to ensure that sufficient information is provided  
9 to allow the secretary of state to obtain a digital copy of the  
10 person's signature when available from the department of licensing  
11 and establish other criteria and procedures.

12 (3) If applicable, the health benefit exchange shall report any  
13 known barriers or impediments to implementation of this section to  
14 the appropriate committees of the legislature and the governor no  
15 later than December 1, 2019.

16 (4) Once the applicant has been registered to vote, the health  
17 benefit exchange is prohibited from sharing information used to  
18 verify identity with any federal agency unless required by law. The  
19 exchange may not retain any records or documentation used to certify  
20 eligibility to vote under this section once the certification process  
21 has been completed and recorded unless required by law. The exchange  
22 must protect the confidentiality of information to be shared pursuant  
23 to RCW 43.71.050.

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

26 (1) The health benefit exchange shall consult with the secretary  
27 of state's office to establish automatic voter registration criteria  
28 and procedures.

29 (2) If the health benefit exchange determines, in consultation  
30 with the health care authority, that implementation of automatic  
31 voter registration will require application or process changes  
32 subject to approval from the centers for medicare and medicaid  
33 services, implementation is contingent on approval from the centers  
34 for medicare and medicaid services. If applicable, the exchange shall  
35 report any known barriers or impediments to implementation of  
36 automatic voter registration to the appropriate committees of the  
37 legislature and the governor no later than December 1, 2019.

1 PART III

2 AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

3 NEW SECTION. **Sec. 301.** A new section is added to chapter 29A.04  
4 RCW to read as follows:

5 (1) "Qualified voter registration agency" means the department of  
6 agriculture, the department of veterans affairs, the military  
7 department, and the business professions division of the department  
8 of licensing, or a state agency providing public assistance or  
9 services to persons with disabilities, designated pursuant to RCW  
10 29A.08.310(1), that collects, processes, and stores the following  
11 information as part of providing assistance or services:

12 (a) Names;

13 (b) Traditional or nontraditional residential addresses;

14 (c) Dates of birth;

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

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

20 (2) Qualified voter registration agencies should seek to provide  
21 automatic voter registration services under section 302 of this act  
22 with any or all agency transactions. If a qualified voter  
23 registration agency chooses to provide automatic voter registration  
24 services, the agency:

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

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

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

34 (4) For agencies submitting a report under subsection (3) of this  
35 section, the governor shall consult with the secretary of state's  
36 office to make a decision as to whether the agency should implement  
37 automatic voter registration. The governor shall make the final  
38 decision at the governor's sole discretion.

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

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

6 (1) With each application for assistance or services listing the  
7 information described in section 301 of this act, and with each  
8 related recertification, renewal, or change of address, each  
9 qualified voter registration agency that chooses to or is required to  
10 provide automatic voter registration services, as provided in section  
11 301 of this act, shall inform the person of the following:

12 (a) Unless the person declines to register to vote or update an  
13 existing voter registration, or is found to be ineligible to vote,  
14 the person will be registered to vote or, if applicable, the person's  
15 voter registration will be updated;

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

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

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

21 (c) That voter registration is voluntary, and the person's choice  
22 to register or decline to register to vote will not affect the  
23 availability of agency services or benefits, and that the person's  
24 choice to register or decline to register to vote will not be used  
25 for any other purposes or retained by the agency; and

26 (d) Information about the address confidentiality program  
27 established under chapter 40.24 RCW, including how to register for  
28 the address confidentiality program and how voter registration may  
29 impact participation in the program.

30 (2) Each qualified voter registration agency shall:

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

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

39 (i) The person's name;

- 1 (ii) The person's traditional or nontraditional residential  
2 address;
- 3 (iii) The person's mailing address, if different from the  
4 person's traditional or nontraditional residential address;
- 5 (iv) The person's date of birth;
- 6 (v) Confirmation that the person is a citizen of the United  
7 States;
- 8 (vi) A digital copy of the person's signature; and
- 9 (vii) An affirmation of the person's eligibility to register to  
10 vote; and

11 (c) Offer each person an opportunity to decline to register to  
12 vote or to update an existing registration at each application for  
13 service or assistance, and each related recertification, renewal, or  
14 change of address, regardless of whether the person previously  
15 declined to register to vote or update an existing registration.

16 (3) A qualified voter registration agency shall not use a  
17 person's declination to register to vote to affect the person's  
18 eligibility for services or benefits provided by a qualified voter  
19 registration agency.

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

24 (5) Each qualified voter registration agency is prohibited from  
25 sharing information used to verify identity with any federal agency  
26 unless required by law. The agency may not retain any records or  
27 documentation used to certify eligibility to vote under this section  
28 once the certification process has been completed and recorded unless  
29 required by law. Personal information in files maintained for  
30 patients or clients of agencies providing public assistance or  
31 services to persons with disabilities is exempt from public  
32 inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

33 NEW SECTION. **Sec. 303.** A new section is added to chapter 29A.08  
34 RCW to read as follows:

35 (1)(a) Except as provided in (b) of this subsection, upon  
36 receiving the data for, and a digital copy of the signature of, a  
37 person as provided in section 302(2)(b) of this act, the secretary of  
38 state shall determine whether the person is already registered to  
39 vote. If the person is not already registered to vote, the secretary



1 of state shall provide the information to the county auditor of the  
2 county in which the person may be registered as a voter, and the  
3 auditor shall register the person to vote.

4 (b) If the secretary of state receives information about a person  
5 pursuant to section 302 of this act within eight days of an election  
6 in which that person would otherwise be eligible to vote, the  
7 secretary of state shall wait until after the election to provide the  
8 information to the county auditor of the county in which that person  
9 may be registered as a voter.

10 (2) If the person is already registered to vote, but the  
11 residential address transmitted by the qualified voter registration  
12 agency is different from the residential address on the person's  
13 current registration, the secretary of state shall direct the auditor  
14 of the county in which the person may be registered as a voter to  
15 update the person's voter registration.

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

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

21 NEW SECTION. **Sec. 304.** A new section is added to chapter 29A.08  
22 RCW to read as follows:

23 (1) If a person who is ineligible to vote becomes automatically  
24 registered to vote under section 101 or 302 of this act in the  
25 absence of a knowing violation by that person of RCW 29A.84.140, that  
26 person's registration is presumed to not be the fault of that person.

27 (2) If a person who is ineligible to vote becomes automatically  
28 registered to vote under section 102 or 302 of this act and votes or  
29 attempts to vote in the absence of a knowing violation by that person  
30 of RCW 29A.84.130, that person's vote is presumed not to be the fault  
31 of that person.

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

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

37 **Sec. 305.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to  
38 read as follows:

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

4 (1) Sending the county auditor a request stating both the voter's  
5 present address and the address from which the voter was last  
6 registered;

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

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

11 (4) Submitting a voter registration application;

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

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

14 (7) Submitting information to a qualified voter registration  
15 agency.

16 **Sec. 306.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to  
17 read as follows:

18 A registered voter who changes his or her residence from one  
19 county to another county must do so by submitting a voter  
20 registration form or by submitting information to the department of  
21 licensing, the health benefit exchange, or a qualified voter  
22 registration agency. The county auditor of the voter's new county  
23 shall transfer the voter's registration from the county of the  
24 previous registration.

25 **Sec. 307.** RCW 29A.08.720 and 2011 c 10 s 18 are each amended to  
26 read as follows:

27 (1) In the case of voter registration records received through  
28 the department of licensing, the health benefit exchange, or an  
29 agency designated under RCW 29A.08.310, the identity of the office or  
30 agency at which any particular individual registered to vote must be  
31 used only for voter registration purposes, is not available for  
32 public inspection, and shall not be disclosed to the public. Any  
33 record of a particular individual's choice not to register to vote at  
34 an office of the department of licensing or a state agency designated  
35 under RCW 29A.08.310 is not available for public inspection and any  
36 information regarding such a choice by a particular individual shall  
37 not be disclosed to the public.

1 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,  
2 precinct lists and current lists of registered voters are public  
3 records and must be made available for public inspection and copying  
4 under such reasonable rules and regulations as the county auditor or  
5 secretary of state may prescribe. The county auditor or secretary of  
6 state shall promptly furnish current lists of registered voters in  
7 his or her possession, at actual reproduction cost, to any person  
8 requesting such information. The lists shall not be used for the  
9 purpose of mailing or delivering any advertisement or offer for any  
10 property, establishment, organization, product, or service or for the  
11 purpose of mailing or delivering any solicitation for money,  
12 services, or anything of value. However, the lists and labels may be  
13 used for any political purpose. The county auditor or secretary of  
14 state must provide a copy of RCW 29A.08.740 to the person requesting  
15 the material that is released under this section.

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

23 NEW SECTION. **Sec. 308.** A new section is added to chapter 29A.84  
24 RCW to read as follows:

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

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

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

31 (3) Enters or causes or permits to be entered on the voter  
32 registration records the name of any person in any other manner or at  
33 any other time than as prescribed by voter registration law, or  
34 enters or causes or permits to be entered on such records the name of  
35 any person not entitled to be thereon; or

36 (4) Destroys, mutilates, conceals, changes, or alters any  
37 registration record in connection therewith except as authorized by  
38 voter registration law.

PART VI  
MISCELLANEOUS

**Sec. 401.** RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

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

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

**Sec. 402.** RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original

1 voter registration forms including, but not limited to, a retrievable  
2 facsimile of each voter's signature.

3 (2) The following information contained in voter registration  
4 records or files regarding a voter or a group of voters is available  
5 for public inspection and copying, except as provided in RCW  
6 40.24.060: The voter's name, address, political jurisdiction, gender,  
7 ((date)) year of birth, voting record, date of registration, and  
8 registration number. No other information from voter registration  
9 records or files is available for public inspection or copying.

10 NEW SECTION. **Sec. 403.** Sections 101 through 308 of this act  
11 take effect July 1, 2019. Automatic voter registration at the  
12 department of licensing under sections 101 through 105 of this act  
13 must be implemented by July 1, 2019.

--- END ---