

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2595

Chapter 110, Laws of 2018

65th Legislature
2018 Regular Session

AUTOMATIC VOTER REGISTRATION

EFFECTIVE DATE: June 7, 2018—Except for sections 101 through 107, which become effective July 1, 2019.

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

FRANK CHOPP
Speaker of the House of Representatives

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

CYRUS HABIB
President of the Senate
Approved March 19, 2018 3:13 PM

JAY INSLEE
Governor of the State of Washington

CERTIFICATE

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

BERNARD DEAN
Chief Clerk

FILED

March 20, 2018

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2595

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

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

READ FIRST TIME 02/06/18.

1 AN ACT Relating to increasing opportunities for citizens to
2 participate in elections by streamlining procedures in order to
3 automatically register citizens to vote; amending RCW 29A.08.110,
4 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding
5 new sections to chapter 29A.08 RCW; adding a new section to chapter
6 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new
7 sections; and providing an effective date.

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

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

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

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

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

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

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

9 PART I

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

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

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

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

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

16 NEW SECTION. Sec. 103. A new section is added to chapter 29A.08
17 RCW to read as follows:

18 (1) If the applicant in section 102 of this act does not decline
19 registration, the application is submitted pursuant to RCW
20 29A.08.350.

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

24 NEW SECTION. Sec. 104. A new section is added to chapter 29A.08
25 RCW to read as follows:

26 (1)(a) For persons age eighteen years and older registering under
27 section 102 of this act, an application is considered complete only
28 if it contains the information required by RCW 29A.08.010 and other
29 information as required by the secretary of state. The applicant is
30 considered to be registered to vote as of the original date of
31 issuance or renewal or date of change of address of an enhanced
32 driver's license or identicard issued under RCW 46.20.202 or change
33 of address for an existing enhanced driver's license or identicard
34 pursuant to RCW 46.20.205. The auditor shall record the appropriate
35 precinct identification, taxing district identification, and date of
36 registration on the voter's record in the state voter registration
37 list. Any mailing address provided shall be used only for mail
38 delivery purposes, and not for precinct assignment or residency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 **PART II**

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

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

- 10 (a) Names;
11 (b) Traditional or nontraditional residential addresses;
12 (c) Mailing addresses, if different from the traditional or
13 nontraditional residential address; and
14 (d) Dates of birth.

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

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

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

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

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

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

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

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

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

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

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

18 (a) Names;

19 (b) Traditional or nontraditional residential addresses;

20 (c) Dates of birth;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (4) Submitting a voter registration application;

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

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

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

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

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

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

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

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

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

35 (3) For the purposes of this section, "political purpose" means a
36 purpose concerned with the support of or opposition to any candidate
37 for any partisan or nonpartisan office or concerned with the support
38 of or opposition to any ballot proposition or issue. "Political
39 purpose" includes, but is not limited to, such activities as the

1 advertising for or against any candidate or ballot measure or the
2 solicitation of financial support.

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

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

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

Passed by the House March 7, 2018.

Passed by the Senate March 6, 2018.

Approved by the Governor March 19, 2018.

Filed in Office of Secretary of State March 20, 2018.

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