
SENATE BILL 5857

State of Washington

65th Legislature

2017 Regular Session

By Senator Chase

1 AN ACT Relating to automatic voter registration; amending RCW
2 29A.08.410, 29A.08.420, and 29A.08.720; adding a new section to
3 chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding
4 a new section to chapter 29A.84 RCW; creating a new section; making
5 an appropriation; and providing an effective date.

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

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

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

11 (b) Voter registration is a barrier for our citizens to
12 participate in elections. State and local governments should take
13 every step possible to make it easier to vote in Washington state and
14 ensure that fundamental values of a true democracy with full
15 participation remains one of our most important functions. Providing
16 additional opportunities for people to register to vote and helping
17 them make their own choices about who represents them in this
18 democracy and about important issues that are central to their lives
19 and communities are essential to upholding these values.

20 (2) Therefore, the legislature intends to increase the
21 opportunity to register to vote for persons qualified under Article

1 VI of the Washington state Constitution by expanding the streamlined
2 voter registration process that will increase opportunities for voter
3 registration without placing new undue burdens on government
4 agencies.

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

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

- 13 (1) Names;
- 14 (2) Traditional or nontraditional residential addresses;
- 15 (3) Dates of birth;
- 16 (4) A signature attesting to the truth of the information
17 provided on the application for assistance or services; and
- 18 (5) Citizenship information, verified via social security
19 administration data match or manually verified by the agency during
20 the client transaction.

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

23 (1) With each application for assistance or services listing the
24 information described in section 2 of this act, and with each related
25 recertification, renewal, or change of address, each qualified voter
26 registration agency, other than the department of social and health
27 services, shall inform the person of the following:

28 (a) Unless the person declines to register to vote or update an
29 existing voter registration, or is found to be ineligible to vote,
30 the person will be registered to vote or, if applicable, the person's
31 voter registration will be updated;

32 (b)(i) The qualifications to be registered to vote; (ii) the
33 penalties under chapter 29A.84 RCW for registering to vote when
34 ineligible or providing false registration information; and (iii)
35 that the person should not register to vote if the person does not
36 meet the qualifications to register;

37 (c) That voter registration is voluntary, and the person's choice
38 to register or decline to register to vote will not affect the

1 availability of agency services or benefits, and that the person's
2 choice to register or not register to vote will not be used for any
3 other purposes;

4 (d) Information about the address confidentiality program
5 established under chapter 40.24 RCW, including notification that
6 registration to vote does not affect any existing program
7 participation.

8 (2) Each qualified voter registration agency other than the
9 department of social and health services shall:

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

14 (b) Promptly provide to the secretary of state, in a format to be
15 determined by the secretary of state in consultation with the agency,
16 all necessary information for each person who does not decline to
17 register to vote, including:

18 (i) The person's name;

19 (ii) The person's traditional or nontraditional residential
20 address;

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

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

24 (v) Acknowledgment that the person is a citizen of the United
25 States;

26 (vi) Except for the health benefit exchange and the health care
27 authority, a digital copy of the person's signature; and

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

30 (c) Offer each person an opportunity to decline to register to
31 vote or to update an existing registration at each application for
32 service or assistance, and each related recertification, renewal, or
33 change of address, regardless of whether the person previously
34 declined to register to vote or update an existing registration.

35 (3) A qualified voter registration agency shall not use a
36 person's declination to register to vote to affect the person's
37 eligibility for services or benefits provided by a qualified voter
38 registration agency.

39 (4) The secretary of state shall consult with each qualified
40 voter registration agency to establish a procedure for transmitting

1 digital copies of signatures of persons who do not decline to
2 register to vote. The secretary of state shall consult with the
3 health benefit exchange, the department of social and health
4 services, the health care authority, and the department of licensing
5 to ensure that all necessary information is provided to the secretary
6 of state to allow the secretary of state to obtain a digital copy of
7 the person's signature from the department of licensing, when
8 available.

9 (5) If the secretary of state is unable to obtain a digital copy
10 of a person's signature from the department of licensing for a person
11 who seeks services or benefits provided by the department of social
12 and health services or the health care authority and does not decline
13 to register to vote, the department of social and health services or
14 the health care authority shall provide the secretary of state a
15 digital copy of the person's signature, when available.

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

18 With each application for assistance or service listing the
19 information described in section 2 of this act, and with each related
20 recertification, renewal, or change of address, except for a change
21 of address for the developmental disabilities administration and the
22 aging and long-term support administration, the department of social
23 and health services shall verify whether the person is already
24 offered the opportunity to register to vote pursuant to this act at
25 the health benefit exchange.

26 (1) For each such application where the person is not already
27 offered the opportunity to be registered to vote pursuant to this act
28 at the health benefit exchange, the department of social and health
29 services shall inform the person of the following:

30 (a) Unless the person declines to register to vote or update an
31 existing voter registration, or is found to be ineligible to vote,
32 the person will be registered to vote or, if applicable, the person's
33 voter registration will be updated;

34 (b)(i) The qualifications to be registered to vote; (ii) the
35 penalties under chapter 29A.84 RCW for registering to vote when
36 ineligible or providing false registration information; and (iii)
37 that the person should not register to vote if the person does not
38 meet the qualifications to register;

1 (c) That voter registration is voluntary, and the person's choice
2 to register or decline to register to vote will not affect the
3 availability of agency services or benefits, and that the person's
4 choice to register or not register to vote will not be used for any
5 other purposes;

6 (d) Information about the address confidentiality program
7 established under chapter 40.24 RCW, including notification that
8 registration to vote does not affect any existing program
9 participation.

10 (2) For each such application where the person is not already
11 offered the opportunity to be registered to vote pursuant to this act
12 at the health benefit exchange, the department of social and health
13 services shall:

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

18 (b) Promptly provide to the secretary of state, in a format to be
19 determined by the secretary of state in consultation with the
20 department, all necessary information for each person who does not
21 decline to register to vote, including:

22 (i) The person's name;

23 (ii) The person's traditional or nontraditional residential
24 address;

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

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

28 (v) Acknowledgment that the person is a citizen of the United
29 States; and

30 (vi) An affirmation of the person's eligibility to register to
31 vote; and

32 (c) Offer each person an opportunity to decline to register to
33 vote or to update an existing registration at each application for
34 service or assistance, and each related recertification, renewal, or
35 change of address, regardless of whether the person previously
36 declined to register to vote or update an existing registration.

37 (3) For all changes of address, the developmental disabilities
38 administration and the aging and long-term support administration
39 shall provide voter registration services as required by section 7 of
40 the national voter registration act and RCW 29A.08.310.

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

3 (1)(a) Except as provided in (b) of this subsection, upon
4 receiving the information provided under section 3(2)(b) or 4(2)(b)
5 of this act, the secretary of state shall determine whether the
6 person is already registered to vote. If the person is not already
7 registered to vote, the secretary of state shall provide the
8 information and a digital copy of the person's signature as provided
9 in this act to the county auditor of the county in which the person
10 may be registered as a voter, and the auditor shall register the
11 person to vote. If the information provided under section 3(2)(b) or
12 4(2)(b) of this act is incomplete, the secretary of state shall mail
13 the person a voter registration application.

14 (b) If the secretary of state receives information about a person
15 pursuant to section 3 of this act within twenty-one days of an
16 election in which that person would otherwise be eligible to vote,
17 the secretary of state shall wait until after the election to provide
18 the information to the county auditor of the county in which that
19 person may be registered as a voter.

20 (2) If the person is already registered to vote, but the
21 residential address transmitted by the qualified voter registration
22 agency is different from the residential address on the person's
23 current registration, the secretary of state shall direct the auditor
24 of the county in which the person may be registered as a voter to
25 update the person's voter registration.

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

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

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

33 (1) Each qualified voter registration agency, except for the
34 health benefit exchange, shall promptly transmit to the secretary of
35 state the information of each person for whom it retains all the
36 information listed in section 3(2)(b) (i) through (vi) or 4(2)(b) (i)
37 through (v) of this act on January 1, 2018. The health benefit
38 exchange shall promptly transmit to the secretary of state the
39 information of each person for whom it retains all the information

1 listed in section 3(2)(b) (i) through (v) or 4(2)(b) (i) through (iv)
2 of this act on January 1, 2018.

3 (2) The secretary of state shall:

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

7 (b) Promptly send each person identified notice, which must not
8 identify the agency transmitting the information, but which must
9 include:

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

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

16 (iii) The eligibility criteria for voting in federal and state
17 elections;

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

20 (v) Instructions for correcting an erroneous registration;

21 (vi) Instructions for providing any additional information
22 required for voter registration purposes; and

23 (vii) Information about the address confidentiality program
24 established under chapter 40.24 RCW, including notification that
25 registration to vote does not affect any existing program
26 participation;

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

33 (3) Information transmitted to the secretary of state pursuant to
34 subsection (1) of this section shall be used only for voter
35 registration purposes, is not available for public inspection, and
36 shall not be disclosed to the public.

37 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.08
38 RCW to read as follows:

1 (1) If a person who is ineligible to vote becomes registered to
2 vote under section 3, 4, or 6 of this act in the absence of a knowing
3 violation by that person of RCW 29A.84.140, that person's
4 registration shall be presumed to have been with official
5 authorization and not the fault of that person.

6 (2) Unless the person willfully and knowingly votes or attempts
7 to vote knowing that he or she is not entitled to vote, a person who
8 is ineligible to vote, becomes registered to vote under section 3, 4,
9 or 6 of this act, and votes or attempts to vote in an election held
10 after the effective date of the person's registration shall be
11 presumed to have acted with official authorization and shall not be
12 guilty of a class C felony under RCW 29A.84.130.

13 **Sec. 8.** RCW 29A.08.410 and 2009 c 369 s 22 are each amended to
14 read as follows:

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

18 (1) Sending the county auditor a request stating both the voter's
19 present address and the address from which the voter was last
20 registered;

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

23 (3) Telephoning or emailing the county auditor to transfer the
24 registration; (~~or~~)

25 (4) Submitting a voter registration application; or

26 (5) Submitting information to a qualified voter registration
27 agency.

28 **Sec. 9.** RCW 29A.08.420 and 2009 c 369 s 23 are each amended to
29 read as follows:

30 A registered voter who changes his or her residence from one
31 county to another county must do so by submitting a voter
32 registration form or by submitting information to a qualified voter
33 registration agency. The county auditor of the voter's new county
34 shall transfer the voter's registration from the county of the
35 previous registration.

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

1 (1) In the case of voter registration records received through
2 qualified voter registration agencies, the department of licensing,
3 or an agency designated under RCW 29A.08.310, the identity of the
4 office or agency at which any particular individual registered to
5 vote shall be used only for voter registration purposes, is not
6 available for public inspection, and shall not be disclosed to the
7 public. Any record of a particular individual's choice not to
8 register to vote at an office of the department of licensing or a
9 state agency designated under RCW 29A.08.310 shall be used only for
10 voter registration purposes, is not available for public inspection,
11 and any information regarding such a choice by a particular
12 individual shall not be disclosed to the public.

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

28 (3) For the purposes of this section, "political purpose" means a
29 purpose concerned with the support of or opposition to any candidate
30 for any partisan or nonpartisan office or concerned with the support
31 of or opposition to any ballot proposition or issue. "Political
32 purpose" includes, but is not limited to, such activities as the
33 advertising for or against any candidate or ballot measure or the
34 solicitation of financial support.

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

37 An employee of a qualified voter registration agency is guilty of
38 a gross misdemeanor punishable to the same extent as a gross

1 misdemeanor that is punishable under RCW 9A.20.021, if he or she
2 willfully:

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

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

7 (3) Enters or causes or permits to be entered on the voter
8 registration records the name of any person in any other manner or at
9 any other time than as prescribed by voter registration law or enters
10 or causes or permits to be entered on such records the name of any
11 person not entitled to be thereon; or

12 (4) Destroys, mutilates, conceals, changes, or alters any
13 registration record in connection therewith except as authorized by
14 voter registration law.

15 NEW SECTION. **Sec. 12.** The sum of four hundred thousand dollars,
16 or as much thereof as may be necessary, is appropriated for the
17 fiscal year ending June 30, 2017, from the general fund to the
18 secretary of state for the purposes of this act.

19 NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act take
20 effect January 1, 2018.

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