

**State Government, Elections &
Information Technology Committee**

HB 2595

Brief Description: Concerning procedures in order to automatically register citizens to vote.

Sponsors: 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.

Brief Summary of Bill

- Provides for an automatic voter registration procedure for Enhanced Drivers' License and Identocard applicants, Health Benefit Exchange applicants, and applicants of other agencies that collect data required for voter registration.
- Provides for automatic voter preregistration process at birth, where the person become eligible to vote upon turning 18 years old.
- Creates a task force to study and recommend the implementation of voter preregistration at birth.
- Requires the Secretary of State to study the feasibility of providing automatic voter registration for recently naturalized citizen state residents.

Hearing Date: 1/16/18

Staff: Sean Flynn (786-7124).

Background:

Voter Registration. Any eligible voter must register in order to vote in any primary, special, or general election. Voter registration requires a person to provide his or her name, residential address, date of birth, affirmation of citizenship, and a signature attesting to the truth of the information provided. The Secretary of State (SOS) maintains a statewide voter registration database that includes information of every registered voter.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In order to vote in an election, a person must submit his or her registration application online or by mail no later than 29 days before the election date, or in person at his or her county auditor's office no later than eight days before the election date. A person may update his or her registration at least 29 days before an election for the change to be effective for that election. A voter who does not transfer his or her residential information by that deadline may still vote according to his or her previous address.

Motor-Voter. The National Voter Registration Act (NVRA) requires states to provide the opportunity to register to vote for federal elections. Washington adopted the Motor Voter Act requiring the Department of Licensing (DOL) to provide voter registration services when a person applies for or renews a driver's license or state identification card. It also allows the Governor, in consultation with the SOS, to designate agencies that offer services to the public to provide an opportunity to register to vote.

Enhanced Driver's License and Identicard. Any state resident who is also a citizen of the United States may obtain an enhanced driver's license (EDL) or enhanced identification card (EID). The applicant must provide the same information required for driver's license applications, as well as proof of their identity, citizenship, and state residency. Applicants also must complete an in-person interview with a DOL employee.

Summary of Bill:

Automatic voter registration is created in accordance with several procedures.

EDL and EID Applicants. Any person who is at least 18 years old may be automatically registered to vote, or update his or her voter registration upon applying for or renewing his or her EDL or EID, so long as the DOL's records verify citizenship, include all other required voter registration information, and contain a signature image. The applicant must be offered an opportunity to decline to register.

Within 60 days of such automatic registration, the county auditor must mail an acknowledgement to the voter, which contains the person's designated precinct and other information the SOS may require. Such a mailing may not be forwarded to any other address. If the automatic registration is missing required information, the county auditor must mail a request to the person to provide and missing information, which must be provided within 45 days, in order to complete an application.

If the EDL or EID applicant has not declined registration to vote, the DOL must transmit applicant's information to the SOS, including name, address, date of birth, gender, license number, signature image, and date the application was submitted.

Qualified Voter Registration Agencies. The Health Benefit Exchange (HBE) must provide automatic voter registration services for each application for assistance and service that includes the collection of data required for voter registration purposes, unless the HBE encounters barriers to approval for such services from the Centers for Medicare and Medicaid Services. Any other agency that provides public assistance or services for persons with disabilities should seek to provide automatic voter registration services, if the agency collects and processes information as

part of such services, including name, address, birthdate, applicant's signature, and verified citizenship information. If such a qualifying agency does not intend to provide automatic voter registration services, it must report to the Legislature by December 1, 2019 detailing the reasons why such service is not feasible.

The HBE or qualifying agency electing to provide automatic voter registration services must provide the applicant with the option to decline registration, or have his or her registration updated, and that declining to register does not affect his or her application. The declination of registration or renewal may not affect the person's eligibility for services or assistance from the agency. The applicant must also be informed that he or she should not register if he or she does not meet eligibility requirements, as well as the penalties for registering when ineligible or providing false registration information.

The HBE or qualifying agency must transmit the applicant's required voter registration data to the SOS, including confirmation of citizenship, a digital copy of the person's signature, and an affirmation that the person is eligible to vote. The SOS must review the information to determine whether the person is already registered to vote, and then submit the information to the appropriate county auditor. The county auditor must notify the person that he or she is registered to vote. If the SOS receives the information within eight days of an election, the SOS must wait until after the election to provide the registration information to the county auditor.

Each qualifying agency, except the HBE, must transmit the required voter registration information to the SOS of each person whose data is retained as of July 1, 2020. The SOS must send each person notice that he or she will be automatically registered to vote and offer the option to decline registration. The notice should also advise that the person should not register to vote if he or she does not meet the qualifications to register and provide instructions for providing additional information or correcting errors. The SOS must register any such person who does not decline to register within 60 days of the notification. If the information is received within 21 days of an election, the SOS must wait until after the election to register the person to vote.

An ineligible person who automatically becomes registered to vote, or illegally votes in an election, is not at fault if that person did not have knowledge of his or her ineligibility. The SOS must investigate instances where ineligible voters incidentally become registered to vote.

Pending Registration at Birth. Starting in 2020, any person born in the state whose birth certificate is filed with the state Registrar of Vital Statistics (Registrar) must be preregistered to vote, and becomes registered upon that person reaching 18 years of age and otherwise being eligible to vote. The SOS, county auditor, or other election official must confirm the person's residential address at such time.

The Registrar must submit the applicable personal information on the birth certificate to the SOS. The SOS must maintain the collected information in a pending voter registration database that includes the person's name, birthdate, and address. The person's parents or legal guardian must be offered the option to decline preregistration, and the person or his or her parents or guardian may request that his or her information is removed from the database. The SOS must update the personal information in the database at least twice a year, by using existing state databases, and upon the request of the registrant. The SOS must develop a process for collecting

personal information from pending registrants that is similar to the active registration process, including but not limited to, the pending registrant's signature.

The Legislature must convene a task force to facilitate the implementation of the process for preregistration at birth. The task force must include a representative of:

- each party in the House of Representatives and the Senate, appointed by the President of the Senate and Speaker of the House, respectively;
- the Office of the Governor;
- the Office of the Secretary of State;
- the Washington Association of County Auditors;
- the Department of Health;
- the Office of the Chief Information Officer; and
- the public appointed by the Governor's Office.

The SOS must provide staffing for the task force and set the initial meeting of the task force, at which the members must select two cochairs from among the membership. The task force must hold at least three meetings, set by the cochairs, or set by the SOS if necessary to meet the minimum number of meetings. The task force must request information and records from agencies, as needed, and should consult with relevant agencies that collect and maintain records that contain personal information to consider ways for transferring information with voter registration databases.

The task force must submit a report to the Governor and the Legislature by December 1, 2018 that includes its findings and recommendations on how to implement preregistration at birth. The report must include any proposed legislation necessary for such implementation and the estimated costs. The proposed legislation may address data-sharing agreements among agencies, address confirmation procedures, procedures for collecting and verifying personally identifiable information, public notice and opt-out procedures, cybersecurity measures, and any necessary delegation of authority.

The information in the pending voter registration database is exempt from public disclosure, unless requested by a person for his or her own information.

Automatic Registration for Recent Naturalized Citizens. The SOS must study and report to the Legislature by December 1, 2019 on recommendations for creating an automatic voter registration process for recently naturalized citizens who are state residents. The SOS should consult with relevant federal agencies on how to coordinate sharing resources and to determine the feasibility of the project.

Appropriation: None.

Fiscal Note: Requested on January 15, 2018.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.