
**State Government & Tribal Relations
Committee**

SB 5077

Brief Description: Concerning expansion of voter registration services by government agencies.

Sponsors: Senators Valdez, Riccelli, Bateman, Frame, Hasegawa, Lias, Nobles and Salomon.

Brief Summary of Bill

- Requires the Governor to decide which additional local, state, federal, and tribal agencies may offer voter registration services, including automatic voter registration and automatic updates of existing voter registrations.
- Directs the Office of the Secretary of State to provide automatic voter registration for Washington Healthpathfinder applicants.
- Authorizes the Office of the Secretary of State to employ online voter registration through the websites of approved government agencies, higher learning institutions, and third-party organizations.

Hearing Date: 3/14/25

Staff: Connor Schiff (786-7093).

Background:

Voter Registration and Eligibility.

Any citizen who wishes to vote and is eligible to do so must first register. To be eligible to vote in Washington, an individual must be:

- a citizen of the United States (US);

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- a resident of Washington;
- at least 18 years old;
- not disqualified from voting due to a court order;
- not currently serving a sentence of total confinement in prison under the jurisdiction of the Department of Corrections for a felony conviction; and
- not currently incarcerated for a federal or out-of-state felony conviction.

Automatic Voter Registration.

The Department of Licensing (DOL) provides automatic voter registration (AVR) for eligible persons who apply for, renew, or update an enhanced driver's license or enhanced state identification card.

Within five business days after a person is automatically registered to vote through the DOL, the county auditor must send the person an automatic voter registration acknowledgement notice package. The package must include a prepaid return form that the person may return by mail to decline to be registered to vote or have their address changed. The package must also include a notice stating that if the person does not meet the qualifications to vote, they must return the form and decline to be registered. The Office of the Secretary of State (OSOS) may require other information to be included in the package. If the county auditor receives information from the DOL regarding the applicant after the deadline to register to vote by mail or electronically (eight days before the election), then the package may be sent after the election.

If a person replies stating that they do not wish to be registered to vote, and the reply is received by the county auditor within 15 days after the package is mailed, the person is removed from the list of registered voters and is deemed to have never registered to vote. If a notice declining registration is returned after that deadline, the county auditor must cancel the voter's registration.

An applicant who is automatically registered to vote at the DOL is considered registered to vote as of the date that an election official receives their information from the DOL, unless:

- the voter declines registration; or
- the elections official receives the voter's information after the deadline to register to vote by mail or electronically, in which case the voter is considered registered to vote as of the day after the election.

The Governor is also directed to decide, in consultation with the OSOS, whether a state agency that provides public assistance or services to persons with disabilities and collects, processes, and stores certain information, including verification of citizenship information, must provide AVR.

Voter Registration Services.

The Health Benefit Exchange (HBE) must provide the name, residential address, mailing address, and date of birth of a Washington Healthpathfinder applicant who resides in Washington, is at least 18 years old, is a verified US citizen, and affirmatively indicates interest in registering to vote, to the OSOS for the purposes of voter registration. Washington Healthpathfinder is the HBE's online marketplace that allows Washington residents to compare

and enroll in health insurance plans. If the HBE determines that implementation of AVR requires approval by the Centers for Medicare and Medicaid Services, then implementation is contingent on approval.

The Governor is authorized to designate, in consultation with the OSOS, agencies to provide voter registration services in compliance with federal law. A federally recognized tribe may request that the Governor designate facilities located on the tribe's land or programs providing services to the tribe to provide voter registration services.

Summary of Bill:

Automatic Voter Registration.

The Governor is directed to decide, in consultation with the Office of the Secretary of State (OSOS), whether a state agency that: (1) collects, possesses, and stores names, residential addresses, dates of birth, attestation signatures, and citizenship verification via social security data match, may implement automatic voter registration (AVR); or (2) collects, possesses, and stores names, residential addresses, and dates of birth, may implement automatic updates of existing voter registrations. In both cases, implementation must substantially meet the procedural requirements for AVR through the Department of Licensing (DOL).

The Governor is directed to make the same decision regarding AVR implementation and automatic updates of registrations, in consultation with the OSOS, for local, federal, or tribal agencies, including federal agencies administering naturalization ceremonies. Implementation of AVR or automatic updates by these agencies is conditioned upon consent of the agency to provide these services.

After confirming that an application to a state agency that provides public assistance or services to persons with disabilities contains a signature attesting to the truth of the information provided on the application, the OSOS may obtain a digital copy of the applicant's signature image from the DOL for the purposes of voter registration.

Voter Registration Services through the Health Benefit Exchange.

The Health Benefit Exchange (HBE) may provide the OSOS with the name, residential address, mailing address, and date of birth of Washington Healthpathfinder applicants who reside in Washington, are 18 years old or older, and whose citizenship is reliably verified through an electronic database match as part of an eligibility match if:

- the HBE sends the applicant a notice within five business days of the original application informing the applicant that the HBE will provide the information to the OSOS for voter registration purposes and the applicant does not decline such service; or
- the applicant does not respond to the notice to decline to provide their information for voter registration within 15 days of the mailing date of the notice.

Upon receipt of an applicant's information from the HBE, the OSOS must implement AVR through a process that substantially meets the procedural requirements for AVR through the

DOL. The HBE is not required to transmit information for an applicant that is already registered to vote with the same name and residential or mailing address.

Voter Registration Services through Other Agencies.

The Governor, in consultation with the OSOS, may designate local, federal, or tribal agencies, including federal agencies administering naturalization ceremonies, to provide voter registration services, if the agency consents to providing such services. If the Department of Corrections (DOC) is designated to provide voter registration services, a county auditor must process a voter registration application transmitted by the DOC. A person who signs up to vote through this process is classified as pending until the person is eligible to vote.

Registering to Vote through the Website of Another Entity.

The OSOS may employ an application programming interface to allow a person to submit a voter registration application through the website of an approved government agency, institution of higher learning, or third-party organization.

Appropriation: None.

Fiscal Note: Available.

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