

HOUSE BILL REPORT

SB 5077

As Passed House - Amended:

April 11, 2025

Title: An act relating to expansion of voter registration services by government agencies.

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

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

Brief History:

Committee Activity:

State Government & Tribal Relations: 3/14/25, 3/18/25, 3/28/25 [DP];

Appropriations: 4/5/25, 4/7/25 [DP].

Floor Activity:

Passed House: 4/11/25, 59-37.

Brief Summary of Bill (As Amended by House)

- 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 Healthplanfinder applicants.
- Authorizes the Office of the Secretary of State to employ online voter registration through the websites of approved government agencies and higher learning institutions.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

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

Majority Report: Do pass. Signed by 4 members: Representatives Mena, Chair; Stearns, Vice Chair; Doglio and Farivar.

Minority Report: Do not pass. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; Chase.

Staff: Connor Schiff (786-7093).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 19 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Bergquist, Callan, Cortes, Doglio, Fitzgibbon, Leavitt, Lekanoff, Peterson, Pollet, Ryu, Springer, Stonier, Street, Thai and Tharinger.

Minority Report: Do not pass. Signed by 12 members: Representatives Couture, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Burnett, Caldier, Corry, Dye, Keaton, Manjarrez, Marshall and Rude.

Staff: Meghan Morris (786-7119).

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);
- 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 Healthplanfinder 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 Healthplanfinder 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 Amended 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 Healthplanfinder 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 or institution of higher learning.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (State Government & Tribal Relations):

(In support) Washington is at the forefront of getting people registered to vote; this would be an additional step. More people would be registered to vote. There are some strong parameters to make sure the language complies with state and federal laws. Incarcerated and formerly incarcerated people often do not know they can vote. When leaving prison, registering to vote is one of the last things on someone's mind and this will remove the extra step to register for these individuals. Emotional disenfranchisement lasts beyond when an individual's rights are restored. This streamlines government transactions. The Health Benefit Exchange (HBE) has raised some issues, but this bill explicitly provides that only verified citizens would be eligible for automatic voter registration (AVR) and the bill is permissive; the HBE has flexibility to move forward. The HBE would not be implementing this alone; other states have implemented this. It is cheaper to implement AVR than to mail out information about registering to vote. AVR has helped many people register, but many people remain unregistered. There are barriers to registering and there should not be extra barriers to registering. AVR makes registration more simple and accessible. This would reduce barriers and disparities among lower and moderate income earners, individuals who were formerly incarcerated, the elderly, and new Americans that have language barriers. Expanding the AVR system would take out the guess work for individuals who are not sure about their eligibility. AVR also increases efficiency, lowers costs for election officials, and strengthens democracy. Voting is an essential component of a democratic republic. This builds upon secure and efficient voter registration services. Accuracy of voter registrations would increase because only eligible individuals would be registered to vote.

(Opposed) It is already easy to vote. Election security is more important. There are issues with security with mass mail-in ballots. Allowing third party organizations to provide voter registration services would make the voting system more insecure. People who are not eligible to vote may be voting illegally. Voter registration services should be an opt-in system, not an opt-out system. This will increase the number of improper ballots. This bill is attempting to fix issues on the wrong side of the equation as individuals have concerns about election security. Purging of voter records is not done well. It is not clear how

citizenship is verified through the Department of Licensing. Most people are against this bill.

(Other) Voter registration is an important topic to the HBE. The HBE has a voter registration process in place where a mandatory window with an affirmation pops up; if an individual affirms their interest in registering to vote, there is a real time data transfer. The HBE has several concerns with the proposed bill. Federal regulations that govern data information require that data can only be shared if approved by the Centers for Medicare and Medicaid Services. A number of people who use Washington Healthplanfinder are not citizens and there are mixed households; we want people to trust the HBE with their data and how it is shared.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill allows more agencies and tribes to help eligible voters to register easily, especially with the Health Benefit Exchange (HBE). This will help capture folks that have not been captured in other voter registration processes, including new Americans, veterans, low- and moderate-income families, and returning citizens.

There is no cost associated with this bill since there is nothing to implement until the HBE receives approval from the federal government. The bill serves as a notice to the federal administration that Washington would like to expand automatic voter registration. The bill is permissive, and nothing requires agencies to implement automatic voter registration if the Governor gives the directive.

(Opposed) Adding another way to register voters through the HBE is unnecessary given the amount of current automatic voter registration programs. People can even register to vote on their phones. The citizenship verification process is vague and open for interpretation. This bill is a solution in search of a problem and given the budget shortfall, this is fiscally irresponsible.

Persons Testifying (State Government & Tribal Relations): (In support) Senator Javier Valdez; Anthony Blankenship, Civil Survival; Alex Tischenko, Institute for Responsive Government; Lai King, Pacific islander Health Board; Alex Alston, WA Voting Justice Coalition; Cindy Black, Fix Democracy First; and Kari Bull, FairVote Washington.

(Opposed) Jeff Pack, Washington Citizens Against Unfair Taxes; and Sharon Damoff.

(Other) Shirley Prasad, Washington Health Benefit Exchange.

Persons Testifying (Appropriations): (In support) Shawn Merchant, Office Of The Secretary Of State; and Caron Cargill, Washington Voter Justice Coalition and Center for Secure and Modern Elections.

(Opposed) Anthony Mixer, Washington State Young Republicans.

Persons Signed In To Testify But Not Testifying (State Government & Tribal Relations):

Raymond Williams, Just Us Solutions; Denisse Guerrero, Washington Community Alliance; Jess Unger, Institute for Responsive Government; Gregor Doerr, Washington State Young Republicans; Laurie Layne; Sandra Mochizuki; Jaimee Saling; and Lauren Colas.

Persons Signed In To Testify But Not Testifying (Appropriations): None.