

SENATE BILL REPORT

SB 5077

As Passed Senate, February 12, 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, Liias, Nobles and Salomon.

Brief History:

Committee Activity: State Government, Tribal Affairs & Elections: 1/21/25, 1/24/25 [DP, DNP, w/oRec].

Floor Activity: Passed Senate: 2/12/25, 30-19.

Brief Summary of Bill

- Requires the Governor to decide which additional local, state, federal, and tribal agencies may offer automatic voter registration.
- Grants permissive authority to the Health Benefit Exchange to provide Healthplanfinder information to the Secretary of State to facilitate voter registration, contingent on federal approval.
- Clarifies the voter registration process if the Department of Corrections is designated to provide voter registration services.
- Authorizes the Secretary of State to employ online voter registration through agency and other websites.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Valdez, Chair; Krishnadasan, Vice Chair; Hasegawa, Kauffman

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.

and Riccelli.

Minority Report: Do not pass.

Signed by Senators Fortunato, McCune and Short.

Minority Report: That it be referred without recommendation.

Signed by Senator Wilson, J., Ranking Member.

Staff: William Bridges (786-7312)

Background: Automatic Voter Registration. Automatic voter registration (AVR) is authorized at the Department of Licensing (DOL). Applicants for enhanced driver's licenses or identity cards are automatically registered to vote, signed up to register to vote, or have an existing voter registration updated at the time of the agency transaction and may opt out of registration after returning a subsequent acknowledgment notice from county auditors.

The Health Benefits Exchange (HBE) assists in voter registration by transmitting the name, address, and date of birth of the primary applicant to the Secretary of State (SOS) for the purpose of voter registration, if the applicant affirmatively indicates they are interested in registering to vote. The information is gathered through HBE's Washington Healthplanfinder, its online marketplace, which allows Washington residents to compare and enroll in health insurance plans. It is also the online eligibility and enrollment portal for Medicaid clients. If the applicant consents to register to vote and their citizenship status is verified through a database match, relevant data is automatically transferred to SOS for voter registration purposes. If citizenship status cannot be verified electronically, the applicant is directed to SOS to manually input their relevant data.

The Governor is authorized to decide whether to require certain state agencies providing public assistance or services to persons with disabilities to implement automatic voter registration services. The Governor is also authorized to designate agencies to provide voter registration services in compliance with federal statutes. Federally recognized tribes may request the Governor designate certain state facilities or programs to provide voter registration services.

Federal Laws Protecting Health Information. Federal laws require an individual's written authorization for any use or disclosure of protected health information or personally identifiable information that is not for treatment, payment, or health operations. Federal approval may be required for the release of personally identifiable information collected by health insurance exchanges.

Summary of Bill: Requiring the Governor to Decide if Additional Agencies May Offer Automatic Voter Registration. The Governor is directed to decide, in consultation with SOS, as to whether state agencies that: (1) collect, possess, and store personal information—names, residential addresses, dates of birth, attestation signatures, and

citizenship verification via social security data match—may implement AVR; or (2) collect, possess, and store names, residential addresses, and dates of birth, may implement automatic updates of existing voter registrations. In both cases, the implementation must substantially meet the DOL requirements for enhanced driver's licenses and enhanced identity card applicants.

The Governor is also directed to make the same decision, in consultation with SOS, as to local, federal, or tribal agencies, including but not limited to federal agencies administering naturalization ceremonies, provided that such agencies consent to implementing automatic voter registration or automatic updates of existing voter registrations.

Authorizing the Health Benefits Exchange to Provide Healthplanfinder Information to the Secretary of State. Contingent on federal approval, HBE is authorized to provide the personal information from a Washington Healthplanfinder application—namely, applicant and household names, residential address, mailing address, and date of birth—for AVR purposes to SOS, including applicants who file changes of address, who reside in Washington, are 18 or older, and whose citizenship is verified through an electronic database match as part of the eligibility determination process if:

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

Upon receipt of the information, SOS must implement automatic voter registration through a procedure similar to DOL for enhanced driver's license and enhanced identity card applicants. If SOS provides voter registration data to HBE showing that the applicant has an existing voter registration and neither name nor residence has changed, then HBE is not required to notify the applicant or transmit the applicant's information to SOS.

Clarifies the Voter Registration Process if the Department of Corrections is Designated to Provide Voter Registration Services. If the Governor, in consultation with SOS, designates DOC to provide voter registration services, county auditors must process a voter registration application transmitted by DOC as an application to sign up to register to vote. The person's voter registration is to be classified as pending until such time as the person will be eligible to vote and prohibits a voter registration acknowledgment notice from being sent prior to receipt of notice from DOC that the person is released from, or transferred to partial confinement from, total confinement under the jurisdiction of DOC.

Authorizes the Secretary of State to Employ Online Voter Registration Through Agency and Other Websites. SOS is authorized to employ an application programming interface to allow a person to securely submit a voter registration application electronically to SOS through the website of an approved government agency, institution of higher learning, or third-party organization.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Washington State has made great progress in automatic voter registration, and this bill provides another tool to get even more people to register. Automatic voter registration removes barriers to successful reentry of those with criminal justice histories, and helps to reintegrate them into the civic process. Automatic voter registration also assists immigrant communities to participate in the civic process

CON: It is already easy to register to vote; election security is the more important issue. The HBE process should remain an opt-in process.

OTHER: The Secretary of State is in favor of allowing more eligible people to vote, but it will take time to develop new file transfer protocols with the HBE. The HBE supports the goal, but has concerns about the opt-out process, notification methods, and timelines.

Persons Testifying: PRO: Senator Javier Valdez, Prime Sponsor; Anthony Blankenship, Civil Survival Project; Jacob Schmitt, Just Us Solutions; Raymond Williams, Just Us Solutions; Hailey Wu, Asian Counseling and Referral Services; Abigail Leong; Lai King; Giovanni Severino; Alex Tischenko, Institute for Responsive Government; Alex Alston, WA Voting Justice Coalition.

CON: Sharon Damoff.

OTHER: Ingrid Ulrey, Washington Health Benefit Exchange; Shirley Prasad, Washington Health Benefit Exchange; Shawn Merchant, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: No one.