FINAL BILL REPORT
SB 5077

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Synopsis as Enacted

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

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

Senate Committee on State Government, Tribal Affairs & Elections
House Committee on State Government & Tribal Relations
House Committee on Appropriations

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) 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

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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: Requiring the Governor to Decide if Additional Agencies May Offer Automatic Voter Registration. The Governor is directed to decide, in consultation with SOS, whether state agencies that 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 collect, possess, and store names, residential addresses, and dates of birth, to implement automatic updates of existing voter registrations. In both cases, the implementation must substantially meet 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, for 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. This includes 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

the Department of Corrections (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 Higher Education 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 or institution of higher learning.

Votes on Final Passage:

Senate	30	19	
House	59	37	(House amended)
Senate	30	19	(Senate concurred)

Effective: July 27, 2025