

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1229 S HB	<b>Title:</b> Voter registration
-------------------------------	----------------------------------

## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Secretary of State	.0	147,500	147,500	147,500	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	Fiscal note not available											
Department of Licensing	.0	0	0	434,000	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>147,500</b>	<b>147,500</b>	<b>581,500</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other			19,243			38,486			38,486
Local Gov. Total			19,243			38,486			38,486

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	Fiscal note not available								
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

## Estimated Capital Budget Breakout

**Prepared by:** Gwen Stamey, OFM

**Phone:**  
(360) 790-1166

**Date Published:**  
Preliminary 2/23/2023

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1229 S HB	<b>Title:</b> Voter registration	<b>Agency:</b> 085-Office of the Secretary of State
-------------------------------	----------------------------------	---

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	147,500	0	147,500	0	0
<b>Total \$</b>	147,500	0	147,500	0	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/17/2023
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 02/20/2023
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 02/20/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 02/20/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Changes in SHB 1229 compared to the previous version (HB 1229):

Section 4 language regarding when an applicant is considered registered to vote has been modified.

Section 16(4) language regarding voters who decline to register has been changed.

Neither of these changes impact the estimated cost of implementing the bill.

Summary of SHB 1229:

This bill requires the Office of the Secretary of State (OSOS) to modify the voter registration system to ensure standardization and consistency of the notification of automatically registered voters, tracking the status of any response declining registration, and after 21 days registering those individuals to vote.

The bill also provides protections for the date of birth by limiting disclosure to just the year of birth.

The bill also provides clarification of existing election crime laws.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

OSOS estimates it would take approximately 300 hours of development time at \$200 per hour, for a total cost of \$60,000. The development would implement the new functionality required to support the processing of automated voter registration, issuance and tracking of the required notices, and changes needed to accurately identify the date of registration for this new form of registration.

Additionally, the design and user interface of VoteWA would need to be altered to accommodate these additional languages, necessitating design and usability consultants. Approximately 500 hours of design, usability, and accessibility testing would be needed to verify functionality of these changes, for a total cost of \$87,500. The total impact to OSOS to implement this bill would be \$147,500 in FY23. OSOS would use contractors for these services.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	147,500	0	147,500	0	0
<b>Total \$</b>			147,500	0	147,500	0	0

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	147,500		147,500		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	147,500	0	147,500	0	0

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1229 S HB	<b>Title:</b> Voter registration	<b>Agency:</b> 240-Department of Licensing
-------------------------------	----------------------------------	--

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
Highway Safety Account-State 106 -1	434,000	0	434,000	0	0
<b>Total \$</b>	434,000	0	434,000	0	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/17/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 02/20/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 02/20/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/20/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached fiscal note

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

See attached fiscal note

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
106-1	Highway Safety Account	State	434,000	0	434,000	0	0
<b>Total \$</b>			434,000	0	434,000	0	0

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	434,000		434,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	434,000	0	434,000	0	0

**III. C - Operating FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

### III. D - Expenditures By Program (optional)

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

### **IV. B - Expenditures by Object Or Purpose**

NONE

### **IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

### **IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*



# Individual State Agency Fiscal Note

Agency 240 – Department of Licensing

Bill Number: SHB 1229

Bill Title: Voter registration

**Part 1: Estimates**

No Fiscal Impact

**Estimated Cash Receipts:**

NONE

**Estimated Expenditures:**

	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years	-	-	-	-	-

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	434,000	-	434,000	-	-
<b>Account Totals</b>		<b>434,000</b>	<b>-</b>	<b>434,000</b>	<b>-</b>	<b>-</b>

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions.

- If the fiscal impact is **less than \$50,000** per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- If fiscal impact is **greater than \$50,000** per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Michael Hirsch	Phone: (360) 786-7195	Date: 2/17/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 2/20/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	1229 SHB

## **Part 2 – Explanation**

This bill addresses voter registration in Washington State. Components impacting the Department of Licensing (DOL) include:

- Establishing an “opt out” system for purposes of voter registration, as opposed to current “opt in” system.
- Addressing roles of both DOL and county auditors in registering eligible voters, information that must be sent, and timeline of registering eligible voters under AVR.
- Addressing types of information to be transmitted to the Secretary of State (SOS) by DOL and county auditors, as well as occurrences of information transmittals.
- Giving the SOS authority to govern rules as it pertains to procedures and forms involving automatic voter registration (AVR).
- Outlining potential penalties for agency employees who intentionally register an ineligible voter.
- Establishing an implementation date of July 15, 2024.

**SHB 1229 compared to HB 1229:** SHB 1229 modifies language to state that an individual will be registered under AVR after the date that an election official receives the information to register the person to vote if they have not declined registration, rather than 21 days following registration. This change does not impact the department’s original fiscal note.

### **2.A – Brief Description Of What The Measure Does That Has Fiscal Impact**

Section 1 is a new section added to Chapter 29A.08 RCW that addresses eligibility criteria necessary for an individual applying for government services to receive automatic voter registration services.

Section 2 amends RCW 29A.08.010 to revise requirements provided on a voter registration application to include:

- The address where an individual receives mail, if different from residential address; and
- Affirmation of US citizenship, with added clarification on permissible sources of documentation to prove citizenship.

Section 4 amends RCW 29A.08.110 which stipulates an individual will be registered under AVR after the date that an election official receives the information to register the person to vote if they have not declined registration. This section outlines the timeline for which voters shall receive an acknowledgment notice – for AVR, within 5 days of receipt by DOL of an application or address change, the auditor shall send AVR notice package; all other voters will receive acknowledgment notice within 60 days.

Section 5 amends RCW 29A.08.125 to clarify the types of ineligible voters the voter registration database should screen against, and that SOS will coordinate with other state agencies, including DOL.

Section 6 amends RCW 29A.08.210 to include the former address of an applicant if previously registered as content required on a registration application. Additionally, strikes requirement around checking box affirming applicant is at least 16 years of age.

Section 10 amends RCW 29A.08.320 to stipulate Subsection 1 does not refer to persons performing an AVR transaction. Additionally adds that an individual may update their residential address information when applying for service or assistance.

Section 11 amends RCW 29A.08.330 to clarify type of questions that a service agent may ask a prospective voter and removes the question asking if individual is at least 16 years old.

Section 12 amends RCW 29A.08.340 to clarify that this section does not apply to a person performing an automatic voter registration transaction under Subsection 1 of this section.

Section 13 amends RCW 29A.08.350 to include types of information that DOL must produce for the SOS's office around an applicant, which includes the addition of any language preference information, phone numbers, email addresses, and digital images of documents used to prove citizenship, if applicable.

Section 14 amends RCW 29A.08.355 to stipulate that information collected as it relates to voter registration information for applicants of an enhanced driver's license (EDL) or enhanced identicard (EID) must be transmitted to SOS's Office.

Section 15 amends RCW 29A.08.357 to clarify that applicants for EDL/EID shall be marked as an automatic voter registrant.

Section 16 amends RCW 29A.08.359 to include the timeline of 21 days between the original date of issuance/renewal/address change and when an individual is considered registered.

Section 19 amends RCW 29A.08.370 by striking original language around an ineligible voter knowingly attempting to vote and includes new language states an employee shall be penalized if they intentionally registered an ineligible person.

Section 20 amends RCW 29A.08.615 to include new language which clarifies that persons being served under AVR (under RCW 29A.08.355) shall be listed as "pending" until the 15 days after mailing of the AVR acknowledgment notice package.

Section 21 amends RCW 46.20.153 to include the addition of AVR information as types of signage made available at licensing facilities, and that information must be visible to potential applicant and made available in various languages required by state law.

Section 22 amends RCW 46.20.155 to clarify this section pertains to voter registration transactions outside of EDL/EID, and additionally removes question posed by the licensing agent about the potential registrant being at least 16 years old.

Section 23 amends RCW 46.20.156 to include types of information that DOL shall transmit to SOS's office as it pertains to individuals who meet voter registration requirements when obtaining EDL/EDI. This includes language preference information, phone numbers, email addresses, and digital images of documents used to prove citizenship, if applicable.

Section 24 amends RCW 46.20.205 to include that DOL shall transmit daily change of address updates to SOS's Office and include additional information, such as person's name, former name, address, former address, date of birth, signature image, and date of the transaction.

Section 33 amends RCW 29A.04.611 which gives SOS authority to govern rules as it pertains to procedures and forms involving AVR.

Section 34 amends RCW 29A.84.110 to include government agency employees providing voter registration services as those who can also be held accountable in potential registration violations. Section 35 amends RCW 29A.04.058 to include staff of state agencies or offices providing voter registration services in the definition of "Election official".

Section 36 amends RCW 29A.08.115 to include that any person or organization that collects voter registration forms that intentionally does not transmit information may be subject to penalty.

Section 38 established an implementation date of sections 3, 4, 6, 11, 13, 14, 15, 16, 20, 21, 22, 23, and 24 by July 15, 2024.

## **2.B - Cash receipts Impact**

This bill will not have an impact on cash receipts.

## **2.C – Expenditures**

This bill is not expected to have a fiscal impact on operations. DOL will develop new policies and procedures related to training material and field communication development and deployment, communication to staff and the public, and training material and talking points for the Customer Service Center (call center). Signage for field offices will get updated as necessary. These efforts are routine, typical, and accomplished within existing resources.

**Note:** Section 13 states that DOL will transmit "any language preference information collected". The department does not currently collect information regarding language preference and interprets the current bill language as permissive. A requirement to collect this information will require additional systems programming and staff time that are not included in this fiscal note.

### **Information Services:**

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 22,620	70,100	-	-	-	-	-	70,100
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 16,530	14,900	-	-	-	-	-	14,900
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	20,100	-	-	-	-	-	20,100
QUALITY ASSURANCE	Plan and carry out activities to assure project deliverables; e.g. preventative defect activities, align quality measures and business objectives.	\$ 37,410	78,600	-	-	-	-	-	78,600
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 16,530	8,300	-	-	-	-	-	8,300
DEVELOPERS	Modify programming and coding to all major systems	\$ 19,140	40,200	-	-	-	-	-	40,200
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	63,300	-	-	-	-	-	63,300
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	20,400	-	-	-	-	-	20,400
Organizational Change Management	Prepares stakeholders for the change and develops strategies to ensure the changes are fully adopted.	\$ 37,410	78,600	-	-	-	-	-	78,600
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	39,500	-	-	-	-	-	39,500
<b>Totals</b>			<b>434,000</b>	-	-	-	-	-	<b>434,000</b>

What DOL will implement:

#### DRIVES

1. Modify motor voter question/logic to have the customer be automatically registered and require them to "opt out". Change also includes modifying logic for enhanced document that all customers are automatically registered to vote and not required to opt out and adding an indicator if the customer is part of the automatic voter registration.
  - a. Renewals headquarters
  - b. Renewals online issuance
  - c. Originals headquarters
  - d. Original Online (License Express)
2. Modify files sent to Secretary of State
  - a. Change data elements sent (add phone number and email address).
  - b. Send digital images of documents used that prove citizenship.

Data Security Assessment:

1. Changes will require a full security assessment and analysis.

#### Support Services:

Agency Administrative Overhead is included at a rate of 23.4 percent of the direct program costs. This funding received covers agency-wide functions such as vendor payments, contract administration, financial management, mail processing, equipment management, help desk support, and technical assistance to DOL employees.

### Part 3 – Expenditure Detail

#### 3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	434,000	-	434,000	-	-
<b>Account Totals</b>		<b>434,000</b>	<b>-</b>	<b>434,000</b>	<b>-</b>	<b>-</b>

#### 3.B – Expenditures by Object or Purpose

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Goods and Services	434,000	-	434,000	-	-
<b>Total By Object Type</b>	<b>434,000</b>	<b>-</b>	<b>434,000</b>	<b>-</b>	<b>-</b>

#### 3.C – FTE Detail

None.

### Part 4 – Capital Budget Impact

None.

### Part 5 – New Rule Making Required

None.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1229 S HB

Title: Voter registration

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities:
- Counties: could cause county auditors to incur new annual costs totaling \$19,243 for automatic voter registration notices' printing and postage costs.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: the number of automatically registered voters that will need to be mailed automatic voter notification packets; the number of automatically registered voters who will decline voter registration; the number of calls and questions county auditors will receive due to automatically registering voters.

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
County		19,243	19,243	38,486	38,486
<b>TOTAL \$</b>		19,243	19,243	38,486	38,486
<b>GRAND TOTAL \$</b>					<b>96,215</b>

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/21/2023
Leg. Committee Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/17/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/21/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 02/23/2023

## Part IV: Analysis

### A. SUMMARY OF BILL

*Description of the bill with an emphasis on how it impacts local government.*

#### CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The first substitute bill adds language to state that a voter utilizing automatic voter registration is considered registered as of the date that the election official receives the information to register the person to vote, unless they decline to register to vote in a reply that is received by the county auditor within 15 days of the mailing of the packet, or if an election official receives the information to register to vote after the deadline to register to vote by mail or electronically.

If a notice declining registration is returned after that deadline, the county auditor must cancel the voter's registration.

#### SUMMARY OF CURRENT BILL:

Sec. 1 adds a new section to chapter 29A.08 to expand when a person may register to vote or update their voter's registration. Any time a person applies for government services, and the government service's application requires proof of citizenship, they may receive automatic voter registration services if they provide six pieces of required information: name, residential address, date of birth, a signature attesting to the truth of the information on the application, mailing address (if different from residential address), and presentation of the proof of citizenship document required by the government service's application.

Sec. 2 amends RCW 29A.08.010 and 2019 c 6 s 1 to add three new pieces of information required to place a voter registration on the voter registration rolls. One currently required piece of information would be modified.

Sec. 3 amends RCW 29A.08.030 and 2009 c 369 s 7 to expand the definition of "acknowledgement notice" and adds a new term: "automatic voter registration acknowledgement notice package."

Sec. 3 (2) would require county auditors or the Secretary of State to send acknowledgement notices to registered voters for automatic voter registration transactions. The list of actions that would require an acknowledgement notice to be sent is expanded by adding: residential address change, identifying the registrant's precinct, or other info as required by the Secretary of State.

Sec. 3 (3) adds a new term: automatic voter registration acknowledgement notice package. The notice package would require county auditors to mail a package of information that includes five items:

- (a) preaddressed, prepaid return form
- (b) statement explaining that the person has become registered to vote, or they signed up to register to vote. This statement must also include the qualifications to vote, instructions to affirmatively decline to register to vote in writing if the person does not meet the qualifications; and instructions to contact their county auditor if the person wishes to cancel their voter registration at any time.
- (c) instructions to obtain more information and assistance in the person's preferred language, including language set forth in RCW 29A.08.270
- (d) an acknowledgement notice
- (e) other information required by the Secretary of State.

Sec. 4 amends RCW 29A.08.110 and 2020 c 208 s 14 amends when an applicant is considered to be a registered voter, and adds a new requirement for auditors.

Sec. 4 (1) (d) adds language to state that a voter utilizing automatic voter registration is considered registered as of the date that the election official receives the information to register the person to vote, unless they decline to register to vote in a reply that is received by the county auditor within 15 days of the mailing of the packet, or if an election official receives the information to register to vote after the deadline to register to vote by mail or electronically.

Sec. 4 (3) adds a new requirement for auditors to use first class nonforwardable mail to send acknowledgement notices



within a set number of days. If voters utilized automatic voter registration services at the department of licensing, the proposed legislation would require the auditor to send an automatic voter registration acknowledgement notice package within five days after the receipt of an application or residential address change. Auditors would be required to send an acknowledgement notice to all other voters within 60 days after the receipt of an application or residential address change

Sec. 6 amends RCW 29A.08.210 and 2020 c 208 s 3 to require voter registration applicants to provide their former address if the applicant was previously registered to vote.

Sec. 10 reenacts and amends RCW 29A.08.320, 2004 c 267 s 119, and 2004 c 266 s 7 to describe how a person may register to vote if they are not performing an automatic voter registration transaction subject to section 1 of this act.

Sec. 12 (1) amends RCW 29A.08.340 and 2013 c 11 s 17 to clarify that if a person does not perform an automatic voter registration transaction under section 1 of this act, they may still register to vote or update their existing voter registration when applying for or renewing a driver's license or identification card.

Sec. 16 amends RCW 29A.08.359 and 2020 c 208 s 18 to amend auditors' duties associated with enhanced driver's licenses and enhanced identicards.

Sec. 16 (1) adds that auditors may choose to send a voter acknowledgement notice if a voter's automatic voter registration information shows no name change, and no change of residence or mailing address for an existing voter registration. However, if a voter registration application is for a new registration, or if it updates any element of an existing voter registration, county auditors would be required to update the voter's record. When the information updates a voter's name, residence address or mailing address, county auditors would have to send an automatic voter registration acknowledgment notice packages within five days of the original application, rather than the current 60 day timeframe.

Sec. 16 (3) clarifies that if an applicant must not be included on the list of registered voters if the applicant responds to the automatic voter registration acknowledgment notice package and declines to register to vote. Currently, the statute does not include how an applicant should decline to register to vote.

Sec.16 (4) adds a new subsection to clarify that if an automatically registered voter declines voter registration within the 15 day window from the date of mailing the acknowledgement package, then they shall be removed from the voter rolls and deemed never to have registered to vote. It also clarifies that if a notice declining registration is returned after that deadline, the county auditor must cancel the voter's registration.

Sec. 20 amends RCW 29A.08.615 and 2018 c 109 s 9 to add a second requirement for when future voters may be classified as "active." Currently a future voter who signed up to register to vote is classified as "pending" until that person will be at least 18 years of age by the next election. The proposed legislation would add that the future voters being served by automatic voter registration to remain classified as "pending" until 15 days have passed from the time of mailing the automatic voter registration acknowledgement notice package.

Sec. 22 amends RCW 46.20.155 and 2020 c 208 s 8 adds an exception to (1) (a): licensing agents shall not be required to ask enhanced identicard applicants questions about registering to vote.

Sec. 25 amends RCW 29A.08.625 and 2009 c 369 s 30 to require a voter's registration record to be updated to active when a registered voter who has been made inactive requests to vote at an ensuing election before two federal general elections have been held. Additionally, the legislation adds an eligible voter whose registration has been properly cancelled under this chapter shall be allowed to register to vote at the voter's current residence address.

Sec. 26 amends RCW 29A.08.630 and 2009 c 369 s 31 to add a new subsection requiring the county auditor to cancel an inactive voter registration when the auditor receives information that the voter has moved out of state or died.

Sec. 27 amends RCW 29A.08.635 and 2009 c 369 s 32 to expand voters' options when they receive a confirmation notice. Currently, voters can verify that they reside at the address of record, but the bill adds that the voter may also provide a new residence address for voting, or provide information that the voter no longer resides in the state.

Sec. 29 amends RCW 29A.08.810 and 2020 c 208 s 6 amends challenging a person's right to vote.

Sec. 29 (1) (a) expands the requirements to challenge a person's right to vote when that person has been convicted of a felony. The bill would add that the challenged voter convicted of a felony must be serving a sentence of total confinement under jurisdiction of the Department of Corrections, or a felony conviction in another state's court or federal court, and the person's voting rights have not been restored under RCW 29A.08.520.

Sec. 29 (1) (c) removes three options a challenger currently has to prove that they exercised due diligence to verify that the challenged voter does not reside at the address provided. Currently, challengers can demonstrate due diligence by attempting to contact the challenged voter to learn the challenged voter's actual address; challengers can visit the actual address provided and contact the people at the address to determine if the challenged voter resides at that address; and challengers can get a signed affidavit declaring the challenged voter does not reside at the address provided. The legislation would remove these three options to provide evidence of due diligence.

Sec. 29 (1) (E) adds a new option to demonstrate due diligence. The legislation would allow a challenger to prove due diligence by searching another state's voter registration database to determine if the challenged voter is registered to vote in another state.

Sec. 30 amends RCW 29A.08.820 and 2013 c 11 s 20 to specify that if a challenged ballot has not been received by the challenged voter, then it must be held until the challenge is resolved.

Sec. 32 amends RCW 29A.08.840 and 2006 c 320 s 6.

Sec. 32 (1) extends the deadline for challenged voters to update their residence address, or to register. Challenged voters would have up until 8:00 p.m. the day of the election to resolve the challenged issues. Currently, challenged voters have until 8:00 p.m. the day before the election to address their registration issues.

Sec. 32 (3) allows virtual appearances for challenged voter hearings if the auditor or canvassing board chooses.

Sec. 32 (5) adds that the voter registration shall be cancelled if the canvassing board sustains a voter challenge based on allegation under personal knowledge of a person's right to vote described in RCW 29A.08.810 (1) (a), (b), (d), or (e).

Sec. 32 (6) clarifies that all challenged ballots must be resolved before an election can be certified.

Sec. 34 amends RCW 29A.84.110 and 2003 c 111 s 2105 to add government agency employees who provide voter registration services to the list of employees who can be found guilty of a gross misdemeanor for violating voter registration laws.

Sec. 35 amends RCW 29A.04.058 and 2019 c 391 s 1 to expand the definition of election officials when pertaining to voter registration. Staff of state agencies or offices providing voter registration services are added to the list of election officials.

Sec. 36 amends RCW 29A.08.115 and 2009 c 369 s 11 to add that a person or organization collecting voter registration forms that intentionally does not transmit the forms to an election office may be subject to penalty under RCW 29A.84.030.

Sec. 37 adds a new section repealing RCW 29A.08.375 (automatic registration – rule making authority) and 2018 c 110 s 207.

Sec. 38 adds a new section stating sections 3, 4, 6, 11, 13 through 16, and 20 through 24 of this act take effect July 15, 2024.

## **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

### **CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The second substitute version of the bill would substantially reduce county auditors' workload from the original version of the bill by eliminating the delay period to add a registered voter to the voter rolls, and by eliminating the previous provision to hold the voter registration for 15 days after the acknowledgement notice has been sent.

### **EXPENDITURE IMPACTS OF CURRENT BILL:**

The legislation could cause county auditors to incur new annual costs totaling \$19,243 to print, mail, and pay for return postage of automatically registered voters' acknowledgement notice packages (\$18,554 printing and initial postage costs + \$689 returned acknowledgment notices' postage). However, the number of new voter registrations that will be received, the number of packages that will need to be mailed, the number of registrants who will decline voter registration, and the actual staff time required to address calls, questions and concerns resulting from the acknowledgement notice packages cannot be predicted. Therefore, the cost estimates below are ultimately indeterminate and subject to change.

### **ASSUMPTIONS**

The Secretary of State (OSOS) estimated cost impacts to print and mail a very similar acknowledgement notice package in its fiscal note for PSB 5636 (2022), so OSOS's estimates were used with updated postage costs in this fiscal note. However, in PSB 5636 (2022), OSOS anticipated 789,000 automatic voter registrants (AVRs). Because the license renewal cycle is every six years, Washington State Association of County Auditors (WSACA) anticipates one-sixth of those AVRs, or 133,000 will be automatically registered to vote every year. Furthermore, WSACA assumes 85% of those AVRs, (or 113,050 AVRs) will be duplicates from already registered voters and will not need to be sent an acknowledgement notice package. Then, 19,950 AVRs (133,000 AVRs – 113,050 duplicates) would need to be sent acknowledgement notice packages each year.

### **PRINTING AND POSTAGE COSTS**

Counties total cost to print, mail and pay for returned acknowledgement notice postage could total \$19,243 (\$18,554 printing and initial mailing costs + \$689 returned acknowledgment notices' postage). Note: OSOS's printing costs from PSB 5636 (2022)'s fiscal note are used below, except that postage is updated to the current cost: \$0.63. Additionally, OSOS's fiscal note states it uses historical costs for similar types of mailings to estimate printing costs.

#### **Itemized Print and Initial Postage Costs:**

\$0.08 to print the notice

\$0.11 to print outbound envelope

\$0.11 to print the prepaid return envelope

\$0.63 for postage (effective January 22, 2023)

Total: \$0.93 per notice sent.

Auditors' cost to print and mail acknowledgement notices is approximately \$18,554 (\$0.93 per notice x 19,950 packages)

Additionally, county auditors would pay postage costs of \$0.69 for each prepaid returned notice. Based on data from Oregon in OSOS's fiscal note for PSB 5636 (2022), approximately 5% of people who receive acknowledgement notice packages will return the acknowledgement notice. For the purposes of this fiscal note, the same estimate is used.

Auditors' cost to pay for return postage for 5% of people who received acknowledgment notice packages is \$689 (.05 x 19,950 x \$0.69).

#### COUNTY AUDITOR STAFF IMPACTS

Given the changes to the substitute bill and WSACA's assumptions, WSACA anticipates any work the bill would create is negligible and could be absorbed by current staff.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

#### CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The substitute bill does not impact local government revenue.

#### REVENUE IMPACTS OF CURRENT BILL:

The legislation would not impact local government revenue.

#### SOURCES:

Department of Licensing

Office of the Secretary of State

Office of the Secretary of State Fiscal Note PSB 5636 (2022)

Washington State Association of County Auditors