

Multiple Agency Fiscal Note Summary

Bill Number: 5112 E 2S SB	Title: Voter registration
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

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
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	497,000	.0	0	0	12,000	.0	0	0	12,000
Total \$	0.0	147,500	147,500	644,500	0.0	0	0	12,000	0.0	0	0	12,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Gwen Stamey, OFM	Phone: (360) 790-1166	Date Published: Final 3/ 8/2023
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Judicial Impact Fiscal Note

Bill Number: 5112 E 2S SB	Title: Voter registration	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

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 for 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.

Legislative Contact: Jason Zolle	Phone: 360-786-7124	Date: 03/01/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 03/02/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/02/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/06/2023

185,405.00

Request # 230-1

Form FN (Rev 1/00)

1

Bill # 5112 E 2S SB

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The engrossed second substitute bill does not have fiscal impacts different than the original bill to the Administrative Office of the Courts or the courts.

This bill would amend laws related to updating processes related to voter registration.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

185,405.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 5112 E 2S SB	Title: Voter registration	Agency: 085-Office of the Secretary of State
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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
Account					
General Fund-State 001-1	147,500	0	147,500	0	0
Total \$	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: Jason Zolle	Phone: 360-786-7124	Date: 03/01/2023
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 03/02/2023
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 03/02/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/03/2023

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 E2SSB 5112 compared to the previous version (SB 5112):

Section 13 no longer requires the Department of Licensing (DOL) transmit digital images of documents used to prove citizenship. Under E2SSB 5112, the Office of the Secretary of State (OSOS) may request those documents from DOL.

Section 16 changes when a voter registration application is considered complete.

The previous Section 21 impacting DOL has been removed, and the subsequent sections have been renumbered.

Previous Section 23 (now Section 22) allows OSOS to request images of citizenship documentation from DOL, rather requiring DOL to transmit them to OSOS.

Summary of E2SSB 5112:

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 registering those individuals to vote.

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. 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 to 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 inf 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
Total \$			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-					
Total \$	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

Bill Number: 5112 E 2S SB	Title: Voter registration	Agency: 107-Washington State Health Care Authority
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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:

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- 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: Jason Zolle	Phone: 360-786-7124	Date: 03/01/2023
Agency Preparation: Sue Eckroth	Phone: 360-725-1899	Date: 03/06/2023
Agency Approval: Cliff Hicks	Phone: 360-725-0875	Date: 03/06/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 03/06/2023

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 narrative.

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.

See attached narrative.

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 narrative.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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.

HCA Fiscal Note

Bill Number: 5112 E2SSB

HCA Request #: 23-187

Part II: Narrative Explanation

This bill updates processes related to voter registration in Washington State.

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

Similar to the fiscal note on the prior version of bill, this Engrossed Second Substitute Senate bill creates no fiscal impact to the Washington State Health Care Authority (HCA).

Section 17 - Amends RCW 29A.08.362 Automatic voter registration. HCA involvement may include consultation with the Health Benefit Exchange (HBE) to determine whether implementation requires approval from the Centers for Medicare and Medicaid services (CMS). Implementation would be contingent on approval from CMS.

II. B - Cash Receipts Impact

None.

II. C – Expenditures

No fiscal impact. If it is determined CMS approval is needed per Section 17 of bill, HCA will request CMS approval, and HBE implementation would be contingent on that CMS approval. HCA assumes system updates should be minimal and able to be absorbed internally.

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

HBE Fiscal Note

Bill Number: 5112 E2SSB

HBE Request #: 23-22-01

Part II: Narrative Explanation

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

This bill is related to automatic voter registration in Washington State.

Section 17 updates that health benefit exchange related voter registration language to remove past references and further clarify that if the Exchange, in consultation with the Health Care Authority, determines that implementation of automatic voter registration system requires approval from CMS, any implementation is contingent upon that approval.

II. B - Cash Receipts Impact

None.

II. C - Expenditures

No fiscal impact, the current, recently enhanced, expedited voter registration pathway being used by the health benefit exchange to securely transfer data in real time to the Secretary of State's office for relevant applicants is maintained.

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 5112 E 2S SB	Title: Voter registration	Agency: 240-Department of Licensing
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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
Account					
Highway Safety Account-State 106 -1	491,000	6,000	497,000	12,000	12,000
Total \$	491,000	6,000	497,000	12,000	12,000

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.

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- 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: Jason Zolle	Phone: 360-786-7124	Date: 03/01/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 03/02/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 03/02/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 03/02/2023

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.

Please 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.

Please 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	491,000	6,000	497,000	12,000	12,000
Total \$			491,000	6,000	497,000	12,000	12,000

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	491,000	6,000	497,000	12,000	12,000
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-					
Total \$	491,000	6,000	497,000	12,000	12,000

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: E2SSB 5112 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	491,000	6,000	497,000	12,000	12,000
Account Totals		491,000	6,000	497,000	12,000	12,000

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: Jason Zolle	Phone: (360) 786-7124	Date: 3/1/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 3/1/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	5112 E2SSB

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 both registering eligible voters, information that shall be sent in a daily transmittal, and timeline of registering eligible voters under AVR.
- Addressing types of information that is 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.

E2SSB 5112 compared to S-1161.1: The engrossed second substitute bill clarifies that voters automatically registered to vote through an application for an enhanced driver's license or enhanced identicard and do not subsequently decline the registration are considered registered to vote as of the date of the transaction.

This change does not impact the department’s 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 automatic voter registration (AVR) within 5 days of receipt by DOL of an application or address change or if the application or, if the application or residential address change is received after the deadline to register to vote or update a voter registration under RCW29A.08.140 (1)(a) or (2)(a)(i), the auditor must send AVR notice package; all other voters will receive ‘acknowledgment notice’ within 60 days. This section also clarifies that voters automatically registered to vote through an application for an enhanced driver's license or enhanced identicard and do not subsequently decline the registration are considered registered to vote as of the date of the transaction.

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. Adds that each county auditor must allow electronic access and information transfer between the county’s voter registration system and the official statewide voter registration list.

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, and email addresses. Proof of citizenship documentation must be provided to the SOS upon request.

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 stating that an employee is subject to penalties they intentionally registered an ineligible person.

Section 20 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 21 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. This section also:

- Adds that DOL, with approval from the SOS, may direct a licensing agent to ask a substantially similar question designed to improve applicant understanding.
- Creates a new subsection (3) to add that if an applicant presents a document demonstrating that the applicant is not a United States citizen at the time of the driver's license or identicard transaction, the licensing agent must not ask the questions described in subsection (1) of this section and must not submit an application. DOL, in consultation with the SOS, must determine which types of documents accepted by the department for purposes of a driver's license or

identocard transaction demonstrate that an applicant is not a United States citizen at the time of the transaction.”

Section 22 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 23 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 32 amends RCW 29A.04.611 which gives SOS authority to govern rules as it pertains to procedures and forms involving AVR.

Section 33 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 34 amends RCW 29A.04.058 to include staff of state agencies or offices providing voter registration services in the definition of “Election official”.

Section 35 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 37 establishes an implementation date of sections 3, 4, 6, 11, 13, 14, 15, 16, 20, 21, 22, and 23 of 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	81,400	-	-	-	-	-	81,400
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	16,500	-	-	-	-	-	16,500
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	23,000	-	-	-	-	-	23,000
QUALITY ASSURANCE	Plan and carry out activities to assure project deliverables; e.g. preventative defect activities, align quality measures and business objectives.	\$ 37,410	86,000	-	-	-	-	-	86,000
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
SERVER & NETWORK SUPPORT	Services such as network infrastructure, cloud infrastructure, firewall and load balancing. Installations, maintenance, troubleshooting of server systems, and management of Windows-based systems to ensure reliability for clients.	\$ 16,530	-	1,700	1,700	1,700	1,700	1,700	8,500
DEVELOPERS	Modify programming and coding to all major systems	\$ 19,140	40,200	3,800	3,800	3,800	3,800	3,800	59,200
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	81,900	-	-	-	-	-	81,900
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	22,600	-	-	-	-	-	22,600
Organizational Change Management	Prepares stakeholders for the change and develops strategies to ensure the changes are fully adopted.	\$ 37,410	86,000	-	-	-	-	-	86,000
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	44,600	600	600	600	600	600	47,600
Totals			490,500	6,100	6,100	6,100	6,100	6,100	521,000

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.
- 3. Modify motor/voter questions during online issuance.
- 4. Modify the motor voter questions (in-office) to have a new option that the question was NOT asked based on the manual review of the documents presented to the licensing representative. (Yes, No, and Did not Ask).

Ongoing Maintenance: Monthly ongoing cost for new interface to receive requests for document images from Secretary of State. Begins the month following implementation.

Data Security Assessment:

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

Changes to scope from previous version:

- Changes the period for the county auditor to send acknowledgment notices from 5 days to 5 "business" days.
- Eliminates the delay period (21 days after the original agency transaction) in adding the voter to the registrations rolls after the acknowledge notice.
- Changes that the documents to show citizenship are only supplied by DOL to SOS upon request.
- Specifies that if agency transaction occurred after the deadline to register to vote through a state agency, the county auditor is not required to send the acknowledgment notice until the day after the election and the applicant is considered registered to vote as of the day after the election.
- Eliminates provisions around the holding the voter registration for 15 days after the acknowledgment notice has been sent.

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	491,000	6,000	497,000	12,000	12,000
Account Totals		491,000	6,000	497,000	12,000	12,000

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	491,000	6,000	497,000	12,000	12,000	
Total By Object Type		491,000	6,000	497,000	12,000	12,000

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: 5112 E 2S SB

Title: Voter registration

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

Legislation Impacts:

- Cities:
- Counties: county auditors could incur new annual costs totaling \$19,243 to print, mail, and pay for return postage of automatically registered voters' acknowledgement notice packages.
- 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: number of automatically registered voters that will need to be mailed acknowledgement notices; number of registrants that will return the acknowledgement notice; number of phone calls auditors will receive from automatically registered voters.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 03/07/2023
Leg. Committee Contact: Jason Zolle	Phone: 360-786-7124	Date: 03/01/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 03/07/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/08/2023

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 engrossed second substitute version of the bill clarifies that an automatically registered voter shall be considered registered to vote as of the original day of their transaction at the Department of Licensing unless the transaction occurred after the deadline to register to vote, in which case the registrant shall be considered registered to vote as of the day after the election.

This change does not affect local governments' fiscal impacts.

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. to expand when an applicant is considered to be a registered voter, and adds a new requirement for auditors.

Sec. 4 (1) (d) adds that an applicant is considered a registered voter on the date of their original transaction with the Department of Licensing (DOL) if the voter has not declined registration, unless the transaction occurred after the deadline. In that case, the person would become a registered voter one day after the election.

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 business days after the receipt of an application or residential address change. If received after the voting registration/update deadline, then within five business days after the election. 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 a registering voter becomes a registered voter as of the original date of the agency transaction. Additionally, 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.

Sec.16 (4) adds that for new registrants that reply within 15 days from the date the automatic voter registration notice was mailed declining registration, then the voter shall be removed from the voter registration records and deemed never to have registered to vote.

Sec. 21 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. 24 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. 25 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. 26 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. 28 amends RCW 29A.08.810 and 2020 c 208 s 6 amends challenging a person's right to vote.

Sec. 28 (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. 28 (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. 28 (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. 29 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. 31 amends RCW 29A.08.840 and 2006 c 320 s 6.

Sec. 31 (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. 31 (3) allows virtual appearances for challenged voter hearings if the auditor or canvassing board chooses.

Sec. 31 (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. 31 (6) clarifies that all challenged ballots must be resolved before an election can be certified.

Sec. 33 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. 34 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. 35 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. 36 adds a new section repealing RCW 29A.08.375 (automatic registration – rule making authority) and 2018 c 110 s 207.

Sec. 37 adds a new section stating sections 3, 4, 6, 11, 13 through 16, and 20 through 23 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 engrossed second substitute version of the bill does not impact local government expenditures.

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

WSACA anticipates any additional 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.

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