

SENATE BILL REPORT

HB 1953

As Passed Senate, March 2, 2022

Title: An act relating to exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure.

Brief Description: Exempting sensitive voter information on ballot return envelopes, ballot declarations, and signature correction forms from public disclosure.

Sponsors: Representatives Valdez, Volz, Sutherland and Ramel; by request of Secretary of State.

Brief History: Passed House: 2/9/22, 69-26.

Committee Activity: State Government & Elections: 2/18/22, 2/23/22 [DP].

Floor Activity: Passed Senate: 3/2/22, 38-10.

Brief Summary of Bill

- Exempts a voter's signature, phone number, and electronic mail address on a ballot return envelope, ballot declaration, or signature correction form from public disclosure requirements.
- Authorizes the Secretary of State to create rules to allow for in-person inspection of those documents.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Wilson, J., Ranking Member; Hasegawa and Hawkins.

Staff: Samuel Brown (786-7470)

Background: Public Records Act. The Public Records Act (PRA), enacted in 1972 as part

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of Initiative 276, requires all state and local government agencies to make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally, while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Voting By Mail. All counties in the state conduct elections entirely by mail. County auditors must send each voter a ballot with a voter declaration that must be signed, a security envelope to conceal the ballot after voting, and a larger envelope to return the security envelope. Elections officials must verify that the signature on the ballot declaration matches the signature in the voter's registration file. If the signature is missing or does not match, the voter is given an opportunity to cure the defect by completing the declaration or updating the signature on file.

Voter Information Disclosure. Original voter registration forms are confidential and unavailable for public inspection and copying, though a voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number are all publicly available. No other information from voter registration records or files is subject to public disclosure.

Summary of Bill: Sensitive Voter Information. A voter's signature, phone number, and e-mail address on a ballot return envelope, ballot declaration, or signature correction form are exempt from public disclosure requirements. The exemption applies to original documents, copies, and electronic images. These exemptions do not prevent election officials from disclosing exempt information for official purposes.

Rulemaking. The Secretary of State may adopt rules to:

- authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms, if the rules prohibit inspectors from photocopying, photographing, or otherwise reproducing the information on those documents or carrying devices capable of recording the information on those documents; and
- identify official purposes for which election officials may disclose information otherwise exempt from disclosure under the bill.

Retroactivity Clause. The exemptions created in the bill apply to any public records request made prior to the bill's effective date where records disclosure has not been completed.

Appropriation: None.

Fiscal Note: Not requested.

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

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: This provides a protection all voters should have—the security and privacy of their signatures. This doesn't stop anyone from viewing signatures, but secures them from identity theft or other fraudulent means. This tidily closes a confusing loophole that threatens the disclosure of sensitive information. Broad digital distribution of this private information is chilling. This bill does not lock away ballot envelopes or materials from the public, or prevent inspection or review of ballot envelopes. This promotes election integrity and security.

CON: An amendment to include county canvassing boards and party observers is requested. This won't help secure elections, as phone numbers and e-mail addresses can be purchased from vendors and signatures can be obtained from other documents in the state archives. As an observer, I've personally seen anomalies that need to be audited. This reduces transparency and will further erode public confidence in the conduct of elections. Prior to 2010, this information was covered under the flap on the ballot envelope and we would like that reinstated. Protection should be added for signatures on ballot measure petitions. This will make canvassing boards unable to perform their duties. Many people believe that election fraud has occurred on many levels.

OTHER: The bill should be amended to require official observation of signature verification during elections.

Persons Testifying: PRO: Steve Hobbs, Secretary of State; Lori Larsen, WSACA (Washington State Association of County Auditors) and Stevens County Auditor; Skip Moore, Chelan County Auditor/Washington State Association of County Auditors; Cindy Madigan, League of Women Voters of Washington.

CON: Reni Storm; Andrew Pilloud; John Clabaugh; Sharon Hanek; Val Mullen; William Cooper; Earnest Thompson.

OTHER: Peggy Shashy.

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