

SENATE BILL REPORT

SB 6600

As of February 4, 2016

Title: An act relating to establishing a conservation district online election pilot project.

Brief Description: Establishing a conservation district online election pilot project.

Sponsors: Senator Darneille.

Brief History:

Committee Activity: Government Operations & Security: 2/04/16.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

Background: Conservation Districts. A conservation district is a governmental subdivision of the state, which exercises public powers. The board of supervisors of a conservation district is composed of five members, three of whom are elected and two that are appointed by the State Conservation Commission. Terms of office are three years with one position standing for election each year.

Elections for conservation district commissioner follow different procedures than the standard election procedures for other offices outlined in Title 29A RCW. The board of supervisors sets the date of election, which is to occur during the first quarter of each calendar year. A petition signed by 25 electors is needed for a person's name to appear on the ballot. An extra line is to be on the ballot for a write-in candidate. The election is held in the district at a location determined by the board. The board is to give due notice of the election.

Online Elections. All elections in Washington are conducted by mail. However, uniformed and overseas voters may return ballots by fax or electronically. Other jurisdictions have experimented with using voting conducted via an Internet platform for various elections. Ballots for the 2012 primary election in New Jersey were distributed electronically due to damage caused to infrastructure by Superstorm Sandy. Takoma Park, Maryland used online voting applications for municipal elections in 2009 and 2011.

Summary of Bill: Pilot Project Created. A pilot project is created to allow conservation districts to conduct commissioner elections via online voting. Commissioner elections between 2018 and 2020 would be conducted via online voting under the pilot project. The

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pilot project may be continued into additional election cycles if funds are specifically appropriated for that purpose. Two conservation districts may participate in the pilot project.

Pilot Project Parameters. Conservation district commissioner elections held under the online election must adhere to the following criteria:

- Any conservation district wishing to participate must notify the county auditor and Conservation Commission by December 31, 2016.
- The conservation district selects a vendor to provide the system for online voting from a list provided by the county auditor according to specified criteria. The online election system is tested by the county auditor and the vendor.
- The conservation district sets a regular yearly election date for online elections. The date must be in the first quarter of the calendar year. No primary election is held for a commissioner position under the pilot project.
- The conservation district must set and manage a filing period for commissioner candidates, which must end at least six weeks before the election date. No nominating petitions may be used for candidates. The filing period must be publicized by the county auditor and the conservation district. If only one candidate files for a position, that candidate is deemed elected. If no candidates file, the period is re-opened.
- The conservation district must provide the district boundaries to the county auditor, who produces a list of eligible voters. The county auditor maintains that list of eligible voters and provides the list to the vendor.
- There must be a public information campaign to raise awareness about the conservation district election, conducted by the district and the auditor.
- The voting period is from 18 days before Election Day until 8pm on Election Day. Voters contact the vendor electronically or by phone to receive credentials in order to access the online voting system. Once the voter enters their credentials and gains access the online voting system, they will be able to mark their ballot. The system must notify the voter of any potential undervotes.
- The county auditor must operate a voting center for the conservation district election on Election Day, providing accessible voting services and an opportunity for voters to obtain credentials and vote. Other voting centers may be opened and hours may be extended at the auditor's discretion.
- Once voting ends, the vendor transmits the results to the auditor and conservation district. The auditor compares ballots cast to the number of participating voters, and the conservation district canvasses and certifies the election.

Reporting Requirements. Each auditor of a county participating in the pilot project must submit a report to the Legislature by December 1, 2019, containing information on elections held under the pilot project, voter turnout statistics, an assessment of challenges faced, an assessment of the viability of conducting online elections for other races, and any recommendations from the auditor or conservation district.

Appropriation: \$250,000 of GF-S is appropriated for the 2015-17 biennium.

Fiscal Note: Requested on January 28, 2016.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Conservation districts do good work, but their size and funding scope calls into question how their decision-makers are elected. This also creates a look into the world of online voting. We are seeking to create a public, open methodology. This may raise public awareness about conservation districts, the work they do, and the people who are stewards of their money. With proper promotion, this will create voter awareness. Approximately 440,000 voters reside in our conservation district, but only 500 participated in the last election. An amendment may be needed on when the county auditor's report is due. There is a desire to make sure the appropriation covers all three years of the pilot project. We don't have the resources to stand up an election pilot project, so the appropriation is appreciated. More than two districts may wish to participate in the project, so the bill should be amended to allow this.

CON: At this point, there is no proven method for online voting that is immune from hacking. There has not been a positive impact on voter turnout from online voting.

OTHER: King Conservation District has been holding electronic or online elections since 2011. Our goal is to offer transparency while providing security for voters.

Persons Testifying: PRO: Senator Darneille, prime sponsor; Michael Rooney, Pierce County Auditor's Office; Ryan Mello, Pierce Conservation District.

CON: Nick Federici, Verified Voting.

OTHER: Ava Souza, King Conservation District.

Persons Signed In To Testify But Not Testifying: OTHER: Brandy Reed, King Conservation District; Ron Shultz, Washington State Conservation Commission.