

HOUSE BILL REPORT

HB 1953

As Passed House:

February 9, 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:

Committee Activity:

State Government & Tribal Relations: 1/24/22, 1/27/22 [DP].

Floor Activity:

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

Brief Summary of Bill

- Creates an exemption to the Public Records Act for a voter's signature, phone number, and electronic mail address on a ballot return envelope, ballot declaration, or signature correction form.
- Authorizes the Secretary of State to create rules to allow for in-person inspection of those documents.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 5 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

Minority Report: Without recommendation. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; Graham.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jason Zolle (786-7124).

Background:

The Public Records Act.

The Public Records Act (PRA) generally requires state and local governmental entities to make many government records available to the public upon request. There are, however, over 500 statutory exemptions for certain records or information contained in records. Some of the exemptions prevent disclosure of personal information in governmental files. There are also exemptions to prevent disclosure of information relating to election security.

There are a few provisions that concern public access to a voter's personal information. Original voter registration forms are confidential and unavailable for public inspection and copying. However, a voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number are all available to the public. No other information from voter registration records or files is public.

Vote By Mail.

Every registered voter in Washington receives a ballot in the mail, in addition to a return envelope so that the ballot may be mailed back or deposited into a ballot drop-box. The back of the return envelope includes a declaration that the voter must sign to affirm that the voter meets the qualifications to vote in Washington. There is an optional space on the ballot envelope for a voter to include their electronic mail (e-mail) address or phone number.

Elections officials who process incoming ballots 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.

Summary of Bill:

A PRA exemption is created for a voter's signature, phone number, and e-mail address on a ballot return envelope, ballot declaration, or signature correction form.

The exemption applies to original documents, copies, and electronic images. Other information on those documents, besides the voter's signature, phone number, and e-mail address, is not exempt from disclosure.

The Secretary of State (Secretary) may adopt rules to authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms, but a person may not photocopy or carry devices capable of recording any voter information on the documents.

These exemptions do not prevent election officials from disclosing exempt information for official purposes. The Secretary may adopt rules to identify such official purposes.

These exemptions apply to any public records request made prior to the effective date of this section for which disclosure of records has not already been completed.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill was requested by the Secretary to address voluminous PRA requests for voters' personal information, including their signatures, phone numbers, and e-mail addresses. The bill is about voter privacy and security in election systems. Protecting voters' signatures helps to prevent fraud. This information is already protected from disclosure from voter registration files, but people are trying to access it by requesting ballot return envelopes instead. This bill balances transparency and privacy by allowing for in-person review. It does not prevent anyone from reviewing the envelopes if they wish, but it prevents them from receiving a mass of digital images of scanned ballot envelopes with voters' signatures. The Department of Licensing cannot release a person's signature. Voting rights are under attack in the United States.

(Opposed) None.

(Other) Signatures are needed for an election audit. This bill could interfere with county canvassing boards. Auditors may interpret the law differently than it was intended. Referendum and initiative signatures are available to the public and should be protected too. The more valuable information here are phone numbers and e-mail addresses, which political organizations use to contact people. This bill is therefore about preventing voters from being contacted. People's signatures are already public from property records or court files.

Persons Testifying: (In support) Representative Javier Valdez, prime sponsor; Skip Moore and Lori Larsen, Washington State Association of County Auditors; Stuart Holmes and Steve Hobbs, Office of the Secretary of State; and Paula Sardinas, Washington Build Back Black Alliance.

(Other) Peggy Shashy; Val Mullen; Sharon Hanek; and Rowland Thompson, Allied Daily Newspapers and Washington State Association of Broadcasters.

Persons Signed In To Testify But Not Testifying: None.