
HOUSE BILL 1953

State of Washington

67th Legislature

2022 Regular Session

By Representatives Valdez, Volz, Sutherland, and Ramel; by request of Secretary of State

Read first time 01/12/22. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to exempting sensitive voter information on
2 ballot return envelopes, ballot declarations, and signature
3 correction forms from public disclosure; amending RCW 42.56.420;
4 adding a new section to chapter 29A.04 RCW; creating a new section;
5 and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 42.56.420 and 2021 c 26 s 1 are each amended to read
8 as follows:

9 The following information relating to security is exempt from
10 disclosure under this chapter:

11 (1) Those portions of records assembled, prepared, or maintained
12 to prevent, mitigate, or respond to criminal terrorist acts, which
13 are acts that significantly disrupt the conduct of government or of
14 the general civilian population of the state or the United States and
15 that manifest an extreme indifference to human life, the public
16 disclosure of which would have a substantial likelihood of
17 threatening public safety, consisting of:

18 (a) Specific and unique vulnerability assessments or specific and
19 unique response or deployment plans, including compiled underlying
20 data collected in preparation of or essential to the assessments, or
21 to the response or deployment plans; and

1 (b) Records not subject to public disclosure under federal law
2 that are shared by federal or international agencies, and information
3 prepared from national security briefings provided to state or local
4 government officials related to domestic preparedness for acts of
5 terrorism;

6 (2) Those portions of records containing specific and unique
7 vulnerability assessments or specific and unique emergency and escape
8 response plans at a city, county, or state adult or juvenile
9 correctional facility, or secure facility for persons civilly
10 confined under chapter 71.09 RCW, the public disclosure of which
11 would have a substantial likelihood of threatening the security of a
12 city, county, or state adult or juvenile correctional facility,
13 secure facility for persons civilly confined under chapter 71.09 RCW,
14 or any individual's safety;

15 (3) Information compiled by school districts or schools in the
16 development of their comprehensive safe school plans under RCW
17 28A.320.125, to the extent that they identify specific
18 vulnerabilities of school districts and each individual school;

19 (4) Information regarding the public and private infrastructure
20 and security of computer and telecommunications networks, consisting
21 of security passwords, security access codes and programs, access
22 codes for secure software applications, security and service recovery
23 plans, security risk assessments, and security test results to the
24 extent that they identify specific system vulnerabilities, and other
25 such information the release of which may increase risk to the
26 confidentiality, integrity, or availability of security, information
27 technology infrastructure, or assets;

28 (5) The system security and emergency preparedness plan required
29 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,
30 and 81.112.180;

31 (6) Personally identifiable information of employees, and other
32 security information, of a private cloud service provider that has
33 entered into a criminal justice information services agreement as
34 contemplated by the United States department of justice criminal
35 justice information services security policy, as authorized by 28
36 C.F.R. Part 20; and

37 (7) (a) In addition to the information in subsection (4) of this
38 section, the following related to election security:

39 ~~((a))~~ (i) The continuity of operations plan for election
40 operations and any security audits, security risk assessments, or

1 security test results, relating to physical security or cybersecurity
2 of election operations or infrastructure. These records are exempt
3 from disclosure in their entirety; (~~and~~)

4 (ii) Those portions of records containing information about
5 election infrastructure, election security, or potential threats to
6 election security, the public disclosure of which may increase risk
7 to the integrity of election operations or infrastructure; and

8 (iii) Voter signatures on ballot return envelopes, ballot
9 declarations, and signature correction forms, including the original
10 documents, copies, and electronic images; and a voter's phone number
11 and email address contained on ballot return envelopes, ballot
12 declarations, or signature correction forms. The secretary of state,
13 by rule, may authorize in-person inspection of unredacted ballot
14 return envelopes, ballot declarations, and signature correction forms
15 in accordance with section 2 of this act.

16 (b) The exemptions specified in (a) of this subsection do not
17 include information or records pertaining to security breaches,
18 except as prohibited from disclosure pursuant to RCW 29A.12.200.

19 (c) The exemptions specified in (a) of this subsection do not
20 prohibit an audit authorized or required under Title 29A RCW from
21 being conducted.

22 NEW SECTION. Sec. 2. A new section is added to chapter 29A.04
23 RCW to read as follows:

24 (1) In accordance with RCW 42.56.420, the following are exempt
25 from disclosure:

26 (a) Voter signatures on ballot return envelopes, ballot
27 declarations, and signature correction forms, including the original
28 documents, copies, and electronic images; and

29 (b) A voter's phone number and email address contained on ballot
30 return envelopes, ballot declarations, or signature correction forms.

31 (2) The secretary of state may, by rule, authorize in-person
32 inspection of unredacted ballot return envelopes, ballot
33 declarations, and signature correction forms. Except as provided
34 under subsection (3) of this section, a person may not photocopy,
35 photograph, or otherwise reproduce an image of the ballot return
36 envelope, ballot declaration, or signature correction form. When
37 inspecting a ballot return envelope, ballot declaration, or signature
38 correction form in person, a person may not carry with them any
39 materials or devices that could be used to record any voter

1 information found on the ballot return envelope, ballot declaration,
2 or signature correction form.

3 (3) Nothing in this section or RCW 42.56.420(7)(a)(iii) prevents
4 disclosure of any information on ballot return envelopes, ballot
5 declarations, or signature correction forms, other than a voter's
6 signature, phone numbers, and email addresses. Nothing in this
7 section prevents election officials from disclosing information
8 listed in subsection (1) of this section for official purposes. The
9 secretary of state may adopt rules identifying official purposes for
10 which a voter's signature, phone numbers, and email addresses may be
11 disclosed.

12 (4) For purposes of this section, "signature correction form"
13 means any form submitted by a voter for the purpose of curing a
14 missing or mismatched signature on a ballot declaration or otherwise
15 updating the voter signature.

16 NEW SECTION. **Sec. 3.** The exemptions in sections 1 and 2 of this
17 act apply to any public records request made prior to the effective
18 date of this section for which disclosure of records has not already
19 been completed.

20 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately.

--- END ---