

SENATE BILL REPORT

SB 5153

As Amended by House, April 5, 2023

Title: An act relating to uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries.

Brief Description: Concerning uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries.

Sponsors: Senators Valdez, Hunt, Nguyen and Wilson, C..

Brief History:

Committee Activity: State Government & Elections: 1/17/23, 1/20/23 [DP].

Floor Activity: Passed Senate: 3/7/23, 48-0.

Passed House: 4/5/23, 76-22.

Brief Summary of Bill

- Clarifies that information in voter records otherwise subject to public disclosure requirements which concerns a future voter is not disclosable until the person turns 18 or is eligible to participate in a primary or election.
- Exempts eligible 17-year olds who vote in a primary election from the class C felony for knowing unlawful voter registration.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

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

Staff: Samuel Brown (786-7470)

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.

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

Future Voter Program. A person is entitled to vote if the person is a United States citizen, has lived at their address in Washington for at least 30 days prior to the election, is not serving a sentence of total confinement for a felony conviction, and is not disqualified to vote due to a court order. Under ESB 6313, passed in 2020, a person may vote in a primary election if they are 17 years old, but will be 18 by the general election. Sixteen and 17-year olds may sign up to register to vote as part of the Future Voter Program, with their registrations held in pending status until such time as they may vote in an election. Information otherwise subject to disclosure requirements regarding persons who signed up to register to vote under the Future Voter Program cannot be disclosed until the person turns 18, except for the purposes of processing and delivering ballots.

Penalties. A person who knows they do not meet the legal requirements to register to vote, but does so anyway, commits a class C felony, punishable by up to five years' imprisonment and a \$10,000 fine. Persons signing up to register to vote under the Future Voter Program may not be prosecuted for knowing illegal voter registration.

Summary of Bill: Information Disclosure. Information otherwise subject to public disclosure requirements about persons signed up to register to vote is subject to disclosure at the time the person is eligible to participate in a primary or general election.

Penalties. A person voting in a primary election who is 17 years old, but will be 18 by the general election, does not commit knowing illegal voter registration.

Appropriation: None.

Fiscal Note: Not requested.

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

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

Staff Summary of Public Testimony: PRO: Certain pieces of information including date of birth, name, and address are subject to public disclosure for registered voters. Since 2018, we have passed laws such as automatic voter registration and the future voter program to encourage the registration of young voters. This fixes a discrepancy in

disclosure requirements to provide consistency.

Persons Testifying: PRO: Senator Javier Valdez, Prime Sponsor.

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

EFFECT OF HOUSE AMENDMENT(S):

- Specifies that information about a future voter may be disclosed when they are eligible to vote in the next presidential primary, primary, or election.
- Removes language exempting 17-year olds, who will be 18 by the date of the general election voting in primaries from the crime of illegal voter registration.