

# SENATE BILL REPORT

## SB 5837

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As of January 4, 2024

**Title:** An act relating to codifying the state election database to publish, evaluate, and analyze certain election data.

**Brief Description:** Codifying the state election database to publish, evaluate, and analyze certain election data.

**Sponsors:** Senators Valdez and Kuderer.

**Brief History:**

**Committee Activity:** State Government & Elections: 1/09/24.

**Brief Summary of Bill**

- Codifies the Washington Election Database, established to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and investigating potential infringements upon the right to vote.

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### SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Staff:** Greg Vogel (786-7413)

**Background:** In 2022, the Legislature provided funding to the University of Washington to establish a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

The Washington State Election Database housed at the Center for the Study of Demography

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*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.*

and Ecology at the University of Washington provides a publicly available data set on estimated racial demographics in electoral precincts of the state. The data covers all precincts from 2007 to 2022.

**Summary of Bill:** The Washington Election Database is codified to assist the state and all political subdivisions with evaluating whether and to what extent laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and investigating potential infringements upon the right to vote.

The operation of the database is to be managed by a director, employed by the University of Washington, with training and experience in demography, statistical analysis, and electoral systems. The director must appoint necessary staff to implement and maintain the database.

The database must maintain in an electronic format at least the following data and records, where available, for every election in every political subdivision in the state, for at least the previous 12-year period:

- estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis, based on data from the United States Census Bureau, American Community Survey, or data of comparable quality;
- election results at the precinct level;
- regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations;
- contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;
- records of all voters issued a ballot and all voters who returned a ballot;
- records of all ballots with missing and mismatched signatures, including the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information;
- apportionment plans; and
- any other data the director deems advisable.

Upon the certification of election results and the completion of the voter history file after each general election, the Secretary of State must transmit copies of the following to the director of the database:

- election results at the precinct level, including information about rejected and cured ballots;
- voter history files;
- shapefiles for election districts; and
- lists of voting centers, ballot drop boxes, and student engagement hubs.

The director of the database and database staff must update election data in the database as

soon as it is available from the Secretary of State, following certification of each election.

Except for information that identifies individual voters, the data, information, and estimates maintained by the database must be posted online and made available to the public at no cost.

On or before January 1, 2025, the database must publish on its website and transmit for dissemination to county auditors and the Secretary of State a list of political subdivisions required by the federal Voting Rights Act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor must transmit the list to all political subdivisions within their jurisdiction.

The database will complete regular analysis of ballot rejections and cures, identifying population subgroups with higher than average ballot rejection rates, and an annual report of ballot rejections will be posted online and made available to the public at no cost.

Database staff may work with the Secretary of State and county auditors to examine new practices and solutions for reducing ballot rejections and increasing ballot cure rates. Database staff may also provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the database.

**Appropriation:** None.

**Fiscal Note:** Requested on January 3, 2024.

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

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