

# HOUSE BILL REPORT

## HB 2528

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to providing for the coordination of continuity of operations efforts for elections.

**Brief Description:** Providing for the coordination of continuity of operations efforts for elections.

**Sponsors:** Representatives Hudgins and Wylie.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 1/22/18, 1/30/18 [DPS].

#### **Brief Summary of Substitute Bill**

- Requires the Washington Military Department to maintain a copy of county continuity of operations plans for election operations.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall and Pettigrew.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Hayes, Assistant Ranking Minority Member; Van Werven.

**Staff:** Omeara Harrington (786-7136).

#### **Background:**

##### Responsibility for Administering Elections.

The Secretary of State (Secretary) is the state's chief elections officer, and is responsible for supervising state and local elections, certifying results, filing and verifying initiatives and referendums, and producing and distributing voter pamphlets. County auditors are

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responsible for maintaining voter registration and for conducting state and local elections in counties.

Continuity of Operations Planning.

The Washington Military Department (Military Department), under the direction of the Adjutant General, administers the state's comprehensive program of emergency management. In this capacity, the Adjutant General is responsible for coordinating the activities of all organizations for emergency management within the state, and must maintain liaison and cooperate with emergency management agencies and organizations of other states and the federal government.

One of the responsibilities of the Adjutant General is to develop and manage a program for interagency coordination and prioritization of continuity of operations planning by state agencies. Continuity of operations planning is the internal effort of an organization to assure that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters. Each state agency must develop a continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

The Secretary is required to maintain a continuity of operations plan that includes procedures for continuation of its essential functions, including elections-related activities, in the event of a disaster or emergency. Under rule, in the event of a natural or manmade disaster, the Secretary must consult with county auditors of impacted counties to determine the impact of the disaster on the administration of elections and how to best mitigate the impact, and may adopt emergency rules and procedures as necessary to facilitate elections administration.

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**Summary of Substitute Bill:**

The Military Department, through the Adjutant General, must maintain a copy of the continuity of operations plan for election operations for each county that has a plan available.

**Substitute Bill Compared to Original Bill:**

The Military Department's requirement relating to maintaining county continuity of elections operations plans is modified. Rather than requiring the Military Department to maintain a copy of each county's plan, it must maintain a copy of the plan for each county that has a plan available. The requirement that the Military Department assist in implementation efforts for county continuity of elections operations plans is removed.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The federal Department of Homeland Security designated elections as critical infrastructure, signifying that elections are important. This proposal does not require the Military Department to build county continuity of operations plans for elections, and counties are not required to have them, but the Military Department should collect these plans to the extent that they exist. Many counties have plans in place. The goal with this proposal is to gather information as a first step. This is not a formal study, but an opportunity to look for model plans and increase visibility of elections at the county level in light of the critical infrastructure designation.

(Opposed) None.

(Other) Critical infrastructure is part of the program at the Emergency Management Division, but is currently just one full-time equivalent position. The Military Department has the capacity to hold policies from counties that have them and voluntarily submit them. However, the Secretary has the expertise to help local jurisdictions develop these plans. The continuity of operations planning position was not resourced, and the Military Department has modest planning staff to begin with, so it would be good to involve expertise from other agencies.

**Persons Testifying:** (In support) Representative Hudgins, prime sponsor.

(Other) Jason Marquiss, Washington Military Department.

**Persons Signed In To Testify But Not Testifying:** None.