

SENATE BILL REPORT

SB 6183

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, February 7, 2020

Title: An act relating to allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials.

Brief Description: Allowing service and overseas voters to use the common access card as a digital signature for proof of identity on certain election materials.

Sponsors: Senators Hunt, Conway, Kuderer and Wilson, C.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/15/20, 2/07/20 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Allows service and overseas voters to use a digital signature generated as part of the Common Access Card to register to vote.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6183 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Takko.

Minority Report: That it be referred without recommendation.

Signed by Senators Zeiger, Ranking Member; Muzzall, Assistant Ranking Member.

Staff: Samuel Brown (786-7470)

Background: Common Access Card. The Common Access Card (CAC) is standard identification for active duty uniformed service personnel, reservists, civilian Department of Defense (DOD) employees, and eligible contractor personnel. The CAC is the principal card used to enable physical access to buildings and controlled spaces, and it provides access to DOD computer network and systems. Combined with the cardholder's personal

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identification number, the CAC satisfies the requirement for multi-factor authentication, and the CAC satisfies requirements for digital signature and data encryption technologies.

Registering to Vote. To register to vote, a person must provide their name, residential address, date of birth, a check or indication confirming United States citizenship, and a signature attesting to the truth of the information provided. The Secretary of State offers voter registration through its website. Online voter registration applicants must possess a valid Washington state driver's license, state identicard, or tribal identification so the Secretary of State may obtain a copy of the person's signature.

Service and Overseas Voters. Voters registered in Washington but located outside the United States, active duty military, reservists, or other voters attached to and serving with the military are considered service and overseas voters under federal and state law. Service and overseas voters receive instructions and a privacy sheet for returning their ballots and signed declarations by fax or e-mail.

Summary of Bill (First Substitute): Service and overseas voters may use a CAC to register to vote on the Secretary of State's website.

The Secretary of State must develop rules for the use of CACs by service and overseas voters for electronic voter registration and ballot transmission.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS COMMITTEE (First Substitute): Removes provisions allowing the use of the CAC to complete the ballot declaration.

Appropriation: None.

Fiscal Note: Available.

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 on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: In my mind, this is enhanced security by allowing persons who use the CAC as their identification to replace physically scanning a signature. The level of security involved in obtaining a CAC is high and involves a retinal scan and fingerprinting. Public key technology allows anyone to verify that the CAC comes from the person who sends the document.

OTHER: While we support the use of CAC for identification, we have concerns about the use of a digital signature for ballot transmission. CAC does not ensure the security of the attachment—secure signatures are not the same as secure e-mail. The only way to secure e-mail transactions is with end-to-end encryption. CACs do not ensure that e-mail attachments do not carry viruses or other malicious attachments.

Persons Testifying: PRO: Paddy McGuire, Mason County Auditor.

OTHER: Jay Jennings, Office of the Secretary of State; Colonel Gent Welsh, Washington Air National Guard.

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