

HB 1953 - S AMD 1341

By Senator Wilson, J.

NOT ADOPTED 03/02/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 42.56.420 and 2021 c 26 s 1 are each amended to
4 read as follows:

5 The following information relating to security is exempt from
6 disclosure under this chapter:

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

14 (a) Specific and unique vulnerability assessments or specific and
15 unique response or deployment plans, including compiled underlying
16 data collected in preparation of or essential to the assessments, or
17 to the response or deployment plans; and

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

23 (2) Those portions of records containing specific and unique
24 vulnerability assessments or specific and unique emergency and escape
25 response plans at a city, county, or state adult or juvenile
26 correctional facility, or secure facility for persons civilly
27 confined under chapter 71.09 RCW, the public disclosure of which
28 would have a substantial likelihood of threatening the security of a
29 city, county, or state adult or juvenile correctional facility,
30 secure facility for persons civilly confined under chapter 71.09 RCW,
31 or any individual's safety;

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

5 (4) Information regarding the public and private infrastructure
6 and security of computer and telecommunications networks, consisting
7 of security passwords, security access codes and programs, access
8 codes for secure software applications, security and service recovery
9 plans, security risk assessments, and security test results to the
10 extent that they identify specific system vulnerabilities, and other
11 such information the release of which may increase risk to the
12 confidentiality, integrity, or availability of security, information
13 technology infrastructure, or assets;

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

17 (6) Personally identifiable information of employees, and other
18 security information, of a private cloud service provider that has
19 entered into a criminal justice information services agreement as
20 contemplated by the United States department of justice criminal
21 justice information services security policy, as authorized by 28
22 C.F.R. Part 20; and

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

25 ~~((a))~~ (i) The continuity of operations plan for election
26 operations and any security audits, security risk assessments, or
27 security test results, relating to physical security or cybersecurity
28 of election operations or infrastructure. These records are exempt
29 from disclosure in their entirety; ~~(and)~~

30 (ii) Those portions of records containing information about
31 election infrastructure, election security, or potential threats to
32 election security, the public disclosure of which may increase risk
33 to the integrity of election operations or infrastructure; and

34 (iii) Voter signatures on ballot return envelopes, ballot
35 declarations, and signature correction forms, including the original
36 documents, copies, and electronic images; and a voter's phone number
37 and email address contained on ballot return envelopes, ballot
38 declarations, or signature correction forms. The secretary of state,
39 by rule, may authorize in-person inspection of unredacted ballot

1 return envelopes, ballot declarations, and signature correction forms
2 in accordance with section 2 of this act.

3 (b) Nothing in this section limits or otherwise restricts the
4 access of an authorized observer or canvassing board member for the
5 purposes of performing his or her duties.

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

9 ~~((e))~~ (d) The exemptions specified in (a) of this subsection do
10 not prohibit an audit authorized or required under Title 29A RCW from
11 being conducted.

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

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

16 (a) Voter signatures on ballot return envelopes, ballot
17 declarations, and signature correction forms, including the original
18 documents, copies, and electronic images; and

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

21 (2) The secretary of state may, by rule, authorize in-person
22 inspection of unredacted ballot return envelopes, ballot
23 declarations, and signature correction forms. Except as provided
24 under subsection (3) of this section, a person may not photocopy,
25 photograph, or otherwise reproduce an image of the ballot return
26 envelope, ballot declaration, or signature correction form. When
27 inspecting a ballot return envelope, ballot declaration, or signature
28 correction form in person, a person may not carry with them any
29 materials or devices that could be used to record any voter
30 information found on the ballot return envelope, ballot declaration,
31 or signature correction form.

32 (3) Nothing in this section or RCW 42.56.420(7)(a)(iii) prevents
33 disclosure of any information on ballot return envelopes, ballot
34 declarations, or signature correction forms, other than a voter's
35 signature, phone numbers, and email addresses. Nothing in this
36 section prevents election officials from disclosing information
37 listed in subsection (1) of this section for official purposes.
38 Nothing in this section limits or otherwise restricts the access of
39 an authorized observer or canvassing board member for the purposes of

1 performing his or her duties. The secretary of state may adopt rules
2 identifying official purposes for which a voter's signature, phone
3 numbers, and email addresses may be disclosed.

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

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

12 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of
14 the state government and its existing public institutions, and takes
15 effect immediately."

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16 On page 1, line 3 of the title, after "disclosure;" strike the
17 remainder of the title and insert "amending RCW 42.56.420; adding a
18 new section to chapter 29A.04 RCW; creating a new section; and
19 declaring an emergency."

EFFECT: Clarifies that the act does not limit the performance of
duties by authorized observers and county canvassing boards.

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