

HOUSE BILL REPORT

SB 5837

As Reported by House Committee On:
State Government & Tribal Relations
Appropriations

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, Kuderer, Hasegawa, Hunt, Nobles and Trudeau.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/16/24, 2/20/24 [DP];
Appropriations: 2/23/24, 2/26/24 [DP].

Brief Summary of Bill

- Codifies the University of Washington's responsibility to create a Washington Elections Database with specified elections data, and to assist the state and political subdivisions with evaluating their existing laws and practices related to voting and elections, implementing best practices, and investigating potential infringements on the right to vote.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

Minority Report: Do not pass. Signed by 1 member: Representative Christian, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 2 members: Representatives

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.

Cheney, Ranking Minority Member; Low.

Staff: Jason Zolle (786-7124).

Background:

The supplemental state operating budget passed in 2022 included funding for the University of Washington (UW) 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
- investigating potential infringements on the right to vote.

The budget proviso requires the repository to be operated by a Governor-appointed director with doctoral-level expertise in demography, statistical analysis, and electoral systems. The repository must include at least 12 years of data regarding:

- total, voting-age, and citizen voting-age population data by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis for every political subdivision in the state, relying on United States Census Bureau and American Community Survey data;
- election results at the precinct level for every statewide and local election;
- data about voters, such as voter registration lists and voter history files;
- data about election-related locations, such as voting center locations and ballot drop box locations;
- data about returned ballots, such as ballot rejection and curing lists;
- data about election geography, such as district maps and apportionment plans; and
- a list of political subdivisions in the state required to provide minority language voting assistance under the federal Voting Rights Act.

Repository data must be updated within 30 business days after the certification of each election. The Office of the Secretary of State (OSOS) is required to provide relevant data to the repository after each election.

All data must be made available online for the public at no cost, except to the extent to which it identifies individual voters. The repository is currently available online as the Washington State Election Database through the website for the University of Washington Center for the Study of Demography and Ecology.

Summary of Bill:

The UW's responsibility to create an election data repository is codified into statute and named "the Washington Election Database" (Database). The statutory requirements for the

Database largely mirror those from the budget proviso that established the repository, described above. A few changes are made in the bill, however, including the following:

- The director is no longer appointed by the Governor and is required to have training and experience in specified topics, rather than doctoral-level expertise.
- The type of ballot-related information the Database must display is modified to include more specific information about rejected ballots, including information about when voters were contacted to cure a missing or mismatched signature and when the voter responded.
- Database staff are permitted to work with the OSOS and county auditors to examine new practices and solutions for reducing ballot rejections and increasing ballot cure rates.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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 Database is intended to make it easier for the public to collect precinct-level election data from around the state, as it is a challenge to navigate the 39 different county websites, and the data pulled from them may not be compatible. This bill simply codifies the repository previously created through a budget proviso. The repository at the University of Washington has been successful, and it meets the state's highest standards for secure storage. The data provided is unbiased and is already public. No information in the Database can tell how a person voted. The Database will benefit everyone in the state who wants more information to use to investigate, for example, whether a county is complying with the Washington Voting Rights Act. The cost to run the Database is just a fraction of the cost of producing comparable data. Other states have similar resources.

(Opposed) None.

Persons Testifying: Alex Hur, OneAmerica; and Scott Allard and Calista Jahn, University of Washington, Evans School of Public Policy and Governance.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 19 members: Representatives Ormsby, Chair;

Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Callan, Chopp, Davis, Fitzgibbon, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 10 members: Representatives Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Harris, Rude, Sandlin, Schmick, Stokesbary and Wilcox.

Staff: Kate Henry (786-7349).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government & Tribal Relations:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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 issue is simple, if you are a member of the public attempting to collect county elections data, it is cumbersome. Going from county website to county website, the exports do not match resulting in manual labor. Election results, election methods, and the number of election drop-off locations per county are just some of the data points available to the public with the database. The database receives publicly available data from the Secretary of State and provides critical resources through the web portal. No information in the database can tell how a person voted. The information is stored to meet the highest standards for secure storage.

(Opposed) None.

Persons Testifying: Alex Hur, OneAmerica; and Scott Allard, Evans School of Public Policy and Governance.

Persons Signed In To Testify But Not Testifying: None.