

SENATE BILL REPORT

SB 5015

As Passed Senate, March 5, 2021

Title: An act relating to fraudulent portrayal of ballot drop boxes.

Brief Description: Concerning fraudulent portrayal of ballot drop boxes.

Sponsors: Senators Hunt, Billig, Das, Dhingra, Hasegawa, Keiser, Kuderer, Nguyen and Wilson, C..

Brief History:

Committee Activity: State Government & Elections: 1/15/21, 1/20/21 [DP].

Floor Activity: Passed Senate: 3/5/21, 47-0.

Brief Summary of Bill

- Establishes a gross misdemeanor for misrepresenting an unofficial ballot collection site or device as an official ballot drop box.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Wilson, J., Ranking Member; Hasegawa and Hawkins.

Staff: Samuel Brown (786-7470)

Background: Ballot Drop Boxes. All counties in the state conduct elections entirely by mail. Counties must establish ballot drop boxes for voters to return ballots. Each county must establish at least one ballot drop box per 15,000 registered voters in the county, and a ballot drop box in each city, town, and census-designated place with a post office. At a tribe's request, the county auditor must establish at least one ballot drop box on the tribe's reservation on a site selected by the tribe.

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.

Ballots must be removed from each ballot drop box by at least two people, with a record of the date and time ballots were removed and the persons removing the ballots, which are transported to the county auditor in secured containers. Containers are verified by the county auditor at the ballot counting center.

Election Offenses. Any person who provides a voter with incorrect or misleading information or faulty election equipment to deceive the voter, or who records the vote of any voter in a way other than what the voter designates, is guilty of a gross misdemeanor. A gross misdemeanor is punishable by a maximum of 364 days in jail and a fine up to \$5,000.

Summary of Bill: Misrepresentation of an unofficial ballot collection site or device as an official ballot drop box is punishable as a gross misdemeanor.

Appropriation: None.

Fiscal Note: Not requested.

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: PRO: This is a preemptive action, growing from a situation in California where a group tried to install some of its own drop boxes which were made to look official. It is important for voters to be able to distinguish between official and unofficial drop boxes. Oregon faced this issue in the 2000 presidential election, and enacted a statute prohibiting anyone from establishing a drop box without a large-point-font sign indicating that it is unofficial. That approach presents a clear sign for law enforcement to look at and allows voters to choose what kind of drop box they want to use. This will deter people from misleading or defrauding voters and sends a message that we take voter access and security seriously. The proliferation of ballot drop boxes warrants proposals like this for security. Ballot chain of custody is a priority.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Paddy McGuire, Washington State Association of County Auditors; Kathy Sakahara, League of Women Voters; Jay Jennings, Office of the Secretary of State.

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