

SENATE BILL REPORT

SB 5140

As of January 20, 2023

Title: An act relating to creating the state elections confidence using rigorous examination act.

Brief Description: Creating the state elections confidence using rigorous examination act.

Sponsors: Senator Fortunato.

Brief History:

Committee Activity: State Government & Elections: 1/20/23.

Brief Summary of Bill

- Directs the Secretary of State to contract for a security test of the statewide voter registration system, including having agents of the contractor attempt to register to vote multiple times using separate voter registrations.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Registering to Vote. Persons who are age 18 or older and who are United States citizens that have lived in the state, county, and precinct for 30 days immediately preceding an election and are not serving a sentence of total confinement and have not been declared judicially incompetent are entitled to vote. To register to vote, an eligible individual must provide their name, residential address, date of birth, a signature attesting the truth of the information provided, and an indication that the individual is a United States citizen.

The National Voter Registration Act requires states to provide the opportunity to register to vote for federal elections at various state agencies. Additionally, Washington allows eligible individuals to register to vote through the Secretary of State's (Secretary) website.

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.

A person seeking to register electronically must have a valid Washington State driver's license, state identification card, or tribal identification card so the Secretary may obtain a copy of the person's signature.

Voter Registration Database. The Secretary maintains the statewide voter registration database, which is the official list of voters registered to participate in Washington elections. The statewide voter registration database contains information on each voter, including a unique identifier, entered by county auditors when a voter registers or updates their information. The statewide voter registration database is coordinated with other government databases to maintain and update the state's voter rolls.

Penalties. Any person who knowingly provides false information on a voter registration application, registers to vote under the name of another person, or registers to vote under multiple names or in multiple counties commits a class C felony, punishable by up to five years in prison and a fine of up to \$10,000.

Summary of Bill: The Secretary must contract with individuals for a security test of the voter registration system to analyze gaps and flaws that could allow fraudulent or duplicate voter registrations to occur. Agents contracted for the test must attempt to register to vote multiple times from different addresses. Registrations under this test must be tracked and shared with county canvassing boards so no ballots issued as a result of the test are counted in an election. The Secretary must obtain a waiver from federal authorities to conduct the test.

The Secretary must issue a report on the findings of the security test, including recommendations to eliminate the potential for fraudulent voting, by January 1, 2025.

Appropriation: None.

Fiscal Note: Requested on January 18, 2023.

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: We have a great amount of emphasis on cybersecurity. We're having increased online filing and registration—we test that system by hiring a hacker to probe the system for flaws. This is similar to hiring underage kids to buy liquor to see if vendors are following the laws. There may not be problems with double registration, but we won't know unless we test the system.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor.

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