

SENATE BILL REPORT

SB 5837

As Passed Senate, February 12, 2024

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 & Elections: 1/09/24, 1/12/24 [DP-WM, DNP, w/oRec].

Ways & Means: 1/22/24, 2/01/24 [DP, DNP, w/oRec].

Floor Activity: Passed Senate: 2/12/24, 29-20.

Brief Summary of Bill

- Codifies the Washington Election Database, established to assist with evaluating whether and to what extent existing election laws and practices are consistent with public policy, implementing best practices in voting and elections, and investigating potential infringements upon the right to vote.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

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

Minority Report: Do not pass.

Signed by Senators Dozier and Fortunato.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Wilson, J., Ranking Member.

Staff: Greg Vogel (786-7413)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Pedersen, Randall, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Braun, Muzzall, Torres and Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senator Boehnke.

Staff: Samuel Brown (786-7470)

Background: In 2022 the Legislature provided funding in the operating budget to the University of Washington 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 Washington State Election Database, housed at the Center for the Study of Demography and Ecology at the University of Washington, provides a publicly available data set on estimated racial demographics in electoral precincts of the state. The data covers all precincts from 2007 to 2022.

Summary of Bill: Database Codified. The Washington Election Database is codified to assist the state and all political subdivisions with evaluating whether and to what extent 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 upon the right to vote.

The operation of the database is to be managed by a director, employed by the University of Washington, with training and experience in demography, statistical analysis, and electoral systems. The director must appoint necessary staff to implement and maintain the database.

Database Contents. The database must maintain in an electronic format at least the following data and records, where available, for every election in every political subdivision in the state, for at least the previous 12-year period:

- estimates of the total population, voting age population, and citizen voting age population by race, ethnicity, and language-minority groups, broken down to the election district and precinct level on a year-by-year basis, based on data from the United States Census Bureau, American Community Survey, or data of comparable quality;
- election results at the precinct level;
- regularly updated voter registration lists, voter history files, voting center locations, ballot drop box locations, and student engagement hub locations;
- contemporaneous maps, descriptions of boundaries, and shapefiles for election districts and precincts;
- records of all voters issued a ballot and all voters who returned a ballot;
- records of all ballots with missing and mismatched signatures, including the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information;
- apportionment plans; and
- any other data the director deems advisable.

Upon the certification of election results and the completion of the voter history file, after each general election the Secretary of State must transmit copies of the following to the director of the database:

- election results at the precinct level, including information about rejected and cured ballots;
- voter history files;
- shapefiles for election districts; and
- lists of voting centers, ballot drop boxes, and student engagement hubs.

The director of the database and database staff must update election data in the database as soon as it is available from the Secretary of State, following certification of each election.

Except for information that identifies individual voters, the data, information, and estimates maintained by the database must be posted online and made available to the public at no cost.

Publications and Analysis. By January 1, 2025, the database must publish on its website and transmit to county auditors and the Secretary of State a list of political subdivisions required by the federal Voting Rights Act to provide assistance to members of language-minority groups and each language in which those political subdivisions are required to provide assistance. Each county auditor must transmit the list to all political subdivisions within their jurisdiction.

The database will complete regular analysis of ballot rejections and cures, identifying

population subgroups with higher than average ballot rejection rates, and an annual report of ballot rejections will be posted online and made available to the public at no cost.

Database staff may work with the Secretary of State and county auditors to examine new practices and solutions for reducing ballot rejections and increasing ballot cure rates. Database staff may also provide nonpartisan technical assistance to political subdivisions, scholars, and the general public seeking to use the resources of the database.

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 (State Government & Elections): PRO: This bill will codify the great work that the University of Washington is doing so the public continues to have access to this information. The bill does not open up any information that isn't already public. The database will build a strong collaborative relationship between the University of Washington, the Secretary of State, and counties and put Washington in the same class as many other states that maintain a publicly available dataset.

We need systems like this to manage large volumes of data. Centralizing the data into a repository saves time and resources. Having a neutral third party to collect and compile the data will positively serve the public.

CON: There is some concern about university staff injecting their political biases into the product and whether we are confident in having them as the steward of this data. We would like to see staff from each of the two major political parties included as part of the database work.

Persons Testifying (State Government & Elections): PRO: Senator Javier Valdez, Prime Sponsor; Andrew Villeneuve, Northwest Progressive Institute; Alex Hur, OneAmerica; Scott Allard, Evans School of Public Policy & Governance, University of Washington; Jacob Grumbach; Jacob Vigdor, University of Washington Faculty.

CON: eric pratt; Julie Barrett, Conservative Ladies of Washington.

Persons Signed In To Testify But Not Testifying (State Government & Elections): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: The database provides two key data services for the public: it uses GIS mapping for analysis of legislative

districting to ensure compliance with state and federal law, and assembles and calculates language minority demographics for compliance with the federal Voting Rights Act. Texas and California also use their flagship public universities to produce these data sets. It's very expensive for practitioners to create this data through one-off consulting arrangements, so this adds great fiscal value for the state. The databases ensures that a neutral, nonpartisan entity collects this data to strengthen our democracy. The research will provide information to strengthen voting laws to increase participation and improve the voter experience. This makes the information accessible, helping researchers everywhere. The University of Washington and elections officials have a strong collaborative relationship.

Persons Testifying (Ways & Means): PRO: Jacob Grumbach, Washington State Election Database & Mail Ballot Rejections Project; Eli Goss, OneAmerica; Scott Allard, Evans School of Public Policy & Governance, University of Washington; Andrew Villeneuve, Northwest Progressive Institute.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.