HOUSE BILL REPORT
SB 5892

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

Title: An act relating to protecting the voter registration database.

Brief Description: Concerning protection of the voter registration database.

Sponsors: Senators Riccelli, Valdez, Bateman, Frame, Hasegawa, Liias, Nobles, Pedersen, Slatter and Wilson, C.; by request of Secretary of State.

Brief History:
Committee Activity:
State Government & Tribal Relations: 2/18/26, 2/20/26 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Prohibits a county elections office from producing records in response to a request for reports generated by the statewide voter registration database and makes it a class C felony to do so.
- Makes it a class C felony for a state or local election officer, or their designee, to disclose confidential voter information located in a voter registration record or file to an unauthorized person.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass as amended. Signed by 4 members: Representatives Mena, Chair; Stearns, Vice Chair; Doglio and Farivar.

Minority Report: Do not pass. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; Chase.

Staff: Desiree Omli (786-7105).

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.

Background:

The Public Records Act.
The Public Records Act (PRA) generally requires state and local governmental entities to make many government records available to the public upon request. There are, however, over 500 statutory exemptions for certain records or information contained in records.

Upon receiving a request for records, the governmental entity must respond within five business days by providing the records or access to the records online; acknowledging receipt of the request and providing a reasonable estimate of the time needed to respond to the request; seeking clarification if the request is unclear; or denying the request on the basis that the records are exempt from disclosure requirements.

One PRA exemption to disclosure is for election security information, including exemptions for:

- continuity of operations plans for election operations;
- security audits, risk assessments, and test results of physical security or cybersecurity of election operations or infrastructure;
- information about election infrastructure, security, or potential threats to election security, if disclosure would increase risk to the integrity of election operations or infrastructure;
- records regarding the infrastructure of a private entity submitted to elections officials, which are exempt for 25 years after creation when they are accompanied by an express statement that the record contains information about the private entity's infrastructure and public disclosure may increase risk to the integrity of election operations or infrastructure; and
- voted ballots or images, copies, photographs, or cast vote records of voted ballots.

Disclosure of Voter Registration Files.
The county auditor maintains custody of the original voter registration records and voter registration sign-up records for each county. Using the centralized election management system, each county auditor enters and maintains voter registration records for voters residing in their county in the official statewide voter registration database. The Office of the Secretary of State (OSOS) maintains the statewide voter registration database, which serves as a centralized, uniform, and interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

Except as it pertains to a participant in the Address Confidentiality Program or the Future Voter Program, only the following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying: the voter's name, address, political jurisdiction, gender, year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying. All PRA requests for records from any existing reports generated by the statewide voter registration database must be submitted

and fulfilled by the OSOS. County elections officials that receive a PRA request for such information are not required to produce any record, but must respond within the deadline of five business days by directing the requestor to submit their request to the OSOS.

Summary of Amended Bill:

The process for a county that receives a request for records from, or any existing reports generated by, the statewide voter registration database is modified to clarify that upon receiving such request, the county elections office is prohibited from producing any records in response to the request. Further, the county elections office must direct the requestor to submit their request to the OSOS. A knowing violation of this prohibition is a class C felony.

Any state or local election officer, or a designee, who has access to any county or statewide voter registration database and who knowingly discloses information in the database inconsistent with the performance of their duties is guilty of a class C felony.

Any state or local election officer, or a designee, who knowingly discloses to an unauthorized person a voter's Washington driver's license number, Washington identification card number, social security number, or full birthdate, shown on an affidavit of voter registration or included in a voter registration file, is guilty of a class C felony.

Amended Bill Compared to Original Bill:

The amended bill corrects a typographical error by clarifying that a state or local election officer, rather than a state officer or election officer, who knowingly violates provisions of the bill is guilty of a class C felony.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This is a good voter privacy and protection bill. Regardless of what political party is in power, states should be precise about how personal information such as license numbers, social security numbers, and dates of birth are disclosed. Such decisions should be centralized and methodical, and the OSOS should be making these decisions. Prior to

the central statewide voter registration database currently in place, each county maintained their own county-level voter registration database. When that was changed to only have one statewide voter registration database, the law regarding who should be producing records from the database was not updated. The information being protected in the bill is information that is currently confidential and this bill does not change that.

(Opposed) The policy of this bill does not encourage clean voter rolls. Clean voter rolls are extremely important for election integrity, and the United States Department of Justice has been requesting voter registration information from states to ensure that voter registration databases are accurate.

Persons Testifying: (In support) Senator Marcus Riccelli, prime sponsor; Steve Hobbs, Office of Secretary of State; and Stuart Holmes, Office of Secretary of State.

(Opposed) Laurie Layne.

Persons Signed In To Testify But Not Testifying: None.