

SENATE BILL REPORT

SB 5011

As of February 3, 2025

Title: An act relating to labeling ballot drop boxes.

Brief Description: Labeling ballot drop boxes.

Sponsors: Senators Wilson, J., Dozier, Fortunato, Krishnadasan and Valdez.

Brief History:

Committee Activity: State Government, Tribal Affairs & Elections: 1/17/25, 1/24/25 [DP-WM].

Ways & Means: 2/03/25.

Brief Summary of Bill

- Requires the prominent display of two messages on each visible side of a ballot drop box: (1) the box is the property of the county or county agency which purchased and placed the box; and (2) tampering with the box may be a crime under state and federal laws.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

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

Signed by Senators Valdez, Chair; Krishnadasan, Vice Chair; Wilson, J., Ranking Member; Fortunato, Hasegawa, Kauffman, McCune, Riccelli and Short.

Staff: William Bridges (786-7312)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Samuel Brown (786-7470)

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: Ballot Drop Boxes. Every county auditor must establish at least one ballot drop box per 15,000 registered voters in the county, and the auditors must also establish one ballot drop box in each city, town, and census-designated place in the county with a post office.

An Indian tribe may request the county auditor establish at least one ballot drop box on the Indian reservation at a site selected by the tribe. A tribe may also designate buildings as ballot pickup and collection locations from which the county auditor must collect ballots at no cost to the tribe. Designated locations for ballot drop off or collection must be accessible to the county auditor by a public road.

State regulations require ballot boxes located outdoors to be constructed of durable material able to withstand inclement weather, and to be sufficiently secured to prevent their removal. Unstaffed ballot boxes must be locked and sealed in the manner described in regulation.

Interfering with a Voter. Several federal and state laws prohibit interference with voting. For example, under the federal Voting Rights Act, it is a crime to intimidate or threaten a person for voting. Under Washington law, it is a crime for any person to use menace, force, or any unlawful means to hinder or deter a voter from voting.

Summary of Bill: Ballot drop boxes must have prominent displays of two messages on each visible side of the box: (1) the box is the property of the county or county agency which purchased and placed the box; and (2) tampering with the box may violate a specified state law prohibiting the unlawful hindering of a voter and other state and federal election laws.

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, Tribal Affairs & Elections):
PRO: This bill addresses several incidents in Clark County where ballot drop boxes were set on fire. Some call it an act of terrorism. Individual votes must be protected and guarded. People need to be warned of the consequences of harming ballots. Ballot drop boxes are the most popular means of voting, with 66 percent of voters statewide using the boxes. Election integrity is important, but the most secure voting is done in person with identification. Maybe the cost of signage could be lower if only one side was required to be labeled. The fiscal note reflects the assumption that the secretary of state will reimburse county auditors for the cost of implementing the signage required in the bill.

Persons Testifying (State Government, Tribal Affairs & Elections): PRO: Senator Jeff Wilson, Prime Sponsor; Brian Hatfield, Office of Secretary of State; Sharon Damoff.

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

Staff Summary of Public Testimony (Ways & Means): PRO: There was what can be described as a terrorist attack in Clark County where an incendiary device was dropped in a ballot drop box and burned a number of ballots. Fortunately, most, if not all, affected voters were able to get a replacement ballot. We need to do something, and a lot of ballot boxes already have this.

OTHER: Many ballot drop boxes are labelled already. It would lower costs if counties were able to do this as part of their regular maintenance cycle.

Persons Testifying (Ways & Means): PRO: Brian Hatfield, Office of Secretary of State.

OTHER: Michael Shaw, Washington State Association of County Auditors.

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