

Press Release

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House Committee Advances Bill to Hide Election Records and Prevent Examination of Tabulator Source Code for 25 Years

On March 29, 2023, by a vote of 4 to 3 along party lines, the House State Government & Tribal Relations Committee of the Washington State House of Representatives moved to the floor proposed [Senate Bill 5459](#) (“Bill”) which would amend the Public Records Act (RCW 42.56) to exempt (prevent) cast ballots, ballot images, and cast vote records from public inspection and would prevent access to the source code used to tabulate votes for a period of 25 years.

The Bill, sponsored by Senators Samuel Hunt (D), Patty Kuderer (D), Javier Valdez (D), and Claire Wilson (D), previously sailed through the Senate by a vote of 43 to 4, with only Senators Gildon, Padden, Short and Wagoner voting against passage. The hearing in the House held on March 22, 2023 did not go as smoothly, with at least 125 individuals registering a “CON” position to the Bill as opposed to only 23 in support, comprising primarily County Auditors. The Bill now moves to the floor of the full House of Representatives.

The Bill moved out of committee by the votes of Representatives Ramos (D), Gregerson (D), Stearns (D), and Mena (D), with “no” votes cast by Representatives Christian (R), Low (R) and Abbarno (R). During the committee session, Representative Gregerson (D) stated that SB 5459 is necessary to prevent “hackers” from gaining access to public election records. Representative Stearns (D) said the Bill was necessary for election “security”. In response, Representative Christian (R), whose proposed amendment to narrow the scope of the Bill was denied, underscored the importance of public review of elections to promote public confidence, emphasizing that the Bill will do just the opposite.

The Bill to prevent review of ballots, cast ballots, cast vote records, and source code used to tabulate votes has been heavily promoted and favored by the elected auditors from around the state. On February 3, 2023, King County Elections [Director Julie Wise publicly testified](#) (1:03:30) in favor of the Bill before the Senate on behalf of all 39 elected auditors in Washington State and in her capacity as King County’s chief elections officer. Wise asserted that SB 5459 was necessary due to the “intentional spreading of lies” about elections and her office “drowning” in public records requests asking for “sensitive” information. Wise said the requests appear to be “strategic [and] coordinated,” and “primarily intended to overwhelm election offices,” concluding that ballots and source code must not be disclosed for “security purposes.” Wise did not comment on the fact that under state law, cast ballots are anonymous public records that cannot be tied back to a voter. RCW 29A.08.161. Nor did she explain how disclosure of cast ballots following an election could be cause for cybersecurity or other “security” concerns.

Wise also did not disclose that she and King County are current named defendants in a state court action filed on September 22, 2021 by Washington Election Integrity Coalition United (“WEiCU” pronounced “We See You”) and ten individual plaintiffs seeking, among other relief, inspection of public records (including ballots) for the 2020 General Election.

WEiCU is a non-partisan, 501(c)3 dedicated to restoring transparent, secure and publicly verified elections to Washington State. ###END###