



Conservation District Elections

Issue Advisory 01-18

The Public Records Act and Lists of Absentee or Mail-in Ballot Requestors

Talking Points

The Conservation District Election and Appointment Committee (CDEAC) has proposed a legislative change to the Public Records Act (PRA). The change would create an exemption in RCW 42.56.210 which would allow the email addresses and telephone numbers of voters in conservation district (CD) elections to be exempt from disclosure.

Under the state Public Records Act (PRA), a CD must make records available for public inspection unless the record falls within a specific statutory exemption.

As part of the CD election process, CDs must provide a ballot (mail-in or absentee) to any person who requests a ballot and to each person who wishes to vote in the CD election. Ballots may be provided electronically. Only one ballot per voter may be counted. To receive a ballot, the voter must request a ballot.

Why is this exemption needed?

To protect voter privacy. CDs are required to keep track of ballot requests. Most use an electronic database that voters access themselves and provide personally identifying information to fulfill their request, including their email address and telephone number. A CD's ballot request list is a "public record" under the state's PRA. The list is not an original voter registration record and therefore cannot be covered by the exemption in RCW 29A.08.710. Because there is no statutory exemption for disclosure of the list, the information the list is available for public review – including email addresses and/or telephone numbers.

To expedite processing of ballot requests. CDs collect email addresses and telephone numbers from persons who request ballots in order to quickly track and fulfill requests. Not collecting this information would delay request processing and might disenfranchise voters.

To align CD election process with general election process. This exemption would protect email addresses and telephone numbers that voters supply to the CDs the same as voter registration lists in general elections. Other personally identifying information (name, address, political jurisdiction, gender, date of birth, voting record, date of registration and registration number) would be disclosable as in general elections, just not email addresses and telephone numbers.



Proposed RCW Change Related to Conservation District Elections

Exemption to RCW 42.56.210

Email addresses and telephone numbers of voters in conservation district elections under RCW 89.08.190.