

Opponent Testimony on Senate Bill 454
Senate Committee on Ethics, Elections and Local Government

Davis Hammet
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Chair Bowers, Members of the Committee,

SB 454 was introduced by the Secretary of State's legal counsel and creates overly broad open records exemptions. It is reasonable to make a few narrowly defined exemptions to protect election security in a similar fashion to section (12) which exempts public agency security measures from open records requests. I believe that (56)(A), (57)(B), and (57)(C) aim in that direction by covering measures taken and records of specific known vulnerabilities. My public interest concerns relate to the broadness of (56) and (57), and the specific subsections of (56)(B), (56)(C), and (57)(A).

In practice, these sections would deny the public the right to know if their elections were properly conducted. (56)(B) explicitly makes exempt from public knowledge "records of... attacks on... voter registration databases." This language is especially concerning since the Secretary of State's office opposes security measures such as those in the original form of SB 351 that would protect citizens from being disenfranchised if the voter registration database was altered by a cyberattack. SB 454 would prevent the public from the right to learn that such a disenfranchising cyberattack occurred. The same is true of (57)(A) which would prevent the public from learning that any cyberattack occurred at any agency. Finally, (56)(C) would prevent the public from learning about assessments of election infrastructure. Had such information been hidden at the federal level, we may not be having this election security discussion today.

Please oppose SB 454. If open records exemptions are made they should be done so with an extremely limited scope to serve a very specific purpose.

I'd be happy to stand for questions when appropriate.

Thank you.