
HOUSE BILL 1146

State of Washington

69th Legislature

2025 Regular Session

By Representatives Simmons, Farivar, and Ryu; by request of Secretary of State

Prefiled 12/31/24.

1 AN ACT Relating to improving access and removing barriers to
2 voting in jails and state hospitals; adding a new section to chapter
3 29A.04 RCW; adding a new chapter to Title 29A RCW; creating a new
4 section; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.04
7 RCW to read as follows:

8 (1) "Jail" has the same meaning as in RCW 70.48.020.

9 (2) "People who are incarcerated" means people who are detained
10 in a jail or people who are patients in a state hospital.

11 (3) "State hospital" has the same meaning as in RCW 72.23.010.

12 NEW SECTION. **Sec. 2.** The legislature recognizes that it is the
13 duty of the county auditor to conduct elections, and it is the duty
14 of the jails and state hospitals to reasonably eliminate barriers to
15 voting for people who are incarcerated and to enable people who are
16 incarcerated to exercise their rights consistent with community
17 standards as is reasonable under the circumstances.

18 NEW SECTION. **Sec. 3.** (1) Each county auditor's office must
19 designate one employee as the jail voting coordinator for the county.

1 This person shall also serve as the state hospital voting coordinator
2 for the county if applicable.

3 (2) Each jail must designate one employee as the jail voting
4 coordinator for the jail.

5 (3) Each state hospital must designate one employee as the state
6 hospital voting coordinator.

7 NEW SECTION. **Sec. 4.** (1) Each county auditor must create a
8 voting plan for each jail and state hospital within the county. The
9 plan must be created jointly with the jail voting coordinator at each
10 jail or the state hospital voting coordinator at each state hospital,
11 and in consultation with the office of the secretary of state. The
12 voting plan must be jointly adopted by the county auditor and the
13 jail or state hospital. The initial plan must be adopted by January
14 1, 2026, and plans must be reviewed and readopted at least every two
15 years. If the county auditor and a jail or state hospital cannot
16 jointly agree on adopting a plan at least 90 days prior to a primary,
17 the secretary of state shall assign a temporary plan until a plan is
18 jointly adopted.

19 (2) The voting plan must include, at a minimum, details about how
20 the jail or state hospital will help people who are incarcerated to:

21 (a) Register to vote or update their voter registration
22 information;

23 (b) Access proof of their identification or residency as may be
24 necessary to register to vote;

25 (c) Access information about, and materials necessary for,
26 eligibility for voting and voting rights restoration;

27 (d) Access nonpartisan information about candidates and other
28 voter education materials, including the relevant voters' pamphlets
29 and other nongovernmental voting-related materials;

30 (e) Access the necessary writing materials to fill out ballots;
31 and

32 (f) Complete their ballots in private.

33 (3) The voting plans must also include, at a minimum, details
34 about how the jail or state hospital and the county auditor will:

35 (a) Provide visible information regarding registering to vote and
36 accessing a ballot for people who are incarcerated;

37 (b) Ensure that all people who are incarcerated are made aware of
38 key dates for registering to vote and returning a ballot;

- 1 (c) Establish a process by which voter registration and ballot
2 return data is collected;
- 3 (d) Establish a process by which voting-related requests and
4 complaints made by people who are incarcerated are documented and
5 properly considered;
- 6 (e) Accommodate people with disabilities to register to vote and
7 fill out ballots, including the use of accessible voting devices
8 provided and maintained by the county auditor as required under the
9 help America vote act; and
- 10 (f) Provide equal access to candidates who request to campaign in
11 jails or state hospitals.

12 NEW SECTION. **Sec. 5.** (1) Jails and state hospitals must provide
13 people who are incarcerated with access to voter registration
14 information, ballot-related information, and ballots in accordance
15 with their voting plan developed under section 4 of this act. Ballots
16 must be made accessible to registered voters starting at least eight
17 days before a primary or election.

18 (2) Jails and state hospitals must permit election officials from
19 the county auditor's office and staff from the secretary of state's
20 office to enter the jail or state hospital at least 30 days in
21 advance of each election in order to provide voter registration
22 outreach and education to people who are incarcerated. Election
23 officials are subject to standard local jail or state hospital
24 clearance processes.

25 (3) Jails and state hospitals must treat election-related
26 materials delivered by mail or sent by people who are incarcerated as
27 high priority mail.

28 (4) Jails and state hospitals must provide information about, and
29 materials necessary for, registering to vote to all people who are
30 released from the jail's or hospital's custody at the time of their
31 release.

32 (5) Jails and state hospitals must document all voting-related
33 requests and complaints made by people who are incarcerated.

34 (6) County auditors, jails, and state hospitals must collect data
35 related to voter registration and ballot return from people who are
36 incarcerated.

37 (7) Data collected under subsections (5) and (6) of this section
38 must be reported to the relevant county auditor and to the secretary

1 of state. The secretary of state must publicly report this data
2 annually.

3 NEW SECTION. **Sec. 6.** Nothing in this chapter may be interpreted
4 as requiring a jail or state hospital to jeopardize the operational
5 or security needs of the jail or state hospital.

6 NEW SECTION. **Sec. 7.** (1) As a matter of state interest and
7 public concern under RCW 43.10.030(1), the attorney general may
8 investigate and bring an action against a county, jail, or state
9 hospital for violations of this chapter. In the discretion of the
10 court, the attorney general may recover the costs of the action
11 including reasonable attorneys' fees if the attorney general prevails
12 in the action.

13 (2) The attorney general's power under this section includes the
14 authority to:

15 (a) Investigate violations under subsection (1) of this section
16 on its own initiative or in response to a complaint;

17 (b) Issue written civil investigative demands for documents and
18 oral testimony, and answers to written interrogatories; and

19 (c) Institute civil actions in the courts.

20 (3) If the court finds that a county, jail, or state hospital
21 intentionally violated a provision of this act, the court shall award
22 \$25,000 per violation to the attorney general.

23 (4) Money collected by the attorney general under subsection (3)
24 of this section shall be remitted to the secretary of state to use to
25 increase accessibility for voters in jails and state hospitals.

26 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act
27 constitute a new chapter in Title 29A RCW.

28 NEW SECTION. **Sec. 9.** Subject to the availability of amounts
29 appropriated for this specific purpose, the secretary of state must
30 enter into an agreement with the University of Washington Evans
31 school of public policy and governance for the purpose of examining
32 the processes associated with providing voter registration, voting
33 materials, and voting assistance to people who are incarcerated in
34 jails and state hospitals throughout the state. The study should
35 identify challenges and make recommendations to ensure that election
36 offices, jails, and state hospitals are able to provide all

1 registered voters and eligible citizens in jail or in a state
2 hospital with voter registration and voting assistance prior to each
3 election. The Evans school must submit a final report, in compliance
4 with RCW 43.01.036, to the governor, secretary of state, and the
5 appropriate committees of the legislature by June 30, 2026.

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