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**SENATE BILL 5035**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Chapman and Hasegawa; by request of Secretary of State

AN ACT Relating to requiring voter education within jurisdictions engaged in changing the method of selecting candidates during a primary or removing a primary as the result of employing a single event election process in a general election including a new cause of action; adding new sections to chapter 29A.52 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that:

(1) Local jurisdictions changing the voting system used to select candidates and choosing alternative methods of candidate selection not defined in chapter 29A.52 RCW are responsible for educating all voters affected by the change and seeks to define minimum levels of voter education to be conducted in any voting jurisdiction making a change;

(2) Because the methods of candidate selection can be very different from the methods defined in chapter 29A.52 RCW, it is necessary for county election offices in conjunction with the voting jurisdiction making the change to ensure appropriate education of voters participating in the changed system including persons with limited English language proficiency, limited literacy, and intellectual disabilities;

(3) Voter education should be accomplished in several ways, including providing detailed information to each voter via United States postal service mail describing the method to be used in selecting candidates while contrasting the changed method with the method employed by the jurisdiction prior to the change. This notice must be in addition to any information provided in voter pamphlets;

(4) The notice must be translated into the languages required for that jurisdiction by federal law; and

(5) Communication is best served by the voting jurisdiction providing an electronic information portal, or website, available to voters 24 hours a day for a minimum period of four months prior to the beginning of the candidate selection process. The electronic information portal or website shall fully describe the changed process, and provide answers to frequently asked questions. This information portal must be translated and available in the required languages being used by voters living in the jurisdiction.

NEW SECTION. **Sec.**  (1) Whenever a voting jurisdiction changes the method of candidate selection from the methods described in this chapter, that jurisdiction, in consultation with the county auditor, must notify the public of the change and create a public education campaign focused on familiarizing voters with any unique elements of the new process. "Unique elements" are those differentiated from the methods described in this chapter and include, but are not limited to, ranking candidates. A public education campaign required by this section must include:

(a) Production of education materials and distribution of those materials to each voter of the jurisdiction provided at the voter's mailing address found in each voter registration record, using the United States postal service for delivery.

(i) The education materials must be clear and understandable. This standard must be considered in light of the needs of all voters, including:

(A) Persons with limited English proficiency and for whom English is not their first language;

(B) Persons with special needs and intellectual disabilities that require assistance in understanding the new method of candidate selection; and

(C) Students and future voters living within the voting jurisdiction.

(ii) The materials must be translated into all languages required by federal, state, and local law for voting in the jurisdiction.

(iii) These materials, production, and distribution shall be in addition to any voter pamphlet materials provided on the subject;

(b) Creation of an electronic information portal, or website, fully describing and explaining the changed process and contrasting it with the current method of candidate selection. This resource shall:

(i) Be available to voters beginning with the candidate filing period of the year in which the new candidate selection process will be used;

(ii) Include answers to frequently asked questions;

(iii) Be translated and available in all languages required by federal, state, and local law for voting in the jurisdiction;

(iv) Include a location for voters to ask questions about the change via a question submission portal or to provide an email address for questions to be submitted, provided that the email address must be monitored and provide a response as soon as practicable after submission; and

(v) Provide a toll-free telephonic hotline, providing customer support during regular business hours of the election office serving the voting jurisdiction. The hotline must be available beginning with the candidate filing period of the year in which the first election using the changed candidate selection process will take place.

(2) Translation of materials must occur for every language required by federal, state, and local law for voting in the voting jurisdiction changing the method of selecting candidates.

(3)(a) In addition to the other requirements of this section, the voting jurisdiction making the change must conduct an advertising and education campaign beginning with the candidate filing period before the change to the method of candidate selection is used in an election. The advertising and education campaign must use a variety of communication methods determined by factors such as reach, availability, efficacy, and cost. The campaign must utilize at least three of the following communication methods each month of the applicable education period:

(i) Advertisements with newspapers serving the voting jurisdiction, either in the print editions of the newspaper or online. Legal notice advertising is not adequate to satisfy the requirements of this subsection;

(ii) Digital advertising targeting potential voters in the voting jurisdiction. This may include display, video, and audio advertisements;

(iii) Radio advertisements targeting potential voters in the voting jurisdiction;

(iv) Television advertisements targeting potential voters in the voting jurisdiction; and

(v) Presentations and educational forums at community events, service clubs, schools, and other community gatherings as appropriate. Presentations and educational forums should be held in collaboration with local organizations, including those that serve voters with disabilities, including intellectual disabilities, young voters, and voters with limited English proficiency.

(b) The voting jurisdiction and county auditor may conduct additional notifications or advertising and education efforts in addition to those required in (a) of this subsection at their discretion.

(c) All advertising and education efforts must clearly identify the voting jurisdiction, and when necessary, the county, making the change in a manner that avoids confusion for voters in other jurisdictions.

(d) In jurisdictions where federal, state, or local law requires services for voting in languages other than English, there must also be advertising and education efforts undertaken in each required non-English language targeted at potential voters in the voting jurisdiction who speak that language.

(4) In addition to the other requirements of this section, the voting jurisdiction making the change shall provide instructional materials and instructors when requested to all high schools serving students who reside within the voting jurisdiction. These materials shall:

(a) Provide an overview of the new method of selecting candidates;

(b) Provide contrast with the previous method of selecting candidates;

(c) Provide education explaining that ballots will feature different methods of selecting candidates based on the method chosen by each voting jurisdiction, including:

(i) The method chosen by the voting jurisdiction;

(ii) Any other method of selecting candidates used by other voting jurisdictions for races on the same ballot;

(iii) The methods of selecting candidates described in this chapter; and

(iv) Information for a voter demonstrating processes to use in differentiating the method or methods being used when casting ballots to avoid confusion.

(5) Notwithstanding RCW 43.135.060, costs of the education campaign, materials, community appearances, and advertising, including all preparation, distribution, and translation costs are to be borne solely by the voting jurisdiction making the change. Any such costs to the county election office serving the voting jurisdiction shall be reimbursed by the voting jurisdiction.

NEW SECTION. **Sec.**  (1) Any voter eligible to participate in an election in a voting jurisdiction may file an action against the voting jurisdiction to enforce the public education and outreach campaign requirement of section 2 of this act or for penalties authorized in this section. An action under this section must be brought in the superior court for the county in which the voting jurisdiction is located.

(2) Prior to an election where a voting jurisdiction is changing the method of candidate selection from the methods described in this chapter, a voter may bring an action for injunctive relief enforcing the public education and outreach campaign requirement of section 2 of this act during the year in which a voting jurisdiction is changing the method of candidate selection.

(a) Such an action must be brought between the last day of the candidate filing period and the date of the election. The court shall give priority to an action seeking to enforce this chapter.

(b) An action under this section may not suspend the requirements of section 2 of this act or delay a voting jurisdiction's compliance with those requirements.

(c) If the court concludes, by a preponderance of the evidence, that a voting jurisdiction is not in substantial compliance with section 2 of this act, and the election has not occurred, the court shall grant injunctive relief enforcing section 2 of this act and ensuring compliance by the voting jurisdiction with section 2 of this act.

(d) A prevailing party is not entitled to damages or attorney fees.

(3) A voter may bring an action for penalties if a voting jurisdiction fails to comply with the public education campaign requirement of section 2 of this act by the date of the election.

(a)(i) Such an action must be brought no later than one year after the election at which the voting jurisdiction first used the changed method of candidate selection. All actions for penalties shall be automatically stayed until one year after the election and must then be consolidated absent compelling circumstances.

(ii) If a court concludes, by a preponderance of the evidence, that the voting jurisdiction failed to fully comply with the public education campaign requirement of section 2 of this act, the court shall impose a penalty of up to $25,000, payable to the voter who prevails in the action.

(b) The amount of the penalty should be based on the culpability of the voting jurisdiction, considering such factors as the voting jurisdiction's efforts or lack of efforts to comply and the resources available to the voting jurisdiction. If more than one action is filed, the total penalty remains $25,000, to be divided equitably among plaintiffs.

(c) A voter who prevails under this subsection is entitled to reasonable attorney fees and reasonable costs.

NEW SECTION. **Sec.**  Sections 2 and 3 of this act are each added to chapter 29A.52 RCW.

NEW SECTION. **Sec.**  This act takes effect January 1, 2026.

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