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**SUBSTITUTE HOUSE BILL 1174**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Simmons, Farivar, Reed, Street, Bateman, Ramel, Macri, Reeves, Lekanoff, Davis, and Ormsby)

AN ACT Relating to improving access and removing barriers to jail-based voting; adding a new section to chapter 29A.04 RCW; adding a new chapter to Title 29A RCW; and creating a new section.

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

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

"Jail" has the same meaning as in RCW 70.48.020.

NEW SECTION. **Sec.**  The legislature recognizes that it is the duty of the county auditor to conduct elections, and it is the duty of the jail to reasonably eliminate barriers to voting for people who are incarcerated and to enable people who are incarcerated to exercise their rights consistent with community standards as is reasonable under the circumstances.

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

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

NEW SECTION. **Sec.**  (1) Each county auditor must create a jail voting plan for each jail within the county. The plan must be created jointly with the jail voting coordinator at each jail and in consultation with the office of the secretary of state. The jail voting plan must be jointly adopted by the county auditor and the jail. The initial plan must be adopted by January 1, 2024, and plans must be reviewed and readopted at least every two years. If the county auditor and a jail cannot jointly agree on adopting a plan at least 90 days prior to a primary, the secretary of state shall assign a temporary plan until a plan is jointly adopted.

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

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

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

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

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

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

(f) Complete their ballots in private.

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

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

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

(c) Establish a process by which voter registration and ballot return data is collected;

(d) Establish a process by which voting-related requests and complaints made by people who are incarcerated are documented and properly considered;

(e) Accommodate people with disabilities to register to vote and fill out ballots, including the use of accessible voting devices provided and maintained by the county auditor as required under the help America vote act; and

(f) Provide equal access to candidates who request to campaign in jails.

NEW SECTION. **Sec.**  (1) Jails must provide people who are incarcerated with access to voter registration information, ballot-related information, and ballots in accordance with their jail voting plan developed under section 4 of this act. Ballots must be made accessible to registered voters starting at least 18 days before a primary or election.

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

(3) Jails must treat election-related materials delivered by mail or sent by people who are incarcerated as high priority mail.

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

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

(6) County auditors and jails must collect data related to voter registration and ballot return from people who are incarcerated.

(7) Data collected under subsections (5) and (6) of this section must be reported to the relevant county auditor and to the secretary of state. The secretary of state must publicly report this data annually.

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

NEW SECTION. **Sec.**  Sections 2 through 6 of this act constitute a new chapter in Title 29A RCW.

NEW SECTION. **Sec.**  Subject to the availability of amounts appropriated for this specific purpose, the secretary of state must enter into an agreement with the University of Washington Evans school of public policy and governance for the purpose of examining the processes associated with providing voter registration, voting materials, and voting assistance to people who are incarcerated in jails throughout the state. The study should identify challenges and make recommendations to ensure that election offices and jails are able to provide all registered voters and eligible citizens in jail with voter registration and voting assistance prior to each election. The Evans school must submit a final report, in compliance with RCW 43.01.036, to the governor, secretary of state, and the appropriate committees of the legislature by June 30, 2024.

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