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**SENATE BILL 5993**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators Hasegawa, Dhingra, Keiser, Kuderer, Lovelett, Nobles, Saldaña, C. Wilson, and J. Wilson; 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, and reversion of the candidate selection processes when necessary; adding new sections to chapter 29A.52 RCW; creating a new section; 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 must be responsible for educating all voters affected by the change and seeks to define minimum levels of voter education to be conducted by county election offices in conjunction with any voting jurisdiction making a change;

(2) Because the methods of candidate selection are 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 full education of all 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 by 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 will best be served by the voting jurisdiction providing an electronic information portal, or website, available to voters 24 hours a day for a minimum period of 12 months prior to the beginning of the candidate selection process, fully describing the changed process, and providing 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 used in that jurisdiction from the methods described in this chapter, that jurisdiction, in conjunction and cooperation with the county auditor, must make notification to the public of the change and create a public education campaign intended to familiarize the voting public with any unique elements of the new process. This includes:

(a) Production and distribution of education materials to each voter of the jurisdiction provided via 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 understandable by all voters and written in a manner that ensures comprehension by 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 in January 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 provide an email address for questions to be submitted that is monitored and provides 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 in January 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, an advertising and education campaign must be undertaken beginning the January before the change to the method of candidate selection is used in an election. The advertising and education campaign must be designed to meet the needs of all impacted communities and contain 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:

(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 order to avoid 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 county election office 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 chosen for use by other voting jurisdictions that are sharing 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) 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. Any such costs to the county election office serving the voting jurisdiction shall be reimbursed by the voting jurisdiction.

NEW SECTION. **Sec.**  Any voter eligible to participate in an election in a voting jurisdiction that has changed the method of candidate selection to a method other than those required in this chapter who finds the public education and outreach campaign associated with the change inadequate in meeting the requirements of section 2 of this act may file an action against the voting jurisdiction and the election office serving the voting jurisdiction in the appropriate court of record serving the voting jurisdiction. The court shall give any filing and associated case priority on its calendar and may award financial damages as appropriate. A cause of action cannot be used to abridge the required education period. A voting jurisdiction found to have failed to provide the full required education program may be assessed a monetary fine, and if the court finds that failure to provide the full required education program resulted in cost savings to the voting jurisdiction, the court may award statutory damages up to twice the amount of any savings documented to the court.

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, 2025.

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