
SUBSTITUTE SENATE BILL 5378

State of Washington

68th Legislature

2023 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Kauffman, J. Wilson, Hunt, Hasegawa, Rivers, Keiser, Dozier, King, Van De Wege, Lovick, MacEwen, Conway, Lovelett, Saldaña, Wellman, and C. Wilson; by request of Secretary of State)

READ FIRST TIME 02/13/23.

1 AN ACT Relating to requiring voter education within jurisdictions
2 engaged in changing the method of selecting candidates during a
3 primary or removing a primary as the result of employing a single
4 event election process in a general election including a new cause of
5 action, and reversion of the candidate selection processes when
6 necessary; adding new sections to chapter 29A.52 RCW; creating new
7 sections; and providing an effective date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that:

10 (1) Local jurisdictions changing the voting system used to select
11 candidates and choosing alternative methods of candidate selection
12 not defined in chapter 29A.52 RCW must be responsible for educating
13 all voters affected by the change and seeks to define minimum levels
14 of voter education to be conducted by county election offices in
15 conjunction with any voting jurisdiction making a change;

16 (2) Because the methods of candidate selection are very different
17 from the methods defined in chapter 29A.52 RCW it is necessary for
18 county election offices in conjunction with the voting jurisdiction
19 making the change to ensure full education of all voters
20 participating in the changed system including persons with limited

1 English language proficiency, limited literacy, and intellectual
2 disabilities;

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

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

11 (5) Communication will best be served by the voting jurisdiction
12 providing an electronic information portal, or website, available to
13 voters 24 hours a day for a minimum period of 12 months prior to the
14 beginning of the candidate selection process, fully describing the
15 changed process, and providing answers to frequently asked questions.
16 This information portal must be translated and available in the
17 required languages being used by voters living in the jurisdiction;
18 and

19 (6) The importance of full voter understanding of the new method
20 of candidate selection is paramount and failure to provide these
21 notifications and voter education should result in reversion of the
22 method of candidate selection to methods consistent with the
23 requirements of chapter 29A.52 RCW.

24 NEW SECTION. **Sec. 2.** (1) Whenever a voting jurisdiction changes
25 the method of candidate selection used in that jurisdiction from the
26 methods described in this chapter, that jurisdiction must make
27 notification to the public of the change and create a public
28 education campaign intended to familiarize the voting public with any
29 unique elements of the new process. This includes:

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

34 (i) The education materials must be understandable by all voters
35 and written in a manner that ensures comprehension by all voters
36 including:

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

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

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

6 (ii) The materials must be translated into the languages required
7 by federal law and spoken by voters within the voting jurisdiction
8 that is changing its method of selecting candidates.

9 (iii) The materials must be drafted in a manner that can be
10 easily understood by all members of the community including those
11 persons with limited English proficiency, limited literacy, and
12 intellectual disabilities.

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

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

19 (i) Be available to voters 24 hours a day for a minimum period of
20 12 months prior to the beginning of the candidate selection process;

21 (ii) Include answers to frequently asked questions;

22 (iii) Be translated and available in the languages required by
23 federal law that may be used by voters living in the jurisdiction;

24 (iv) Include a location for voters to ask questions about the
25 change via a question submission portal and provide an email address
26 for questions to be submitted that is monitored and provides a
27 response within one business day of submission; and

28 (v) Provide a toll-free telephonic hotline, providing customer
29 support during regular business hours of the election office serving
30 the voting jurisdiction. The hotline must be available beginning 12
31 months prior to the first election event using the changed candidate
32 selection process.

33 (2) Translation of materials must occur for every language
34 required by federal law and spoken within the voting jurisdiction
35 changing the method of selecting candidates.

36 (3) In addition to the other requirements of this section, an
37 advertising and education campaign must be undertaken during the 12-
38 month period preceding the change to the method of candidate
39 selection. This includes:

1 (a) A social media campaign targeting potential voters in the
2 voting jurisdiction during the 12-month period preceding the change
3 to the method of candidate selection. This may include electronic
4 advertising;

5 (b) A radio and television advertising campaign targeting the
6 potential voters in the voting jurisdiction during the 12-month
7 period preceding the change to the method of candidate selection. The
8 media campaign must clearly identify the county and voting
9 jurisdiction making the change in order to avoid confusion for other
10 listeners and viewers of the media outlet; and

11 (c) A newspaper advertising campaign providing weekly ads
12 published on the day of highest expected circulation in all
13 newspapers serving the voting jurisdiction, during the 12-month
14 period preceding the change to the method of candidate selection.
15 Legal notice advertising is not adequate to satisfy the requirements
16 of this section.

17 (4) In addition to the other requirements of this section, the
18 county election office shall provide instructional materials and
19 instructors when requested to all high schools serving students who
20 reside within the voting jurisdiction, and as part of the education
21 program described in subsection (5) of this section. These materials
22 shall:

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

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

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

30 (i) The method chosen by the voting jurisdiction;

31 (ii) Any other method of selecting candidates chosen for use by
32 other voting jurisdictions that are sharing the same ballot;

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

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

38 (5) The county election office in conjunction with the
39 jurisdiction making the change must coordinate a series of

1 educational events with local organizations serving persons with
2 intellectual disabilities. These events must:

3 (a) Occur on a monthly basis during the 12 months before the
4 changed method being employed in the jurisdiction;

5 (b) Occur within the boundaries of the jurisdiction in a location
6 served by public transportation;

7 (c) Be well-advertised with an option for parents, guardians, and
8 persons with intellectual disabilities to sign up beforehand; or

9 (d) Provide focused information in a manner similar to that
10 described in subsection (4) of this section.

11 (6) The office of the secretary of state and the county election
12 office may provide additional notification at their discretion. This
13 may include:

14 (a) Community visits and presentations at service clubs, schools,
15 and other community gatherings as appropriate; and

16 (b) Educational kiosks or booths at community events.

17 (7) Costs of the education campaign, materials, community
18 appearances, and advertising, including all preparation,
19 distribution, and translation costs are to be borne solely by the
20 voting jurisdiction through reimbursement of the election office
21 serving the voting jurisdiction.

22 NEW SECTION. **Sec. 3.** Failure by a voting jurisdiction to
23 conduct the education and outreach described in section 2 of this
24 act, including failure to meet the time-based requirements of section
25 2 of this act, is cause for the method of candidate selection to
26 revert to the method previously employed in the voting jurisdiction
27 consistent with this chapter.

28 NEW SECTION. **Sec. 4.** Any voter eligible to participate in an
29 election in a voting jurisdiction that has changed the method of
30 candidate selection to a method other than those required in this
31 chapter who finds the public education and outreach campaign
32 associated with the change inadequate in meeting the requirements of
33 section 2 of this act may file an action against the voting
34 jurisdiction and the election office serving the voting jurisdiction
35 in the appropriate court of record serving the voting jurisdiction.
36 The court shall give any filing and associated case priority on its
37 calendar and may award financial damages as appropriate. A cause of
38 action cannot be used to abridge the 12-month education period. A

1 voting jurisdiction found to have failed to provide the full 12-month
2 program must revert to the previous method of candidate selection
3 employed by the voting jurisdiction prior to the proposed change in
4 method.

5 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are each
6 added to chapter 29A.52 RCW.

7 NEW SECTION. **Sec. 6.** This act applies to cities or towns
8 changing their method of candidate selection from the methods
9 described in chapter 29A.52 RCW through an ordinance or ballot
10 measure passed or adopted by voters after January 1, 2023. To this
11 extent, this act applies retroactively, but in all other respects it
12 applies prospectively.

13 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2024.

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