Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

State Government & Tribal Relations Committee

HB 1146

Brief Description: Improving access and removing barriers to voting in jails and state hospitals.

Sponsors: Representatives Simmons, Farivar, Ryu, Mena, Macri, Obras, Doglio, Gregerson, Pollet, Ormsby and Hill; by request of Secretary of State.

Brief Summary of Bill

- Requires county auditors to create a Voting Plan (Plan) for each jail and state hospital within the county, including details about how the jail or hospital will help people who are incarcerated register to vote and access and complete a ballot.
- Requires jails and state hospitals to implement their Plans and provide voter registration information, ballot-related information, and ballots to people who are incarcerated.
- Authorizes the Office of the Attorney General (AGO) to investigate and bring an action against a county, jail, or state hospital for a violation of this act and authorizes the court to award $25,000 per violation to the AGO for remittance to the Office of the Secretary of State to use towards increasing accessibility for voters in jails and state hospitals.
- Requires the Secretary of State to contract with the University of Washington Evans School of Public Policy and Governance to identify challenges and make recommendations related to voter registration and voting access for people who are incarcerated in jail or patients in a state hospital.

Hearing Date: 1/15/25

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Desiree Omli (786-7105).

Background:

Voter Registration. To register to vote in Washington, a person may:

- submit an application electronically or by mail, if the applicant has a Washington driver's license or state identification card;
- register in person at the county auditor's office or a voting center; or
- register to vote using forms provided when receiving services at certain state agencies, such as the Department of Licensing or Department of Social and Health Services.

Applicants registering to vote must provide their name, residential address, and date of birth, and they must check a box confirming their United States citizenship. The applicant must also sign the application to attest to the truth of the information provided.

Voting. All voters in Washington are issued a ballot by mail, which they may return by mail or by depositing into a ballot box. A person may also visit a voting center to pick up a ballot in person.

Jails and State Hospitals. A jail includes a holding, detention, special detention, or correctional facility operated by a city or county. A holding facility is a facility operated by a city or county used for the housing, for no more than 30 days, of adult persons charged with a criminal offense prior to and after trial or sentencing. A detention facility is operated by a city or county for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons serving a sentence of not more than 90 days. A special detention facility is a minimum security facility operated by a city or county which houses special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities. A correctional facility is operated by a city or county used to house adult persons serving a sentence of less than one year. A person convicted of a crime does not lose their right to vote unless they are convicted of a felony. A person convicted of a felony has their voting rights automatically restored if they are not serving a sentence of total confinement under the supervision of the Department of Corrections.

A state hospital includes any hospital and child study and treatment center operated and maintained by the state for the care of individuals with mental illness. A person is considered an individual with mental illness if, as a result of a mental disorder, they present a likelihood of serious harm to others or themself or is gravely disabled. A person may lose their right to vote if, by court order, they are declared mentally incompetent.

Summary of Bill:

Each county auditor must create a Voting Plan (Plan) for each jail and state hospital within the county, with assistance of the Office of the Secretary of State (OSOS), a jail employee at each jail within the county who has been designated as the Jail Voting Coordinator, and a state

hospital employee at each state hospital within the county who has been designated as the State Hospital Voting Coordinate. The Plan must include details about how the jail and state hospital will help people who are patients or incarcerated to:

- register to vote or update their voter registration;
- access proof of their identification or residency in order to register to vote;
- access information about, and materials necessary for, eligibility for voting and voting rights restoration;
- access nonpartisan information about candidates, including voters' pamphlets and other nongovernmental voter education materials;
- access materials necessary to fill out ballots; and
- complete their ballots in private.

The Plan must also include details about how the jail or state hospital and county auditor will:

- provide visible information within jails and state hospitals about registering to vote and accessing a ballot;
- ensure that all people who are incarcerated are made aware of key dates surrounding registration and ballot return;
- establish a process by which voter registration and ballot return data is collected;
- establish a process by which voting-related requests and complaints are documented and properly considered;
- accommodate people with disabilities to register to vote and fill out ballots; and
- provide equal access to candidates who request to campaign in the jails or state hospitals.

Plans must be jointly adopted by the county auditor, jail, and state hospital. The initial Plan must be adopted by January 1, 2026, and Plans must be reviewed and readopted at least every two years. If a Plan cannot be jointly adopted within 90 days of a primary, the Secretary of State must assign a temporary Plan until a joint plan is adopted.

Jails and state hospitals must provide people in their care with voter registration and ballot-related information as well as ballots in accordance with their Plan. Ballots must be made accessible starting at least eight days before a primary or general election. Jails and state hospitals must treat election-related materials sent or delivered by mail as high priority mail.

Jails and state hospitals must permit election officials from the county auditor's office and the OSOS to enter their facility at least 30 days in advance of each primary and general election for voter registration outreach and education. Jails and state hospitals must document all voting-related requests and complaints made by individuals in their care, and they, along with the county auditor, must collect data related to voter registration and ballot return. That data must be reported to the relevant county auditor and the OSOS.

Jails and state hospitals must also provide information about and materials necessary for registering to vote to all people who are released from their custody.

The Office of the Attorney General (AGO) may investigate and bring an action against a county,

jail, or state hospital for a violation of this act. Should the AGO prevail, it may recover costs and reasonable attorneys' fees. The court must award $25,000 per violation to the AGO if the court finds that the county, jail, or state hospital intentionally violated this act. The award must be remitted to the OSOS to use towards increasing accessibility for voters in jails and state hospitals.

Subject to the availability of amounts appropriated, the OSOS must enter into an agreement with the University of Washington Evans School of Public Policy and Governance to examine the processes associated with providing voter registration, voting materials, and voting assistance to people who are in jails and state hospitals. The study must identify challenges and make recommendations. A final report is due to the Governor, the OSOS, and the Legislature by June 30, 2026.

Appropriation: None.

Fiscal Note: Requested on January 7, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.