
SUBSTITUTE HOUSE BILL 1146

State of Washington

69th Legislature

2025 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Simmons, Farivar, Ryu, Mena, Macri, Obras, Doglio, Gregerson, Pollet, Ormsby, and Hill; by request of Secretary of State)

READ FIRST TIME 02/12/25.

1 AN ACT Relating to improving access and removing barriers to
2 voting in jails and state hospitals; adding a new chapter to Title
3 29A RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Jail" has the same meaning as in RCW 70.48.020.

9 (2) "People who are hospitalized" means people who are detained
10 or residing at state hospitals.

11 (3) "People who are incarcerated" means people who are detained
12 in a jail.

13 (4) "State hospital" has the same meaning as in RCW 72.23.010.

14 NEW SECTION. **Sec. 2.** The legislature recognizes that it is the
15 duty of the county auditor to conduct elections, and it is the duty
16 of the jails and state hospitals to reasonably eliminate barriers to
17 voting for people who are incarcerated or hospitalized and to enable
18 people who are incarcerated or hospitalized to exercise their rights
19 consistent with community standards as is reasonable under the
20 circumstances.

1 NEW SECTION. **Sec. 3.** (1) Each county auditor's office must
2 designate one employee to serve as the county voting coordinator for
3 both jails and state hospitals.

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

6 (3) Each state hospital must designate one employee as the state
7 hospital voting coordinator.

8 NEW SECTION. **Sec. 4.** (1) Each county auditor must create a
9 voting plan for each jail and state hospital within the county. The
10 plan must be created jointly with the jail voting coordinator at each
11 jail or the state hospital voting coordinator at each state hospital,
12 and in consultation with the office of the secretary of state. The
13 voting plan must be jointly adopted by the county auditor and the
14 jail or state hospital. The initial plan must be adopted by January
15 1, 2026, and plans must be reviewed and readopted at least every two
16 years. If the county auditor and a jail or state hospital cannot
17 jointly agree on adopting a plan at least 90 days prior to a primary,
18 the secretary of state shall assign a temporary plan until a plan is
19 jointly adopted.

20 (2) The voting plan must include, at a minimum, details about how
21 the jail or state hospital will help people who are incarcerated or
22 hospitalized to:

23 (a) Register to vote or update their voter registration
24 information and provide notice that the voter registration
25 application and any address provided on it is a public record and
26 subject to disclosure laws;

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

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

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

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

36 (f) Complete their ballots privately with dignity and autonomy.

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

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

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

6 (c) Establish a process by which voter registration and ballot
7 return data is collected as allowable by state and federal privacy
8 laws;

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

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

16 (f) Provide training and resources to help employees of jails and
17 state hospitals understand how to support individuals with
18 disabilities to cast an independent vote.

19 (4) At the exclusive discretion of the jail, election officials
20 from the county auditor's office and the secretary of state's office
21 are subject to standard local jail clearance processes, may be
22 reasonably limited on the duration, times, and days permitted to be
23 inside the jail, may be reasonably excluded from accessing certain
24 areas of the jail, and may be required to be escorted through the
25 facility.

26 NEW SECTION. **Sec. 5.** (1) Jails and state hospitals must provide
27 people who are incarcerated or hospitalized with access to voter
28 registration information, state and local voters' pamphlet
29 information produced pursuant to chapter 29A.32 RCW, and ballots in
30 accordance with their voting plan developed under section 4 of this
31 act. Ballots must be made accessible to registered voters starting at
32 least eight days before a primary, special, or general election.

33 (2) Jails and state hospitals must permit election officials from
34 the county auditor's office and staff from the secretary of state's
35 office to enter the jail or state hospital at least 30 days in
36 advance of each election in order to provide voter registration
37 outreach and education to people who are incarcerated or
38 hospitalized. Election officials are subject to standard local jail
39 or state hospital clearance and scheduling processes that are

1 reflective of the entity's privacy and confidentiality requirements
2 as well as operational, clinical, and security needs.

3 (3) Jails and state hospitals must treat election-related mail
4 from the county auditor or secretary of state or election-related
5 mail sent by people who are incarcerated or hospitalized as legal
6 mail with all of the associated protections and rights.

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

11 (5) Jails and state hospitals must document all voting-related
12 requests and complaints made by people who are incarcerated that are
13 addressed to the county auditor as provided in the jointly created
14 voting plan pursuant to section 4 of this act.

15 (6) Data collected under subsection (5) of this section must be
16 reported to the relevant county auditor and to the secretary of
17 state. The secretary of state must publicly report this data
18 annually.

19 NEW SECTION. **Sec. 6.** Nothing in this chapter may be interpreted
20 as requiring a jail or state hospital to jeopardize the operational,
21 clinical, or security needs of the jail or state hospital.

22 NEW SECTION. **Sec. 7.** (1) Beginning July 31, 2030, as a matter
23 of state interest and public concern under RCW 43.10.030(1), the
24 attorney general may investigate and bring an action against a
25 county, jail, or state hospital for violations of this chapter. In
26 the discretion of the court, the attorney general may recover the
27 costs of the action including reasonable attorneys' fees if the
28 attorney general prevails in the action.

29 (2) The attorney general's power under this section includes the
30 authority to:

31 (a) Investigate violations under subsection (1) of this section
32 on its own initiative or in response to a complaint;

33 (b) Issue written civil investigative demands for documents and
34 oral testimony, and answers to written interrogatories; and

35 (c) Institute civil actions in the courts.

36 (3) If the court finds that a county, jail, or state hospital
37 intentionally violated a provision of this act, the court shall award
38 \$25,000 per violation to the attorney general.

1 (4) Money collected by the attorney general under subsection (3)
2 of this section shall be remitted to the secretary of state to use to
3 increase accessibility for voters in jails and state hospitals.

4 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act
5 constitute a new chapter in Title 29A RCW.

6 NEW SECTION. **Sec. 9.** Subject to the availability of amounts
7 appropriated for this specific purpose, the secretary of state must
8 enter into an agreement with the University of Washington Evans
9 school of public policy and governance for the purpose of examining
10 the processes associated with providing voter registration, voting
11 materials, and voting assistance to people who are incarcerated in
12 jails and state hospitals throughout the state. The study should
13 identify challenges and make recommendations to ensure that election
14 offices, jails, and state hospitals are able to provide all
15 registered voters and eligible citizens in jail or in a state
16 hospital with voter registration and voting assistance prior to each
17 election. The Evans school must submit a final report, in compliance
18 with RCW 43.01.036, to the governor, secretary of state, and the
19 appropriate committees of the legislature by June 30, 2026.

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