
SENATE BILL 5035

State of Washington

69th Legislature

2025 Regular Session

By Senators Chapman and Hasegawa; by request of Secretary of State
Prefiled 12/13/24.

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; adding new sections to chapter 29A.52 RCW; creating a new
6 section; prescribing penalties; and providing an effective date.

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

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

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

15 (2) Because the methods of candidate selection can be very
16 different from the methods defined in chapter 29A.52 RCW, it is
17 necessary for county election offices in conjunction with the voting
18 jurisdiction making the change to ensure appropriate education of
19 voters participating in the changed system including persons with
20 limited English language proficiency, limited literacy, and
21 intellectual disabilities;

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

7 (4) The notice must be translated into the languages required for
8 that jurisdiction by federal law; and

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

17 NEW SECTION. **Sec. 2.** (1) Whenever a voting jurisdiction changes
18 the method of candidate selection from the methods described in this
19 chapter, that jurisdiction, in consultation with the county auditor,
20 must notify the public of the change and create a public education
21 campaign focused on familiarizing voters with any unique elements of
22 the new process. "Unique elements" are those differentiated from the
23 methods described in this chapter and include, but are not limited
24 to, ranking candidates. A public education campaign required by this
25 section must include:

26 (a) Production of education materials and distribution of those
27 materials to each voter of the jurisdiction provided at the voter's
28 mailing address found in each voter registration record, using the
29 United States postal service for delivery.

30 (i) The education materials must be clear and understandable.
31 This standard must be considered in light of the needs of all voters,
32 including:

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

35 (B) Persons with special needs and intellectual disabilities that
36 require assistance in understanding the new method of candidate
37 selection; and

38 (C) Students and future voters living within the voting
39 jurisdiction.

1 (ii) The materials must be translated into all languages required
2 by federal, state, and local law for voting in the jurisdiction.

3 (iii) These materials, production, and distribution shall be in
4 addition to any voter pamphlet materials provided on the subject;

5 (b) Creation of an electronic information portal, or website,
6 fully describing and explaining the changed process and contrasting
7 it with the current method of candidate selection. This resource
8 shall:

9 (i) Be available to voters beginning with the candidate filing
10 period of the year in which the new candidate selection process will
11 be used;

12 (ii) Include answers to frequently asked questions;

13 (iii) Be translated and available in all languages required by
14 federal, state, and local law for voting in the jurisdiction;

15 (iv) Include a location for voters to ask questions about the
16 change via a question submission portal or to provide an email
17 address for questions to be submitted, provided that the email
18 address must be monitored and provide a response as soon as
19 practicable after submission; and

20 (v) Provide a toll-free telephonic hotline, providing customer
21 support during regular business hours of the election office serving
22 the voting jurisdiction. The hotline must be available beginning with
23 the candidate filing period of the year in which the first election
24 using the changed candidate selection process will take place.

25 (2) Translation of materials must occur for every language
26 required by federal, state, and local law for voting in the voting
27 jurisdiction changing the method of selecting candidates.

28 (3) (a) In addition to the other requirements of this section, the
29 voting jurisdiction making the change must conduct an advertising and
30 education campaign beginning with the candidate filing period before
31 the change to the method of candidate selection is used in an
32 election. The advertising and education campaign must use a variety
33 of communication methods determined by factors such as reach,
34 availability, efficacy, and cost. The campaign must utilize at least
35 three of the following communication methods each month of the
36 applicable education period:

37 (i) Advertisements with newspapers serving the voting
38 jurisdiction, either in the print editions of the newspaper or
39 online. Legal notice advertising is not adequate to satisfy the
40 requirements of this subsection;

1 (ii) Digital advertising targeting potential voters in the voting
2 jurisdiction. This may include display, video, and audio
3 advertisements;

4 (iii) Radio advertisements targeting potential voters in the
5 voting jurisdiction;

6 (iv) Television advertisements targeting potential voters in the
7 voting jurisdiction; and

8 (v) Presentations and educational forums at community events,
9 service clubs, schools, and other community gatherings as
10 appropriate. Presentations and educational forums should be held in
11 collaboration with local organizations, including those that serve
12 voters with disabilities, including intellectual disabilities, young
13 voters, and voters with limited English proficiency.

14 (b) The voting jurisdiction and county auditor may conduct
15 additional notifications or advertising and education efforts in
16 addition to those required in (a) of this subsection at their
17 discretion.

18 (c) All advertising and education efforts must clearly identify
19 the voting jurisdiction, and when necessary, the county, making the
20 change in a manner that avoids confusion for voters in other
21 jurisdictions.

22 (d) In jurisdictions where federal, state, or local law requires
23 services for voting in languages other than English, there must also
24 be advertising and education efforts undertaken in each required non-
25 English language targeted at potential voters in the voting
26 jurisdiction who speak that language.

27 (4) In addition to the other requirements of this section, the
28 voting jurisdiction making the change shall provide instructional
29 materials and instructors when requested to all high schools serving
30 students who reside within the voting jurisdiction. These materials
31 shall:

32 (a) Provide an overview of the new method of selecting
33 candidates;

34 (b) Provide contrast with the previous method of selecting
35 candidates;

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

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

1 (ii) Any other method of selecting candidates used by other
2 voting jurisdictions for races on the same ballot;

3 (iii) The methods of selecting candidates described in this
4 chapter; and

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

8 (5) Notwithstanding RCW 43.135.060, costs of the education
9 campaign, materials, community appearances, and advertising,
10 including all preparation, distribution, and translation costs are to
11 be borne solely by the voting jurisdiction making the change. Any
12 such costs to the county election office serving the voting
13 jurisdiction shall be reimbursed by the voting jurisdiction.

14 NEW SECTION. **Sec. 3.** (1) Any voter eligible to participate in
15 an election in a voting jurisdiction may file an action against the
16 voting jurisdiction to enforce the public education and outreach
17 campaign requirement of section 2 of this act or for penalties
18 authorized in this section. An action under this section must be
19 brought in the superior court for the county in which the voting
20 jurisdiction is located.

21 (2) Prior to an election where a voting jurisdiction is changing
22 the method of candidate selection from the methods described in this
23 chapter, a voter may bring an action for injunctive relief enforcing
24 the public education and outreach campaign requirement of section 2
25 of this act during the year in which a voting jurisdiction is
26 changing the method of candidate selection.

27 (a) Such an action must be brought between the last day of the
28 candidate filing period and the date of the election. The court shall
29 give priority to an action seeking to enforce this chapter.

30 (b) An action under this section may not suspend the requirements
31 of section 2 of this act or delay a voting jurisdiction's compliance
32 with those requirements.

33 (c) If the court concludes, by a preponderance of the evidence,
34 that a voting jurisdiction is not in substantial compliance with
35 section 2 of this act, and the election has not occurred, the court
36 shall grant injunctive relief enforcing section 2 of this act and
37 ensuring compliance by the voting jurisdiction with section 2 of this
38 act.

1 (d) A prevailing party is not entitled to damages or attorney
2 fees.

3 (3) A voter may bring an action for penalties if a voting
4 jurisdiction fails to comply with the public education campaign
5 requirement of section 2 of this act by the date of the election.

6 (a)(i) Such an action must be brought no later than one year
7 after the election at which the voting jurisdiction first used the
8 changed method of candidate selection. All actions for penalties
9 shall be automatically stayed until one year after the election and
10 must then be consolidated absent compelling circumstances.

11 (ii) If a court concludes, by a preponderance of the evidence,
12 that the voting jurisdiction failed to fully comply with the public
13 education campaign requirement of section 2 of this act, the court
14 shall impose a penalty of up to \$25,000, payable to the voter who
15 prevails in the action.

16 (b) The amount of the penalty should be based on the culpability
17 of the voting jurisdiction, considering such factors as the voting
18 jurisdiction's efforts or lack of efforts to comply and the resources
19 available to the voting jurisdiction. If more than one action is
20 filed, the total penalty remains \$25,000, to be divided equitably
21 among plaintiffs.

22 (c) A voter who prevails under this subsection is entitled to
23 reasonable attorney fees and reasonable costs.

24 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each
25 added to chapter 29A.52 RCW.

26 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2026.

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