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**SENATE BILL 5993**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Hasegawa; by request of Secretary of State

Prefiled 01/04/24.

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, and reversion of the candidate selection processes when  
6 necessary; adding new sections to chapter 29A.52 RCW; creating a new  
7 section; 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; and

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 NEW SECTION. **Sec. 2.** (1) Whenever a voting jurisdiction changes  
19 the method of candidate selection used in that jurisdiction from the  
20 methods described in this chapter, that jurisdiction, in conjunction  
21 and cooperation with the county auditor, must make notification to  
22 the public of the change and create a public education campaign  
23 intended to familiarize the voting public with any unique elements of  
24 the new process. This includes:

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

29 (i) The education materials must be understandable by all voters  
30 and written in a manner that ensures comprehension by all voters  
31 including:

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

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

37 (C) Students and future voters living within the voting  
38 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 in January of the year in  
10 which the new candidate selection process will be used;

11 (ii) Include answers to frequently asked questions;

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

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

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

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

26 (3) (a) In addition to the other requirements of this section, an  
27 advertising and education campaign must be undertaken beginning the  
28 January before the change to the method of candidate selection is  
29 used in an election. The advertising and education campaign must be  
30 designed to meet the needs of all impacted communities and contain a  
31 variety of communication methods determined by factors such as reach,  
32 availability, efficacy, and cost. The campaign must utilize at least  
33 three of the following communication methods each month:

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

38 (ii) Digital advertising targeting potential voters in the voting  
39 jurisdiction. This may include display, video, and audio  
40 advertisements;

1 (iii) Radio advertisements targeting potential voters in the  
2 voting jurisdiction;

3 (iv) Television advertisements targeting potential voters in the  
4 voting jurisdiction; and

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

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

15 (c) All advertising and education efforts must clearly identify  
16 the voting jurisdiction, and when necessary, the county, making the  
17 change in order to avoid confusion for voters in other jurisdictions.

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

23 (4) In addition to the other requirements of this section, the  
24 county election office shall provide instructional materials and  
25 instructors when requested to all high schools serving students who  
26 reside within the voting jurisdiction. These materials shall:

27 (a) Provide an overview of the new method of selecting  
28 candidates;

29 (b) Provide contrast with the previous method of selecting  
30 candidates;

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

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

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

37 (iii) The methods of selecting candidates described in this  
38 chapter; and

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

4 (5) Costs of the education campaign, materials, community  
5 appearances, and advertising, including all preparation,  
6 distribution, and translation costs are to be borne solely by the  
7 voting jurisdiction. Any such costs to the county election office  
8 serving the voting jurisdiction shall be reimbursed by the voting  
9 jurisdiction.

10 NEW SECTION. **Sec. 3.** Any voter eligible to participate in an  
11 election in a voting jurisdiction that has changed the method of  
12 candidate selection to a method other than those required in this  
13 chapter who finds the public education and outreach campaign  
14 associated with the change inadequate in meeting the requirements of  
15 section 2 of this act may file an action against the voting  
16 jurisdiction and the election office serving the voting jurisdiction  
17 in the appropriate court of record serving the voting jurisdiction.  
18 The court shall give any filing and associated case priority on its  
19 calendar and may award financial damages as appropriate. A cause of  
20 action cannot be used to abridge the required education period. A  
21 voting jurisdiction found to have failed to provide the full required  
22 education program may be assessed a monetary fine, and if the court  
23 finds that failure to provide the full required education program  
24 resulted in cost savings to the voting jurisdiction, the court may  
25 award statutory damages up to twice the amount of any savings  
26 documented to the court.

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

29 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2025.

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