

SENATE BILL REPORT

SB 5993

As of January 23, 2024

Title: An act relating to requiring voter education within jurisdictions engaged in changing the method of selecting candidates during a primary or removing a primary as the result of employing a single event election process in a general election including a new cause of action, and reversion of the candidate selection processes when necessary.

Brief Description: Concerning voter education.

Sponsors: Senators Hasegawa, Dhingra, Keiser, Kuderer, Lovelett, Nobles, Saldaña, Wilson, C. and Wilson, J.; by request of Secretary of State.

Brief History:

Committee Activity: State Government & Elections: 1/23/24.

Brief Summary of Bill

- Requires a voting jurisdiction to provide public notice and create a public education campaign whenever a voting jurisdiction changes its method of candidate selection from the methods described in state law.
- Establishes a cause of action to allow a voter to enforce the public education campaign requirements.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Staff: Greg Vogel (786-7413)

Background: Partisan Primaries. A primary is the first stage in the public process by which voters elect candidates to public office. Whenever candidates for a partisan office are to be elected, the general election must be preceded by a primary. Based on votes cast at the primary, the top two candidates are certified as qualified to appear on the general election ballot, as long as the candidate received at least 1 percent of the total votes cast for that

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office at the preceding primary.

If a candidate has expressed a party preference on the declaration of candidacy then that preference will be shown after the name of the candidate on the primary and general election ballots. A candidate may choose to express no party preference.

Local Primaries. All city and town primaries must be nonpartisan. Primaries for special purpose districts, except those districts that require ownership of property within the district as a prerequisite to voting, must be nonpartisan. No primaries may be held if no more than two candidates have filed for the position.

Charter counties and first-class cities may adopt alternative methods of candidate selection from those described in state law.

Summary of Bill: Voter Education Campaign. Whenever a voting jurisdiction changes its method of candidate selection from the methods described in state law, the jurisdiction must notify the public of the change and create a public education campaign to familiarize the voting public with any unique elements of the new process.

The public education campaign must include materials distributed by mail, the creation of an electronic information portal, or website, and an advertising campaign describing the changed process and contrasting it with the jurisdiction's current method of candidate selection.

Education materials distributed by mail must be written in a manner that ensures comprehension by all voters including:

- persons with limited English proficiency and for whom English is not their first language;
- persons with special needs and intellectual disabilities;
- and students and future voters living within the voting jurisdiction.

Education materials must be in addition to any voter pamphlet materials provided on the subject.

The education website must include:

- answers to frequently asked questions;
- a question submission portal or email address for questions to be submitted; and
- a toll-free hotline.

The website and any materials distributed by mail must be translated into all languages required by federal, state, and local law for voting in the jurisdiction.

The advertising campaign must be designed to meet the needs of all impacted communities and contain a variety of communication methods determined by factors such as reach,

availability, efficacy, and cost. The campaign must use at least three of the following communication methods each month:

- newspaper advertisements, in either digital or print form;
- digital advertising;
- radio;
- TV; and
- forums at community events, service clubs, schools, and other community gatherings.

The education website and toll-free hotline must be available, and the advertising campaign must begin, starting in January of the year in which the new candidate selection process will be used.

In jurisdictions where federal, state, or local law requires services for voting in languages other than English, advertising efforts must also target potential voters who speak that language.

The county election office of the voting jurisdiction must provide instructional materials and instructors when requested to all high schools serving students who reside within the jurisdiction. The instruction materials must provide an overview of the new method, its contrast with the old method, and an explanation for differentiating candidate selection methods when filling out a ballot.

All costs of the education campaign are to be covered solely by the voting jurisdiction. Any costs to the county election office due to serving the voting jurisdiction must be reimbursed.

Enforcement Action. Any voter eligible to participate in an election in a voting jurisdiction that has changed its candidate selection method to a method different from that described in state law, who finds the public education and outreach campaign associated with the change inadequate to meet the requirements, may file an action against the voting jurisdiction and the election office serving the voting jurisdiction in court.

The court must give any filing and associated case priority on its calendar and may award financial damages as appropriate. A voting jurisdiction found to have failed to provide the full required education program may be assessed a fine. If the court finds that failure to provide the full program resulted in costs savings to the voting jurisdiction, the court may award damages up to twice the amount of any savings.

Appropriation: None.

Fiscal Note: Requested on January 16, 2024..

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2025.

Staff Summary of Public Testimony: PRO: If we're going to change the way people vote, people have to be able to understand what we're changing. The education component is critical but a key question is also how do we ensure local governments live up to the responsibility and do it in a culturally appropriate manner. As jurisdictions change the way we do elections in the state, our biggest fear is leaving people behind.

CON: This bill places the burden of voter education solely on local governments without a statewide implementation plan. The enforcement piece could potentially lead to monetary damages for local governments, to be paid by taxpayers, merely based on one voter's perception of whether adequate outreach has taken place.

OTHER: We have concerns with the private right of action and some of the voter outreach requirements, which are difficult, if not impossible to achieve.

Persons Testifying: PRO: Senator Bob Hasegawa, Prime Sponsor; Steve Hobbs, Office of Secretary of State.

CON: Cindy Madigan, League of Women Voters of Washington; Sharon Damoff.

OTHER: Lindsey Hueer, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: No one.