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**SUBSTITUTE HOUSE BILL 1174**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Simmons, Farivar, Reed, Street, Bateman, Ramel, Macri, Reeves, Lekanoff, Davis, and Ormsby)

READ FIRST TIME 02/02/23.

1 AN ACT Relating to improving access and removing barriers to  
2 jail-based voting; adding a new section to chapter 29A.04 RCW; adding  
3 a new chapter to Title 29A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.04  
6 RCW to read as follows:

7 "Jail" has the same meaning as in RCW 70.48.020.

8 NEW SECTION. **Sec. 2.** The legislature recognizes that it is the  
9 duty of the county auditor to conduct elections, and it is the duty  
10 of the jail to reasonably eliminate barriers to voting for people who  
11 are incarcerated and to enable people who are incarcerated to  
12 exercise their rights consistent with community standards as is  
13 reasonable under the circumstances.

14 NEW SECTION. **Sec. 3.** (1) Each county auditor's office must  
15 designate one employee as the jail voting coordinator for the county.

16 (2) Each jail must designate one employee as the jail voting  
17 coordinator for the jail.

1        NEW SECTION.    **Sec. 4.**    (1) Each county auditor must create a jail  
2 voting plan for each jail within the county. The plan must be created  
3 jointly with the jail voting coordinator at each jail and in  
4 consultation with the office of the secretary of state. The jail  
5 voting plan must be jointly adopted by the county auditor and the  
6 jail. The initial plan must be adopted by January 1, 2024, and plans  
7 must be reviewed and readopted at least every two years. If the  
8 county auditor and a jail cannot jointly agree on adopting a plan at  
9 least 90 days prior to a primary, the secretary of state shall assign  
10 a temporary plan until a plan is jointly adopted.

11        (2) The jail voting plan must include, at a minimum, details  
12 about how the jail will help people who are incarcerated to:

13        (a) Register to vote or update their voter registration  
14 information;

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

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

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

22        (e) Access the necessary writing materials to fill out ballots;  
23 and

24        (f) Complete their ballots in private.

25        (3) The jail voting plans must also include, at a minimum,  
26 details about how the jail and the county auditor will:

27        (a) Provide visible information regarding registering to vote and  
28 accessing a ballot for people who are incarcerated;

29        (b) Ensure that all people who are incarcerated are made aware of  
30 key dates for registering to vote and returning a ballot;

31        (c) Establish a process by which voter registration and ballot  
32 return data is collected;

33        (d) Establish a process by which voting-related requests and  
34 complaints made by people who are incarcerated are documented and  
35 properly considered;

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

1 (f) Provide equal access to candidates who request to campaign in  
2 jails.

3 NEW SECTION. **Sec. 5.** (1) Jails must provide people who are  
4 incarcerated with access to voter registration information, ballot-  
5 related information, and ballots in accordance with their jail voting  
6 plan developed under section 4 of this act. Ballots must be made  
7 accessible to registered voters starting at least 18 days before a  
8 primary or election.

9 (2) Jails must permit election officials from the county  
10 auditor's office and the secretary of state's office to enter the  
11 jail at least 30 days in advance of each election in order to provide  
12 voter registration outreach and education to people who are  
13 incarcerated. Election officials are subject to standard local jail  
14 clearance processes.

15 (3) Jails must treat election-related materials delivered by mail  
16 or sent by people who are incarcerated as high priority mail.

17 (4) Jails must provide information about, and materials necessary  
18 for, registering to vote to all people who are released from the  
19 jail's custody at the time of their release.

20 (5) Jails must document all voting-related requests and  
21 complaints made by people who are incarcerated.

22 (6) County auditors and jails must collect data related to voter  
23 registration and ballot return from people who are incarcerated.

24 (7) Data collected under subsections (5) and (6) of this section  
25 must be reported to the relevant county auditor and to the secretary  
26 of state. The secretary of state must publicly report this data  
27 annually.

28 NEW SECTION. **Sec. 6.** Nothing in this chapter may be interpreted  
29 as requiring a jail to jeopardize the operational or security needs  
30 of the jail.

31 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act  
32 constitute a new chapter in Title 29A RCW.

33 NEW SECTION. **Sec. 8.** Subject to the availability of amounts  
34 appropriated for this specific purpose, the secretary of state must  
35 enter into an agreement with the University of Washington Evans  
36 school of public policy and governance for the purpose of examining

1 the processes associated with providing voter registration, voting  
2 materials, and voting assistance to people who are incarcerated in  
3 jails throughout the state. The study should identify challenges and  
4 make recommendations to ensure that election offices and jails are  
5 able to provide all registered voters and eligible citizens in jail  
6 with voter registration and voting assistance prior to each election.  
7 The Evans school must submit a final report, in compliance with RCW  
8 43.01.036, to the governor, secretary of state, and the appropriate  
9 committees of the legislature by June 30, 2024.

--- **END** ---