

SENATE BILL REPORT

SB 5209

As of February 1, 2024

Title: An act relating to establishing universal civic duty voting.

Brief Description: Establishing universal civic duty voting.

Sponsors: Senators Hunt, Billig, Wellman, Hasegawa, Lovelett, Saldaña, Lias, Conway, Dhingra, Keiser, Kuderer, Nguyen, Valdez and Wilson, C..

Brief History:

Committee Activity: State Government & Elections: 1/31/23, 2/07/23 [DP, DNP];
1/23/24, 1/30/24 [DP-TRAN, DNP].

Transportation: 2/01/24.

Brief Summary of Bill

- Requires that every eligible voter either register to vote or obtain a waiver from the obligation to register to vote.
- Provides that no excuse is required for a waiver from the obligation to register to vote.
- Requires that every registered voter return a ballot for each primary and general election, while clarifying that blank ballots may be returned.
- Directs the Secretary of State to implement a plan for expanded voter registration, including a statewide education plan on civic duty voting.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass and be referred to Committee on Transportation.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Hasegawa and Kuderer.

Minority Report: Do not pass.

Signed by Senators Wilson, J., Ranking Member; Dozier and Fortunato.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Greg Vogel (786-7413)

SENATE COMMITTEE ON TRANSPORTATION

Staff: Bryon Moore (786-7726)

Background: Registering to Vote. Persons who are age 18 or older and who are United States citizens that have lived in the state, county, and precinct for 30 days immediately preceding an election and are not serving a sentence of total confinement for a felony conviction and have not been declared judicially incompetent are entitled to vote. Under the National Voter Registration Act, Washington provides the opportunity to register to vote for federal elections at various state agencies. To register to vote, an eligible individual must provide their name, residential address, date of birth, a signature attesting the truth of the information provided and an indication that the individual is a United States citizen. Washington does not require any person to register to vote.

Compulsory Voting. Several countries mandate that adults, with certain varying exceptions, register to vote and participate in elections, a system known as compulsory voting, mandatory voting, or universal civic duty voting. Failure to participate in an election in these countries may result in a fine.

Summary of Bill: Universal Civic Duty Voting. Each person eligible to register to vote must either register or obtain a waiver from voter registration requirements. A person may seek the waiver without providing a reason for the waiver. Waivers are permanent unless withdrawn by registering to vote under any allowed method.

The Secretary of State (SOS) must create a clear, concise form for waivers which minimizes the risk of errors in submission. Voter registration prompts at state agencies are updated to require the offer of a waiver opportunity.

Each registered voter must return a ballot at each primary and general election. A voter is not required to select any candidates for any office, but must return the ballot. There is no penalty for failure to return a ballot. A statement must be printed atop each ballot informing voters of this requirement.

Outreach Requirements. The SOS must implement a plan for expanded voter registration in the state, including a statewide education plan regarding universal civic duty voting, before the 2026 primary election. The plan must be conducted in multiple languages and in a variety of media sources, and the SOS must work with community partners to ensure the widest possible dissemination of information. The SOS must report the details of the plan and any funding required for implementation to the Legislature by January 1, 2025.

County elections officials, in coordination with the SOS, must mail a notice to each household and provide to each public agency providing voter registration services

explaining universal civic duty voting by February 1, 2026.

Penalties. Anyone who intentionally disenfranchises another voter by completing a waiver in the voter's name commits a misdemeanor.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony (State Government & Elections) (Regular Session 2023): PRO: Voting is a required civic duty in 26 democratic countries. Universal voting immediately raises voter turnout and makes the electorate fully representative. Universal voting may help cure the toxic polarization in the United States and Washington. If people are required to serve on juries and pay taxes, they should also be required to vote. When done correctly, it becomes a part of the culture, rather than a requirement forced on citizens. Australia has done everything it can to make voting easy so that the requirement is not a hardship. 94 percent of Australian citizens are satisfied with the voting system and 97 percent are enrolled to vote. This supports democracy. Washington is looked at as a leader in providing accessible, secure voting, and this measure would be the next step. It would be exciting for Washington to lead the way with this effort. One option to get people registered to vote is to require it for high school graduation.

CON: Compulsory voting would be unpractical, unpopular, and unconstitutional. A mandate, even without penalty, would violate the First Amendment. Washington is unprepared for compulsory voting: there is not an Election Day holiday, there are not enough voting centers or drop boxes, there is not mandated voter education, and there is not secure online ballot return for all. This would not be equitable. If people see that they will be penalized for not voting, they may cancel their voter registrations. What would happen if people submitted blank ballots? This would make it easy for people to manipulate the election outcome. Voting should be a civic duty, not a forced duty. Universal voting would provide higher quantity but lower quality—voters won't research the candidates and will choose at random in order to get it done. Only an authoritarian government would force citizens to vote.

Persons Testifying (State Government & Elections): PRO: Mies Rapoport, As Individual, former Secretary of the state; O'Dea Jonathan, NSW Parliament; Mary Hall, Thurston County Auditor; William Eickmeyer.

CON: Andy Craig, Dir. of Election Policy, Rainey Center; Adj. Scholar, Cato Institute; Eric prattr, I, America; Jude Ahmed; Mary Long, Conservative Ladies of Washington; Lisa

Olson; Suzanne Rohner.

Persons Signed In To Testify But Not Testifying (State Government & Elections):

No one.

Staff Summary of Public Testimony (State Government & Elections) (Regular Session 2024): PRO: Given that Australia and several other countries have had success with this, it seems that a country built on democracy and built on votes of the people should continue the work of expanding access and voting. If it's everybody's responsibility to vote, we should see a big increase in the number of people that vote, and that's the goal, to increase participation in democracy. The bill promotes inclusive representation by ensuring that every eligible citizen's voice is heard in our electoral process. The bill encourages civic engagement and education, fostering a culture where citizens actively participate in shaping their communities. By emphasizing that voting is not just a right but a responsibility the bill contributes to the strengthening of our democracy.

CON: This bill is an unconstitutional overreach to our personal rights. The bill should be directed more at the process rather than going after each individual and punishing them. Instead, a threshold could be established for elections. Thousands of blank ballots will put a heavy burden on counties. The bill will lead to donkey votes, which is where you throw a pin at a ballot and vote for whoever it lands on. If you require people to vote, you will just have people filling out any old circle to meet the requirement. They will not be informed voters. If someone does not care enough to vote, they should not be given the power to determine things that affect other people's lives. Citizens should have a right to abstain from voting and it should not be conditioned by going through the complicated rigmarole spelled out in this bill.

Persons Testifying (State Government & Elections): PRO: Senator Sam Hunt, Prime Sponsor; Miles Rapoport, 100% Democracy: An Initiative for Universal Voting; Raaheela Ahmed, 100% Democracy.

CON: elona kearney; John Worthington; LORILEE GATES; Kim Slinger; Sharon Damoff; Janis Meneatrice Clark; Theresa Schrempp.

Persons Signed In To Testify But Not Testifying (State Government & Elections): No one.

Staff Summary of Public Testimony (Transportation) (Regular Session 2024): PRO: The aim of this legislation is to expand voting. By increasing voter participation, this will move us towards a more representative democracy. Like jury duty, individuals have a responsibility to vote. The increased costs to local governments means that the legislation is having its intended effect of increasing the number of registered voters, individuals casting their ballot, and participating in the democratic process. Other countries have successfully implemented mandatory voting requirements. The waiver provisions for voter

registration and the ability cast a blank ballot operate as somewhat of an escape valve for people that truly do not want to vote.

CON: The compulsory voting requirement will be costly and will not result in any meaningful benefits. If people truly do not want to vote, the voting requirement will result in ill-informed decision making and outcomes. High voter turnout does not mean high voter engagement. This will ultimately result in less trust and confidence in the voting system. The compelled speech under the provisions of the bill runs contrary to the freedom of speech guarantee in the Constitution. By allowing voters to return blank ballots, this will just be cost without increasing actual participation. This legislation will make it easier to manipulate election outcomes. This is government overreach.

Persons Testifying (Transportation): PRO: Senator Sam Hunt, Prime Sponsor; Miles Rapoport, 100% Democracy: An Initiative for Universal Voting.

CON: Mary Long, Conservative Ladies of Washington; Sharon Damoff; Laurie Layne; Gabriel Jacobs.

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