

SENATE BILL REPORT

SB 5209

As Reported by Senate Committee On:
State Government & Elections, February 7, 2023

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].

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.

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: Samuel Brown (786-7470)

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, 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. Twenty-one 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. Penalties for failure to participate in an election range from 1.05 Brazilian real—approximately \$0.19—to up to 180 Australian dollars—approximately \$127.81. In practice, fines or other sanctions for failure to comply with compulsory voting requirements are infrequently enforced, particularly in European or Latin American nations.

Summary of Bill: Universal Civic Duty Voting. A program of universal civic duty voting is implemented, where 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: 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% of Australian citizens are satisfied with the voting system and 97% 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: 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: No one.