

SENATE BILL REPORT

SB 5684

As of February 10, 2025

Title: An act relating to prohibitions on electioneering near county auditor election offices.

Brief Description: Concerning prohibitions on electioneering near county auditor election offices.

Sponsors: Senators Kauffman, Valdez, Hasegawa and Nobles.

Brief History:

Committee Activity: State Government, Tribal Affairs & Elections: 2/11/25.

Brief Summary of Bill

- Expands the location where a person may not influence or interfere with a voter to the building that contains the division of elections for a county auditor's office and any adjacent parking lot.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Staff: William Bridges (786-7312)

Background: Washington State Law Prohibiting Voter Interference near Voting Locations. Beginning 18 days before an election and through the end of the election, it is a gross misdemeanor for a person to influence or interfere with voters who are attempting to vote in the following locations:

- within a voting center or student engagement hub;
- any public street or room within a 100-foot radius of a voting center or student engagement hub; or
- any public street or room within a 25-foot radius of a ballot drop box.

Influence or interfere means:

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.

- suggesting or persuading a voter to vote a certain way;
- circulating political materials or soliciting signatures;
- engaging in any practice that interferes with the freedom of voters to vote;
- engaging in any practice that disrupts the administration of the voting center;
- obstructing doors or entries to a voting center or ballot drop location; or
- preventing free access to and from any voting center or ballot drop location.

A person may not influence or interfere with voters by using electronic amplification if the person can be understood within:

- 100 feet of the voting center or student engagement hub; or
- 25 feet of a ballot drop box.

The prohibitions on certain political activities at or near a voting center, student engagement hub, or ballot drop box do not restrict authorized political party observers from observing the election process.

The county auditor must designate a specific point or points as the entrance to each voting center. The auditor must also post a sign at the designated entrance to provide notice of the prohibition against influencing or interfering with voters near voting centers, student engagement hubs, and ballot drop boxes.

Judicial Review Electioneering Statutes. Public political discourse is generally guaranteed by the free speech clauses of the U.S. Constitution and the Washington State Constitution. When courts review a state election statute restricting all or some types of voter solicitation or electioneering within or near voting locations, they generally use a strict scrutiny analysis, which means the statute must be narrowly tailored to accomplish a compelling state interest. Since the prevention of voter intimidation and election fraud has been held to be a compelling state interest, courts generally focus on whether a particular statute limiting voter solicitation or electioneering near voting locations is narrowly tailored to achieve that end.

Summary of Bill: Prohibiting the Influence or Interference of Voters within Buildings Containing County Election Divisions and Adjacent Parking Lots. The locations where a person may not influence or interfere with a voter by means prohibited by law is expanded to include within the building that contains the division of elections for a county auditor's office, including any parking lot adjacent to the building and routinely used for parking at that building and any routes of access between the building and any parking lot.

Declaring Findings. Legislative findings are made regarding the importance of preventing voter intimidation and election fraud, the need for reasonable buffer zones around voting locations, the fact that parking lots are extensions of election offices, and that the prohibition is narrowly tailored to protect both the first amendment rights of political campaigns and the rights of voters to be free of intimidation or influence while they attempt to vote.

Appropriation: None.

Fiscal Note: Requested on February 2, 2025.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.