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**SENATE BILL 5209**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Hunt, Billig, Wellman, Hasegawa, Lovelett, Saldaña, Liias, Conway, Dhingra, Keiser, Kuderer, Nguyen, Valdez, and C. Wilson

AN ACT Relating to establishing universal civic duty voting; amending RCW 29A.40.010, 29A.08.330, 29A.08.355, and 46.20.155; reenacting and amending RCW 29A.08.320 and 29A.36.161; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; adding a new section to chapter 29A.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature finds that the words "We the People" are central to our system of government. Universal civic duty voting would give us a system where every vote counts, and the people who represent us would have to speak to all of us. People would be able to vote without obstruction or suppression. Washington voters who now solemnly accept their responsibilities to sit on juries, defend our country, and pay taxes should take the obligation to the work of government just as seriously. People must register for the selective service, serve on a jury, and pay taxes; they should also be required to cast a ballot. With this act the legislature creates an election system designed to enable citizens to perform their most basic civic duty with ease. Civic duty voting declares that everyone counts and that everyone has a responsibility to have their vote counted.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.08 RCW to read as follows:

(1) Every person who is eligible to vote under Article VI, section 1 of the state Constitution must register to vote using one of the methods prescribed in this title unless the person obtains a waiver from the obligation to register to vote.

(2) A waiver from the obligation to register to vote is permanent unless withdrawn by the person who has obtained the waiver.

(3) A person is not required to provide a reason for seeking the waiver from the obligation to register to vote.

(4) A person may withdraw their waiver from the obligation to register to vote at any time by registering to vote under any of the methods prescribed in this chapter. If a person withdraws their waiver and registers to vote, the person shall become eligible to vote according to the timelines in RCW 29A.08.140.

(5) The secretary shall create a form to allow persons to waive the obligation to register to vote. The form shall be clear, concise, and minimize the risk that the applicant for the waiver of the obligation to register will make any errors. The form must be made available online on the secretary's website and the website of county elections officials. The form must also be transmitted to state agencies conducting voter registration as designated under RCW 29A.08.310.

(6) A request for waiver from the obligation to register to vote must be submitted to the secretary or county elections office and is effective upon submission.

**Sec.**  RCW 29A.40.010 and 2013 c 11 s 47 are each amended to read as follows:

Each active registered voter of the state, overseas voter, and service voter shall automatically be issued a mail ballot for each general election, special election, or primary. Overseas voters and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter. Each active registered voter shall continue to receive a ballot by mail until the death or disqualification of the voter, cancellation of the voter's registration, or placing the voter on inactive status. Each registered voter must return a ballot for each primary and general election.

**Sec.**  RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7 are each reenacted and amended to read as follows:

(1) A person may register to vote or transfer a voter registration when he or she applies for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.

(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to indicate that he or she declines to register. If the applicant indicates that he or she declines to register, the applicant shall be given the form for waiver from the obligation to register to vote.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

**Sec.**  RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you at least sixteen years old?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either question, the agent shall ((~~not~~)) provide the applicant with a ((~~voter registration application~~)) form for the waiver from the obligation to register to vote.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications and waivers to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec.**  RCW 29A.08.355 and 2020 c 208 s 7 are each amended to read as follows:

(1) The department of licensing must allow a person age eighteen years or older to be registered to vote or update voter registration information by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration;

(b) The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(2) The department of licensing must allow a person sixteen or seventeen years of age to be signed up to register to vote by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register. If the person declines to register to vote, they must be offered a form for waiver from the obligation to register to vote.

**Sec.**  RCW 46.20.155 and 2020 c 208 s 8 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you at least sixteen years old ?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not ((~~submit an application~~)) offer the applicant a form for waiver from the obligation to register to vote. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.84 RCW to read as follows:

A person who intentionally disenfranchises another voter by completing a form for the waiver of the obligation to register to vote in the other voter's name is guilty of a misdemeanor punishable under RCW 9A.20.021.

**Sec.**  RCW 29A.36.161 and 2013 c 283 s 3 and 2013 c 11 s 44 are each reenacted and amended to read as follows:

(1) On the top of each ballot must be printed:

(a) Clear and concise instructions directing the voter how to mark the ballot, including write-in votes; ((~~and~~))

(b) The following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section. Alternately, at the discretion of the county auditor or local election official, the statement required by this subsection (1)(b) may be printed in a prominent position on the ballot envelope and in the materials that accompany the ballot; and

(c) The following statement: "You may leave any portion or the entirety of this ballot blank. However, you are required by law to submit this ballot to your local county elections office by Election Day."

(2) The ballot must have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white space, illustration, shading, color, symbol, font size, or bold type. The secretary of state shall establish standards for ballot design and layout consistent with this section and RCW 29A.04.611.

(3) The questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election must appear after the instructions and before any offices.

(4) In a year that president and vice president appear on the general election ballot, the names of candidates for president and vice president for each political party must be grouped together with a single response position for a voter to indicate his or her choice.

The major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first. Other major political parties must follow according to the votes cast for their nominees for president at the last presidential election. Independent candidates and minor parties must follow major parties and be listed in the order of their qualification with the secretary of state.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.08 RCW to read as follows:

(1) Before the 2026 primary election, the secretary shall implement a plan for expanded voter registration in the state, including a statewide education plan on the implementation of universal civic duty voting. The statewide education plan must be conducted in multiple languages and use a variety of media sources, including locally owned and minority-owned media. The secretary must work with community partners to ensure the widest possible dissemination of information on the implementation of universal civic duty voting.

(2) The secretary shall report to the legislature the details of the plan required in this section and any funding required for implementation of the plan by January 1, 2025.

(3) This section expires January 1, 2027.

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

(1) By February 1, 2026, county elections officials, in coordination with the secretary, shall mail to each household and provide to each agency that provides voter registration under chapter 29A.08 RCW a notice that:

(a) Explains the changes to voter registration and election requirements beginning with the 2026 primary election as set forth in this act;

(b) Informs the recipient that each registered voter will be required to either cast a ballot or provide a valid reason for not casting a ballot, with the option to cast a blank ballot; and

(c) Explains the process for any eligible voter to submit a waiver from the obligation to register to vote.

(2) This section expires January 1, 2027.

NEW SECTION. **Sec.**  Sections 1 through 9 of this act take effect July 1, 2026.

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