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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, and Llias

Prefiled 01/06/23.

1 AN ACT Relating to establishing universal civic duty voting;  
2 amending RCW 29A.40.010, 29A.08.330, 29A.08.355, and 46.20.155;  
3 reenacting and amending RCW 29A.08.320 and 29A.36.161; adding new  
4 sections to chapter 29A.08 RCW; adding a new section to chapter  
5 29A.84 RCW; adding a new section to chapter 29A.04 RCW; creating a  
6 new section; providing an effective date; and providing an expiration  
7 date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that the words "We  
10 the People" are central to our system of government. Universal civic  
11 duty voting would give us a system where every vote counts, and the  
12 people who represent us would have to speak to all of us. People  
13 would be able to vote without obstruction or suppression. Washington  
14 voters who now solemnly accept their responsibilities to sit on  
15 juries, defend our country, and pay taxes should take the obligation  
16 to the work of government just as seriously. People must register for  
17 the selective service, serve on a jury, and pay taxes; they should  
18 also be required to cast a ballot. With this act the legislature  
19 creates an election system designed to enable citizens to perform  
20 their most basic civic duty with ease. Civic duty voting declares

1 that everyone counts and that everyone has a responsibility to have  
2 their vote counted.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08  
4 RCW to read as follows:

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

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10 unless withdrawn by the person who has obtained the waiver.

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

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

18 (5) The secretary shall create a form to allow persons to waive  
19 the obligation to register to vote. The form shall be clear, concise,  
20 and minimize the risk that the applicant for the waiver of the  
21 obligation to register will make any errors. The form must be made  
22 available online on the secretary's website and the website of county  
23 elections officials. The form must also be transmitted to state  
24 agencies conducting voter registration as designated under RCW  
25 29A.08.310.

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

29 **Sec. 3.** RCW 29A.40.010 and 2013 c 11 s 47 are each amended to  
30 read as follows:

31 Each active registered voter of the state, overseas voter, and  
32 service voter shall automatically be issued a mail ballot for each  
33 general election, special election, or primary. Overseas voters and  
34 service voters are authorized to cast the same ballots, including  
35 those for special elections, as a registered voter of the state would  
36 receive under this chapter. Each active registered voter shall  
37 continue to receive a ballot by mail until the death or  
38 disqualification of the voter, cancellation of the voter's

1 registration, or placing the voter on inactive status. Each  
2 registered voter must return a ballot for each primary and general  
3 election.

4 **Sec. 4.** RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7  
5 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 6.** RCW 29A.08.355 and 2020 c 208 s 7 are each amended to  
31 read as follows:

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

36 (a) The person meets requirements for voter registration;

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

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

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

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

10 (iii) A signature image.

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

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

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

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

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

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

26 (iii) A signature image.

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

31 **Sec. 7.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to  
32 read as follows:

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

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

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

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

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

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

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

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.84  
18 RCW to read as follows:

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

23 **Sec. 9.** RCW 29A.36.161 and 2013 c 283 s 3 and 2013 c 11 s 44 are  
24 each reenacted and amended to read as follows:

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

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

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

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

5        (2) The ballot must have a clear delineation between the ballot  
6 instructions and the first ballot measure or office through the use  
7 of white space, illustration, shading, color, symbol, font size, or  
8 bold type. The secretary of state shall establish standards for  
9 ballot design and layout consistent with this section and RCW  
10 29A.04.611.

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

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

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

27        NEW SECTION. Sec. 10. A new section is added to chapter 29A.08  
28 RCW to read as follows:

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

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

4 (3) This section expires January 1, 2027.

5 NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.04  
6 RCW to read as follows:

7 (1) By February 1, 2026, county elections officials, in  
8 coordination with the secretary, shall mail to each household and  
9 provide to each agency that provides voter registration under chapter  
10 29A.08 RCW a notice that:

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

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

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

19 (2) This section expires January 1, 2027.

20 NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act take  
21 effect July 1, 2026.

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