

SB 5209 would violate democratic norms by making voting mandatory

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February 2023

Key Findings:

1. **SB 5209 would require all citizens over age 18 to vote in every primary and general election.**
2. **Any citizens could request a waiver and there would be no penalty for not voting.**
3. **Some democratic countries mandate voting, but communist countries like North Korea and the former Soviet Union use the same policy.**
4. **In the U.S., civil rights include the right to not be forced to speak or act against one's will.**
5. **For most people the right to vote includes the right not to vote.**
6. **SB 5209 would violate the norms of our democracy and would likely invoke a strong negative reaction.**

Introduction

A bill has been introduced which for the first time would make participation in Washington elections mandatory for every citizen in the state over the age of 18.

The bill is SB 5209, "relating to establishing universal civic duty voting," was introduced on January 6th by Senator Sam Hunt and 13 co-sponsors. All the senators sponsoring the bill belong to one party. The bill received a hearing in the Senate State Government and Elections Committee on January 31st.

This Legislative Memo provides an overview of the bill, explains the unprecedented nature of its provisions,

reviews how it would erode civil rights protections and the major negative impact it would have on voluntary democracy in Washington state.

Text of SB 5209

Proponents say the bill is necessary because, "Universal civic duty voting would give us a system where every voter counts, and the people who represent us would have to speak to all of us." Further, supporters say the bill is needed because "people would be able to vote without obstruction or suppression." They liken voting to other civic responsibilities like serving on a jury, registering for military service and paying taxes.

The bill would add a new provision to the law that says, "Each registered voter must return a ballot for each primary and general election." Every ballot would include the following notice to voters:

"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."

The bill would provide a process for voters to request a waiver from the mandatory requirement. County officials must issue such a waiver on request and voters would not be required to give a reason for asking for a waiver. In practice, there would be no penalty or fee for not voting.

Policy analysis

SB 5209 would violate the norms of our democracy by making participation in an election mandatory by law. No other state imposes forced participation on citizens.



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Washington Policy Center is an independent research organization in Washington state.

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*Published by
Washington Policy Center
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In response to the question, “Is voting mandatory in the United States,” the federal government reports: “In the U.S., no one is required by law to vote in any local, state, or presidential election. According to the U.S. Constitution, voting is a right. Many constitutional amendments have been ratified since the first election. However, none of them made voting mandatory for U.S. citizens.”

The Constitutional principle in the United States is that people have rights that are inherent to their humanity, rather than granted by the government. The purpose of civil protections is to guard citizens against oppression by the government, not to impose mandatory duties on the citizens themselves.

For that reason most people understand civil rights as including the personal choice of whether or not to exercise that right, and that the non-exercise (or “do nothing”) decision should be equally protected in law. For example, the right to free speech includes the right not to speak. The right to religious freedom includes the right to not participate in religion. The right to bear arms includes the right not to own a firearm.

In the same way most people understand the right to vote to include the right not to vote, the decision to not participate in an election is a personal one. Possible reasons for not voting can range from a form of deliberate protest against the system, to feeling not informed about candidates or issues, to simply having other priorities that, to the citizen, are more important.

Even being allowed to request a waiver or to submit a blank ballot, as SB 5209 provides, puts pressure on citizens to make choices they may not otherwise make. It creates pressure from government officials that voters are being monitored and that in deciding whether or not to participate citizens are expected

to comply with state dictates.

Bill supporters point to 21 countries, like Australia and Brazil, that have democratic elections and require mandatory voting. Many such countries impose a fine for not voting. Similarly, however, the same mandatory voting requirement has also been imposed by repressive socialist countries like North Korea, East Germany and the former Soviet Union.

In the American context, being ordered to vote runs counter to the country’s practice of freedom and democracy. It subverts the idea that government officials are selected to serve the people, rather than the other way around.

Conclusion

SB 5209 would violate the norms of our democracy by, for the first time, making participation in an election mandatory in Washington state. The mandatory standard would apply in all primary and general elections.

While no immediate penalty would be imposed for not voting, it is reasonable assume that once the mandatory standard was in place the law would be amended to add penalties at a later date. In general, lawmakers do not propose bills without providing for enforcement.

What will be most offensive to people, however, is not a possible penalty but the instruction “...you are required by law to submit this ballot.” Such a standard has never been imposed before and the wording itself, even without enforcement, is likely to invoke a strongly negative reaction.

For these reasons SB 5209 would harm our democracy and work against the public interest by undermining people’s confidence and connection with their own government.