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**SUBSTITUTE HOUSE BILL 1924**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Dolan, Pettigrew, Peterson, Stonier, Harris, Santos, Ryu, Pollet, Slatter, Springer, Appleton, Doglio, Jinkins, Leavitt, Ortiz-Self, Stanford, Walen, Valdez, Goodman, Ramos, Senn, Lekanoff, Thai, Riccelli, Ormsby, Tharinger, and Davis)

AN ACT Relating to the voting rights of persons convicted of a felony offense; and amending RCW 10.64.140, 29A.08.520, 29A.08.230, 29A.40.091, and 72.09.270.

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

**Sec.**  RCW 10.64.140 and 2009 c 325 s 5 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:

(a) The defendant's right to vote has been lost due to the felony conviction;

(b) If the defendant is registered to vote, the voter registration will be canceled;

(c) The right to vote is ((~~provisionally~~)) automatically restored as long as the defendant is not under the authority of the department of corrections;

(d) The defendant must reregister before voting; and

(e) ((~~The provisional right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations;~~

~~(f) The right to vote may be permanently restored by one of the following for each felony conviction:~~

~~(i) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;~~

~~(ii) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;~~

~~(iii) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or~~

~~(iv) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and~~

~~(g)~~)) Voting before the right is restored is a class C felony under RCW 29A.84.660.

(2) For the purposes of this section, a person is under the authority of the department of corrections if the person is((~~:~~

~~(a)~~)) serving a sentence of confinement in the custody of the department of corrections((~~; or~~

~~(b) Subject to community custody as defined in RCW 9.94A.030~~)). A person serving a term of community custody is not considered to be in the custody of the department of corrections for purposes of this section unless the person is returned to confinement for a violation of community custody pursuant to RCW 9.94A.633(2).

**Sec.**  RCW 29A.08.520 and 2013 c 11 s 19 are each amended to read as follows:

(1) For a felony conviction in a Washington state court, the right to vote is ((~~provisionally~~)) automatically restored as long as the person is not under the authority of the department of corrections. For a felony conviction in a federal court or any state court other than a Washington state court, the right to vote is automatically restored as long as the person is no longer incarcerated. A person who has had their voting rights restored must reregister to vote before voting.

(2)((~~(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.~~

~~(b) If the person has failed to make three payments in a twelve~~‑~~month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.~~

~~(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.~~

~~(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.~~

~~(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.~~

~~(5)~~)) At least twice a year, the secretary of state shall compare the list of registered voters to a list from the department of corrections of ((~~felons~~)) persons convicted of felony offenses who are not eligible to vote as provided in subsection((~~s~~)) (1) ((~~and (3)~~)) of this section. If a registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The secretary of state or county auditor shall send to the person at his or her last known voter registration address and at the department of corrections, if the person is under the authority of the department, a notice of the proposed cancellation and an explanation of the requirements for ((~~provisionally and permanently~~)) restoring the right to vote and reregistering. To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

((~~(6) The right to vote may be permanently restored by one of the following for each felony conviction:~~

~~(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;~~

~~(b) A court order restoring the right, as provided in RCW 9.92.066;~~

~~(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or~~

~~(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.~~

~~(7)~~)) (3) In addition to the individual reentry plan, created pursuant to RCW 72.09.270, the department of corrections must provide a person with a voter registration application and information on how to register to vote, upon their release from the authority of the department of corrections.

(4) For the purposes of this section, a person is under the authority of the department of corrections if the person is((~~:~~

~~(a)~~)) serving a sentence of confinement in the custody of the department of corrections((~~; or~~

~~(b) Subject to community custody as defined in RCW 9.94A.030~~)). A person serving a term of community custody is not considered to be in the custody of the department of corrections for purposes of this section unless the person is returned to confinement for a violation of community custody pursuant to RCW 9.94A.633(2).

**Sec.**  RCW 29A.08.230 and 2013 c 11 s 14 are each amended to read as follows:

For all voter registrations, the registrant shall sign the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I will be at least eighteen years old when I vote, I am not disqualified from voting due to a court order, and I am not ((~~under department of corrections supervision for a Washington felony conviction~~)) currently confined in a state correctional facility in Washington, incarcerated for a felony conviction entered in a federal court, or incarcerated for a felony conviction entered in a state court other than a Washington state court."

**Sec.**  RCW 29A.40.091 and 2016 c 83 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) The declaration described under subsections (1) and (2) of this subsection must be updated by the time voting materials described under subsection (1) of this section are distributed for the general election in year 2020 to reflect that a person may not vote if he or she is confined in a state correctional facility in Washington, or is otherwise disqualified under RCW 29A.08.520(1).

**Sec.**  RCW 72.09.270 and 2008 c 231 s 48 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every offender who is committed to the jurisdiction of the department except:

(a) Offenders who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Offenders who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each offender. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the offender, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty‑five days of being sentenced to the jurisdiction of the department of corrections.

(b) The offender's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the offender's children and family;

(b) An individualized portfolio for each offender that includes the offender's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any offender, the department shall:

(i) Evaluate the offender's needs and, to the extent possible, connect the offender with existing services and resources that meet those needs; and

(ii) Connect the offender with a community justice center and/or community transition coordination network in the area in which the offender will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an offender's individual reentry plan, the department shall maximize the period of partial confinement for the offender as allowed pursuant to RCW 9.94A.728 to facilitate the offender's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the offender's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an offender released to community custody, the department may not approve a residence location that is not in the offender's county of origin unless it is determined by the department that the offender's return to his or her county of origin would be inappropriate considering any court-ordered condition of the offender's sentence, victim safety concerns, negative influences on the offender in the community, or the location of family or other sponsoring persons or organizations that will support the offender.

(b) If the offender is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the offender is placed with a written explanation.

(c) For purposes of this section, the offender's county of origin means the county of the offender's first felony conviction in Washington.

(9) In addition to the individual reentry plan developed under this section, the department shall provide the offender with voter registration materials in accordance with RCW 29A.08.520.

(10) Nothing in this section creates a vested right in programming, education, or other services.

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