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**SUBSTITUTE SENATE BILL 5076**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Kuderer, Palumbo, Wellman, Hunt, Darneille, Hasegawa, Nguyen, Saldaña, and Pedersen)

READ FIRST TIME 02/05/19.

1 AN ACT Relating to voter eligibility for persons who have been  
2 convicted of a felony offense and are not in custody of the  
3 department of corrections; and amending RCW 29A.08.520 and 10.64.140.

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

5 **Sec. 1.** RCW 29A.08.520 and 2013 c 11 s 19 are each amended to  
6 read as follows:

7 (1) For a felony conviction in a Washington state court, the  
8 right to vote is ((provisionally)) restored as long as the person is  
9 not under the authority of the department of corrections. For a  
10 felony conviction in a federal court or any state court other than a  
11 Washington state court, the right to vote is restored as long as the  
12 person is no longer incarcerated.

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

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

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

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6 ~~the person whose provisional voting rights have been revoked, the~~  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

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

14 ~~(5))~~ At least ~~((twice a year))~~ once a month, the secretary of  
15 state shall compare the list of registered voters to a list of  
16 ~~((felons))~~ persons who are not eligible to vote as provided in  
17 subsection~~((s))~~ (1) ~~((and (3)))~~ of this section. If a registered  
18 voter is not eligible to vote as provided in this section, the  
19 secretary of state or county auditor shall confirm the match through  
20 a ~~((date of birth))~~ comparison of, if available, the name, date of  
21 birth, last known address and county of residence, and driver's  
22 license number or the last four digits of the social security number,  
23 and suspend the voter registration from the official state voter  
24 registration list. The secretary of state or county auditor shall  
25 send to the person at his or her last known voter registration  
26 address and at the department of corrections, if the person is under  
27 the authority of the department, a notice of the proposed  
28 cancellation and an explanation of the requirements for  
29 ~~((provisionally and permanently))~~ restoring the right to vote and  
30 reregistering. To the extent possible, the secretary of state shall  
31 time the comparison required by this subsection to allow notice and  
32 cancellation of voting rights for ineligible voters prior to a  
33 primary or general election.

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

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

38 ~~(b) A court order restoring the right, as provided in RCW~~  
39 ~~9.92.066;~~

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

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

5 ~~(7))~~ (3) For the purposes of this section, a person is under the  
6 authority of the department of corrections if the person is ((÷

7 ~~(a))~~ serving a sentence of confinement in the custody of the  
8 department of corrections ((÷ or

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

14 **Sec. 2.** RCW 10.64.140 and 2009 c 325 s 5 are each amended to  
15 read as follows:

16 (1) When a person is convicted of a felony and sentenced to a  
17 term of confinement in the custody of the department of corrections,  
18 the court shall require the defendant to sign a statement  
19 acknowledging that:

20 (a) The defendant's right to vote has been lost due to the felony  
21 conviction and sentence to a term of confinement;

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

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

27 (d) The defendant must reregister before voting; and

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

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

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

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

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

1       ~~(iv) A certificate of restoration issued by the governor, as~~  
2 ~~provided in RCW 9.96.020; and~~  
3       ~~(g))~~ Voting before the right is restored is a class C felony  
4 under RCW 29A.84.660.  
5       (2) For the purposes of this section, a person is under the  
6 authority of the department of corrections if the person is(~~÷~~  
7       ~~(a))~~ erving a sentence of confinement in the custody of the  
8 department of corrections(~~÷~~or  
9       ~~(b) Subject to community custody as defined in RCW 9.94A.030))~~. A  
10 person serving a term of community custody is not considered to be in  
11 the custody of the department for purposes of this section unless the  
12 person is returned to confinement for a violation of community  
13 custody pursuant to RCW 9.94A.633(2).

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