**5076-S AMS KUDE S2287.1 - NOT FOR FLOOR USE**

**SSB 5076** - S AMD **68**

By Senator Kuderer

**NOT CONSIDERED 12/23/2019**

Strike everything after the enacting clause and insert the following:

"**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~~)) 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 restored as long as the person is no longer incarcerated.

(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rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.~~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a database maintained by the administrator for the courts the names of all persons whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.~~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~~)) once a month, the secretary of state shall compare the list of registered voters to a list of ((~~felons~~)) persons 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 of, if available, the name, date of birth, last known address and county of residence, and driver's license number or the last four digits of the social security number, 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) 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 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 in a federal court, or incarcerated for a felony conviction entered in a state court other than a Washington state court."

**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 and sentenced to a term of confinement in the custody of the department of corrections, 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 and sentence to a term of confinement;

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

(c) The right to vote is ((~~provisionally~~)) 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 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 2.36.010 and 2019 c . . . (Senate Bill No. 5162) s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) A jury is a body of persons temporarily selected from the qualified inhabitants of a particular district, and invested with power—

(a) To present or indict a person for a public offense.

(b) To try a question of fact.

(2) "Court" when used without further qualification means any superior court or court of limited jurisdiction in the state of Washington.

(3) "Judge" means every judicial officer authorized to hold or preside over a court. For purposes of this chapter "judge" does not include court commissioners or referees.

(4) "Juror" means any person summoned for service on a petit jury, grand jury, or jury of inquest as defined in this chapter.

(5) "Grand jury" means those twelve persons impaneled by a superior court to hear, examine, and investigate evidence concerning criminal activity and corruption.

(6) "Petit jury" means a body of persons twelve or less in number in the superior court and six in number in courts of limited jurisdiction, drawn by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact.

(7) "Jury of inquest" means a body of persons six or fewer in number, but not fewer than four persons, summoned before the coroner or other ministerial officer, to inquire of particular facts.

(8) "Jury source list" means the list of all registered voters for any county, merged with a list of licensed drivers and identicard holders who reside in the county. The list shall specify each person's name and residence address and conform to the methodology and standards set pursuant to the provisions of RCW 2.36.054 or by supreme court rule. The list shall be filed with the superior court by the county auditor.

(9) "Master jury list" means the list of prospective jurors from which jurors summoned to serve will be randomly selected. The master jury list shall be either randomly selected from the jury source list or may be an exact duplicate of the jury source list.

(10) "Jury term" means a period of time of one or more days, not exceeding two weeks for counties with a jury source list that has at least seventy thousand names and one month for counties with a jury source list of less than seventy thousand names, during which summoned jurors must be available to report for juror service.

(11) "Juror service" means the period of time a juror is required to be present at the court facility. This period of time may not extend beyond the end of the jury term, and may not exceed one week for counties with a jury source list that has at least seventy thousand names, and two weeks for counties with a jury source list of less than seventy thousand names, except to complete a trial to which the juror was assigned during the service period.

(12) "Jury panel" means those persons randomly selected for jury service for a particular jury term.

(13) "Civil rights restored" means a person's right to vote has been ((~~provisionally or~~)) permanently restored prior to reporting for jury service.

**Sec.**  RCW 72.09.--- and 2019 c . . . (Senate Bill No. 5207) s 1 are each amended to read as follows:

The department shall notify an inmate, in writing, of the process for ((~~provisional and~~)) permanent restoration of voting rights, as described in RCW 29A.08.520, prior to the termination of authority of the department over the inmate. The department shall also provide the inmate with:

(1) A voter registration form and written instructions for returning the form by mail; and

(2) Written information regarding registering to vote in person and electronically.

NEW SECTION. **Sec.**  Section 4 of this act takes effect only if Senate Bill No. 5162 is enacted by June 30, 2019.

NEW SECTION. **Sec.**  Section 5 of this act takes effect only if Senate Bill No. 5207 is enacted by June 30, 2019."

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On page 1, line 3 of the title, after "corrections;" strike the remainder of the title and insert "amending RCW 29A.08.520, 29A.08.230, 10.64.140, 2.36.010, and 72.09.---; and providing contingent effective dates."

EFFECT: (1) Changes the language in the voter registration oath to require the applicant to affirm that they are not currently confined in a state correctional facility or for a felony conviction.

(2) Defines "civil rights restored" to mean a person's right to vote has been permanently restored prior to jury service if Senate Bill No. 5162 is enacted.

(3) Requires that the Department of Corrections notify inmates of the process for restoration of voting rights and provide voter registration forms prior to the inmate leaving custody if Senate Bill No. 5207 is enacted.