
SUBSTITUTE HOUSE BILL 1924

State of Washington

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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)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the voting rights of persons convicted of a
2 felony offense; and amending RCW 10.64.140, 29A.08.520, 29A.08.230,
3 29A.40.091, and 72.09.270.

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

5 **Sec. 1.** RCW 10.64.140 and 2009 c 325 s 5 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) For the purposes of this section, a person is under the
14 authority of the department of corrections if the person is ((÷

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

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

22 **Sec. 2.** RCW 29A.08.520 and 2013 c 11 s 19 are each amended to
23 read as follows:

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

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

37 (b) If the person has failed to make three payments in a
38 twelve-month period and the county clerk or restitution recipient

1 requests, the prosecutor shall seek revocation of the provisional
2 restoration of voting rights from the court.

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

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

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

16 ~~(5))~~ At least twice a year, the secretary of state shall compare
17 the list of registered voters to a list from the department of
18 corrections of ~~((felons))~~ persons convicted of felony offenses who
19 are not eligible to vote as provided in subsection~~((s))~~ (1) ~~((and~~
20 ~~(3))~~) of this section. If a registered voter is not eligible to vote
21 as provided in this section, the secretary of state or county auditor
22 shall confirm the match through a date of birth comparison and
23 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) In addition to the individual reentry plan, created
6 pursuant to RCW 72.09.270, the department of corrections must provide
7 a person with a voter registration application and information on how
8 to register to vote, upon their release from the authority of the
9 department of corrections.

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

12 ~~(a))~~ serving a sentence of confinement in the custody of the
13 department of corrections (~~(÷ or~~

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

19 **Sec. 3.** RCW 29A.08.230 and 2013 c 11 s 14 are each amended to
20 read as follows:

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

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

34 **Sec. 4.** RCW 29A.40.091 and 2016 c 83 s 3 are each amended to
35 read as follows:

36 (1) The county auditor shall send each voter a ballot, a security
37 envelope in which to conceal the ballot after voting, a larger

1 envelope in which to return the security envelope, a declaration that
2 the voter must sign, and instructions on how to obtain information
3 about the election, how to mark the ballot, and how to return the
4 ballot to the county auditor.

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

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

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

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

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

1 **Sec. 5.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to
2 read as follows:

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

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

8 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
9 1227.

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

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

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

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

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

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

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

38 (c) A plan for the offender during the period of incarceration
39 through reentry into the community that addresses the needs of the
40 offender including education, employment, substance abuse treatment,

1 mental health treatment, family reunification, and other areas which
2 are needed to facilitate a successful reintegration into the
3 community.

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

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

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

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

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

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

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

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

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

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

--- **END** ---