

# HOUSE BILL REPORT

## HB 1924

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**As Reported by House Committee On:**  
State Government & Tribal Relations

**Title:** An act relating to the voting rights of persons convicted of a felony offense.

**Brief Description:** Concerning the voting rights of persons convicted of a felony offense.

**Sponsors:** 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.

**Brief History:**

**Committee Activity:**

State Government & Tribal Relations: 2/15/19, 2/22/19 [DPS].

**Brief Summary of Substitute Bill**

- Removes the two-step approach of provisional and permanent restoration of a person's voting rights after a felony conviction entered in a state court in Washington, and specifies that a person's voting rights are automatically restored when a person is not under the authority of the Department of Corrections (DOC).
- Modifies when a person is considered to be under the authority of the DOC to remove situations where a person is serving a term of community custody, with exceptions.
- Removes the ability to revoke a person's right to vote for failure to pay legal financial obligations.
- Requires the DOC to provide a person with a voter registration application and information on how to register to vote, upon that person's release from the authority of the DOC.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Appleton, Dolan and Hudgins.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 4 members: Representatives Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Mosbrucker and Smith.

**Staff:** Desiree Omli (786-7105).

**Background:**

Under the state Constitution, all persons convicted of an infamous crime lose their right to vote, unless their civil rights have been restored. An infamous crime is a crime punishable by death in the state penitentiary or imprisonment in a state or federal correctional facility. However, an infamous crime does not include an adjudication in juvenile court or a conviction for a misdemeanor or gross misdemeanor; it is therefore a felony.

Upon a felony conviction, the court requires that the convicted person sign a statement acknowledging, among other things, that the person's right to vote has been lost, his or her voter registration will be canceled, the ways in which the person's right to vote will be restored, and that the person must reregister before voting.

After a felony conviction entered in a state court in Washington, a person's right to vote is provisionally restored as long as the person is not under the authority of the Department of Corrections (DOC). A person is under the authority of the DOC if the person is:

- serving a sentence of confinement in the custody of the DOC; or
- subject to community custody, which is the portion of a person's sentence of confinement in lieu of earned release time or imposed as part of a sentence and served in the community subject to controls placed on the person's movement and activities by the DOC.

A person may have the provisional restoration of their voting rights revoked if a sentencing court determines that a person willfully failed to comply with the terms of his or her order to pay legal financial obligations.

A person's right to vote may then be permanently restored by any of the following for each felony conviction:

- a certificate of discharge issued by the sentencing court;
- a court order restoring the right;
- a final order of discharge issued by the Indeterminate Sentence Review Board; or
- a certificate of restoration issued by the Governor.

For a felony conviction entered in a federal court or state court other than in Washington, a person's voting rights are restored when the person is no longer incarcerated.

Twice per year, the Secretary of State (Secretary) must compare the list of registered voters to a list of persons who are convicted of felony offenses and not eligible to vote. If a registered voter is not eligible to vote by reason of a felony conviction, the Secretary or county auditor must confirm the match and send the person at his or her last known voter registration address and at the DOC, a notice of the proposed cancellation of his or her registration and an explanation of the requirements to restore their right to vote.

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### **Summary of Substitute Bill:**

Relating to felony convictions entered in a state court in Washington, the two-step approach of restoring a person's right to vote is eliminated, and the language relating to provisional and permanent restoration is removed. After a felony conviction, a person's right to vote is automatically restored as long as the person is no longer under the authority of the DOC. The language revoking a person's provisional right to vote for the willful failure to pay legal financial obligations is removed.

A person is no longer considered under the authority of the DOC if they are serving a term of community custody, unless the person is returned to confinement for a violation of community custody and was under community custody for certain sentences or sentencing alternatives, including a transfer to community custody in lieu of earned early release, the drug offender sentencing alternative, the parenting sentencing alternative, the special sex offender sentencing alternative, work ethic camp, and sentences for certain sex offenders.

The acknowledgment that each defendant must sign upon conviction of a felony is modified to reflect these changes.

The language in the voter registration oath is modified to reflect the new definition of being "under the authority of the Department of Corrections (DOC)." The voter declaration provided to each voter must be updated by the time materials are distributed for the 2020 general election to reflect the changes in the definition of being "under the authority of the DOC."

The list used by the Secretary to compare with the list of registered voters is specified as the list from the DOC of persons convicted of felony offenses and are not eligible to vote.

Upon a person's release from the authority of the DOC, the DOC must provide a person with a voter registration application and information on how to register to vote.

### **Substitute Bill Compared to Original Bill:**

The substitute bill modifies the language in the voter registration oath to reflect the new definition of being "under the authority of the DOC." The voter declaration provided to each voter must be updated by the time materials are distributed for the 2020 general election to reflect the changes in the definition of being "under the authority of the DOC."

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The language that governs when a person with a felony conviction can vote again is vague and our system does not tell them when they can vote again. In addition, current law has threatening language regarding consequences for voting with a felony conviction. This bill would clarify the process by stating when a person's right to vote is automatically restored. This bill states that when a person is no longer incarcerated, their voting rights are restored, and when they are discharged from prison, they will be given a registration application so the person knows that they can re-register.

More than 4.5 million citizens across the country are unable to vote because of past criminal conviction. The bill would restore voting rights to approximately 19,000 persons with felony convictions who have been released from prison but are still under community custody. It would also simplify the whole process. The bill would allow a substantial number of citizens to know what it means to be a citizen in this democracy. Felony disenfranchisement is historically related to systemic racism. This bill is the next move towards a more just society. When a person is released, they have paid their debt to society and are ready to rehabilitate. The state has the ability to reintegrate them into society once rehabilitated.

(Opposed) None.

**Persons Testifying:** Representative Dolan, prime sponsor; Sam Merrill, Quaker Voice on Washington Public Policy; and James Paribello, Washington Voting Justice Coalition.

**Persons Signed In To Testify But Not Testifying:** None.