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**HOUSE BILL 2030**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Simmons, Gregerson, Bateman, Ormsby, Peterson, Mena, Street, and Doglio

AN ACT Relating to revoking a person's voting rights only when convicted of a state crime punishable by death; amending RCW 29A.04.079, 29A.08.520, 29A.08.230, 29A.08.810, 29A.40.091, 29A.68.020, 10.64.140, 72.09.275, and 2.36.070; adding a new section to chapter 29A.08 RCW; and creating a new section.

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

**Sec.**  RCW 29A.04.079 and 2013 c 11 s 3 are each amended to read as follows:

An "infamous crime" is a state crime punishable by death ((~~in the state penitentiary or imprisonment in a state or federal correctional facility~~)). Neither an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor a conviction for a misdemeanor ((~~or~~)), gross misdemeanor, or felony that is not punishable by death, is an "infamous crime." This definition applies for purposes of voter qualifications and does not apply when the term "infamous crime" is used in other titles of the Revised Code of Washington, unless otherwise stated or the context requires otherwise.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.08 RCW to read as follows:

A person's right to vote is revoked by reason of a criminal conviction only if that person is convicted of an infamous crime, as defined in RCW 29A.04.079, in a Washington state court. Such a person's right to vote is automatically restored in accordance with RCW 29A.08.520.

**Sec.**  RCW 29A.08.520 and 2021 c 10 s 1 are each amended to read as follows:

(1) For a ((~~felony conviction in a Washington state court~~)) person whose right to vote was revoked pursuant to section 2 of this act, the right to vote is automatically restored as long as the person is not serving a sentence of total confinement under the jurisdiction 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 been convicted of ((~~a felony and is either sentenced to a term of total confinement under the jurisdiction of the department of corrections or otherwise incarcerated as provided for in this subsection~~)) an infamous crime in a Washington state court and whose right to vote has been automatically restored must reregister to vote prior to voting.

(2) At least once a month, the secretary of state shall compare the list of registered voters to a list of persons who are not eligible to vote as provided in section 2 of this act and subsection (1) 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 serving a sentence of total confinement under the jurisdiction of the department, a notice of the proposed cancellation and an explanation of the requirements for 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.

(3) For the purposes of this section, a sentence of total confinement does not include confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1).

**Sec.**  RCW 29A.08.230 and 2021 c 10 s 2 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, and I am at least sixteen years old. I am not disqualified from voting due to a court order, and I am not currently serving a sentence of total confinement under the jurisdiction of the department of corrections for a conviction of an infamous crime in a Washington ((~~felony conviction, and I am not currently incarcerated for a federal or out-of-state felony conviction~~)) state court."

**Sec.**  RCW 29A.08.810 and 2023 c 466 s 28 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of ((~~a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the voter is serving that sentence of total confinement~~)) an infamous crime and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided. The challenger must, at minimum, provide evidence that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(C) Searched county auditor property records to determine whether the challenged voter owns any property in the county;

(D) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(E) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a ((~~felony~~)) conviction for an infamous crime under section 2 of this act and RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

**Sec.**  RCW 29A.40.091 and 2021 c 10 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. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection:

(a) For all general elections in 2020 and after;

(b) For all primary elections in 2021 and after; and

(c) For all elections in 2022 and after.

(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 is serving a sentence of total confinement under the jurisdiction of the department of corrections for a ((~~felony~~)) conviction ((~~or is currently incarcerated for a federal or out-of-state felony conviction~~)) of an infamous crime in a Washington state court; 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. Return envelopes for all election ballots must include prepaid postage. 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) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

**Sec.**  RCW 29A.68.020 and 2016 c 130 s 3 are each amended to read as follows:

Any of the following causes may be asserted by a registered voter to challenge the right to assume office of a candidate declared elected to that office, to challenge the right of a candidate to appear on the general election ballot after a primary, or to challenge certification of the result of an election on any measure:

(1) For misconduct on the part of any election officer involved therein;

(2) Because the person whose right is being contested was not, at the time the person was declared elected, eligible to that office;

(3) Because the person whose right is being contested was, previous to the election, convicted of ((~~a felony by a court of competent jurisdiction~~)) an infamous crime in a Washington state court, the conviction not having been reversed nor the person's civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an election officer for the purpose of procuring the election, or offered to do so;

(5) On account of illegal votes.

(a) Illegal votes include but are not limited to the following:

(i) More than one vote cast by a single voter;

(ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.

(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged under RCW 29A.08.810 and 29A.08.820.

All election contests must proceed under RCW 29A.68.011 or 29A.68.013.

**Sec.**  RCW 10.64.140 and 2021 c 10 s 5 are each amended to read as follows:

(1) When a person is convicted of ((~~a felony and sentenced to a term of total confinement under the jurisdiction of the department of corrections~~)) an infamous crime in a Washington state court, 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 of an infamous crime and sentence to a term of total confinement;

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

(c) The right to vote is automatically restored as long as the defendant is not serving a sentence of total confinement under the jurisdiction of the department of corrections;

(d) The defendant must reregister before voting; and

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

(2) For the purposes of this section:

(a) A sentence of total confinement does not include confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1).

(b) "Infamous crime" has the same meaning as in RCW 29A.04.079.

(c) "Total confinement" has the same meaning as in RCW 9.94A.030.

**Sec.**  RCW 72.09.275 and 2021 c 10 s 7 are each amended to read as follows:

(1) The department shall notify a person, in writing, of the process for restoration of voting rights, as described in RCW 29A.08.520, prior to the release from, or transfer to partial confinement from, total confinement under the jurisdiction of the department of corrections ((~~unless a person is being released from a department of corrections facility to an out-of-state jurisdiction or federal detention center, pursuant to a felony conviction~~)). The department shall also provide the person with:

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

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

(2) For purposes of this section:

(a) A sentence of total confinement does not include confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1).

(b) "Total confinement" has the same meaning as in RCW 9.94A.030.

**Sec.**  RCW 2.36.070 and 1988 c 188 s 7 are each amended to read as follows:

A person shall be competent to serve as a juror in the state of Washington unless that person:

(1) Is less than eighteen years of age;

(2) Is not a citizen of the United States;

(3) Is not a resident of the county in which he or she has been summoned to serve;

(4) Is not able to communicate in the English language; or

(5) Has been convicted of ((~~a felony~~)) an infamous crime as defined in RCW 29A.04.079 and has not had his or her civil rights restored.

NEW SECTION. **Sec.**  This act may be known and cited as the free the vote act.

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