

---

HOUSE BILL 2873

---

State of Washington

59th Legislature

2006 Regular Session

By Representatives Darneille, Nixon, Cody, Pettigrew, McDermott, Flannigan, Haigh, Simpson, Williams, Dickerson, Upthegrove, Chase, Hunt, Kagi, Roberts, Kenney, Hasegawa, Santos and Ormsby

Read first time 01/16/2006. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to the restriction of voting rights for  
2 incarcerated felons; amending RCW 29A.08.520, 29A.08.651, and  
3 29A.68.020; adding a new section to chapter 29A.08 RCW; creating a new  
4 section; and repealing RCW 10.64.021.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) The system for determining how, when, and where former felons  
8 have their right to vote restored is contributing to uncertainty about  
9 the validity of the election process, and local county clerks and  
10 auditors find it impossible to access clear information about this  
11 determination;

12 (b) Washington currently denies the right to vote to all persons  
13 who have not fully completed all conditions of their sentence,  
14 including full payment of their legal financial obligations;

15 (c) Responsibility for monitoring compliance with the various  
16 conditions of the sentence is placed at various times with the  
17 department of corrections, the county clerk, and the sentencing judge;  
18 and

1 (d) The current system for determining when the right to vote has  
2 been restored takes away time from the other important duties of the  
3 county clerks, county auditors, and secretary of state's staff.

4 (2) The legislature intends to establish a clear standard for  
5 restricting and restoring the voting rights of felons that will provide  
6 clear information about the status of former felon voting rights to all  
7 state and local election officials.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW  
9 to read as follows:

10 (1) In any felony case, when the court sentences the defendant to  
11 a term of total confinement in the custody of the department of  
12 corrections, the defendant is deprived of the right to register to  
13 vote, update a registration or vote in any election in this state from  
14 the date of sentencing until:

15 (a) The defendant is released from total confinement; or

16 (b) The defendant's conviction is reversed, dismissed, or vacated.

17 (2) In any felony case, when the defendant receives a subsequent  
18 term of imprisonment of total confinement in the department of  
19 corrections for violation of the conditions of community supervision,  
20 community placement, and/or community custody, the defendant is  
21 deprived of the right to register to vote, update a registration, or  
22 vote in any election in this state from the date of sentencing until:

23 (a) The defendant is released from total confinement; or

24 (b) The defendant's conviction is reversed, dismissed, or vacated.

25 (3) A person convicted of any crime and serving a term of total  
26 confinement in any federal correctional institution in this state is  
27 deprived of the right to register to vote, update a registration, or  
28 vote in any election in this state from the date of sentencing until:

29 (a) The person is released from total confinement; or

30 (b) The person's conviction is reversed, dismissed, or vacated.

31 (4) The rights and privileges withdrawn by this section are  
32 restored automatically upon release from total confinement.

33 **Sec. 3.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to  
34 read as follows:

35 (1) ~~((Upon receiving official notice of a person's conviction of a~~  
36 ~~felony in either state or federal court, if the convicted person is a~~

1 registered voter in the county, the county auditor shall cancel the  
2 defendant's voter registration. Additionally, the secretary of state  
3 in conjunction with the department of corrections, the Washington state  
4 patrol, the office of the administrator for the courts, and other  
5 appropriate state agencies shall arrange for a quarterly comparison of  
6 a list of known felons with the statewide voter registration list. If  
7 a person is found on a felon list and the statewide voter registration  
8 list, the secretary of state or county auditor shall confirm the match  
9 through a date of birth comparison and suspend the voter registration  
10 from the official state voter registration list. The canceling  
11 authority shall send to the person at his or her last known voter  
12 registration address a notice of the proposed cancellation and an  
13 explanation of the requirements for restoring the right to vote once  
14 all terms of sentencing have been completed. If the person does not  
15 respond within thirty days, the registration must be canceled.

16 (2) The right to vote may be restored by, for each felony  
17 conviction, one of the following:

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

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

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

23 (d) A certificate of restoration issued by the governor, as  
24 provided in RCW 9.96.020.)) The secretary of state shall maintain a  
25 current list of all incarcerated felons in the department of  
26 corrections.

27 (2) The department of corrections shall provide the secretary of  
28 state's office with a list of the name and last known address of each  
29 person who:

30 (a) Was convicted of a felony in a Washington state court; and

31 (b) Is currently incarcerated in the department of corrections to  
32 a term of total confinement for commission of a felony. The secretary  
33 of state shall arrange for a periodic transmittal of the information  
34 after consultation with the department of corrections.

35 (3) The department of corrections shall provide the secretary of  
36 state's office with a list of the name of each convicted felon who has  
37 been released from total confinement at the department of corrections.

1 The secretary of state shall arrange for a periodic transmittal of the  
2 information after consultation with the department of corrections.

3 **Sec. 4.** RCW 29A.08.651 and 2005 c 246 s 16 are each amended to  
4 read as follows:

5 (1) The office of the secretary of state shall create and maintain  
6 a statewide voter registration data base. This data base must be a  
7 single, uniform, official, centralized, interactive computerized  
8 statewide voter registration list defined, maintained, and administered  
9 at the state level that contains the name and registration information  
10 of every legally registered voter in the state and assigns a unique  
11 identifier to each legally registered voter in the state.

12 (2) The computerized list must serve as the single system for  
13 storing and maintaining the official list of registered voters  
14 throughout the state.

15 (3) The computerized list must contain the name and registration  
16 information of every legally registered voter in the state.

17 (4) Under the computerized list, a unique identifier is assigned to  
18 each legally registered voter in the state.

19 (5) The computerized list must be coordinated with other agency  
20 data bases within the state, including but not limited to the  
21 department of corrections, the department of licensing, the department  
22 of health, the Washington state patrol, and the office of the  
23 administrator for the courts. The computerized list may also be  
24 coordinated with the data bases of election officials in other states.

25 (6) Any election officer in the state, including any local election  
26 officer, may obtain immediate electronic access to the information  
27 contained in the computerized list.

28 (7) All voter registration information obtained by any local  
29 election officer in the state must be electronically entered into the  
30 computerized list on an expedited basis at the time the information is  
31 provided to the local officer.

32 (8) The chief state election officer shall provide support, as may  
33 be required, so that local election officers are able to enter  
34 information as described in subsection (3) of this section.

35 (9) The computerized list serves as the official voter registration  
36 list for the conduct of all elections.

1 (10) The secretary of state has data authority on all voter  
2 registration data.

3 (11) The voter registration data base must be designed to  
4 accomplish at a minimum, the following:

5 (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

6 (b) Identify duplicate voter registrations;

7 (c) Identify suspected duplicate voters;

8 (d) Screen against the department of corrections, the Washington  
9 state patrol, and other appropriate state agency data bases to aid in  
10 the (~~cancellation of voter registration of~~) identification of felons  
11 who are currently sentenced to a term of total confinement in the  
12 department of corrections, of persons who have declined to serve on  
13 juries by virtue of not being citizens of the United States, and of  
14 persons determined to be legally incompetent to vote;

15 (e) Provide up-to-date signatures of voters for the purposes of  
16 initiative signature checking;

17 (f) Provide for a comparison between the voter registration data  
18 base and the department of licensing change of address data base;

19 (g) Provide online access for county auditors with the goal of real  
20 time duplicate checking and update capabilities; and

21 (h) Provide for the cancellation of voter registration for persons  
22 who have moved to other states and surrendered their Washington state  
23 drivers' licenses.

24 (12) In order to maintain the statewide voter registration data  
25 base, the secretary of state may, upon agreement with other appropriate  
26 jurisdictions, screen against data bases maintained by election  
27 officials in other states and data bases maintained by federal agencies  
28 including, but not limited to, the federal bureau of investigation, the  
29 federal court system, the federal bureau of prisons, and the bureau of  
30 citizenship and immigration services.

31 (13) The secretary of state shall retain information regarding  
32 previous successful appeals of proposed cancellations of registrations  
33 in order to avoid repeated cancellations for the same reason.

34 (14) The secretary of state must review and update the records of  
35 all registered voters on the computerized list on a quarterly basis to  
36 make additions and corrections.

1       **Sec. 5.** RCW 29A.68.020 and 2003 c 111 s 1702 are each amended to  
2 read as follows:

3       Any registered voter may contest the right of any person declared  
4 elected to an office to be issued a certificate of election for any of  
5 the following causes:

6       (1) For misconduct on the part of any member of any precinct  
7 election board involved therein;

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

10       (3) Because the person whose right is being contested was  
11 ~~((previous to)), at the time of the election ((convicted of a)),~~  
12 incarcerated in the department of corrections to a term of total  
13 confinement pursuant to a felony sentence imposed by a court of  
14 competent jurisdiction~~((, the conviction not having been reversed nor~~  
15 ~~the person's civil rights restored after the conviction))~~;

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

19       (5) On account of illegal votes.

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

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

22       (ii) A vote cast by a person disqualified under Article VI, section  
23 3 of the state Constitution.

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

27       All election contests must proceed under RCW ~~((29A.68.010))~~  
28 29A.68.011.

29       NEW SECTION. **Sec. 6.** RCW 10.64.021 (Notice of conviction) and  
30 1994 c 57 s 1 are each repealed.

--- END ---