

SSB 5076 - S AMD 68  
By Senator Kuderer

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 29A.08.520 and 2013 c 11 s 19 are each amended to  
4 read as follows:

5 (1) For a felony conviction in a Washington state court, the  
6 right to vote is ((provisionally)) restored as long as the person is  
7 not under the authority of the department of corrections. For a  
8 felony conviction in a federal court or any state court other than a  
9 Washington state court, the right to vote is restored as long as the  
10 person is no longer incarcerated.

11 ~~(2) ((a) Once the right to vote has been provisionally restored,~~  
12 ~~the sentencing court may revoke the provisional restoration of voting~~  
13 ~~rights if the sentencing court determines that a person has willfully~~  
14 ~~failed to comply with the terms of his or her order to pay legal~~  
15 ~~financial obligations.~~

16 ~~(b) If the person has failed to make three payments in a~~  
17 ~~twelve-month period and the county clerk or restitution recipient~~  
18 ~~requests, the prosecutor shall seek revocation of the provisional~~  
19 ~~restoration of voting rights from the court.~~

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

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25 ~~the person whose provisional voting rights have been revoked, the~~  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

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30 ~~provisional voting rights have been revoked, and update the database~~  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

1       ~~(5))~~ At least ~~((twice a year))~~ once a month, the secretary of  
2 state shall compare the list of registered voters to a list of  
3 ~~((felons))~~ persons who are not eligible to vote as provided in  
4 subsection~~((s))~~ (1) ~~((and (3))~~ of this section. If a registered  
5 voter is not eligible to vote as provided in this section, the  
6 secretary of state or county auditor shall confirm the match through  
7 a ~~((date of birth))~~ comparison of, if available, the name, date of  
8 birth, last known address and county of residence, and driver's  
9 license number or the last four digits of the social security number,  
10 and suspend the voter registration from the official state voter  
11 registration list. The secretary of state or county auditor shall  
12 send to the person at his or her last known voter registration  
13 address and at the department of corrections, if the person is under  
14 the authority of the department, a notice of the proposed  
15 cancellation and an explanation of the requirements for  
16 ~~((provisionally and permanently))~~ restoring the right to vote and  
17 reregistering. To the extent possible, the secretary of state shall  
18 time the comparison required by this subsection to allow notice and  
19 cancellation of voting rights for ineligible voters prior to a  
20 primary or general election.

21       ~~((6) The right to vote may be permanently restored by one of the~~  
22 ~~following for each felony conviction:~~

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

25       ~~(b) A court order restoring the right, as provided in RCW~~  
26 ~~9.92.066;~~

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

29       ~~(d) A certificate of restoration issued by the governor, as~~  
30 ~~provided in RCW 9.96.020.~~

31       ~~(7))~~ (3) For the purposes of this section, a person is under the  
32 authority of the department of corrections if the person is ~~((÷~~

33       ~~(a))~~ serving a sentence of confinement in the custody of the  
34 department of corrections ~~((; or~~

35       ~~(b) Subject to community custody as defined in RCW 9.94A.030)).~~ A  
36 person serving a term of community custody is not considered to be in  
37 the custody of the department for purposes of this section unless the  
38 person is returned to confinement for a violation of community  
39 custody pursuant to RCW 9.94A.633(2).

1       **Sec. 2.** RCW 29A.08.230 and 2013 c 11 s 14 are each amended to  
2 read as follows:

3       For all voter registrations, the registrant shall sign the  
4 following oath:

5       "I declare that the facts on this voter registration form are  
6 true. I am a citizen of the United States, I will have lived at this  
7 address in Washington for at least thirty days immediately before the  
8 next election at which I vote, I will be at least eighteen years old  
9 when I vote, I am not disqualified from voting due to a court order,  
10 and I am not (~~under department of corrections supervision for a~~  
11 ~~Washington felony conviction~~) currently confined in a state  
12 correctional facility in Washington, incarcerated for a felony  
13 conviction in a federal court, or incarcerated for a felony  
14 conviction entered in a state court other than a Washington state  
15 court."

16       **Sec. 3.** RCW 10.64.140 and 2009 c 325 s 5 are each amended to  
17 read as follows:

18       (1) When a person is convicted of a felony and sentenced to a  
19 term of confinement in the custody of the department of corrections,  
20 the court shall require the defendant to sign a statement  
21 acknowledging that:

22       (a) The defendant's right to vote has been lost due to the felony  
23 conviction and sentence to a term of confinement;

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

26       (c) The right to vote is (~~provisionally~~) restored as long as  
27 the defendant is not under the authority of the department of  
28 corrections;

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

30       (e) (~~The provisional right to vote may be revoked if the~~  
31 ~~defendant fails to comply with all the terms of his or her legal~~  
32 ~~financial obligations or an agreement for the payment of legal~~  
33 ~~financial obligations;~~

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

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

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

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

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

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

9 (2) For the purposes of this section, a person is under the  
10 authority of the department of corrections if the person is (~~(~~

11 ~~a))~~ serving a sentence of confinement in the custody of the  
12 department of corrections (~~(~~

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

18 **Sec. 4.** RCW 2.36.010 and 2019 c . . . (Senate Bill No. 5162) s 1  
19 are each amended to read as follows:

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

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

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

26 (b) To try a question of fact.

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

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

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

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

38 (6) "Petit jury" means a body of persons twelve or less in number  
39 in the superior court and six in number in courts of limited

1 jurisdiction, drawn by lot from the jurors in attendance upon the  
2 court at a particular session, and sworn to try and determine a  
3 question of fact.

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

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

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

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

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

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

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

35 **Sec. 5.** RCW 72.09.--- and 2019 c . . . (Senate Bill No. 5207) s  
36 1 are each amended to read as follows:

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

1 the department over the inmate. The department shall also provide the  
2 inmate with:

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

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

7 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect only if  
8 Senate Bill No. 5162 is enacted by June 30, 2019.

9 NEW SECTION. **Sec. 7.** Section 5 of this act takes effect only if  
10 Senate Bill No. 5207 is enacted by June 30, 2019."

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11 On page 1, line 3 of the title, after "corrections;" strike the  
12 remainder of the title and insert "amending RCW 29A.08.520,  
13 29A.08.230, 10.64.140, 2.36.010, and 72.09.---; and providing  
14 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.

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