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**SUBSTITUTE HOUSE BILL 1924**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**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 (~~(~~

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** ---