
State Government & Tribal Relations Committee

HB 1174

Brief Description: Improving access and removing barriers to jail-based voting.

Sponsors: Representatives Simmons, Farivar, Reed, Street, Bateman, Ramel, Macri, Reeves, Lekanoff, Davis and Ormsby.

Brief Summary of Bill

- Requires county auditors to create a Jail Voting Plan (Plan) for each jail, including details about how the jail will help people who are incarcerated register to vote and access and complete a ballot.
- Requires jails to implement their Plans and provide voter registration information, ballot-related information, and ballots to people who are incarcerated.
- Requires jails to document voting-related requests and complaints and collect related data.

Hearing Date: 1/13/23

Staff: Jason Zolle (786-7124).

Background:

Voter Registration. To register to vote in Washington, a person may:

- submit an application electronically or by mail, if the applicant has a Washington driver's license or state identification card;
- register in person at the county auditor's office or a voting center; or
- register to vote using forms provided when receiving services at certain state agencies,

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

such as the Department of Licensing or Department of Social and Health Services.

Applicants registering to vote must provide their name, residential address, and date of birth, and they must check a box confirming their United States citizenship. The applicant must also sign the application to attest to the truth of the information provided.

Voting. All voters in Washington are issued a ballot by mail, which they may return by mail or by depositing into a ballot box. A person may also visit a voting center to pick up a ballot in person.

Eligibility to Vote. Under the state Constitution, all persons convicted of felonies lose their right to vote, unless their civil rights have been restored. A person's right to vote is provisionally restored once a person is no longer under the authority of the Department of Corrections, i.e., serving a sentence of confinement or subject to community custody. A person's right to vote is permanently restored by any of the following:

- 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.

Summary of Bill:

Each county auditor must create a Jail Voting Plan (Plan) for each county, city, and tribal jail, with assistance of the Office of the Secretary of State (OSOS) and a jail employee who has been designated as the Jail Voting Coordinator. The Plan must include details about how the jail will help people who are incarcerated to:

- register to vote or update their voter registration;
- access proof of their identification or residency in order to register to vote;
- access information about, and materials necessary for, eligibility for voting and voting rights restoration;
- access information about candidates, including voters' pamphlets;
- access materials necessary to fill out ballots; and
- complete their ballots in secret.

The plan must also include details about how the jail will:

- provide visible information in the jail about registering to vote and accessing a ballot;
- ensure that all people who are incarcerated are made aware of key dates surrounding registration and ballot return; and
- accommodate people with disabilities to register to vote and fill out ballots.

Jails must provide people who are incarcerated with voter registration and ballot-related information in accordance with their Plan. Ballots must be made accessible starting at least 18 days before a primary or general election.

Jails must permit election officials from the county auditor's office and the OSOS to enter the jail at least 30 days in advance of each primary and general election for voter registration outreach and education. Jails must document all voting-related requests and complaints, and they (along with the county auditor) must collect data related to voter registration and ballot return from people who are incarcerated.

Jails must provide information about and materials necessary for registering to vote to all people who are released from their custody.

Appropriation: None.

Fiscal Note: Requested on January 9, 2023.

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