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HOUSE BILL 1196

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Simmons, Mena, Ryu, Ormsby, and Hill

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1 AN ACT Relating to revoking a person's voting rights only when  
2 convicted of a state crime punishable by death; amending RCW  
3 29A.04.079, 29A.08.520, 29A.08.230, 29A.08.810, 29A.40.091,  
4 29A.68.020, 10.64.140, 72.09.275, and 2.36.070; adding a new section  
5 to chapter 29A.08 RCW; and creating a new section.

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

7 **Sec. 1.** RCW 29A.04.079 and 2013 c 11 s 3 are each amended to  
8 read as follows:

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

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

1 A person's right to vote is revoked by reason of a criminal  
2 conviction only if that person is convicted in a Washington state  
3 court of an infamous crime and sentenced to a term of total  
4 confinement under the jurisdiction of the department of corrections,  
5 as defined in RCW 29A.04.079. Such a person's right to vote is  
6 automatically restored in accordance with RCW 29A.08.520.

7 **Sec. 3.** RCW 29A.08.520 and 2021 c 10 s 1 are each amended to  
8 read as follows:

9 (1) For a ~~((felony conviction in a Washington state court))~~  
10 person whose right to vote was revoked pursuant to section 2 of this  
11 act, the right to vote is automatically restored as long as the  
12 person is not serving a sentence of total confinement under the  
13 jurisdiction of the department of corrections. ~~((For a felony~~  
14 ~~conviction in a federal court or any state court other than a~~  
15 ~~Washington state court, the right to vote is automatically restored~~  
16 ~~as long as the person is no longer incarcerated.))~~ A person who has  
17 been convicted ~~((of a felony and is either sentenced to a term of~~  
18 ~~total confinement under the jurisdiction of the department of~~  
19 ~~corrections or otherwise incarcerated as provided for in this~~  
20 ~~subsection))~~ in a Washington state court of an infamous crime and  
21 whose right to vote has been automatically restored must reregister  
22 to vote prior to voting.

23 (2) At least once a month, the secretary of state shall compare  
24 the list of registered voters to a list of persons who are not  
25 eligible to vote as provided in section 2 of this act and subsection  
26 (1) of this section. If a registered voter is not eligible to vote as  
27 provided in this section, the secretary of state or county auditor  
28 shall confirm the match through a date of birth comparison and  
29 suspend the voter registration from the official state voter  
30 registration list. The secretary of state or county auditor shall  
31 send to the person at his or her last known voter registration  
32 address and at the department of corrections, if the person is  
33 serving a sentence of total confinement under the jurisdiction of the  
34 department, a notice of the proposed cancellation and an explanation  
35 of the requirements for restoring the right to vote and  
36 reregistering. To the extent possible, the secretary of state shall  
37 time the comparison required by this subsection to allow notice and  
38 cancellation of voting rights for ineligible voters prior to a  
39 primary or general election.

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

4 **Sec. 4.** RCW 29A.08.230 and 2021 c 10 s 2 are each amended to  
5 read as follows:

6 For all voter registrations, the registrant shall sign the  
7 following oath:

8 "I declare that the facts on this voter registration form are  
9 true. I am a citizen of the United States, I will have lived at this  
10 address in Washington for at least thirty days immediately before the  
11 next election at which I vote, and I am at least sixteen years old. I  
12 am not disqualified from voting due to a court order, and I am not  
13 currently serving a sentence of total confinement under the  
14 jurisdiction of the department of corrections for a (~~Washington~~  
15 ~~felony conviction, and I am not currently incarcerated for a federal~~  
16 ~~or out-of-state felony conviction~~) conviction in a Washington state  
17 court of an infamous crime."

18 **Sec. 5.** RCW 29A.08.810 and 2023 c 466 s 28 are each amended to  
19 read as follows:

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

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

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

31 (c) The challenged voter resides at a different address than the  
32 residential address provided, and is not subject to RCW 29A.04.151 or  
33 29A.08.112, in which case the challenger must either:

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

36 (ii) Submit evidence that he or she exercised due diligence to  
37 verify that the challenged voter does not reside at the address

1 provided. The challenger must, at minimum, provide evidence that the  
2 challenger personally:

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

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

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

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

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

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

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

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

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

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

37 **Sec. 6.** RCW 29A.40.091 and 2024 c 269 s 7 are each amended to  
38 read as follows:

1 (1) The county auditor shall send each voter a ballot, a security  
2 envelope in which to conceal the ballot after voting, a larger  
3 envelope in which to return the security envelope, a declaration that  
4 the voter must sign, and instructions on how to obtain information  
5 about the election, how to mark the ballot, and how to return the  
6 ballot to the county auditor. The calendar date of the election must  
7 be prominently displayed in bold type, twenty-point font or larger,  
8 on the envelope sent to the voter containing the ballot and other  
9 materials listed in this subsection.

10 (2) The voter must swear under penalty of perjury that he or she  
11 meets the qualifications to vote, and has not voted in any other  
12 jurisdiction at this election. The declaration must clearly inform  
13 the voter that it is illegal to vote if he or she is not a United  
14 States citizen; it is illegal to vote if he or she is serving a  
15 sentence of total confinement under the jurisdiction of the  
16 department of corrections for a ((felony)) conviction ((~~or is~~  
17 ~~currently incarcerated for a federal or out-of-state felony~~  
18 ~~conviction~~)) in a Washington state court of an infamous crime; it is  
19 illegal to cast a ballot or sign a ballot declaration on behalf of  
20 another voter; and that the signature on the declaration will be  
21 compared to the signature in the voter's registration file. The  
22 ballot materials must provide space for the voter to sign the  
23 declaration, indicate the date on which the ballot was voted, and  
24 include a telephone number.

25 (3) For overseas and service voters, the signed declaration  
26 constitutes the equivalent of a voter registration. Return envelopes  
27 for overseas and service voters must enable the ballot to be returned  
28 postage free if mailed through the United States postal service,  
29 United States armed forces postal service, or the postal service of a  
30 United States foreign embassy under 39 U.S.C. 3406.

31 (4) The voter must be instructed to either return the ballot to  
32 the county auditor no later than 8:00 p.m. the day of the election or  
33 primary, or mail the ballot to the county auditor with a postmark no  
34 later than the day of the election or primary. Return envelopes for  
35 all election ballots must include prepaid postage. Service and  
36 overseas voters must be provided with instructions and a privacy  
37 sheet for returning the ballot and signed declaration by fax or  
38 email. A voted ballot and signed declaration returned by fax or email  
39 must be received by 8:00 p.m. on the day of the election or primary.

1 (5) The county auditor's name may not appear on the security  
2 envelope, the return envelope, or on any voting instructions or  
3 materials included with the ballot if he or she is a candidate for  
4 office during the same year.

5 (6) For purposes of this section, "prepaid postage" means any  
6 method of return postage paid by the county or state.

7 **Sec. 7.** RCW 29A.68.020 and 2016 c 130 s 3 are each amended to  
8 read as follows:

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

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

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

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

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

26 (5) On account of illegal votes.

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

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

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

31 (b) Illegal votes do not include votes cast by improperly  
32 registered voters who were not properly challenged under RCW  
33 29A.08.810 and 29A.08.820.

34 All election contests must proceed under RCW 29A.68.011 or  
35 29A.68.013.

36 **Sec. 8.** RCW 10.64.140 and 2021 c 10 s 5 are each amended to read  
37 as follows:

1 (1) When a person is convicted (~~of a felony and sentenced to a~~  
2 ~~term of total confinement under the jurisdiction of the department of~~  
3 ~~corrections~~) in a Washington state court of an infamous crime, the  
4 court shall require the defendant to sign a statement acknowledging  
5 that:

6 (a) The defendant's right to vote has been lost due to the  
7 (~~felony~~) conviction of an infamous crime and sentence to a term of  
8 total confinement;

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

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

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

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

17 (2) For the purposes of this section:

18 (a) A sentence of total confinement does not include confinement  
19 imposed as a sanction for a community custody violation under RCW  
20 9.94A.633(1).

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

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

23 **Sec. 9.** RCW 72.09.275 and 2021 c 10 s 7 are each amended to read  
24 as follows:

25 (1) The department shall notify a person, in writing, of the  
26 process for restoration of voting rights, as described in RCW  
27 29A.08.520, prior to the release from, or transfer to partial  
28 confinement from, total confinement under the jurisdiction of the  
29 department of corrections (~~unless a person is being released from a~~  
30 ~~department of corrections facility to an out-of-state jurisdiction or~~  
31 ~~federal detention center, pursuant to a felony conviction~~). The  
32 department shall also provide the person with:

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

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

37 (2) For purposes of this section:

1 (a) A sentence of total confinement does not include confinement  
2 imposed as a sanction for a community custody violation under RCW  
3 9.94A.633(1).

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

5 **Sec. 10.** RCW 2.36.070 and 1988 c 188 s 7 are each amended to  
6 read as follows:

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

9 (1) Is less than eighteen years of age;

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

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

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

14 (5) Has been convicted of a felony and is sentenced to a term of  
15 total confinement under the jurisdiction of the department of  
16 corrections and has not had his or her civil rights restored.

17 NEW SECTION. **Sec. 11.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 12.** This act may be known and cited as the  
22 free the vote act.

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