
SUBSTITUTE SENATE BILL 6228

State of Washington

66th Legislature

2020 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Kuderer, Darneille, Saldaña, Pedersen, Nguyen, Hasegawa, Carlyle, Lovelett, Cleveland, Billig, Keiser, McCoy, Lias, Hunt, Wilson, C., Randall, Mullet, Takko, Das, Dhingra, and Stanford)

READ FIRST TIME 01/28/20.

1 AN ACT Relating to restoring voter eligibility for all persons
2 convicted of a felony offense who are not in total confinement under
3 the jurisdiction of the department of corrections; amending RCW
4 29A.08.520, 29A.08.230, 29A.40.091, 10.64.140, 2.36.010, and
5 72.09.275; adding a new section to chapter 29A.04 RCW; and providing
6 an effective date.

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

8 **Sec. 1.** RCW 29A.08.520 and 2013 c 11 s 19 are each amended to
9 read as follows:

10 (1) For a felony conviction in a Washington state court, the
11 right to vote is ~~((provisionally))~~ automatically restored as long as
12 the person is not ~~((under the authority))~~ serving a sentence of total
13 confinement under the jurisdiction of the department of corrections.
14 For a felony conviction in a federal court or any state court other
15 than a Washington state court, the right to vote is automatically
16 restored as long as the person is no longer incarcerated. A person
17 who has had their voting rights restored must reregister to vote
18 before voting.

19 ~~(2) ((a) Once the right to vote has been provisionally restored,~~
20 ~~the sentencing court may revoke the provisional restoration of voting~~
21 ~~rights if the sentencing court determines that a person has willfully~~

1 failed to comply with the terms of his or her order to pay legal
2 financial obligations.

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

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

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12 ~~the person whose provisional voting rights have been revoked, the~~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

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

20 ~~(5))~~ At least ~~((twice a year))~~ once a month, the secretary of
21 state shall compare the list of registered voters to a list of
22 ~~((felons))~~ persons who are not eligible to vote as provided in
23 subsection~~((s))~~ (1) ~~((and (3))~~ of this section. If a registered
24 voter is not eligible to vote as provided in this section, the
25 secretary of state or county auditor shall confirm the match through
26 a ~~((date of birth))~~ comparison of at least one of the following: Date
27 of birth, last known address and county of residence, driver's
28 license number, or the last four digits of the social security
29 number, and suspend the voter registration from the official state
30 voter registration list. The secretary of state or county auditor
31 shall 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 ~~((under the authority))~~ serving a sentence of total confinement under
34 the jurisdiction of the department, a notice of the proposed
35 cancellation and an explanation of the requirements for
36 ~~((provisionally and permanently))~~ restoring the right to vote and
37 reregistering. To the extent possible, the secretary of state shall
38 time the comparison required by this subsection to allow notice and
39 cancellation of voting rights for ineligible voters prior to a
40 primary or general election.

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

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

5 ~~(b) A court order restoring the right, as provided in RCW~~
6 ~~9.92.066;~~

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

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

11 ~~(7)) (3) For the purposes of this section, ((a person is under~~
12 ~~the authority of the department of corrections if the person is:~~

13 ~~(a) Serving)) a sentence of total confinement ((in the custody of~~
14 ~~the department of corrections; or~~

15 ~~(b) Subject to community custody as defined in RCW 9.94A.030))~~
16 ~~does not include confinement imposed as a sanction for a community~~
17 ~~custody violation under RCW 9.94A.633(1).~~

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

20 For all voter registrations, the registrant shall sign the
21 following oath:

22 "I declare that the facts on this voter registration form are
23 true. I am a citizen of the United States, I will have lived at this
24 address in Washington for at least thirty days immediately before the
25 next election at which I vote, and I will be at least eighteen years
26 old when I vote~~((7))~~. I ~~((am not disqualified from voting due to a~~
27 ~~court order, and)) have not been judicially declared mentally~~
28 ~~incompetent, I am not ((under)) currently serving a sentence of total~~
29 ~~confinement under the jurisdiction of the department of corrections~~
30 ~~((supervision)) for a Washington felony conviction, and I am not~~
31 ~~currently incarcerated for a federal or out-of-state felony~~
32 ~~conviction."~~

33 **Sec. 3.** RCW 29A.40.091 and 2019 c 161 s 3 are each amended to
34 read as follows:

35 (1) The county auditor shall send each voter a ballot, a security
36 envelope in which to conceal the ballot after voting, a larger
37 envelope in which to return the security envelope, a declaration that

1 the voter must sign, and instructions on how to obtain information
2 about the election, how to mark the ballot, and how to return the
3 ballot to the county auditor.

4 (2) The voter must swear under penalty of perjury that he or she
5 meets the qualifications to vote, and has not voted in any other
6 jurisdiction at this election. The declaration must clearly inform
7 the voter that it is illegal to vote if he or she is not a United
8 States citizen; it is illegal to vote if he or she (~~has been~~
9 ~~convicted of a felony and has not had his or her voting rights~~
10 ~~restored~~) is serving a sentence of total confinement under the
11 jurisdiction of the department of corrections for a felony conviction
12 or is currently incarcerated for a federal or out-of-state felony
13 conviction; and it is illegal to cast a ballot or sign a ballot
14 declaration on behalf of another voter. The ballot materials must
15 provide space for the voter to sign the declaration, indicate the
16 date on which the ballot was voted, and include a telephone number.

17 (3) For overseas and service voters, the signed declaration
18 constitutes the equivalent of a voter registration. Return envelopes
19 for overseas and service voters must enable the ballot to be returned
20 postage free if mailed through the United States postal service,
21 United States armed forces postal service, or the postal service of a
22 United States foreign embassy under 39 U.S.C. 3406.

23 (4) The voter must be instructed to either return the ballot to
24 the county auditor no later than 8:00 p.m. the day of the election or
25 primary, or mail the ballot to the county auditor with a postmark no
26 later than the day of the election or primary. Return envelopes for
27 all election ballots must include prepaid postage. Service and
28 overseas voters must be provided with instructions and a privacy
29 sheet for returning the ballot and signed declaration by fax or
30 email. A voted ballot and signed declaration returned by fax or email
31 must be received by 8:00 p.m. on the day of the election or primary.

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

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

38 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04
39 RCW to read as follows:

1 "Total confinement" has the same meaning as in RCW 9.94A.030.

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

4 (1) When a person is convicted of a felony and sentenced to a
5 term of total confinement under the jurisdiction of the department of
6 corrections, the court shall require the defendant to sign a
7 statement acknowledging that:

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

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

12 (c) The right to vote is (~~provisionally~~) automatically restored
13 as long as the defendant is not (~~under the authority~~) serving a
14 sentence of total confinement under the jurisdiction of the
15 department 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~~;

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

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

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

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

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

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

33 (2) For the purposes of this section (~~, a person is under the~~
34 ~~authority of the department of corrections if the person is~~:

35 (~~a) Serving a~~);

36 (a) A sentence of total confinement (~~in the custody of the~~
37 ~~department of corrections~~; ~~or~~

1 ~~(b) Subject to community custody as defined in RCW 9.94A.030))~~
2 does not include confinement imposed as a sanction for a community
3 custody violation under RCW 9.94A.633(1).

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

5 **Sec. 6.** RCW 2.36.010 and 2019 c 41 s 1 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

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

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

13 (b) To try a question of fact.

14 (2) "Court" when used without further qualification means any
15 superior court or court of limited jurisdiction in the state of
16 Washington.

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

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

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

25 (6) "Petit jury" means a body of persons twelve or less in number
26 in the superior court and six in number in courts of limited
27 jurisdiction, drawn by lot from the jurors in attendance upon the
28 court at a particular session, and sworn to try and determine a
29 question of fact.

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

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

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

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

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

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

19 (13) "Civil rights restored" means a person's right to vote has
20 been (~~provisionally or permanently~~) automatically restored prior to
21 reporting for jury service.

22 **Sec. 7.** RCW 72.09.275 and 2019 c 43 s 1 are each amended to read
23 as follows:

24 (1) The department shall notify an inmate, in writing, of the
25 process for (~~provisional and permanent~~) restoration of voting
26 rights, as described in RCW 29A.08.520, prior to the termination of
27 (~~authority of the department over the inmate~~) the inmate's sentence
28 of total confinement under the jurisdiction of the department of
29 corrections. The department shall also provide the inmate with:

30 (~~(1)~~) (a) A voter registration form and written instructions
31 for returning the form by mail; and

32 (~~(2)~~) (b) Written information regarding registering to vote in
33 person and electronically.

34 (2) For purposes of this section:

35 (a) A sentence of total confinement does not include confinement
36 imposed as a sanction for a community custody violation under RCW
37 9.94A.633(1).

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

1 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2021.

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