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Washington's New Voting Rights Restoration Process

The 2009 Washington Legislature passed a new law that restores the right to vote automatically to people with felony convictions when they have completed their time in prison and have served any required community custody supervised by the State Department of Corrections (DOC). Here is some information about how the new law works. If you experience problems or misunderstandings regarding the new voting rights restoration law, please contact the ACLU of Washington at 206.624.2180 or submit a request for help online at <http://www.aclu-wa.org/gethelp/>.

- Q.** I have been unable to vote due to a **Washington felony** conviction. Am I eligible to register to vote now?
- A.** If you are a) no longer in DOC custody (i.e., in prison or other DOC confinement and b) no longer on community custody with the DOC (i.e., a form of supervision/probation), your right to vote has been restored. You are eligible to register to vote and must register in order to vote.

Of course, you must meet the other requirements for a Washington voter (age, citizenship, residency). If you have questions about the other requirements to become a registered voter in Washington, please see the Secretary of State's web site, call their office, or contact your county auditor or elections office.

Under the previous law, you needed to get a court order (called a Certificate of Discharge) to restore your right to vote and your right to serve on a jury. This court order is no longer necessary to restore the right to vote. However other important legal rights are tied to a COD and you should consult an attorney to see if you still should get a COD.

Be sure to note that the restoration of the right to vote does not restore other "civil rights" such as the right to possess firearms or travel to other countries. Restoration of the right to vote does not end a person's legal obligation to register as a sex offender. You should consult an attorney if you have questions about those issues.

- Q.** How do I find out if I am on or off DOC community custody?
- A.** The best way to know for certain whether or not you are on community custody is to call the DOC. It is important to check your status before registering to vote. It is a felony to vote if you are not legally eligible to vote, so it is important to check on your status.

1) Call the DOC main office.

In-state or out-of-state offenders should contact DOC by calling 1-800-430-9674. Leave a message on the voice mail system asking whether you have an open DOC file. Be sure to include your name, your DOC number and your contact information in your message. Someone from DOC will return your call to confirm that your DOC file is open or closed.

You may also call the DOC field office that was in charge of your case. You should use the number that you use to contact your Community Corrections Officer (CCO), or call the DOC main office and ask for the number for your CCO.

Have your DOC number available if possible (especially if you have a common name – the DOC number is used to distinguish among people with the same name). Give DOC your name and date of birth, and ask them if you have an open or active file with DOC.

If the DOC receptionist says there is no open or active DOC file, you are eligible to register to vote because you are neither in DOC custody nor on DOC community custody.

2) If the DOC receptionist says there **is** an open or active DOC file, you need to investigate further.

a) Ask the DOC receptionist for the **name** of your assigned CCO, **Supervisor** for your CCO, and the **phone number** for the Community Corrections **Supervisor**.

b) Call the Community Corrections **Supervisor** and ask specifically if you are still on DOC community custody for a felony conviction.

If the **Supervisor** says that you are still on DOC community custody, then you are not eligible to register to vote.

If you are on some form of supervision other than DOC community custody (a small number of cases but still possible), you are eligible to register to vote.

When calling DOC, the CCO, or Community Corrections Supervisor, it is possible the records will show an outstanding warrant. If you are told that you have an outstanding warrant, you should contact an attorney (such as your public defender or other criminal defense attorney) right away to attempt to clear up the warrant.

NOTE: The number of persons on community custody, and the length of community custody, was reduced by **2009 legislation (Bill 5288)**. There is now a specific period of months that a person is on community custody, not a range. Many people are now receiving letters from DOC informing them they are no longer on community custody. **If you receive this letter, it means that you are now eligible to register to vote.**

Q. Is community custody the same thing as supervision?

A. It is not exactly the same thing. Some people are on “supervision” for misdemeanors, and they still have the right to vote. Also, there are some people (a small number) serving a type of DOC “supervision” which is not community custody. Some people are on “community custody” and supervised by the court, or by a misdemeanor probation service, but not under **DOC** authority – this group of persons on non-DOC community custody can still vote. Only people on community custody **under DOC authority** are ineligible to vote.

If you are being “supervised” by DOC, you should check with DOC and the supervisor in your CCO’s office to find out if you are serving a term of DOC community custody or not.

Q. What if I was convicted of a Washington felony in adult court but was never on DOC community custody?

A. Some people have to serve jail or prison time, but have no DOC community custody. They are eligible to register to vote as soon as they are released from confinement. Some people will have no jail or prison time and no DOC community custody at the time they are sentenced. They are eligible to register to vote right after their sentencing. For this small group of people only, if they were already registered before the sentencing, they do not need to re-register.

Q. Are my voting rights affected if I have a misdemeanor conviction or am on supervision for a misdemeanor or was convicted in juvenile court of either a felony or misdemeanor?

A. **No.** A person does not lose the right to vote when convicted of a misdemeanor. You are eligible to register to vote if you have been convicted only of misdemeanors. People who are on community custody for a misdemeanor are still eligible to register to vote; their voting rights were not lost.

A person also does not lose the right to vote when convicted **in juvenile court**, regardless of whether the conviction was for a misdemeanor or felony.

Q. I was convicted of a crime that I committed when I was a juvenile but was charged and convicted in adult court. Did I lose my right to vote?

A. Yes. A person who was convicted of a felony that was committed when he was under the age of 18 does lose the right to vote if the prosecution and conviction occurred in “adult” Superior Court. The right is restored when the person is no longer under the authority of DOC.

Q. What if I am in jail but not incarcerated in DOC custody?

A. People serving a sentence in a county jail or work release facility are eligible to vote unless they are also under the authority of DOC for a felony conviction. Some people in jail are also serving a term of DOC community custody; so if you have multiple convictions, it is important to check your supervision status before you register to vote.

Q. I lost my right to vote because I was convicted of a felony in another state, but now I am out of custody and living in Washington state. Am I eligible to register to vote now?

A. Yes, you are eligible to register to vote if you had a felony conviction from another state as long as you are not currently in prison as a result of that conviction.

Q. I was convicted of a felony in federal court but have been released from prison and am now living in Washington state. Am I eligible to register to vote?

A. Yes, you are eligible to register to vote if you had a federal conviction so long as you are not currently in prison.

Q. I talked to someone who said that if I have an out-of-state or federal felony conviction, I need to appear before the Washington state Clemency and Pardons Board to ask for my rights to be restored. Is this true?

A. Previously, Washington residents with federal or out of state felony convictions could only get their voting rights restored in Washington by petitioning the Governor's Clemency and Pardons Board. Under the new law that took effect in July 2009, it is no longer necessary to appear before this board in order to restore voting rights for out-of-state or federal convictions.

Q. I want to vote, but I still have court fines or restitution or other "legal financial obligations" which are also known as "LFOs." Do I have to pay these off before I can vote?

A. No, you are eligible to register to vote under the bill as soon as you are out of DOC custody and off DOC community custody, even if you still owe court fines, restitution or other LFOs.

However, even though your right to vote is restored, you are still legally obligated to pay all of your LFOs and to comply with the payment schedule. If you miss 3 scheduled LFO payments in a year, a court **may** revoke your right to vote. This is a provision of the new law and it is unclear how it will work in practice.

The courts have created new forms for these proceedings which you can download here.

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=43>

Because this is a new legal proceeding, there may be confusion in the courts over how to apply the new law. If you are notified that the court intends to revoke your right to vote for failure to pay your LFOs, please contact the ACLU help line at 206.624.2180 or submit a complaint through our web site at <http://www.aclu-wa.org/gethelp/>

Q. I want to vote and have completed all sentence requirements, except there is still a **no contact order** in my case. Am I eligible to register to vote?

A. Yes. Under the voting rights restoration law, you are not in DOC custody nor on community custody, so you are eligible to register to vote. You may also wish to contact an attorney about another law that provides a way to obtain a Certificate of Discharge (COD) even if there is an unexpired No Contact Order (Bill 1002). There are forms to use regarding this law at

<http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=43>

Q. If I am automatically eligible to vote, will I be automatically registered with the elections office?

A. No. Even if you are eligible to vote, you cannot actually vote until you register.

There are many ways to register, including in-person at many locations (such as libraries in some counties and other government offices in some counties). The following are locations in King County where you may be able to register:

King County Elections
King County Community Service Centers
City Clerk's Office, City Halls
Seattle Community Service Centers
All branch public libraries
All public schools
Fire stations in Bellevue, Kirkland, Mercer Island, Seattle, Tukwila, Southcenter, Redmond and Renton
League of Woman Voters

You also may register when you renew your Driver's License.

And you may register on-line or update your address at www.secstate.wa.gov.

You can also look up on the Secretary of State's web site whether you are currently listed as registered. You may need to update your address. And if you have moved to a different county, you may need to re-register in the new county.

If you are already listed as a registered and active voter with a current address, you do not need to re-register and you can go ahead and vote. Be sure to check whether you are listed as an active voter rather than inactive – and if you are listed as inactive, contact

your county auditor or elections office and ask what steps are necessary to be an active registration. In King County, if you are listed as inactive, you can re-activate your registration by calling the elections office and providing your current address. Anyone who is listed as inactive can go to one of the accessible in-person voting sites on Election Day and vote, and this will activate their registration. If you move to a different county, you need to re-register in the new county.

- Q.** I was registered to vote before my felony conviction. Will my registration be automatically restored now that the new law is in effect?
- A.** Not necessarily. You need to check with the Secretary of State's office or your county elections officials to see if your registration is still listed and current.
- Q.** I believe that my voting rights have been restored. When I register to vote, do I need to bring any paperwork to prove this?
- A.** You do not need paperwork to prove that your right to vote has been restored. When you register to vote, you will be asked to sign an oath that you are not presently denied your civil rights as a result of being convicted of a felony. You must answer under penalty of perjury and it is a felony to knowingly answer falsely. If you are not sure of your eligibility to vote you should check before registering.

If you are asked about your felony conviction when you register, you need only tell the elections official that you are not in DOC custody and are not on DOC community custody. If the elections official challenges you further, please contact the ACLU help line at 206.624.2180 or submit a complaint through our web site at <http://www.aclu-wa.org/gethelp/>.

- Q.** If people at the elections office question my eligibility to vote, what should I tell them?
- A.** Ask them to let you fill out all the registration paperwork and ask them to have their supervisor review the paperwork. Ask the supervisor to get in touch with you and explain what the problem is. With this information, contact a voting rights organization (such as the ACLU or League of Women Voters) and ask for help.
- Q.** Is there a document or place I need to check to confirm that my right to vote is restored?
- A.** No, there is no longer a document confirming restoration of the right to vote (in the past, a COD did this). There is also no list of persons whose right to vote has been restored. DOC records are the only source for confirming whether a person is in DOC custody/confinement or on DOC community custody and therefore ineligible to register to vote.
- Q.** I want to vote, but I do not have a permanent residence (or I am homeless). How can I register?

- A.** The Washington Constitution doesn't require a "residence" as a condition of voting as long as a person meets all other registration requirements. (Article VI Section1)

Voters who lack a traditional residential address can register at the shelter, park, motor home, intersection, or other identifiable location they consider their residence. This location will be used to determine which precinct they will vote in. (RCW 29A.08.112 effective 2005)

Along with your residential address, you must also provide a valid mailing address. An accurate, valid mailing address is essential in order to receive ballots and election information on time. This can include a post office box, address of a friend or relative, shelter, or general delivery at a local post office.

- Q.** If I register without a permanent address, how do I know where to go to vote on Election Day?

- A.** The physical address you gave as your residence will be used to determine your precinct. All counties except Pierce now use all mail-in voting. Pierce has polling places:

<http://www.co.pierce.wa.us/xml/abtus/ourorg/aud/elections/archives/pri09/polls.pdf>

In all counties, there are locations for voting accessible to disabled persons. Check your county's elections or auditor web site for information on mailing in or sites for dropping off your ballot.

As a voter, the residential address you provide determines the issues and candidates that you can vote on. However, you can receive your elections mail at any valid mailing location you choose: a post office box, personal mailbox, college mailbox, or a military or out-of-state/out-of-country address. All elections-related materials, including your ballot, will be sent to the mailing address you provide.

- Q.** Do I need to pay anything in order to register to vote?

- A.** No. If anyone tries to make you pay to register, report it to the Secretary of State, county elections office or auditor, or the ACLU.

- Q.** Do I have to choose a political party when I register to vote?

- A.** No.

- Q.** I may have outstanding fines or criminal warrants. If I vote, could I be put in danger of being arrested?

- A.** Restoration of the right to vote does not change your risk either regarding fines owed or criminal warrants.

Q. Are government agencies checking on eligibility to vote under the new law?

A. The Secretary of State's office is required to check voter registration rolls for ineligible felons. They do this three times a year. The Office of the Secretary of State checks the names of all registered voters against the DOC list of anyone in DOC custody/confinement or on DOC community custody. If a person who is ineligible to vote is registered to vote, the person is notified by letter that the voter registration will be cancelled in 30 days. The letter provides information on how to contest the pending cancellation. If the person does not contact his or her county elections office to dispute the cancellation, the person's voter registration is cancelled at the end of the 30 days.

It is possible that some people may be erroneously identified on the list as an ineligible voter because they are on community custody – when in fact they are on community custody for a misdemeanor, or they are on some form of supervision or have an open file without actually being currently on DOC community custody. If those errors occur, the voter should challenge the error and seek correction of it.

It is also possible that a person will be challenged as ineligible when in fact he or she is eligible, due to delays in transmitting information among government agencies. If an error is made, a voter should challenge the error and seek correction of it.

Q. What are the general requirements for registration – deadlines and i.d. requirements?

A. See the Secretary of State's web site and/or county elections or county auditor web sites, or check with League of Women Voters or other voting rights organizations. Here is info from the SOS web site – it is available in several different languages:

The deadline for registering or transferring your voter registration is 29 days before an election. If you register by mail, your application must be postmarked by the 29-day cutoff or it will not become effective until after the election.

If you are not already registered to vote in Washington and you miss the 29-day deadline, you can register in person at your county elections department until eight days before the election. Contact your [County Auditor](#) for assistance and information.

Registration Requirements

You must complete a voter registration form if you are registering for the first time in Washington or if you have moved to a new county. If you have moved within the same county, you may transfer your registration by completing a new form or contacting your [County Auditor](#) by mail, email, or phone. There is no registration by political party in Washington state.

To register to vote in the state of Washington, you must be:

- A citizen of the United States
- A legal resident of Washington State
- At least 18 years old by election day

You may not register to vote if you are:

- Presently denied your civil rights due to a felony conviction.
- Judicially declared mentally incompetent and ineligible to vote.

If you meet the above criteria you can register by completing and mailing in a voter registration form.

ID is Necessary to Register

If you register by mail and do not have a Washington State driver's license, Washington State ID card, or a Social Security number, you will be required to provide one of the following items when you cast your ballot.

- Valid photo ID
- Valid tribal ID of a federally recognized Indian tribe in Washington State
- Copy of a current utility bill
- Current bank statement
- Copy of a current government check
- Copy of a current paycheck
- A government document that shows both your name and address

If you do not provide one of the above items either before or at the time of voting, your ballot will not be counted.