

RIGHTS RESTORATION IN WASHINGTON STATE

I. DISENFRANCHISEMENT AND RESTORATION PROCESSES

Who does Washington disenfranchise?

Washington State disenfranchises all people with felony convictions while they are incarcerated and while they are on probation and parole.¹²⁵

What is Washington State's restoration process for people with felony convictions?

Voting rights are automatically restored after a person is no longer under the authority of the Department of Corrections (including probation and parole).

Is payment of all legal financial obligations (LFOs) required before rights restoration?

LFOs do not have to be completely paid before rights are restored, but if a person willfully defaults on LFO payments, voting rights may be revoked.¹²⁶

What state resources are available to assist people in registering in vote?

The Secretary of State's webpage lists a DOC phone number that people can call to check their DOC status. There are no other known resources.¹²⁷

II. IMPACT

How many people are directly impacted by disenfranchisement and mass incarceration?

As of 2016, Washington State's felony disenfranchisement laws disenfranchised 0.87% of its population and 3.71% of the African American population.¹²⁸

Who are the impacted people?

As of June 30, 2019, 21,364 people were on probation, parole, or other supervision. Washington State incarcerated its people at the following rates:¹²⁹

	Number Total	White	Black	Asian	Native	Other
Incarcerated	19,328	69.8%	17.8%	4.1%	5.4%	3.0%

Though Black people in Washington State only make up 4.1% of the population,¹³⁰ they represent 17.8% of the incarcerated population.

III. STRATEGIES TO EXPAND RIGHTS RESTORATION

What are key legal and policy rights restoration strategies tried as of February 2020?

	Legislation	Litigation	Executive Order	Ballot Initiative	Administrative Advocacy
Measures Attempted in the State	✗	✗			

Legislation

In the 2020 session, legislators are considering SB 5076, which would allow people on community supervision to vote and remove revocation of voting rights for willfully defaulting on LFOs. The bill was referred to committee for a second reading.

In 2019, the legislature passed SB 5207, which requires the Department of Corrections to provide each person released from prison with written notice of their voting rights and a voter registration form.

In 2009, the legislature passed HB 1517 to eliminate LFOs as a condition of restoration of civil rights for those no longer under control of the DOC.

Litigation

Madison v. Washington (2004)¹³¹ — A challenge to the state’s law that conditioned the restoration of voting rights on a person’s payment of all LFOs. The King County Superior Court of Washington struck down the provision which conditioned the right to vote on the payment of LFOs. The Washington Supreme Court, however, ultimately upheld the law on appeal.

Farrakhan v. Gregoire (1996)¹³² — A challenge to felony disenfranchisement as a violation of the Voting Rights Act of 1965. The Ninth Circuit initially held that the law violated Section 2 of the VRA, but upon en banc rehearing, the Ninth Circuit determined the law did not violate the VRA because there was no evidence of initial discrimination in the state’s criminal legal system.

What is the process for bringing forward a ballot initiative in Washington?

Citizen: Citizens can initiate legislation as either a direct state statute or an indirect state statute, but they do not have the power to initiate constitutional amendments.¹³³

Legislative: Only the Washington State legislature can place constitutional amendments on the ballot with a two-thirds supermajority vote in each chamber.

IV. KEY ISSUES/WHERE THE FIGHT IS

Washington does not allow people on community supervision (probation and parole) to vote. The state legislature is currently considering a proposed bill to expand the restoration of voting rights to include those on community supervision. The bill also contains a provision that would prevent voting rights from being revoked for willfully failing to pay LFOs.¹³⁴

