

Voting Rights for People with Felony Convictions in Washington State

Frequently Asked Questions

Individuals with adult felony convictions have their right to vote restored **automatically** once they have completed incarceration and any required Washington State Department of Corrections (DOC) community custody. The right to vote is restored *even if the person still owes court fines, restitution, or other legal financial obligations (LFOs)*.

This pamphlet addresses some common questions regarding the voting rights of individuals with felony convictions. If you experience any problems trying to register to vote or receive misinformation about the law from a government official, **please contact the ACLU of Washington at 206.624.2180 or submit a request for help online at www.aclu-wa.org/gethelp**.

Losing the Right to Vote

Q. What type of convictions could affect my voting rights?

A. A person may lose the right to vote when convicted of a felony in adult court. This right is restored however, when a person is no longer under the authority of the DOC.

Q. Are my voting rights affected if I have a misdemeanor conviction or am on supervision for a misdemeanor?

A. No. Misdemeanors do not impact your right to vote. You are eligible to vote if you have only been convicted of a misdemeanor and/or are on supervision for a misdemeanor.

Q. What about felony convictions in juvenile court?

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

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.

Restoring the Right to Vote

Q. When is my right to vote restored?

A. Your right to vote is restored **automatically** upon meeting the following conditions:

- If you were convicted of a felony in a Washington State adult court, your right to vote is **automatically restored** as soon as you are no longer under the authority of the Department of Corrections (DOC). This means that once you have completed any required incarceration and/or DOC community custody, your right to vote has been restored.
- If you were convicted of a felony in another state or federal court, your right to vote is **automatically restored** once you are no longer in jail or prison.

Your right to vote is restored **automatically**. You **do not** need a certificate of discharge (COD) to have your voting rights restored. However, in order to vote, you must also meet the other requirements for voting in Washington, like age, citizenship, and residency, and you **must register to vote**. See the next section for more information about voter eligibility requirements in Washington and how to register.

Q. What if I still owe court fines, restitution, or other legal financial obligations (LFOs)?

A. **You do not need to pay off your LFOs to vote.** You are still legally obligated to pay all of your LFOs and to comply with the payment schedule. However, your right to vote is not automatically lost for failure to pay LFOs. You do not lose the right to vote for failure to pay LFOs unless a court determines that you have intentionally failed to pay your LFOs and the court issues an order revoking your right to vote.

- **If you receive a notice that a court or prosecutor 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 website at www.aclu-wa.org/gethelp.**

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 a felony to vote if you are not legally eligible to vote, so it is important to check on your status before registering to vote.

You can contact DOC by calling 1-800-430-9674 on Monday through Friday, 8 am – 5 pm. Leave a message on the voice mail system asking whether you have an “open” or “active” DOC file. Be sure to include your name, DOC number if possible (especially if you have a common name as a DOC number is used to distinguish among people with the same name), and your contact information in your message. Someone from DOC will return your call to confirm that your DOC file is open or closed.

- a) If the DOC says you do not have an open or active DOC file, you are eligible to register to vote because you are neither in DOC custody nor on DOC community custody.
- b) If the DOC says you do have an open or active DOC file, ask for the name and phone number of your Community Corrections Officer’s (CCO’s) Supervisor. (You may also ask for the name of your CCO if you do not know it). Call the CCO 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 your supervisor says that ***you are not*** on community custody, you are eligible to register to vote.

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

Q. Is community custody the same thing as supervision?

A. Not exactly. For example, some people are on "supervision" for misdemeanors, and they still have a right to vote. Additionally, 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 (or incarcerated for an adult felony conviction) are ineligible to vote.** If you are under any type of "supervision" 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. I called the DOC and I found out I am no longer under the authority of the DOC. Do I need to make a request to have my voting rights to be restored?

A. No. **Your voting rights are restored automatically.** A COD is not required to vote.

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). If you are no longer incarcerated and are not on DOC community custody, your voting rights are restored, and you are eligible to register to vote.

Q. If I have my voting rights, should I still try to get a certificate of discharge (COD)?

A. You do not need a certificate of discharge to register to vote. A COD has important benefits beyond restoring the right to vote. For example, if you want to vacate your felony criminal record for background check purposes, getting a COD "starts the clock" on a waiting period that must occur before you ask the court to vacate your records. **If you have questions about vacating your conviction, please feel free to call the ACLU at 206.624.2180.**

Q. I want to vote and have completed all sentence requirements, but 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, as long as you are not in DOC custody or on community custody, 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. There are forms to use regarding this law at: www.courts.wa.gov/forms/?fa=forms.contribute&formID=43.

Q: Can my right to vote be revoked after it is restored?

A. If you are convicted of another felony offense, you will lose the right to vote again until you have completed the new term of incarceration and any new required period of community custody. A court or prosecutor may threaten to revoke your right to vote for failure to pay LFOs.

- **If you receive a notice that a court or prosecutor 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 website at www.aclu-wa.org/gethelp.**

Registering to Vote

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 vote until you register.** There are many ways to register, including in person at county auditor or elections offices and in many other locations, including government offices such as the Department of Licensing (DOL), Department of Social and Health Services (DSHS), and often local schools, libraries, and firehouses. You can also register online at www.sos.wa.gov, through the My Vote app on a smartphone, via mail, or with organizations like the League of Women Voters.

Secretary of State's office

www.sos.wa.gov
360.902.4151

You can also find the contact information for your local elections office at:
<https://www.sos.wa.gov/elections/viewauditors.aspx> or by calling the Secretary of State.

League of Women Voters

www.lwwva.org
206.622.8961
Toll Free: 800.419.2596

Q. What if I was registered to vote before my felony conviction?

A. Even if you were registered to vote before your felony conviction, **you will still likely need to re-register.** You can check with the Secretary of State's office or your county elections officials to see if your registration is still listed and current. You can also look up on the Secretary of State's website whether you are currently listed as registered. In checking your registration status, be sure to also check whether you are listed as an active voter rather than inactive. If you are listed as inactive, contact your county auditor or elections office and ask what steps are necessary to activate your registration.

Even if you are registered to vote and your registration is active, you may need to update your address. If you have moved to a different county, you may need to re-register in the new county

as well. If you have moved within the same county, you can transfer your registration by completing a new form or contacting your county auditor by mail, email, or phone. 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.

Q. What are the general requirements for registration, and how do I register to vote?

A. In order to register 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
- Not under the authority of DOC; and
- Not disqualified from voting due to a court order (e.g., some guardianships).

If you meet the above criteria, you can register by completing a voter registration form in person, online, or via mail. You will need to provide a valid mailing address in order to receive your ballot.

Q. What if I am homeless or lack stable housing—can I still register?

A. Yes! 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, Section 1). **Being homeless or without stable housing does not affect your right to vote.**

When you register to vote, however, you will be required to provide two addresses:

- 1. A residential address
 - This can be the name or address of a shelter, park, motor home, intersection, or some other identifiable location where you spend most of your time. This location will be used to determine which precinct you will vote in.
- AND
- 2. A mailing address
 - You can receive your elections mail at any valid mailing location you choose. A mailing address could include a post office box, address of a friend or relative, shelter, or general delivery at a local post office. The mailing address is where all election-related material, including your ballot, will be sent. An accurate, valid mailing address is essential in order to receive ballots and election information on time.
 - If your mailing addresses changes and you don't update it before the registration deadline, you can contact your local elections office for a ballot.

While Washington is an "all-mail" voting state, each county has ballot drop-off locations where you can turn in your ballot without postage. Each county also offers accessible voting locations for individuals with disabilities. Check with your county auditor or elections office for more information.

Q. Do I need an ID to register to vote?

A. No, **you do not need an ID to register to vote.**

- You will need a current Washington State driver's license or a current Washington State ID card to register online.
- However, if registering by mail or in person, you can use a current Washington State driver's license, a current Washington State ID card, or your Social Security number.
- **You can still register if you do not have one of these forms of identification.** You will just be required to provide one of the following items *before 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

It's important that you provide one of the above items before or at the time of voting; if you do not, your ballot will not be counted. Please contact the Secretary of State's office or your local elections office if you have any questions about registration.

Q. If my voting rights have been restored following a felony conviction, do I need to bring any paperwork to prove this when I register or vote?

A. No, 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 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.

Q. If people at the elections office question my eligibility to vote, what should I tell them?

A. 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 not on DOC community custody and therefore your right to vote has been restored. If the elections official challenges you further, ask them to let you fill out all of the registration paperwork and to have their supervisor review your paperwork. Ask the supervisor to get in touch with you and explain what the problem is. If you experience any problems or misunderstandings with registering to vote because of a felony conviction, **call the ACLU at 206.624.2180 or submit a complaint through our website at www.aclu-wa.org/gethelp.**

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, and/or the ACLU.

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

A. No.

Q. Are there any deadlines for registration?

A. Yes. You should check with the Secretary of State, your county elections office or county auditor, the League of Women Voters, or other voting rights organizations for official deadlines for each election.

Generally, 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 miss the 29-day deadline, you can still register in person at your county elections department until 8 days before the election. Contact your county auditor for assistance and information about this process.

Q. Will my personal information be made public if I register to vote?

A. Generally, your name, address, gender, and date of birth will be public information. There is an Address Confidentiality Program (ACP) which assists certain crime victims (specifically victims of domestic violence, sexual assault, trafficking and stalking, and certain criminal justice employees who have been targets of felony harassment on the job or due to the job) who have relocated to avoid further abuse. Information about this program can be found at www.sos.wa.gov/acp.

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

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

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

A. The Secretary of State's office is required to check voter registration rolls for ineligible felons. They do so 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 to have it corrected.

Q. What type of assistance or accommodations are available for individuals with disabilities?

A. In addition to accessible ballot drop-off locations, each county should also have an accessible voting location (AVL) where individuals can cast a ballot in person. These locations offer lap paddles, sip-and-puff devices, as well as audio, and large and high-contrast text options. Individuals voting at these locations must show a photo ID or sign a declaration. A friend or relative can assist an individual with a disability fill out a ballot as long as the vote cast reflects the voter's choices rather than the assistant's.

Accessible formats of voters' pamphlets and other important information are available online, and voters may request to receive copies on CD or USB drive. Voters can also receive a fully accessible e-ballot online that can be returned by mail using MyBallot.

Voters with disabilities may request other reasonable accommodations or assistance by contacting their county elections department.