

Felons and Voting Rights

[« Back](#)[Español](#) | [汉语](#)

[State law](#) requires the Secretary of State's Office to screen the list of registered voters for convicted felons who have not yet had the right to vote restored. The Secretary of State's Office recently conducted a preliminary search using information provided by the [Department of Corrections](#). Each voter identified in this search has been sent a [letter](#) explaining that:

- The right to vote is lost upon conviction of a felony, until the right is restored;
- The person to whom the letter has been addressed is possibly ineligible to vote due to a felony conviction; and
- The person's voter registration will be cancelled in 30 days unless he or she contacts his or her [county elections office](#) to dispute the information.

A [flyer](#) was also provided with the letter explaining voting rights for felons. Voters who receive this letter are encouraged to contact their [county elections office](#) if there has been an error in identity, felon status, or rights restoration. For more information on the hearing process, [click here](#).

The requirements for getting the right to vote restored are under debate in a pending lawsuit called *Madison v. State*. This lawsuit is further explained below:

Felon Voting Litigation *Madison v. State*

On March 27, 2006, King County Superior Court issued a memorandum opinion in a case called *Madison v. State* concluding that felons who are unable to pay their legal financial obligations, and do not have any other conditions of the sentence remaining, should be eligible to vote. [March 27 Memorandum Decision](#). This ruling modifies state law, which requires a felon to complete all requirements of the felony sentence, including financial obligations, in order to get the right to vote restored. [9.94A.637](#).

On April 21, 2006, King County Superior Court issued the final order. The final order states:

Washington's law regarding disenfranchisement of felons following a felony conviction is invalid as to all felons who have satisfied the terms of their sentences except for paying legal financial obligations, and who, due to their financial status, are unable to pay their legal financial obligations immediately.

[April 21 Superior Court Order](#).

Given the wide-reaching implications of this ruling, and the challenges to enforcement, the State immediately filed a Notice of Appeal seeking direct review by the Washington State Supreme Court. [April 21 Notice of Appeal](#). The State's Motion for Stay [April 21 Motion for Stay](#) was denied on May 4, 2006. [Commissioner's Ruling](#). The Washington State Supreme Court heard oral argument on the appeal of this case on June 27, 2006. The Court has not yet issued an opinion.

The King County ruling reinstates the right to vote to "all felons who have satisfied the terms of their sentences except for paying legal financial obligations, and who, due to their financial status, are unable to pay their legal financial obligations immediately."

Below, please find a description of the previous law provided by statute, RCW 9.94A.637:

Felony Disqualification

You lost the right to vote if you were convicted of a felony in either state or federal court. The only exception is if you were convicted in Maine or Vermont. In Washington, you do not lose the right to vote if you were convicted in juvenile court or if you were convicted of a misdemeanor.

To be eligible to register to vote and participate in elections, you must be at least 18 years of age, a citizen of the United States of America, and not presently denied the right to vote as a result of a felony conviction or mental incompetence. Registering to vote when you are not eligible is a class C felony punishable by up to five years in prison and a \$10,000 fine.

Getting the Right to vote Restored

In Washington, there are several ways you can get the right to vote restored. What you need to do to get your right to vote restored depends on **where** and **when** you were convicted. The following information explains the different processes.

How can I get my right to vote restored if I was convicted by a Washington state court for a crime committed after July 1, 1984?

If you completed all requirements of your sentence, including fines, restitution and other costs, while still in Department of Corrections (DOC) custody or under DOC supervision, DOC will notify the sentencing court that all terms of the sentence have been completed. The court will then issue a certificate of discharge, which restores your right to vote and makes you eligible to register. Your right to serve on a jury, sign initiatives, and run for office is also restored. The certificate does not restore the right to possess firearms and does not clear your conviction for purposes of your criminal history or an employment background check. A copy of the certificate of discharge should be mailed to your last known address.

Prior to 2003, DOC was in charge of collecting fines, restitution and costs. If DOC terminated supervision before these expenses had been paid, there was no way to restore the person's right to vote without a pardon. In 2003, the Legislature changed the law so that DOC could terminate supervision and transfer responsibility for collecting fines, restitution and other costs to the clerk's office in the county where convicted.

Now, if you finish paying your fines, restitution and other costs after DOC has terminated supervision, the court clerk should initiate the process for issuing a certificate of discharge, a copy of which should be mailed to your last known address.

What if I completed all the terms of my sentence and DOC has terminated supervision, but a certificate of discharge does not appear in my court file?

If you finished paying your fines, restitution and other costs, and DOC has terminated supervision, and the Superior Court has still not issued a certificate of discharge, you may petition the court to issue the certificate. For forms and additional information about the petition process, go to the website for the Washington State court system at: <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=43>.

What if I am on community supervision and was not convicted of a violent offense or a sex offense?

If you have served at least one-half of the term of community supervision and all other sentence requirements have been met, you may petition the court where convicted for a certificate of discharge. The court may consider the petition but is not obligated to issue a certificate of discharge.

How can I get my right to vote restored if I was convicted by a Washington state court for a crime committed before July 1, 1984?

You may petition the Indeterminate Sentencing Review Board to restore your right to vote if you have completed all requirements of your sentence. For more information about petitioning the Indeterminate Sentencing Review Board, go to the Board's website at: <http://www.srb.wa.gov/restorevotingrights.html> or call the Board at (360) 493-9266.

What if I received a suspended sentence instead of a prison term?

If you completed all requirements of the suspended sentence, you can petition the court of conviction for a certificate of discharge. You should check the court file first because a certificate of discharge may have been issued and placed in the court file even though you did not receive a copy.

How can I get my right to vote restored if I was convicted in Federal Court?

The Washington State Clemency and Pardons Board has the authority to restore civil rights to persons who were convicted of a felony in federal court. For more information about petitioning the Clemency and Pardons Board, call (360) 902-4111.

How can I get my right to vote restored if I was convicted of a felony in another state?

Each state has its own laws regarding the loss of the right to vote if convicted of a felony. In Maine and Vermont, you do not lose the right to vote. In every other state, persons convicted of a felony lose the right to vote for a period of time. Contact the state elections office in the state where convicted to find out how to restore the right to vote. For example, some states restore the right to vote as soon as the term of incarceration is completed. If you would be eligible to vote in the state where you were convicted, you are eligible to vote in Washington.

If the right to vote has not been restored under the laws of the state in which you were convicted, you may petition the Washington State Clemency and Pardons Board for an order restoring your right to vote. For more information about petitioning the Clemency and Pardons Board, call (360) 902-4111.

Pardons

If you were pardoned by the Governor or the President, the pardon restores your right to vote.

Additional Links

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- ★ E-mail Notifications (Listserv)
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- ★ History of the State Legislature

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- ★ Congress - the Other Washington
- ★ TV Washington
- ★ Washington Courts
- ★ OFM Fiscal Note Website



[RCWs](#) > [Title 29A](#) > [Chapter 29A.08](#) > [Section 29A.08.520](#)

[29A.08.515](#) << [29A.08.520](#) >> [29A.08.540](#)

RCW 29A.08.520**Felony conviction — Restoration of voting rights.**

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list. If a person is found on a felon list and the statewide voter registration list, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The canceling authority shall send to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote once all terms of sentencing have been completed. If the person does not respond within thirty days, the registration must be canceled.

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

- (a) A certificate of discharge issued by the sentencing court, as provided in RCW [9.94A.637](#);
- (b) A court order restoring the right, as provided in RCW [9.92.066](#);
- (c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW [9.96.050](#); or
- (d) A certificate of restoration issued by the governor, as provided in RCW [9.96.020](#).

[2005 c 246 § 15; 2004 c 267 § 126; 2003 c 111 § 233. Prior: 1994 c 57 § 42. Formerly RCW [29.10.097](#).]

Notes:

Effective date -- 2005 c 246: See note following RCW [10.64.140](#).

Effective dates -- 2004 c 267: See note following RCW [29A.08.651](#).

Severability -- Effective date -- 1994 c 57: See notes following RCW [10.64.021](#).

Restoration of civil rights: RCW [9.92.066](#), [9.94A.637](#), [9.94A.885](#), [9.95.260](#), chapter [9.96](#) RCW.