

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2030 HB	<b>Title:</b> Voting rights/convictions
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	4,300	4,300	4,300	.0	0	0	0	.0	0	0	0
Office of the Secretary of State	.0	21,000	21,000	21,000	.0	0	0	0	.0	0	0	0
Office of the Secretary of State	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Corrections	Fiscal note not available											
<b>Total \$</b>	<b>0.0</b>	<b>25,300</b>	<b>25,300</b>	<b>25,300</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

# Estimated Capital Budget Breakout

<b>Prepared by:</b> Cheri Keller, OFM	<b>Phone:</b> (360) 584-2207	<b>Date Published:</b> Final 1/16/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2030 HB	<b>Title:</b> Voting rights/convictions	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years					
<b>Account</b>					
General Fund-State 001-1		4,300	4,300		
State Subtotal \$		4,300	4,300		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					

### Estimated Capital Budget Impact:

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Connor Schiff	Phone: 360-786-7093	Date: 01/09/2024
Agency Preparation: Chris Conn	Phone: 360-704-5512	Date: 01/11/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/11/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/11/2024

189,702.00

Form FN (Rev 1/00)

1

Request # 68-1

Bill # 2030 HB

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill amends the definition of “infamous crime” within RCW 29A.04.079. A person’s right to vote is revoked by criminal conviction only if convicted of an infamous crime. Right to vote for those convicted of a infamous crime is automatically restored if not serving a sentence of total confinement.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

FISCAL IMPACT TO THE ADMINISTRATIVE OFFICE OF THE COURTS

For Sections 1, the cost would be \$4,300 based on the following assumptions:

Legal Services Senior Analyst. Beginning July 1, 2024 through June 30, 2024, AOC would require salary, benefits, and associated standard costs for 0.02 FTE to update / revise forms and benchbooks.

## Part III: Expenditure Detail

### Part III: Expenditure Detail

#### III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Wages		2,500	2,500		
Employee Benefits		800	800		
Professional Service Contracts					
Goods and Other Services		100	100		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements		900	900		
<b>Total \$</b>		<b>4,300</b>	<b>4,300</b>		

#### III. B - Expenditure By Object or Purpose (County)

NONE

#### III. C - Expenditure By Object or Purpose (City)

NONE

#### III. D - FTE Detail

NONE

#### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

189,702.00

Form FN (Rev 1/00)

NONE

**IV. B1 - Expenditures by Object Or Purpose (State)**

NONE

**IV. B2 - Expenditures by Object Or Purpose (County)**

NONE

**IV. B3 - Expenditures by Object Or Purpose (City)**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

None

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2030 HB	<b>Title:</b> Voting rights/convictions	<b>Agency:</b> 085-Office of the Secretary of State
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	0	21,000	21,000	0	0
<b>Total \$</b>	0	21,000	21,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Connor Schiff	Phone: 360-786-7093	Date: 01/09/2024
Agency Preparation: Bonnie Luntzel	Phone: 360-570-5575	Date: 01/12/2024
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 01/12/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/12/2024

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Section 3(2) would amend 29A.08.520 by requiring the Office Secretary of State (OSOS) at least once a month, to compare the list of registered voters to the list of people convicted of an infamous crime, in a Washington State Court. There is no fiscal impact to OSOS.

(RCW 29A.04.079 defines an infamous crime as: An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state or federal correctional facility. Neither an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor a conviction for a misdemeanor or gross misdemeanor, is an "infamous crime.")

Section 4 would amend 29A.08.230 RCW and require an updated oath on the voter registration form, to reflect the changes of this bill, as proposed by the legislature.

Section 5(4) would amend 29A.08.810 by changing the challenge criteria from "felony" to "infamous crime". The OSOS assumes that it would have no fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Partially indeterminate impact

Section 4 the OSOS assumes that it would be required to print 100,000 new voter registration forms with the updated oath, for a total fiscal impact of \$11,100. This would be a one-time expenditure because future voter registration forms would be printed with the updated oath.

Section 6(2) the proposed legislation would require a revised declaration that the voter must sign. For context, some counties may procure envelopes in bulk to reduce per piece cost, but this inventory, if any, would need to be reprinted. The fiscal impact of reprinting envelopes would be prorated by the counties to the OSOS through election cost reimbursement for the odd-year election in 2023 (FY 2024). Moreover, the proposed legislation's expenditure impact on the OSOS would be indeterminate until additional information is available to determine the total number of envelopes each county would need to reprint (if any), the number of offices and issues on the ballot for the state and each jurisdiction, and the cost to reprint the envelope inventory. The OSOS assumes this expenditure impact would be one-time, as future envelopes would be printed with the updated declaration. Furthermore, due to the change of language of the declaration that would be printed on the ballot envelope, there would be an indeterminate increase in the state's prorated share of election cost based on the need of the auditor's office to replace approximately two years' worth of envelope inventory.

In an effort to educate Washingtonians about this change in voter eligibility, the OSOS would be required to update the Felony Conviction and Voting Rights Restoration brochure in four languages, namely English, Spanish, Chinese and Vietnamese, in addition to other outreach materials to the state's prison facilities. This fiscal impact on OSOS is estimated to be \$10,000.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	21,000	21,000	0	0
<b>Total \$</b>			0	21,000	21,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		21,000	21,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	21,000	21,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2030 HB

Title: Voting rights/convictions

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities:
- Counties: County auditors would experience indeterminate but likely substantial impacts resulting from the proposed legislation that would change the oath that is printed on ballot envelopes, and would allow or restore voting rights to incarcerated individuals not convicted of crimes punishable by death.

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

## Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs: County auditors would experience indeterminate but substantial one-time ballot reprinting costs in 2025.

Legislation provides local option:

Key variables cannot be estimated with certainty at this time: Number of people that would have their right to vote restored; which agency would perform voter notification, education and registration; the address incarcerated individuals will use on their voter registration if they register to vote.

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/16/2024
Leg. Committee Contact: Connor Schiff	Phone: 360-786-7093	Date: 01/09/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/16/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/16/2024

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

The proposed legislation would allow people convicted of crimes to retain their right to vote unless they are convicted of a crime punishable by death. People whose right to vote was revoked due to a conviction would have their right to vote restored so long as their conviction is not punishable by death.

Sec. 1 would amend RCW 29A.04.079. People convicted of felonies not punishable by death would have the right to vote, including people serving a sentence in total confinement. Currently, a person with a felony conviction has their right to vote revoked while serving a sentence of total confinement, but that right to vote is restored when they are no longer incarcerated.

Sec. 2 adds a new section to chapter 29A.08 RCW. People who have had their right to vote revoked due to a criminal conviction would have their right to vote restored so long as their crime is not considered a crime punishable by death.

Sec. 3 amends RCW 29A.08.520 to require people who have had their right to vote restored under Section 2 of this act to register to vote prior to voting. Additionally, a person convicted of an “infamous crime” in Washington state whose right to vote was automatically restored would also be required to register to vote before voting.

Sec. 4 would amend RCW 29A.08.230 to change the oath voters are required to sign on their voter registrations.

Sec. 5 would amend RCW 29A.08.810 to change the requirements to challenge a person’s right to vote.

Sec. 6 would amend RCW 29A.40.091. The declaration that a voter must sign would be amended to reflect the changes proposed by this legislation.

Sec. 7 would amend RCW 29A.68.020 so that the proposed legislation is reflected in causes that may be asserted by a registered voter to:

- challenge an elected candidate’s right to assume office
- challenge the right of a candidate to appear on the general election ballot after a primary, or
- challenge certification of an election on any measure.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

County auditors would experience indeterminate but likely substantial impacts resulting from the proposed legislation that would change the oath that is printed on ballot envelopes, and would allow or restore voting rights to incarcerated individuals not convicted of crimes punishable by death.

Please note that the Washington State Association of County Auditors (WSACA) reports that it is not possible for 33 of 39 counties to reprint ballot envelopes for the 2024 primary and general election because there is not enough time for it to be done.

#### **BALLOT ENVELOPE COSTS:**

The majority of counties (33 of 39 counties) would experience indeterminate but likely substantial impacts resulting from the proposed legislation that would change the oath that is printed on ballot envelopes. WSACA notes that county elections offices often experience supply chain issues with envelopes. Because counties cannot run out of election envelopes, 33 counties have sufficient stock on hand to conduct at least the current year’s elections. The other six counties use a print-as-they-go method for ballot envelope printing and mailing.

2024:

Reprinting ballot envelopes for the 2024 primary and general election is not possible, according to WSACA, because the envelopes could not be printed in time.

2025:

Additionally, WSACA reports that most counties will have also already printed their ballot envelopes for the 2025 elections. Those counties would experience indeterminate but likely substantial envelope re-printing costs. The cost of re-printing ballot envelopes is not known at this time, so the cost estimate is indeterminate until additional information is available.

2026:

Starting in 2026 and beyond, WSACA anticipates envelopes would be printed with the updated oath, so the additional expenditure impacts would be significantly diminished if not eliminated.

Variance:

Price per ballot envelope varies by county because counties use different sizes of ballot envelopes. Some use standard, others use custom, causing the price per envelope to vary. Therefore, the price per envelope is indeterminate until additional information becomes available.

#### VOTER NOTIFICATION, EDUCATION, AND REGISTRATION COSTS:

County election offices could experience indeterminate but potentially substantial impacts if they are expected to provide voter notification, education and registration to incarcerated individuals who would have their right to vote restored by the bill.

The bill is silent on how affected voters would be notified that their right to vote has been restored, and educated on how to participate in the next election. Because the bill does not require county election offices to perform voter notification, education or registration, the potential cost impact of these duties is indeterminate but potentially substantial to counties in which facilities are located if auditors are expected to perform these duties. Furthermore, these impacts may or may not be limited to those where state facilities are located. It is unknown what counties' share of these costs will be and what would be borne by Department of Corrections or other entities.

Notification:

Washington Association of Sheriffs and Police Chiefs (WASPC) anticipates 2,490 currently sentenced and confined individuals in jails would have their right to vote restored by the bill. WASPC also points out that most jail administrators would send an incarcerated person's request to vote to the county auditor. The jail administrator would then expect the auditor to determine if the person is eligible to vote, potentially creating substantial work for counties.

Education:

Regarding voter education in jails, WASPC notes that they do not want sheriffs, their designees, or jails that report to other elected officials (county or city councils) to instruct incarcerated people on voting. They would rely on auditors to provide voter education, but the bill would not require auditors to perform this duty, so the voter education impact to county auditors is indeterminate until voter education duties are clarified.

Registration:

County election offices could experience indeterminate impacts resulting from new voter registrations. The bill does not specify if affected voters would register under their last known residential address prior to incarceration, or if the person would register using the address of the facility in which they are incarcerated. If voters use the facilities' addresses for their voter registrations, then small counties with large prisons or jails could see substantial increases in their number of registered voters. Because the voter registration address issue is not determined by the bill, the impact is indeterminate.

## **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The legislation would not impact local governments' revenue.

### **SOURCES:**

Washington Association of County Officials

Washington Association of Sheriffs and Police Chiefs

Washington Secretary of State's website: "Felony Convictions and Voting Rights"

Washington State Association of County Auditors