
SUBSTITUTE HOUSE BILL 2062

State of Washington

59th Legislature

2005 Regular Session

By House Committee on State Government Operations & Accountability (originally sponsored by Representatives Darneille, Nixon, Simpson, Hunt, Upthegrove, Green, Chase, Dickerson, Moeller, Flannigan, Pettigrew, O'Brien, Kagi and Santos)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to tracking the voter registration of former
2 felons; amending RCW 9.94A.637; adding new sections to chapter 29A.08
3 RCW; adding a new section to chapter 9.94A RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) Voting is part of the fabric of our democracy and, by
8 increasing voter participation, restoring the right to vote to former
9 felons both strengthens democracy and reintegrates ex felons into
10 society;

11 (b) The system for determining how, when, and where former felons
12 have their right to vote restored is contributing to uncertainty about
13 the validity of the election process and local county auditors find it
14 impossible to access clear information about this determination; and

15 (c) Washington currently denies the right to vote to all persons
16 who have not completed their terms of community custody or fully paid
17 legal financial obligations, even though they have completed all other
18 requirements of their felony sentences.

1 (2) The legislature intends to establish a clear standard for the
2 restoration of the voting rights of former felons and to institute a
3 data system in the office of the secretary of state that will provide
4 information about former felon voting rights that will be available to
5 local election officials.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW
7 to read as follows:

8 (1) Except as provided in subsection (4) of this section, the civil
9 right to vote is restored to a person convicted of a felony upon
10 completion of any term of confinement imposed under chapter 9.94A RCW.
11 Except as provided in subsection (4) of this section, this subsection
12 applies to any offender:

13 (a) Currently serving a sentence for a crime committed prior to the
14 effective date of this act; or

15 (b) Convicted, on or after the effective date of this act, of a
16 crime committed before, on, or after the effective date of this act.

17 (2) This section does not impair or alter an offender's ability to
18 obtain a certificate of discharge if eligible under RCW 9.94A.637.

19 (3) This section does not affect or prevent the enforcement of
20 legal financial obligations or the offender's obligation to comply with
21 an order issued under chapter 10.99 RCW or any other legal authority
22 that excludes or prohibits the offender from having contact with a
23 specified person, or coming within a set distance of any specified
24 location, that was contained in the judgment and sentence.

25 (4) An offender may not have his or her right to vote restored
26 under any circumstances if he or she:

27 (a) Has previously had his or her right to vote restored under
28 subsection (1) of this section; and

29 (b) Is subsequently convicted of a crime committed on or after the
30 effective date of this act.

31 **Sec. 3.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read
32 as follows:

33 (1)(a) When an offender has completed all requirements of the
34 sentence, including any and all legal financial obligations, and while
35 under the custody and supervision of the department, the secretary or
36 the secretary's designee shall notify the sentencing court, which shall

1 discharge the offender and provide the offender with a certificate of
2 discharge by issuing the certificate to the offender in person or by
3 mailing the certificate to the offender's last known address.

4 (b)(i) When an offender has reached the end of his or her
5 supervision with the department and has completed all the requirements
6 of the sentence except his or her legal financial obligations, the
7 secretary's designee shall provide the county clerk with a notice that
8 the offender has completed all nonfinancial requirements of the
9 sentence.

10 (ii) When the department has provided the county clerk with notice
11 that an offender has completed all the requirements of the sentence and
12 the offender subsequently satisfies all legal financial obligations
13 under the sentence, the county clerk shall notify the sentencing court,
14 including the notice from the department, which shall discharge the
15 offender and provide the offender with a certificate of discharge by
16 issuing the certificate to the offender in person or by mailing the
17 certificate to the offender's last known address.

18 (c) When an offender who is subject to requirements of the sentence
19 in addition to the payment of legal financial obligations either is not
20 subject to supervision by the department or does not complete the
21 requirements while under supervision of the department, it is the
22 offender's responsibility to provide the court with verification of the
23 completion of the sentence conditions other than the payment of legal
24 financial obligations. When the offender satisfies all legal financial
25 obligations under the sentence, the county clerk shall notify the
26 sentencing court that the legal financial obligations have been
27 satisfied. When the court has received both notification from the
28 clerk and adequate verification from the offender that the sentence
29 requirements have been completed, the court shall discharge the
30 offender and provide the offender with a certificate of discharge by
31 issuing the certificate to the offender in person or by mailing the
32 certificate to the offender's last known address.

33 (2) The court shall send a copy of every signed certificate of
34 discharge to the auditor for the county in which the court resides and
35 to the department. The department shall create and maintain a data
36 base containing the names of all felons who have been issued
37 certificates of discharge, the date of discharge, and the date of
38 conviction and offense.

1 (3) An offender who is not convicted of a violent offense or a sex
2 offense and is sentenced to a term involving community supervision may
3 be considered for a discharge of sentence by the sentencing court prior
4 to the completion of community supervision, provided that the offender
5 has completed at least one-half of the term of community supervision
6 and has met all other sentence requirements.

7 (4) Except as provided in subsection (5) of this section, the
8 discharge shall have the effect of restoring all civil rights lost by
9 operation of law upon conviction, except the right to vote, and the
10 certificate of discharge shall so state. An offender's right to vote
11 may only be restored under section 2 of this act. Nothing in this
12 section prohibits the use of an offender's prior record for purposes of
13 determining sentences for later offenses as provided in this chapter.
14 Nothing in this section affects or prevents use of the offender's prior
15 conviction in a later criminal prosecution either as an element of an
16 offense or for impeachment purposes. A certificate of discharge is not
17 based on a finding of rehabilitation.

18 (5) Unless otherwise ordered by the sentencing court, a certificate
19 of discharge shall not terminate the offender's obligation to comply
20 with an order (~~issued under chapter 10.99 RCW~~) that excludes or
21 prohibits the offender from having contact with a specified person or
22 coming within a set distance of any specified location that was
23 contained in the judgment and sentence. An offender who violates such
24 an order after a certificate of discharge has been issued shall be
25 subject to prosecution (~~according to the chapter under which the order~~
26 ~~was originally issued~~)).

27 (6) Upon release from custody, the offender may apply to the
28 department for counseling and help in adjusting to the community. This
29 voluntary help may be provided for up to one year following the release
30 from custody.

31 NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW
32 to read as follows:

33 (1) If an offender has previously had his or her right to vote
34 restored under section 2 of this act and is subsequently convicted of
35 a crime committed on or after the effective date of this act, the
36 sentencing court shall send notice to the secretary of state that the
37 offender has permanently lost his or her right to vote.

1 (2) The notice must contain the county where the current conviction
2 occurred and the last known residence of the offender, if any.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.08 RCW
4 to read as follows:

5 Upon receipt of notice under section 4 of this act that an offender
6 has permanently lost his or her right to vote, the secretary of state
7 shall maintain the information in the elections data base. The
8 secretary of state shall transmit notice that the offender has lost the
9 right to vote to every county auditor in this state.

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