

FINAL BILL REPORT

HB 1517

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Synopsis as Enacted

Brief Description: Changing requirements for the restoration of the right to vote for people convicted of felonies.

Sponsors: Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Lias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall.

House Committee on State Government & Tribal Affairs
Senate Committee on Government Operations & Elections

Background:

The Washington Constitution prohibits persons convicted of an "infamous crime" from voting unless his or her civil rights are restored. "Infamous crime" is defined as a crime punishable by death or imprisonment in a state correctional facility.

A county auditor must cancel a person's voter registration upon receiving official notice of that person's conviction from a state or federal court. The Secretary of State (SOS), in conjunction with appropriate state agencies, arranges for a quarterly comparison of a list of known felons with the statewide voter registration list. If a match is found, the SOS or county auditor suspends the voter registration and sends notice of the proposed cancellation to the person's last known registration address. If the person does not respond within 30 days, the registration is cancelled.

A criminal sentence pursuant to a felony conviction may include: a term of incarceration; community custody; an obligation to pay legal financial obligations (LFO), or a combination of incarceration, community custody, and LFO. Legal financial obligations can include victim restitution, crime victims' compensation fees, costs of defense, court appointed attorneys fees, and fines.

If a person completes all the requirements of his or her sentence while under the supervision of the Department of Corrections (DOC), the DOC must notify the sentencing court. If the person completes all the requirements of his or her sentence, except payments of the LFO, the DOC must notify the county clerk. Once the person has completed payment of his or her LFO, the county clerk must then notify the sentencing court. When the court receives

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adequate notification that the offender's sentence has been completed, it must issue the person a certificate of discharge, which restores most of the person's civil rights, including the right to vote.

Summary:

For persons convicted of a felony in a Washington court, the right to vote is restored provisionally so long as the person is not under the authority of the DOC. A person is "under the authority of the DOC" if the person is serving a sentence of confinement in the custody of the DOC, or is subject to community custody, community placement, or community supervision.

For persons convicted of a felony in a federal court or any state court other than a Washington court, the right to vote is fully restored so long as he or she is no longer incarcerated.

Although the right to vote is restored, a person convicted of a felony must still re-register to vote with the SOS or the county auditor.

The provisional right to vote may be revoked by the sentencing court if the court finds that the person has willfully failed to comply with the order to pay his or her legal financial obligations (LFO). If the person has failed to make three LFO payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor must seek the revocation of the provisional restoration of voting rights from the court. This revocation remains in effect until the person whose provisional right to vote has been revoked demonstrates to the court he or she has made a good faith effort to pay his or her LFO. The county clerk shall enter into a database maintained by the Administrator for the Courts the names of all persons whose provisional voting rights have been revoked and update the database for any person whose voting rights are permanently restored.

The right to vote is permanently restored if the person meets the current statutory requirements for restoration of voting rights for each felony conviction.

At least twice a year, the SOS must compare the list of registered voters to a list of felons who are not eligible to vote due to the fact that the felon is still incarcerated, is under the authority of the DOC, or has had his or her provisional right to vote revoked by a court. To the extent possible, the SOS must time the comparison to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

Votes on Final Passage:

House	53	43	
Senate	29	19	(Senate amended)
House	52	44	(House concurred)

Effective: July 26, 2009