

SENATE BILL REPORT

HB 1517

As Reported by Senate Committee On:
Government Operations & Elections, March 23, 2009

Title: An act relating to the restoration of the right to vote for people who were convicted of felonies.

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, Liias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall.

Brief History: Passed House: 3/10/09, 53-43.

Committee Activity: Government Operations & Elections: 3/23/09 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member; Swecker.

Staff: Aaron Gutierrez (786-7448)

Background: The Washington State Constitution prohibits people convicted of an "infamous crime" from voting unless their 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, SOS or the county auditor suspends the voter registration and sends notice of the proposed cancellation to the last known registration address. If the person does not respond within 30 days, the registration is cancelled.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Upon conviction, a court must notify the defendant that:

- the defendant's right to vote has been lost;
- any current registration will be cancelled;
- the right may be restored by order of the sentencing court, the Indeterminate Sentence Review Board, or the Governor; and
- voting before the right is restored is a class C felony.

Summary of Bill: For a person convicted of a felony, the right to vote is restored so long as the person is not under the authority of the Department of Corrections (DOC).

"Under the authority of the Department of Corrections" means serving a sentence of confinement in the custody of the DOC, or subject to community custody, community placement, or community supervision.

For a person convicted of a felony in federal court, or in the court of another state, the right to vote is restored if the person is no longer incarcerated.

At least twice per year, SOS must compare the list of registered voters with a list of felons currently under the authority of the DOC. If a match is found, notice is sent to both the last known voter registration address and the last known DOC address. Language requiring cancellation of voter registration if the person does not respond within 30 days is removed.

Upon conviction, a court must notify the defendant that:

- the defendant's right to vote has been lost;
- any current registration will be cancelled;
- the right is restored as long as the defendant is not under the authority of the DOC;
- the defendant must re-register before voting; and
- voting before the right is restored is a class C felony.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There is a stigma attached to convicted felons which makes it difficult to find work and pay financial obligations. I paid my bills, but didn't know my voting rights had not yet been restored. Help convicted felons rebuild their lives and hold their heads up. There is no single list of convicted felons. There is a list from the DOC, but the only way to track felony convictions through the courts prior to 2006 is to look them up case-by-case. There is a patchwork of laws resulting in misinformation. Restoration of rights is based on the status of the court file; not the person. If there was another option that was closer to the status quo, the Secretary of State's Office would have brought it.

CON: This will change existing law so that felons no longer have incentive to pay restitution or other financial obligations. Do we want victims to become victims again?

Persons Testifying: PRO: Representative Darnielle, prime sponsor; Senator Kohl-Welles; Jesse Miller, citizen, SPAN/ACLU; Katie Blinn, Secretary of State's Office.

CON: William Hoffecker, citizen.