
**State Government & Tribal Relations
Committee**

HB 1924

Brief Description: Concerning the voting rights of persons convicted of a felony offense.

Sponsors: Representatives Dolan, Pettigrew, Peterson, Stonier, Harris, Santos, Ryu, Pollet, Slatter, Springer, Appleton, Doglio, Jinkins, Leavitt, Ortiz-Self, Stanford, Walen, Valdez, Goodman, Ramos, Senn, Lekanoff, Thai, Riccelli, Ormsby, Tharinger and Davis.

Brief Summary of Bill

- Removes the two-step approach of provisional and permanent restoration of a person's voting rights after a felony conviction, and instead provides for automatic restoration of voting rights when a person is not under the authority of the Department of Corrections (DOC).
- Modifies when a person is considered to be under the authority of the DOC to remove situations where a person is serving a term of community custody, with exceptions.
- Removes the ability to revoke a person's right to vote for failure to pay legal financial obligations.
- Requires the DOC to provide a person with a voter registration application and information on how to register to vote, upon that person's release from the authority of the DOC.

Hearing Date:

Staff: Desiree Omli (786-7105).

Background:

Under the state Constitution, all persons convicted of an infamous crime lose their right to vote, unless their civil rights have been restored. An infamous crime is a crime punishable by death in

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the state penitentiary or imprisonment in a state or federal correctional facility. However, an infamous crime does not include an adjudication in juvenile court or a conviction for a misdemeanor or gross misdemeanor.

Upon a felony conviction, the court requires that the convicted person sign a statement acknowledging, among other things, that the person's right to vote has been lost, his or her voter registration will be canceled, the ways in which the person's right to vote will be restored, and that the person must reregister before voting.

After a felony conviction, a person's right to vote can be either provisionally or permanently restored. For a felony conviction in the state, a person's right to vote is provisionally restored as long as the person is not under the authority of the Department of Corrections (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
- subject to community custody, which is the portion of a person's sentence of confinement in lieu of earned release time or imposed as part of a sentence and served in the community subject to controls placed on the person's movement and activities by the DOC.

A person may have the provisional restoration of their voting right revoked if a sentencing court determines that a person willfully failed to comply with the terms of his or her order to pay legal financial obligations.

A person's right to vote may be permanently restored by any of the following for each felony conviction:

- a certificate of discharge issued by the sentencing court;
- a court order restoring the right;
- a final order of discharge issued by the indeterminate sentence review board; or
- a certificate of restoration issued by the Governor.

Twice per year, the Secretary of State (Secretary) must compare the list of registered voters to a list of persons who are convicted of felony offenses and not eligible to vote. If a registered voter is not eligible to vote by reason of a felony conviction, the Secretary or county auditor must confirm the match and send the person at his or her last known voter registration address and at the DOC, a notice of the proposed cancellation of his or her registration and an explanation of the requirements to restore their right to vote.

Summary of Bill:

The two-step approach of restoring a person's right to vote is eliminated, and the provisions relating to permanent restoration is removed. After a felony conviction, a person's right to vote is automatically restored as long as the person is no longer under the authority of the DOC. Once automatically restored, a person's right to vote cannot be revoked due to failure to pay legal financial obligations.

A person is no longer considered under the authority of the DOC if they are serving a term of community custody, unless the person is returned to confinement for a violation of community custody and was under community custody for certain sentences or sentencing alternatives,

including a transfer to community custody in lieu of earned early release, the drug offender sentencing alternative, the parenting sentencing alternative, the special sex offender sentencing alternative, work ethic camp, and sentences for certain sex offenders.

The acknowledgment that each defendant must sign upon conviction of a felony is modified to reflect these changes.

The list used by the Secretary to compare with the list of registered voters is specified as the list from the DOC of persons convicted of felony offenses and are not eligible to vote.

Upon a person's release from the authority of the DOC, the DOC must provide a person with a voter registration application and information on how to register to vote.

Appropriation: None.

Fiscal Note: Requested on February 10, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.