
HOUSE BILL 1473

State of Washington

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By Representatives Darneille, Williams, Pettigrew, Kenney, Appleton, Hunt, Santos, McDermott, Upthegrove, Wood, Miloscia, Pedersen, Ormsby, Green, Hasegawa, Hudgins, Flannigan, Chase, Kagi, Moeller, Roberts, Schual-Berke, Dickerson and Lantz

Read first time 01/19/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to the restoration of the right to vote for people
2 who were convicted of felonies; amending RCW 29A.04.079, 29A.08.520,
3 29A.68.020, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; and repealing
4 RCW 10.64.021 and 29A.08.660.

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

6 **Sec. 1.** RCW 29A.04.079 and 2003 c 111 s 114 are each amended to
7 read as follows:

8 An "infamous crime" is a crime punishable by death in the state
9 penitentiary or imprisonment in a state correctional facility. The
10 definition of "infamous crime" does not include juvenile adjudications
11 pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and
12 gross misdemeanors.

13 **Sec. 2.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
14 read as follows:

15 ~~(1) ((Upon receiving official notice of a person's conviction of a~~
16 ~~felony in either state or federal court, if the convicted person is a~~
17 ~~registered voter in the county, the county auditor shall cancel the~~
18 ~~defendant's voter registration. Additionally, the secretary of state~~

1 ~~in conjunction with the department of corrections, the Washington state~~
2 ~~patrol, the office of the administrator for the courts, and other~~
3 ~~appropriate state agencies shall arrange for a quarterly comparison of~~
4 ~~a list of known felons with the statewide voter registration list.))~~
5 The right to vote is restored following a felony conviction as long as
6 the person is not in total confinement in the custody of the department
7 of corrections or the federal bureau of prisons, whether serving the
8 original sentence or serving time for a violation of supervision
9 conditions. A person in total confinement in the custody of the
10 department of corrections or the federal bureau of prisons as a result
11 of a felony conviction is ineligible to vote.

12 (2) At least twice a year, the secretary of state shall compare the
13 list of registered voters to a list of felons in total confinement in
14 the custody of the department of corrections. If a ((person is found
15 on a felon list and the statewide voter registration list)) registered
16 voter is in total confinement in the custody of the department of
17 corrections, whether serving the original sentence or serving time for
18 a violation of supervision conditions, the secretary of state or county
19 auditor shall confirm the match through a date of birth comparison and
20 suspend the voter registration from the official state voter
21 registration list. The canceling authority shall send to the person at
22 his or her last known voter registration address and at the department
23 of corrections a notice of the proposed cancellation and an explanation
24 of the requirements for restoring the right to vote ((once all terms of
25 sentencing have been completed)) and reregistering. If the person does
26 not respond within thirty days, the registration must be canceled.

27 ~~((2) The right to vote may be restored by, for each felony~~
28 ~~conviction, one of the following:~~

29 ~~(a) A certificate of discharge issued by the sentencing court, as~~
30 ~~provided in RCW 9.94A.637;~~

31 ~~(b) A court order restoring the right, as provided in RCW 9.92.066;~~

32 ~~(c) A final order of discharge issued by the indeterminate sentence~~
33 ~~review board, as provided in RCW 9.96.050; or~~

34 ~~(d) A certificate of restoration issued by the governor, as~~
35 ~~provided in RCW 9.96.020.))~~

36 **Sec. 3.** RCW 29A.68.020 and 2003 c 111 s 1702 are each amended to
37 read as follows:

1 Any registered voter may contest the right of any person declared
2 elected to an office to be issued a certificate of election for any of
3 the following causes:

4 (1) For misconduct on the part of any member of any precinct
5 election board involved therein;

6 (2) Because the person whose right is being contested was not, at
7 the time the person was declared elected, eligible to hold that office;

8 ~~(3) ((Because the person whose right is being contested was
9 previous to the election convicted of a felony by a court of competent
10 jurisdiction, the conviction not having been reversed nor the person's
11 civil rights restored after the conviction;~~

12 ~~(4))~~ Because the person whose right is being contested gave a
13 bribe or reward to a voter or to an inspector or judge of election for
14 the purpose of procuring the election, or offered to do so;

15 ~~((5))~~ (4) On account of illegal votes.

16 (a) Illegal votes include but are not limited to the following:

17 (i) More than one vote cast by a single voter;

18 (ii) A vote cast by a person disqualified under Article VI, section
19 3 of the state Constitution.

20 (b) Illegal votes do not include votes cast by improperly
21 registered voters who were not properly challenged under RCW 29A.08.810
22 and 29A.08.820.

23 All election contests must proceed under RCW ~~((29A.68.010))~~
24 29A.68.011.

25 **Sec. 4.** RCW 9.92.066 and 2003 c 66 s 2 are each amended to read as
26 follows:

27 (1) Upon termination of any suspended sentence under RCW 9.92.060
28 or 9.95.210, such person may apply to the court for restoration of his
29 or her civil rights not already restored by RCW 29A.08.520. Thereupon
30 the court may in its discretion enter an order directing that such
31 defendant shall thereafter be released from all penalties and
32 disabilities resulting from the offense or crime of which he or she has
33 been convicted.

34 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060
35 or 9.95.210, the person may apply to the sentencing court for a
36 vacation of the person's record of conviction under RCW 9.94A.640. The
37 court may, in its discretion, clear the record of conviction if it

1 finds the person has met the equivalent of the tests in RCW
2 9.94A.640(2) as those tests would be applied to a person convicted of
3 a crime committed before July 1, 1984.

4 (b) The clerk of the court in which the vacation order is entered
5 shall immediately transmit the order vacating the conviction to the
6 Washington state patrol identification section and to the local police
7 agency, if any, which holds criminal history information for the person
8 who is the subject of the conviction. The Washington state patrol and
9 any such local police agency shall immediately update their records to
10 reflect the vacation of the conviction, and shall transmit the order
11 vacating the conviction to the federal bureau of investigation. A
12 conviction that has been vacated under this section may not be
13 disseminated or disclosed by the state patrol or local law enforcement
14 agency to any person, except other criminal justice enforcement
15 agencies.

16 **Sec. 5.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read
17 as follows:

18 (1)(a) When an offender has completed all requirements of the
19 sentence, including any and all legal financial obligations, and while
20 under the custody and supervision of the department, the secretary or
21 the secretary's designee shall notify the sentencing court, which shall
22 discharge the offender and provide the offender with a certificate of
23 discharge by issuing the certificate to the offender in person or by
24 mailing the certificate to the offender's last known address.

25 (b)(i) When an offender has reached the end of his or her
26 supervision with the department and has completed all the requirements
27 of the sentence except his or her legal financial obligations, the
28 secretary's designee shall provide the county clerk with a notice that
29 the offender has completed all nonfinancial requirements of the
30 sentence.

31 (ii) When the department has provided the county clerk with notice
32 that an offender has completed all the requirements of the sentence and
33 the offender subsequently satisfies all legal financial obligations
34 under the sentence, the county clerk shall notify the sentencing court,
35 including the notice from the department, which shall discharge the
36 offender and provide the offender with a certificate of discharge by

1 issuing the certificate to the offender in person or by mailing the
2 certificate to the offender's last known address.

3 (c) When an offender who is subject to requirements of the sentence
4 in addition to the payment of legal financial obligations either is not
5 subject to supervision by the department or does not complete the
6 requirements while under supervision of the department, it is the
7 offender's responsibility to provide the court with verification of the
8 completion of the sentence conditions other than the payment of legal
9 financial obligations. When the offender satisfies all legal financial
10 obligations under the sentence, the county clerk shall notify the
11 sentencing court that the legal financial obligations have been
12 satisfied. When the court has received both notification from the
13 clerk and adequate verification from the offender that the sentence
14 requirements have been completed, the court 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 (2) The court shall send a copy of every signed certificate of
19 discharge to the auditor for the county in which the court resides and
20 to the department. The department shall create and maintain a data
21 base containing the names of all felons who have been issued
22 certificates of discharge, the date of discharge, and the date of
23 conviction and offense.

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

30 (4) Except as provided in subsection (5) of this section, the
31 discharge shall have the effect of restoring all civil rights (~~lost by~~
32 ~~operation of law upon conviction~~) not already restored by RCW
33 29A.08.520, and the certificate of discharge shall so state. Nothing
34 in this section prohibits the use of an offender's prior record for
35 purposes of determining sentences for later offenses as provided in
36 this chapter. Nothing in this section affects or prevents use of the
37 offender's prior conviction in a later criminal prosecution either as

1 an element of an offense or for impeachment purposes. A certificate of
2 discharge is not based on a finding of rehabilitation.

3 (5) Unless otherwise ordered by the sentencing court, a certificate
4 of discharge shall not terminate the offender's obligation to comply
5 with an order issued under chapter 10.99 RCW that excludes or prohibits
6 the offender from having contact with a specified person or coming
7 within a set distance of any specified location that was contained in
8 the judgment and sentence. An offender who violates such an order
9 after a certificate of discharge has been issued shall be subject to
10 prosecution according to the chapter under which the order was
11 originally issued.

12 (6) Upon release from custody, the offender may apply to the
13 department for counseling and help in adjusting to the community. This
14 voluntary help may be provided for up to one year following the release
15 from custody.

16 **Sec. 6.** RCW 9.96.050 and 2002 c 16 s 3 are each amended to read as
17 follows:

18 When a prisoner on parole has performed all obligations of his or
19 her release, including any and all legal financial obligations, for
20 such time as shall satisfy the indeterminate sentence review board that
21 his or her final release is not incompatible with the best interests of
22 society and the welfare of the paroled individual, the board may make
23 a final order of discharge and issue a certificate of discharge to the
24 prisoner. The certificate of discharge shall be issued to the offender
25 in person or by mail to the prisoner's last known address.

26 The board shall send a copy of every signed certificate of
27 discharge (~~(to the auditor for the county in which the offender was~~
28 ~~sentenced and~~) to the department of corrections. The department shall
29 create and maintain a data base containing the names of all felons who
30 have been issued certificates of discharge, the date of discharge, and
31 the date of conviction and offense.

32 The board retains the jurisdiction to issue a certificate of
33 discharge after the expiration of the prisoner's or parolee's maximum
34 statutory sentence. If not earlier granted, the board shall make a
35 final order of discharge three years from the date of parole unless the
36 parolee is on suspended or revoked status at the expiration of the
37 three years. Such discharge, regardless of when issued, shall have the

1 effect of restoring all civil rights (~~lost by operation of law upon~~
2 ~~conviction~~) not already restored by RCW 29A.08.520, and the
3 certification of discharge shall so state. This restoration of civil
4 rights shall not restore the right to receive, possess, own, or
5 transport firearms.

6 The discharge provided for in this section shall be considered as
7 a part of the sentence of the convicted person and shall not in any
8 manner be construed as affecting the powers of the governor to pardon
9 any such person.

10 **Sec. 7.** RCW 10.64.140 and 2005 c 246 s 1 are each amended to read
11 as follows:

12 When a person is convicted of a felony, the court shall require the
13 defendant to sign a statement acknowledging that:

14 (1) The defendant's right to vote has been lost due to the felony
15 conviction and the right is restored as long as the defendant is not in
16 total confinement in the custody of the department of corrections,
17 whether serving the original sentence or serving time for a violation
18 of supervision conditions; and

19 ~~(2) ((If the defendant is registered to vote, the voter~~
20 ~~registration will be canceled;~~

21 ~~(3) The right to vote may be restored by:~~

22 ~~(a) A certificate of discharge issued by the sentencing court, as~~
23 ~~provided in RCW 9.94A.637;~~

24 ~~(b) A court order issued by the sentencing court restoring the~~
25 ~~right, as provided in RCW 9.92.066;~~

26 ~~(c) A final order of discharge issued by the indeterminate sentence~~
27 ~~review board, as provided in RCW 9.96.050; or~~

28 ~~(d) A certificate of restoration issued by the governor, as~~
29 ~~provided in RCW 9.96.020; and~~

30 ~~(4))~~ Voting before the right is restored is a class C felony under
31 RCW 29A.84.660.

32 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
33 repealed:

34 (1) RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1; and

1 (2) RCW 29A.08.660 (Felony offender--Completion of sentence) and
2 2005 c 246 s 12.

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