
SUBSTITUTE SENATE BILL 5530

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Kline, Fairley, Oemig and Regala)

READ FIRST TIME 02/22/07.

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. If
5 a person is found on a felon list and the statewide voter registration
6 list)) The right to vote is restored following a felony conviction as
7 long as the person is not under the authority of the department of
8 corrections.

9 (2) At least twice a year, the secretary of state shall compare the
10 list of registered voters to a list of felons who are under the
11 authority of the department of corrections. If a registered voter is
12 under the authority of the department of corrections, the secretary of
13 state or county auditor shall confirm the match through a date of birth
14 comparison and suspend the voter registration from the official state
15 voter registration list. The canceling authority shall send to the
16 person at his or her last known voter registration address and at the
17 department of corrections a notice of the proposed cancellation and an
18 explanation of the requirements for restoring the right to vote (~~once~~
19 ~~all terms of sentencing have been completed~~) and reregistering. If
20 the person does not respond within thirty days, the registration must
21 be canceled.

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

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

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

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

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

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

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

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

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

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

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

10 ~~((5))~~ (4) On account of illegal votes.

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

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

13 (ii) A vote cast by a person disqualified under Article VI, section
14 3 of the state Constitution.

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

18 All election contests must proceed under RCW ~~((29A.68.010))~~
19 29A.68.011.

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

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

29 (2)(a) Upon termination of a suspended sentence under RCW 9.92.060
30 or 9.95.210, the person may apply to the sentencing court for a
31 vacation of the person's record of conviction under RCW 9.94A.640. The
32 court may, in its discretion, clear the record of conviction if it
33 finds the person has met the equivalent of the tests in RCW
34 9.94A.640(2) as those tests would be applied to a person convicted of
35 a crime committed before July 1, 1984.

36 (b) The clerk of the court in which the vacation order is entered
37 shall immediately transmit the order vacating the conviction to the

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

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

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

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

26 (ii) When the department has provided the county clerk with notice
27 that an offender has completed all the requirements of the sentence and
28 the offender subsequently satisfies all legal financial obligations
29 under the sentence, the county clerk shall notify the sentencing court,
30 including the notice from the department, which shall discharge the
31 offender and provide the offender with a certificate of discharge by
32 issuing the certificate to the offender in person or by mailing the
33 certificate to the offender's last known address.

34 (c) When an offender who is subject to requirements of the sentence
35 in addition to the payment of legal financial obligations either is not
36 subject to supervision by the department or does not complete the
37 requirements while under supervision of the department, it is the

1 offender's responsibility to provide the court with verification of the
2 completion of the sentence conditions other than the payment of legal
3 financial obligations. When the offender satisfies all legal financial
4 obligations under the sentence, the county clerk shall notify the
5 sentencing court that the legal financial obligations have been
6 satisfied. When the court has received both notification from the
7 clerk and adequate verification from the offender that the sentence
8 requirements have been completed, the court shall discharge the
9 offender and provide the offender with a certificate of discharge by
10 issuing the certificate to the offender in person or by mailing the
11 certificate to the offender's last known address.

12 (2) The court shall send a copy of every signed certificate of
13 discharge to the auditor for the county in which the court resides and
14 to the department. The department shall create and maintain a data
15 base containing the names of all felons who have been issued
16 certificates of discharge, the date of discharge, and the date of
17 conviction and offense.

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

24 (4) Except as provided in subsection (5) of this section, the
25 discharge shall have the effect of restoring all civil rights (~~lost by~~
26 ~~operation of law upon conviction~~) not already restored by RCW
27 29A.08.520, and the certificate of discharge shall so state. Nothing
28 in this section prohibits the use of an offender's prior record for
29 purposes of determining sentences for later offenses as provided in
30 this chapter. Nothing in this section affects or prevents use of the
31 offender's prior conviction in a later criminal prosecution either as
32 an element of an offense or for impeachment purposes. A certificate of
33 discharge is not based on a finding of rehabilitation.

34 (5) Unless otherwise ordered by the sentencing court, a certificate
35 of discharge shall not terminate the offender's obligation to comply
36 with an order issued under chapter 10.99 RCW that excludes or prohibits
37 the offender from having contact with a specified person or coming
38 within a set distance of any specified location that was contained in

1 the judgment and sentence. An offender who violates such an order
2 after a certificate of discharge has been issued shall be subject to
3 prosecution according to the chapter under which the order was
4 originally issued.

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

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

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

19 The board shall send a copy of every signed certificate of
20 discharge (~~to the auditor for the county in which the offender was~~
21 ~~sentenced and~~) to the department of corrections. The department shall
22 create and maintain a data base containing the names of all felons who
23 have been issued certificates of discharge, the date of discharge, and
24 the date of conviction and offense.

25 The board retains the jurisdiction to issue a certificate of
26 discharge after the expiration of the prisoner's or parolee's maximum
27 statutory sentence. If not earlier granted, the board shall make a
28 final order of discharge three years from the date of parole unless the
29 parolee is on suspended or revoked status at the expiration of the
30 three years. Such discharge, regardless of when issued, shall have the
31 effect of restoring all civil rights (~~lost by operation of law upon~~
32 ~~conviction~~) not already restored by RCW 29A.08.520, and the
33 certification of discharge shall so state. This restoration of civil
34 rights shall not restore the right to receive, possess, own, or
35 transport firearms.

36 The discharge provided for in this section shall be considered as

1 a part of the sentence of the convicted person and shall not in any
2 manner be construed as affecting the powers of the governor to pardon
3 any such person.

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

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

8 (1) The defendant's right to vote has been lost due to the felony
9 conviction and the right is restored as long as the defendant is not
10 under the authority of the department of corrections; and

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

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

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

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

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

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

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

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

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

27 (2) RCW 29A.08.660 (Felony offender--Completion of sentence) and
28 2005 c 246 s 12.

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