

HOUSE BILL REPORT

HB 1517

As Reported by House Committee On:
State Government & Tribal Affairs

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

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/12/09, 2/20/09 [DPS].

Brief Summary of Substitute Bill

- Directs the Secretary of State to review current statutes and regulations and make recommendations to the Legislature regarding the restoration of voting rights to felons.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan, Hurst and Miloscia.

Minority Report: Do not pass. Signed by 2 members: Representatives Armstrong, Ranking Minority Member; Alexander.

Staff: Tracey O'Brien (786-7196)

Background:

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.

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 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 (LFOs), or a combination of incarceration, community custody, and LFOs. 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 LFOs, the DOC must notify the county clerk. Once the person has completed payment of his or her LFOs, the county clerk must then notify the sentencing court. When the court receives 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 of Substitute Bill:

The SOS is directed to review current statutes and regulations as they relate to the restoration of a felon’s right to vote and make recommendations to the 2010 Legislature.

Substitute Bill Compared to Original Bill:

The substitute bill eliminates the provisions to automatically restore voting rights to felons. The substitute bill directs the SOS to develop and recommend a solution to the 2010 Legislature.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Our current system is unworkable and unfair. There are more than 167,000 Washington citizens that are prohibited from voting due to our state's complicated system for the restoration of voting rights. This disproportionately impacts the poor and people of color. Restoration of voting rights currently depends on the repayment of the LFOs which are subject to a 12 percent interest rate. This acts as a modern poll tax on poor offenders. By creating a bright-line for the restoration of voting rights, we can simplify a complicated, costly and ineffective system. There is no complete list of ineligible felons to use for screening. Also, when and how the right to vote is restored is a patchwork of time frames and circumstances. This creates a risk of inaccurate administration and enforcement by the state and local court officials and election officials. In addition, the restoration of the right to vote encourages offenders to reconnect with their community and become good citizens, thus reducing the risk of recidivism.

(Neutral) This is a state level policy decision to address a need to clarify who has the right to vote.

(Opposed) This changes the current law and allows the right to vote for felons who have not completed their LFOs. The LFOs include the restitution to the victims. By restoring the right to vote to a felon before the completion of their repayment of restitution, we will eliminate a powerful incentive to complete the repayment. In addition, this could be further compounded by any early releases of felons from prison as the result of our current budget crisis. Victims must come first and this legislation places the interests of the offenders above their victims.

Persons Testifying: (In support) Representative Darneille, prime sponsor; Katie Blinn, Office of the Secretary of State; Barbara Seittle, League of Women Voters; William Crapeau, American Civil Liberties Union; Reverend Jimmy James, Washington Christian Leaders Coalition; Jim Morris, Governor's Committee on Disabilities and Employment; David Lord, Disabilities Rights Washington; Sam Merrill, Friends Committee on Washington Public Policy; Tony Orange, Seattle King County National Association for the Advancement of Colored People; and Christie Perkins, Washington State Special Education Coalition.

(Neutral) Kim Wyman, Washington Association of County Auditors.

(Opposed) William Hoffecker.

Persons Signed In To Testify But Not Testifying: None.