

SENATE BILL REPORT

SB 6651

As of February 01, 2006

Title: An act relating to the restriction of voting rights for incarcerated felons.

Brief Description: Modifying provisions relating to voting rights for incarcerated felons.

Sponsors: Senators Kohl-Welles, Kline, Regala and Fraser.

Brief History:

Committee Activity: Government Operations & Elections: 2/2/06.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Mac Nicholson (786-7445)

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; i.e., a felony. A criminal sentence pursuant to a felony conviction may include a term of incarceration; a term of supervision in the community (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.

A convicted felon's right to vote may be restored once his or her sentence has been discharged. This includes completion of all post-incarceration community supervision and payment of all LFOs.

Restoration of voting rights varies depending on the date the crime was committed that led to the conviction. For a person convicted of a crime committed on or after July 1, 1984, the Department of Corrections (DOC) notifies the sentencing court when the person has completed his or her sentence. Once the person has completed payment of his or her LFOs, the county clerk must then notify the sentencing court. Once the court receives adequate notification that the offender's sentence has been completed, the court then issues a certificate of discharge, which restores the civil rights of the person, including the right to vote. A copy of the certificate is also sent to the auditor for the county in which the offender was sentenced and to DOC.

For a person convicted of a crime committed before July 1, 1984, the Indeterminate Sentencing Review Board (Board) issues the certificate of discharge. The decision to issue a certificate is discretionary, and issuance may be denied if the Board finds that, despite completion of all sentence obligations including payment of all LFOs, discharge is not compatible with the best interests of society and the welfare of the paroled individual. The certificate is issued to the individual in person or by mail at his or her last known address.

Persons convicted of out-of-state crimes may petition the Clemency and Pardons Board (Pardons Board) for restoration of his or her voting rights. The Pardons and Clemency Board may recommend such restoration to the Governor.

Pursuant to the new voter registration database provisions, the Secretary of State will compare names and dates of birth with the state patrol's criminal history database and compare matching information from that search with data from the Office of the Administrator for the Courts, the Indeterminate Sentence Review Board, and the Clemency Board to determine whether certificates of discharge or gubernatorial pardons have been granted.

If civil rights have been restored, the registration record is flagged to prevent future cancellations for the same felonies. If rights have not been restored, the persons's registration status is changed to "pending cancellation". A notification letter is sent stating that the person must contact the state county auditor within 30 days to request a hearing. If the person does not contact the auditor within 30 days, the registration is cancelled.

Summary of Substitute Bill: A task force is created to study standards for restricting and restoring voting rights of felons. The task force consists of sixteen members, including the Secretary of State, a representative from the Department of Corrections, and representatives of the following groups appointed jointly by the president of the Senate and the speaker of the House of Representatives: county auditors; the association of superior court judges; criminal defense attorneys; prosecuting attorneys; victim's advocates coalition; businesses or organizations that primarily serve multicultural or diversity interests; businesses or organizations that represent the interests of low-income citizens; organizations with expertise and an interest in election reforms or voting rights issues; organizations that represent the interest of persons concerned with the effect of acquired immunodeficiency syndrome on multicultural communities; and organizations that have expertise in civil liberties.

In addition, the president of the Senate will appoint one member from each of the two largest caucuses of the Senate, and the speaker of the House of Representatives will appoint one member from each of the two largest caucuses of the House of Representatives.

The task force must review the following issues: the current system for determining how, when, and where former felons have their right to vote restored; the agencies and entities that are responsible for monitoring compliance with the various conditions of a felon's sentence; how the monitoring is performed and communicated to other agencies; how the data is maintained and updated; and the fiscal impact of such monitoring; and the need for establishing any changes and clearer standards as it relates to the current system of restricting and restoring felon voting rights and monitoring compliance with the conditions of a felon's sentence.

The task force may consult with individuals from the public and private sector or ask such individuals to establish an advisory committee. Findings and recommendations must be reported to the appropriate committees of the Legislature by October 30, 2006.

The task force is terminated on January 1, 2007.

Substitute Bill Compared to Original Bill: The bill as referred to committee was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: Yes.

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