
HOUSE BILL 2062

State of Washington 59th Legislature 2005 Regular Session

By Representatives Darneille, Nixon, Simpson, Hunt, Upthegrove,
Green, Chase, Dickerson, Moeller, Flannigan and Pettigrew

Read first time 02/16/2005. Referred to Committee on State
Government Operations & Accountability.

1 AN ACT Relating to tracking the voter registration of former
2 felons; amending RCW 9.94A.637; adding new sections to chapter 29A.08
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Voting is part of the fabric of our democracy and, by
7 increasing voter participation, restoring the right to vote to former
8 felons both strengthens democracy and reintegrates ex felons into
9 society;

10 (b) The system for determining how, when, and where former felons
11 have their right to vote restored is contributing to uncertainty about
12 the validity of the election process and local county auditors find it
13 impossible to access clear information about this determination; and

14 (c) Washington currently denies the right to vote to all persons
15 who have not fully paid legal financial obligations, even though they
16 have completed all other requirements of their felony sentences.

17 (2) The legislature intends to establish a clear standard for the
18 restoration of the voting rights of former felons and to institute a

1 data system in the office of the secretary of state that will provide
2 information about the restoration of former felon voting rights that
3 will be available to local election officials.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW
5 to read as follows:

6 When a former felon's voting rights have been restored in
7 accordance with section 3 of this act, the department of corrections
8 shall immediately transmit this information to the secretary of state
9 along with information about the county where the conviction occurred
10 and the county that is the last known residence of the former felon.
11 The secretary of state shall maintain such records as a part of the
12 elections data base and shall transmit information about the
13 restoration of the former felon's voting rights to the county auditor
14 where the conviction took place and, if different, the county where the
15 felon was last known to reside.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.08 RCW
17 to read as follows:

18 (1) The civil right to vote is restored to persons convicted of a
19 felony upon completion of all the requirements of all of their
20 sentences, except for legal financial obligations as defined in RCW
21 9.94A.030.

22 (2) This section does not impair or alter an offender's ability to
23 obtain a certificate of discharge if eligible under RCW 9.94A.637.

24 (3) This section does not affect or prevent the enforcement of
25 legal financial obligations or the offender's obligation to comply with
26 an order issued under chapter 10.99 RCW or any other legal authority
27 that excludes or prohibits the offender from having contact with a
28 specified person, or coming within a set distance of any specified
29 location, that was contained in the judgment and sentence.

30 **Sec. 4.** RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read
31 as follows:

32 (1)(a) When an offender has completed all requirements of the
33 sentence, including any and all legal financial obligations, and while
34 under the custody and supervision of the department, the secretary or
35 the secretary's designee shall notify the sentencing court, which shall

1 discharge the offender and provide the offender with a certificate of
2 discharge by issuing the certificate to the offender in person or by
3 mailing the certificate to the offender's last known address.

4 (b)(i) When an offender has reached the end of his or her
5 supervision with the department and has completed all the requirements
6 of the sentence except his or her legal financial obligations, his or
7 her right to vote shall be restored and the secretary's designee shall
8 provide the county clerk with a notice that the offender has completed
9 all nonfinancial requirements of the sentence. Upon receipt of this
10 notice, the county clerk shall notify the secretary of state that the
11 offender's voting rights have been restored.

12 (ii) When the department has provided the county clerk with notice
13 that an offender has completed all the requirements of the sentence and
14 the offender subsequently satisfies all legal financial obligations
15 under the sentence, the county clerk shall notify the sentencing court,
16 including the notice from the department, which shall discharge the
17 offender and provide the offender with a certificate of discharge by
18 issuing the certificate to the offender in person or by mailing the
19 certificate to the offender's last known address.

20 (c) When an offender who is subject to requirements of the sentence
21 in addition to the payment of legal financial obligations either is not
22 subject to supervision by the department or does not complete the
23 requirements while under supervision of the department, it is the
24 offender's responsibility to provide the court with verification of the
25 completion of the sentence conditions other than the payment of legal
26 financial obligations. When the offender satisfies all legal financial
27 obligations under the sentence, the county clerk shall notify the
28 sentencing court that the legal financial obligations have been
29 satisfied. When the court has received both notification from the
30 clerk and adequate verification from the offender that the sentence
31 requirements have been completed, the court shall discharge the
32 offender and provide the offender with a certificate of discharge by
33 issuing the certificate to the offender in person or by mailing the
34 certificate to the offender's last known address.

35 (2) The court shall send a copy of every signed certificate of
36 discharge to the auditor for the county in which the court resides and
37 to the department. The department shall create and maintain a data

1 base containing the names of all felons who have been issued
2 certificates of discharge, the date of discharge, and the date of
3 conviction and offense.

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

10 (4) Except as provided in subsections (1)(b)(i) and (5) of this
11 section, the discharge shall have the effect of restoring all civil
12 rights lost by operation of law upon conviction, and the certificate of
13 discharge shall so state. Nothing in this section prohibits the use of
14 an offender's prior record for purposes of determining sentences for
15 later offenses as provided in this chapter. Nothing in this section
16 affects or prevents use of the offender's prior conviction in a later
17 criminal prosecution either as an element of an offense or for
18 impeachment purposes. A certificate of discharge is not based on a
19 finding of rehabilitation.

20 (5) Unless otherwise ordered by the sentencing court, a certificate
21 of discharge shall not terminate the offender's obligation to comply
22 with an order (~~issued under chapter 10.99 RCW~~) that excludes or
23 prohibits the offender from having contact with a specified person or
24 coming within a set distance of any specified location that was
25 contained in the judgment and sentence. An offender who violates such
26 an order after a certificate of discharge has been issued shall be
27 subject to prosecution (~~according to the chapter under which the order~~
28 ~~was originally issued~~)).

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

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