

# SENATE BILL REPORT

## SB 5530

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As Reported By Senate Committee On:  
Government Operations & Elections, February 19, 2007

**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:** Senators Kohl-Welles, Kline, Fairley, Oemig and Regala.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/13/07, 2/19/07 [DPS, DNP, w/oRec].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore.

**Minority Report:** Do not pass.

Signed by Senators Roach, Ranking Minority Member and Benton.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Swecker.

**Staff:** Sharon Swanson (786-7447)

**Background:** The Washington State Constitution prohibits people convicted of an "infamous crime" from voting unless restored their civil rights. "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, 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 Secretary of State 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.

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*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.*

A criminal sentence pursuant to a felony conviction may include: a term of incarceration, community custody, an obligation to pay legal financial obligations (LFO), or a combination of incarceration, community custody, and LFOs. Legal financial obligations can include victim restitution, crime victims' compensation fee, 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 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 Bill:** A convicted felon's right to vote is restored so long as the person is not in total confinement in the custody of the DOC or the Federal Bureau of Prisons, or in partial confinement in the custody of the DOC in a work release facility, whether serving the original sentence or serving time for a violation of supervision conditions.

At least twice per year, the Secretary of State must compare the list of registered voters to a list of felons in total confinement. If a registered voter is found to be in total confinement, the Secretary of State or county auditor suspends the voter registration after confirming the match through a date of birth comparison. The cancelling authority must send a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote and re-registering to the last known voter registration address and the DOC. If the person does not respond within 30 days, the registration must be cancelled.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Government Operations & Elections):** A person convicted of a felony offense must complete community custody prior to restoration of their right to vote.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: It is a violation of equal protection to base the right to vote on an ability to pay legal financial obligations. Currently, fourteen states including the District of Columbia automatically restore the right to vote upon release from incarceration. Allowing felons the right to vote will reduce recidivism and allow them to feel they are now a part of the society they have returned to. People who come out of prison are set up to fail. It is very difficult to get a job and the process to restore the right to vote is incredibly complicated and time consuming. The local officials are not helpful in assisting a person when it comes to locating forms and properly filling them out. If we continue to require full payment of legal financial obligations, the result would be to disenfranchise the poor from the political process.

Currently, there are at least nine separate steps a person must go through to have their right to vote restored. Creating a bright line rule regarding the restoration of the right to vote will actually save time and money. County clerks spend a great deal of time trying to figure out when a person has fully paid their fines and fees. This bill will eliminate confusion in the mind of the felon as well.

The federal government has a very clear plan for veterans who come out of prison. On the day a veteran walks free from prison, his or her right to health care and compensation is restored. The only rights not immediately restored upon release from custody are the right to vote, the right to bear arms, and the right to travel freely.

Currently, there are 150,000 people in this state who cannot vote based on a felony conviction. There is no certainty as to who has their rights restored and who has not. Anyone can walk into the county clerk's office and register to vote. There is no list to check. There is no process in place to determine if someone is a felon or not at the time of registration. This bill protects the integrity of our election system in this state.

CON: If this bill passes, felons will not need to pay a dime to get their right to vote back. This bill will remove all incentives to pay legal financial obligations. After years of passing legislation that is tough on crime and extends prison time for certain offenses, this bill seems inconsistent. Do we now not want people to take their responsibilities seriously? Felons are not nice people. Focus on the victims and vote no on this bill.

OTHER: The county auditors want to support this bill in the sense that a bright line rule as to who can vote and who cannot vote makes it easier to administer an election. The mechanism for administering elections clearly and fairly will be more straight forward with this type of a bright line rule.

**Persons Testifying:** PRO: Senator Kohl-Welles, prime sponsor; Lea Zengage, Jesse Miller, citizens; Mariah Mitchell, citizen /American Civil Liberties Union (ACLU); Betty Sullivan, League of Women Voters of Washington; Skip Dreps, Northwest Chapter Paralyzed Veterans of America; Sam Merrill, Friends Committee of Washington Public Policy; Jennifer Shaw, Bill Crepeau, ACLU; David Lord, Washington Protection & Advocacy System; Katie Blinn, Secretary of State's Office;

CON: William Hoeffcker, citizen.

OTHER: Suzanne St. Clair, Washington Association of County Auditors.