

HOUSE BILL NO. HB0104

Restoration of voting rights.

Sponsored by: Representative(s) Warren and Thompson and  
Senator(s) Burns, Decaria and Massie

A BILL

for

1 AN ACT relating to the restoration of voting rights lost by  
2 convicted felons; providing for restoration of voting  
3 rights for persons convicted of nonviolent felonies; making  
4 conforming amendments; specifying legislative intent; and  
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.** W.S. 1-11-102, 6-10-106(a)(ii), (iii) and  
10 by creating a new paragraph (iv), 7-13-105 by creating new  
11 subsections (b) through (e), 7-13-401(f), 7-13-402(f) and  
12 by creating a new subsection (h), 7-19-103(a)(ii),  
13 9-1-302(a) by creating a new paragraph (v),  
14 18-12-102(a)(vii), 22-1-102(a)(xxvi), 22-3-102(a)(v),  
15 22-3-103(a) and 22-29-104(a)(v)(E) are amended to read:

16

1           **1-11-102. Convicted felon disqualified.**

2

3 A person who has been convicted of any felony is  
4 disqualified to act as a juror unless his conviction is  
5 reversed or annulled, he receives a pardon or his rights  
6 are restored pursuant to W.S. ~~7-13-105~~ 7-13-105(a).

7

8           **6-10-106. Rights lost by conviction of felony;**  
9 **restoration.**

10

11           (a) A person convicted of a felony is incompetent to  
12 be an elector or juror or to hold any office of honor,  
13 trust or profit within this state, unless:

14

15                   (ii) He receives a pardon; ~~or~~

16

17                   (iii) His rights are restored pursuant to W.S.

18 ~~7-13-105.~~ 7-13-105(a); or

19

20                   (iv) His rights as an elector are restored  
21 pursuant to W.S. 7-13-105(b) and (c), in which case the  
22 person shall remain incompetent to be a juror or to hold  
23 any office of honor, trust or profit within this state.

24

1           7-13-105. Certificate of restoration of rights;  
2 procedure for restoration in general; procedure for  
3 restoration of voting rights for nonviolent felonies;  
4 filing requirements.

5  
6           (b) Upon receipt of a written application supported  
7 by appropriate documentation verifying that the applicant  
8 meets the requirements of this subsection, the state board  
9 of parole shall issue a certificate which restores the  
10 applicant's voting rights lost pursuant to W.S. 6-10-106  
11 if:

12  
13           (i) The applicant has never been convicted of a  
14 violent felony;

15  
16           (ii) All of the applicant's terms of sentence  
17 for felony convictions are expired; and

18  
19           (iii) The applicant has satisfactorily completed  
20 all probation periods for felony convictions.

21  
22           (c) Upon receipt of the written application required  
23 under subsection (b) of this section, the board shall  
24 review the materials and make an initial determination of

1 eligibility. Should the board deny the application at this  
2 initial determination, the applicant shall have the right  
3 to request a contested case hearing before the board as  
4 provided by and in accordance with the Wyoming  
5 Administrative Procedure Act. The decision of the board  
6 after such hearing shall be deemed final, shall be in  
7 writing, and, in the case of a denial of the application,  
8 shall state the findings of the board and the reasons for  
9 the denial. An applicant shall have the opportunity for  
10 judicial review of a final decision of the board as  
11 provided under the Wyoming Administrative Procedure Act.

12

13 (d) When a certificate of restoration of rights is  
14 issued pursuant to this section, the issuer of the  
15 certificate shall file a copy of the certificate with the  
16 secretary of state.

17

18 (e) As used in this section, "violent felony" means  
19 as defined by W.S. 6-1-104(a)(xii), including offenses  
20 committed in another jurisdiction which if committed in  
21 this state would constitute a violent felony under W.S.  
22 6-1-104(a)(xii).

23

1           **7-13-401. Definitions; creation of board; officers;**  
2 **compensation; hearing panels; meetings.**

3

4           (f) Three (3) or more members of the board may  
5 constitute a hearing panel empowered to review applications  
6 for parole, grant paroles, revoke paroles, withdraw or  
7 revoke good time, restore or reinstate good time, restore  
8 voting rights pursuant to W.S. 7-13-105(b) and (c), and  
9 make recommendations to the governor to grant commutations  
10 of sentences. A decision by a majority of the members of a  
11 panel under this subsection is the decision of the board.

12

13           **7-13-402. General powers and duties of board;**  
14 **eligibility for parole; immunity.**

15

16           (f) The promulgation of substantive rules by the  
17 board, the conduct of its hearings and its final decisions  
18 are specifically exempt from all provisions of the Wyoming  
19 Administrative Procedure Act including the provisions for  
20 judicial review under W.S. 16-3-114 and 16-3-115. This  
21 exception shall not apply to board hearings and decisions  
22 following an initial denial of an application for  
23 restoration of voting rights pursuant to W.S. 7-13-105(b)

1 and (c). The board's rules and regulations shall be filed  
2 in the office of the secretary of state.

3

4 (h) The board shall receive applications for and make  
5 determinations regarding the restoration of voting rights  
6 pursuant to its powers under W.S. 7-13-105(b) and (c).

7

8 **7-19-103. Definitions.**

9

10 (a) As used in this act:

11

12 (ii) "Criminal history record information" means  
13 information, records and data compiled by criminal justice  
14 agencies on individuals for the purpose of identifying  
15 criminal offenders consisting of identifiable descriptions  
16 of the offenders and notations or a summary of arrests,  
17 detentions, indictments, information, pre-trial  
18 proceedings, nature and disposition of criminal charges,  
19 sentencing, rehabilitation, incarceration, correctional  
20 supervision and release. Criminal history record  
21 information is limited to information recorded as the  
22 result of the initiation of criminal proceedings. It does  
23 not include intelligence data, analytical prosecutorial  
24 files, investigative reports and files or statistical

1 records and reports in which individual identities are not  
2 ascertainable, or any document signed by the governor  
3 granting a pardon, commutation of sentence, reprieve,  
4 remission of fine or forfeiture, or a restoration of civil  
5 rights by the governor or restoration of voting rights by  
6 the state board of parole;

7

8 **9-1-302. Powers and duties; custodian of public**  
9 **records; preservation of proclamations of governor; removal**  
10 **of public documents prohibited; exceptions.**

11

12 (a) The secretary of state is the custodian of, and  
13 shall preserve:

14

15 (v) Copies of all restorations of voting rights  
16 granted pursuant to W.S. 7-13-105(b) and (c).

17

18 **18-12-102. Definitions.**

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20 (a) As used in this act:

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22 (vii) "Elector" or "voter" means a person who is  
23 a qualified elector or an owner of land in the district,  
24 including any corporation, partnership or association

1 owning land in the district provided the individual who  
2 casts the vote for a corporation, partnership or  
3 association presents the election judge with a written  
4 authorization to vote for the corporation, partnership or  
5 association. No person is a qualified elector who is under  
6 eighteen (18) years of age, a mentally incompetent person,  
7 or who has been convicted of a felony and his civil or  
8 voting rights have not been restored. In applying  
9 provisions of the Special District Elections Act of 1994 to  
10 this act, the terms "elector" or "voter" shall include  
11 qualified electors and landowners;

12

13 **22-1-102. Definitions.**

14

15 (a) The definitions contained in this chapter apply  
16 to words and phrases used in this Election Code and govern  
17 the construction of those words and phrases unless they are  
18 specifically modified by the context in which they appear.  
19 As used in this Election Code:

20

21 (xxvi) "Qualified elector" includes every  
22 citizen of the United States who is a bona fide resident of  
23 Wyoming, has registered to vote and will be at least  
24 eighteen (18) years of age on the day of the election at



1 which he may offer to vote. No person is a qualified  
2 elector who is a currently adjudicated mentally incompetent  
3 person, or who has been convicted of a felony and his civil  
4 or voting rights have not been restored. A literacy test  
5 shall not be imposed as a condition to voting in any  
6 election;

7

8 **22-3-102. Qualifications; temporary registration.**

9

10 (a) A person may register to vote not less than  
11 thirty (30) days before an election, at any election  
12 specified in W.S. 22-2-101(a)(i) through (viii) or as  
13 provided by W.S. 22-3-117, who satisfies the following  
14 qualifications:

15

16 (v) He has not been convicted of a felony, or if  
17 convicted has had his civil or voting rights restored.

18

19 **22-3-103. Furnishing of oath forms; contents thereof.**

20

21 (a) The county clerk shall furnish voter registration  
22 oath forms to registry agents which shall conform in  
23 substance to the following:

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REGISTRATION OATH

State of Wyoming )  
 ) ss  
County of .... )

I, ....., do solemnly swear (or affirm) that I am a citizen of the United States; that I was born on ....; that I have been a bona fide resident of the state of Wyoming, County of .... since ....; that my current residence address is .... Street, City of .... Ward .... (if applicable), Election District No. .... Polling Precinct No. ...., House District No.... and Senate District No....; that my mailing address (if different from my residence address) is ....; that I am a member of .... political party and my social security number (optional) is ....; that I am not .... now registered in another county or state; that I am not currently adjudicated a mentally incompetent person, that I have not been convicted of a felony, or if I have been convicted of a felony, I have had my civil or voting rights restored by a competent authority; and that the voter registration information contained herein is true and accurate to my best knowledge and belief.

1

2

.... (Signature in full of applicant)

3

4

Subscribed and affirmed or sworn to before me by .... this

5

.... day of ....., (year).

6

7

.... (Signature and title of registry agent

8

or person authorized to administer oaths)

9

10

**22-29-104. Definitions when principal act is silent.**

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12

(a) When used in a principal act, the following definitions apply, unless the term is otherwise specifically defined in that principal act:

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15

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(v) "Qualified elector" means a natural person

17

who:

18

19

(E) Has not been convicted of a felony, or,

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if so convicted, has had his civil or voting rights

21

restored; and

22

23

**Section 2.** The intent of this act is to provide an

24

opportunity to restore voting rights lost by persons

1 convicted of felonies other than violent felonies  
2 regardless of when the conviction occurred. Nothing in  
3 this act shall be construed to affect the governor's powers  
4 under W.S. 7-13-105 to restore any rights lost pursuant to  
5 W.S. 6-10-106.

6

7 **Section 3.** This act is effective July 1, 2003.

8

9

(END)