

SENATE FILE NO. SF0065

Restoration of voting rights.

Sponsored by: Senator(s) Goodenough

A BILL

for

1 AN ACT relating to the restoration of voting rights lost by
2 convicted felons; providing for the automatic restoration
3 of voting rights for persons convicted of nonviolent
4 felonies; making conforming amendments; and providing for
5 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:

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17 **1-11-102. Convicted felon disqualified.**

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

6

7 **6-10-106. Rights lost by conviction of felony;**
8 **restoration.**

9

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

13

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

15

16 (iii) His rights are restored pursuant to W.S.
17 ~~7-13-105.~~ 7-13-105(a); or

18

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

23

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) A person convicted of a nonviolent felony may
7 apply in writing to the state board of parole for a
8 certificate which restores the person's voting rights lost
9 pursuant to W.S. 6-10-106. The application shall
10 specifically state that the requirements of this subsection
11 have been met and shall be on a form approved by the state
12 board of parole. The state board of parole shall issue a
13 certificate restoring a person's voting rights if:

14
15 (i) The applicant has never been convicted of a
16 violent felony;

17
18 (ii) The applicant has not been convicted of any
19 additional offenses since conviction of the nonviolent
20 felony;

21
22 (iii) All of the applicant's terms of sentence
23 are expired, or in the case of probation, the applicant has
24 satisfactorily completed all probation periods; and

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(iv) It has been at least five (5) years since the expiration of the applicant's terms of sentence, or in the case of probation, the completion of all probation periods.

(c) Upon receipt of the written application under subsection (b) of this section, the board shall review the materials and make an initial determination of eligibility. Should the board deny the application at this initial determination, the applicant shall have the right to request a contested case hearing before the board as provided by and in accordance with the Wyoming Administrative Procedure Act. The decision of the board after such hearing shall be deemed final, shall be in writing, and, in the case of a denial of the application, shall state the findings of the board and the reasons for the denial. An applicant shall have the opportunity for judicial review of a final decision of the board as provided under the Wyoming Administrative Procedure Act.

(d) When a certificate of restoration of rights is issued pursuant to this section, the issuer of the

1 certificate shall file a copy of the certificate with the
2 secretary of state.

3
4 (e) As used in this section, "violent felony" means
5 as defined by W.S. 6-1-104(a)(xii), including offenses
6 committed in another jurisdiction which if committed in
7 this state would constitute a violent felony under W.S.
8 6-1-104(a)(xii). As used in this section, "nonviolent
9 felony" includes all felony offenses not otherwise defined
10 as violent felonies.

11
12 **7-13-401. Definitions; creation of board; officers;**
13 **compensation; hearing panels; meetings.**

14
15 (f) Three (3) or more members of the board may
16 constitute a hearing panel empowered to review applications
17 for parole, grant paroles, revoke paroles, withdraw or
18 revoke good time, restore or reinstate good time, restore
19 voting rights pursuant to W.S. 7-13-105(b) and (c), and
20 make recommendations to the governor to grant commutations
21 of sentences. A decision by a majority of the members of a
22 panel under this subsection is the decision of the board.

23

1 **7-13-402. General powers and duties of board;**
2 **eligibility for parole; immunity.**

3

4 (f) The promulgation of substantive rules by the
5 board, the conduct of its hearings and its final decisions
6 are specifically exempt from all provisions of the Wyoming
7 Administrative Procedure Act including the provisions for
8 judicial review under W.S. 16-3-114 and 16-3-115. This
9 exception shall not apply to board hearings and decisions
10 following an initial denial of an application for
11 restoration of voting rights pursuant to W.S. 7-13-105(b)
12 and (c). The board's rules and regulations shall be filed
13 in the office of the secretary of state.

14

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

18

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

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21 (a) As used in this act:

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23 (ii) "Criminal history record information" means
24 information, records and data compiled by criminal justice

1 agencies on individuals for the purpose of identifying
2 criminal offenders consisting of identifiable descriptions
3 of the offenders and notations or a summary of arrests,
4 detentions, indictments, information, pre-trial
5 proceedings, nature and disposition of criminal charges,
6 sentencing, rehabilitation, incarceration, correctional
7 supervision and release. Criminal history record
8 information is limited to information recorded as the
9 result of the initiation of criminal proceedings. It does
10 not include intelligence data, analytical prosecutorial
11 files, investigative reports and files or statistical
12 records and reports in which individual identities are not
13 ascertainable, or any document signed by the governor
14 granting a pardon, commutation of sentence, reprieve,
15 remission of fine or forfeiture, or a restoration of civil
16 rights by the governor or restoration of voting rights by
17 the state board of parole;

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19 **9-1-302. Powers and duties; custodian of public**
20 **records; preservation of proclamations of governor; removal**
21 **of public documents prohibited; exceptions.**

22

23 (a) The secretary of state is the custodian of, and
24 shall preserve:

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

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18-12-102. Definitions.

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(a) As used in this act:

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(vii) "Elector" or "voter" means a person who is a qualified elector or an owner of land in the district, including any corporation, partnership or association owning land in the district provided the individual who casts the vote for a corporation, partnership or association presents the election judge with a written authorization to vote for the corporation, partnership or association. No person is a qualified elector who is under eighteen (18) years of age, a mentally incompetent person, or who has been convicted of a felony and his civil or voting rights have not been restored. In applying provisions of the Special District Elections Act of 1994 to this act, the terms "elector" or "voter" shall include qualified electors and landowners;

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22-1-102. Definitions.

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2 (a) The definitions contained in this chapter apply
3 to words and phrases used in this Election Code and govern
4 the construction of those words and phrases unless they are
5 specifically modified by the context in which they appear.
6 As used in this Election Code:

7

8 (xxvi) "Qualified elector" includes every
9 citizen of the United States who is a bona fide resident of
10 Wyoming, has registered to vote and will be at least
11 eighteen (18) years of age on the day of the election at
12 which he may offer to vote. No person is a qualified
13 elector who is a currently adjudicated mentally incompetent
14 person, or who has been convicted of a felony and his civil
15 or voting rights have not been restored. A literacy test
16 shall not be imposed as a condition to voting in any
17 election;

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19 **22-3-102. Qualifications; temporary registration.**

20

21 (a) A person may register to vote not less than
22 thirty (30) days before an election, at any election
23 specified in W.S. 22-2-101(a)(i) through (viii) or as

1 provided by W.S. 22-3-117, who satisfies the following
2 qualifications:

3

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

6

7 **22-3-103. Furnishing of oath forms; contents thereof.**

8

9 (a) The county clerk shall furnish voter registration
10 oath forms to registry agents which shall conform in
11 substance to the following:

12

13 REGISTRATION OATH

14

15 State of Wyoming)

16) ss

17 County of)

18

19 I,, do solemnly swear (or affirm) that I am a
20 citizen of the United States; that I was born on; that
21 I have been a bona fide resident of the state of Wyoming,
22 County of since; that my current residence
23 address is Street, City of Ward (if
24 applicable), Election District No. Polling Precinct

1 No., House District No.... and Senate District No....;
 2 that my mailing address (if different from my residence
 3 address) is; that I am a member of political
 4 party and my social security number (optional) is;
 5 that I am not now registered in another county or
 6 state; that I am not currently adjudicated a mentally
 7 incompetent person, that I have not been convicted of a
 8 felony, or if I have been convicted of a felony, I have had
 9 my civil or voting rights restored by a competent
 10 authority; and that the voter registration information
 11 contained herein is true and accurate to my best knowledge
 12 and belief.

13

14 (Signature in full of applicant)

15

16 Subscribed and affirmed or sworn to before me by this
 17 day of, (year).

18

19 (Signature and title of registry agent
 20 or person authorized to administer oaths)

21

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

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

4
5 (v) "Qualified elector" means a natural person
6 who:

7
8 (E) Has not been convicted of a felony, or,
9 if so convicted, has had his civil or voting rights
10 restored; and

11
12 **Section 2.** The intent of this act is to provide an
13 opportunity to restore voting rights lost by persons
14 convicted of felonies other than violent felonies
15 regardless of when the conviction occurred. Nothing in
16 this act shall be construed to affect the governor's powers
17 under W.S. 7-13-105 to restore any rights lost pursuant to
18 W.S. 6-10-106.

19
20 **Section 3.** This act is effective July 1, 2003.

21
22 (END)