

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; specifying requirements for automatic
5 restoration; making conforming amendments; and providing
6 for an effective date.

7

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

9

10 **Section 1.** W.S. 1-11-102, 6-10-106(a)(ii), (iii) and
11 by creating a new paragraph (iv), 7-13-105 by creating new
12 subsections (b) through (d), 7-13-401(f), 7-13-402(f) and
13 by creating a new subsection (h), 7-19-103(a)(ii),
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

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

1

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 or
7 felonies arising out of the same occurrence or related
8 course of events may apply in writing to the state board of
9 parole for a certificate which restores the person's voting
10 rights lost pursuant to W.S. 6-10-106. The application
11 shall specifically state that the requirements of this
12 subsection have been met and shall be on a form approved by
13 the state board of parole. The state board of parole shall
14 issue a certificate restoring a person's voting rights if:

15
16 (i) The applicant has never been convicted of
17 any other felony other than convictions arising out of the
18 same occurrence for which restoration of rights is sought;

19
20 (ii) All of the applicant's terms of sentence
21 are expired, or in the case of probation, the applicant has
22 satisfactorily completed the probation period; and

23

1 (iii) It has been at least five (5) years since
2 the expiration of the applicant's term of sentence, or in
3 the case of probation, the completion of the probation
4 period.

5
6 (c) Upon receipt of the written application under
7 subsection (b) of this section, the board shall review the
8 materials and make an initial determination of eligibility.
9 Should the board deny the application at this initial
10 determination, the applicant shall have the right to
11 request a contested case hearing before the board as
12 provided by and in accordance with the Wyoming
13 Administrative Procedure Act. The decision of the board
14 after such hearing shall be deemed a final administrative
15 determination, shall be in writing, and, shall in the case
16 of a denial of the application, state the findings of the
17 board and the reasons for the denial and shall not be
18 subject to judicial review under W.S. 16-3-114.

19
20 (d) As used in this section, "violent felony" means
21 as defined by W.S. 6-1-104(a)(xii), including offenses
22 committed in another jurisdiction which if committed in
23 this state would constitute a violent felony under W.S.
24 6-1-104(a)(xii). As used in this section, "nonviolent

1 felony" includes all felony offenses not otherwise defined
2 as violent felonies.

3
4 **7-13-401. Definitions; creation of board; officers;**
5 **compensation; hearing panels; meetings.**

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

15
16 **7-13-402. General powers and duties of board;**
17 **eligibility for parole; immunity.**

18
19 (f) The promulgation of substantive rules by the
20 board, the conduct of its hearings and its final decisions
21 are specifically exempt from all provisions of the Wyoming
22 Administrative Procedure Act including the provisions for
23 judicial review under W.S. 16-3-114 and 16-3-115. This
24 exception shall not apply to board hearings and decisions

1 following an initial denial of an application for
2 restoration of voting rights pursuant to W.S. 7-13-105(b)
3 and (c). The board's rules and regulations shall be filed
4 in the office of the secretary of state.

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

9
10 **7-19-103. Definitions.**

11
12 (a) As used in this act:

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14 (ii) "Criminal history record information" means
15 information, records and data compiled by criminal justice
16 agencies on individuals for the purpose of identifying
17 criminal offenders consisting of identifiable descriptions
18 of the offenders and notations or a summary of arrests,
19 detentions, indictments, information, pre-trial
20 proceedings, nature and disposition of criminal charges,
21 sentencing, rehabilitation, incarceration, correctional
22 supervision and release. Criminal history record
23 information is limited to information recorded as the
24 result of the initiation of criminal proceedings. It does

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

9

10 **18-12-102. Definitions.**

11

12 (a) As used in this act:

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14 (vii) "Elector" or "voter" means a person who is
15 a qualified elector or an owner of land in the district,
16 including any corporation, partnership or association
17 owning land in the district provided the individual who
18 casts the vote for a corporation, partnership or
19 association presents the election judge with a written
20 authorization to vote for the corporation, partnership or
21 association. No person is a qualified elector who is under
22 eighteen (18) years of age, a mentally incompetent person,
23 or who has been convicted of a felony and his civil or
24 voting rights have not been restored. In applying

1 provisions of the Special District Elections Act of 1994 to
2 this act, the terms "elector" or "voter" shall include
3 qualified electors and landowners;

4

5 **22-1-102. Definitions.**

6

7 (a) The definitions contained in this chapter apply
8 to words and phrases used in this Election Code and govern
9 the construction of those words and phrases unless they are
10 specifically modified by the context in which they appear.
11 As used in this Election Code:

12

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

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24 **22-3-102. Qualifications; temporary registration.**

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

7

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

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11 **22-3-103. Furnishing of oath forms; contents thereof.**

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13 (a) The county clerk shall furnish voter registration
 14 oath forms to registry agents which shall conform in
 15 substance to the following:

16

17 REGISTRATION OATH

18

19 State of Wyoming)

20) ss

21 County of)

22

23 I,, do solemnly swear (or affirm) that I am a
 24 citizen of the United States; that I was born on; that

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

17

18 (Signature in full of applicant)

19

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

22

23 (Signature and title of registry agent
 24 or person authorized to administer oaths)

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

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

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

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

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

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(END)