

Chapter 132

RESTORATION OF VOTING RIGHTS

Original Senate File No. 65

AN ACT relating to the restoration of voting rights lost by convicted felons; providing for the automatic restoration of voting rights for persons convicted of nonviolent felonies; specifying requirements for automatic restoration; making conforming amendments; and providing for an effective date.

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

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

1-11-102. Convicted felon disqualified.

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

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

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

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

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

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

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

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

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

(ii) All of the applicant's terms of sentence are expired, or in the case of probation, the applicant has completed all probation periods; and

(iii) It has been at least five (5) years since the expiration of all 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 a final administrative determination, shall be in writing, and, shall in the case of a denial of the application, state the findings of the board and the reasons for the denial and shall not be subject to judicial review under W.S. 16-3-114.

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

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

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

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

(f) The promulgation of substantive rules by the board, the conduct of its hearings and its final decisions are specifically exempt from all provisions of the Wyoming Administrative Procedure Act including the provisions for judicial review under W.S. 16-3-114 and 16-3-115. This exception shall not apply to the provisions authorizing a contested case hearing under W.S. 7-13-105(c). The board's rules and regulations shall be filed in the office of the secretary of state.

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

7-19-103. Definitions.

(a) As used in this act:

(ii) "Criminal history record information" means information, records and data compiled by criminal justice agencies on individuals for the purpose of identifying criminal offenders consisting of identifiable descriptions of the offenders and notations or a summary of arrests, detentions, indictments, information, pre-trial proceedings, nature and disposition of criminal charges, sentencing, rehabilitation, incarceration, correctional supervision and release. Criminal history record information is limited to information recorded as the result of the initiation of criminal proceedings. It does not include intelligence data, analytical prosecutorial files, investigative reports and files or statistical records and reports in which individual identities are not ascertainable, or any document signed by the governor granting a pardon, commutation of sentence, reprieve, remission of fine or forfeiture, or a restoration of civil rights by the governor or restoration of voting rights by the state board of parole;

18-12-102. Definitions.

(a) As used in this act:

(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;

22-1-102. Definitions.

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

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

22-3-102. Qualifications; temporary registration.

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

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

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

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

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.

.... (Signature in full of applicant)

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

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

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

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

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

(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.

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

Approved March 5, 2003.