

## HOUSE BILL NO. HB0129

Voting rights.

Sponsored by: Representative(s) Zwonitzer, Dn., Barlow, Connolly, Loucks, Patton, Petroff, Sommers, Throne and Watt and Senator(s) Burns, Case and Rothfuss

A BILL

for

1 AN ACT relating to voting rights; modifying requirements  
2 for restoration of voting rights to persons convicted of  
3 nonviolent felonies; conforming provisions; repealing  
4 conflicting provisions related to restoration of voting  
5 rights; and providing for an effective date.

6

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

8

9       **Section 1.** W.S. 6-10-106(a)(iv), 7-13-105(b)(intro),  
10 by creating new paragraphs (iv) through (vii), by creating  
11 new subsections (d) through (g) and by renumbering (d) as  
12 (h), 7-13-401(f) and 7-13-402(f) are amended to read:

13

14       **6-10-106. Rights lost by conviction of felony;**  
15 **restoration.**

1

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

5

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

11

12 **7-13-105. Certificate of restoration of rights;**  
13 **procedure for restoration in general; procedure for**  
14 **restoration of voting rights for nonviolent felonies;**  
15 **filing requirements.**

16

17 (b) A person convicted of a nonviolent felony or  
18 nonviolent felonies ~~arising out of the same occurrence or~~  
19 ~~related course of events may apply in writing to the state~~  
20 ~~board of parole for a certificate which restores the~~  
21 ~~person's~~ shall have voting rights, which were lost pursuant  
22 to W.S. 6-10-106<sub>1</sub>. ~~The application shall specifically~~  
23 ~~state that the requirements of this subsection have been~~  
24 ~~met and shall be on a form approved by the state board of~~

1 ~~parole. The state board of parole shall issue a~~  
2 ~~certificate restoring a person's voting rights~~ restored if:

3

4 (iv) He has been discharged from all sentences,  
5 including any deferred or suspended sentences;

6

7 (v) He has been discharged from all probation,  
8 parole or supervised release;

9

10 (vi) At least one (1) year has passed since  
11 completion of the requirements of paragraphs (iv) and (v)  
12 of this subsection; and

13

14 (vii) His voting rights have not been lost  
15 pursuant to W.S. 6-10-106 for conviction of a violent  
16 felony.

17

18 (d) The department of corrections shall issue a  
19 certificate of completion of sentence to a person who has  
20 been convicted of a nonviolent felony in Wyoming and who  
21 has met the requirements of paragraphs (b)(iv) and (v) of  
22 this section. The certificate of completion of sentence  
23 shall state that the person may apply to have his voting  
24 rights restored one (1) year from the date of the

1 certificate. At the time of issuing the certificate, the  
2 department shall provide to the person an application for  
3 restoration of voting rights.

4  
5 (e) Applications for restoration of voting rights  
6 shall be submitted to the department of corrections. The  
7 department of corrections shall issue a certificate of  
8 restoration of voting rights to persons who apply for  
9 restoration and who meet the requirements of subsection (b)  
10 of this section. The certificate shall state that the  
11 person is entitled to register to vote.

12  
13 (f) The department of corrections shall send the  
14 certificate of restoration of voting rights to the  
15 applicant, the secretary of state and the division of  
16 criminal investigation.

17  
18 (g) If the department of corrections denies an  
19 application for restoration of voting rights, it shall  
20 notify the applicant in writing of the denial and state the  
21 reasons for the denial. The applicant may request a  
22 hearing to appeal the denial. The conduct of the hearing  
23 and the final decision are not subject to the provisions of  
24 the Wyoming Administrative Procedure Act including the

1 provisions for judicial review under W.S. 16-3-114 and  
2 16-3-115.

3  
4 ~~(d)~~(h) As used in this section, "violent felony"  
5 means as defined by W.S. 6-1-104(a)(xii), including  
6 offenses committed in another jurisdiction which if  
7 committed in this state would constitute a violent felony  
8 under W.S. 6-1-104(a)(xii). As used in this section,  
9 "nonviolent felony" includes all felony offenses not  
10 otherwise defined 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 or revoke paroles. Fewer than  
18 three (3) members of the board, as may be provided by rule  
19 of the board, may withdraw or revoke good time, restore or  
20 reinstate good time, ~~make initial determinations of~~  
21 ~~eligibility and restore voting rights pursuant to W.S.~~  
22 ~~7-13-105(b) and (c),~~ make recommendations to the governor  
23 to grant commutations of sentences and review inmate  
24 matters, other than the grant or denial of parole, brought

1 before the board. A decision by a majority of the members  
2 of a panel under this subsection is the decision of the  
3 board.

4

5 **7-13-402. General powers and duties of board;**  
6 **eligibility for parole; immunity.**

7

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

17

18 **Section 2.** W.S. 7-13-105(b)(i) through (iii) and (c)  
19 and 7-13-402(h) are repealed.

20

21 **Section 3.** This act is effective July 1, 2013.

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23

(END)