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Wednesday, January 06, 2010

### Ninth Circuit strikes down Washington felon voter disenfranchisement law

Brian Jackson at 9:09 AM ET



[JURIST] The [US Court of Appeals for the Ninth Circuit](#) [official website] **ruled** [opinion, PDF] Tuesday that a Washington law that prohibits felons from voting violates [Section 2 of the Voting Rights Act](#) [text]. The Washington law, Article VI, Section 3 of the [state constitution](#) [text], states that, "All persons convicted of infamous crime unless restored to their civil rights and all persons while they are judicially declared mentally incompetent are excluded from the elective franchise." Washington **defines** [text] an infamous crime as one, "punishable by death in the state penitentiary or imprisonment in a state correctional facility." In issuing its opinion, the Ninth Circuit noted that despite the state's efforts to amend the law to reduce the discriminatory effect, "it does not protect minorities from being denied the right to vote upon conviction by a criminal justice system that Plaintiffs have demonstrated is materially tainted by discrimination and bias." Washington Secretary of State Sam Reed **expressed surprise** [press release] at the decision, and the state is expected to appeal.

Felon voting rights are [varied throughout the US](#) [ProCon backgrounder], with 12 states completely restricting the right to vote depending on the crime committed, while Maine and Vermont allow all felons to vote, including those still serving their prison sentences. In October 2008, the [American Civil Liberties Union](#) (ACLU) [advocacy website] released a report showing [widespread disenfranchisement](#) [JURIST report] among ex-convicts, including most prominently a lack of knowledge of state laws regarding voting rights. Earlier that year, the ACLU **filed suit** [JURIST report] challenging additions to Alabama's felon voting disenfranchisement law made by the state's attorney general. In February 2008, the ACLU **filed suit** [JURIST report] alleging that a Tennessee law that requires ex-convicts to pay all outstanding legal obligations before being granted the right to vote violates the Fourteenth Amendment.

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