

# Felons, Dead Voters Getting Ballots

**Chris Halsne** KIRO 7 Eyewitness News Investigative Reporter  
Tuesday, October 14, 2008 – updated: January 20, 2009

**SEATTLE --** An exclusive KIRO Team 7 Investigation discovers the state will send ballots to thousands of convicted felons in the next week, even though many can't legally vote.

The Secretary of State's Office fired up a new multimillion-dollar computer in 2006. Its job was to catch, and then cancel, illegal voters.

Well, not all illegal voters.

KIRO-TV recently ran its own data to double check the state's work. Investigative Reporter Chris Halsne found out the system was set up to ignore the existence of approximately 24,000 convicted felons.

The State of Washington never stopped sending Tracy Wilkinson ballots in the mail, even though it appears she's not eligible to vote. In 2002, she pleaded guilty to a felony prescription drug charge, then, according to court files, failed to pay all her fines.

A Snohomish County judge ruled "the defendant is not entitled to restoration of civil rights or discharge" - legal speak for "you can't vote!"

Wilkinson admitted to Halsne that she is a felon, but thought she could still legally vote.

Halsne: "You're a convicted felon?"

Wilkinson: "Yeah. I am. I fought it, but they said no jail. So, then, it really never bothered me because I thought, well, I'm never going to be president, so I don't care. Really. Then, when you brought up that I'm not supposed to vote, they send me my ballots. I've been voting for the last 10 years. "

An extensive computer analysis, independently conducted by KIRO Team 7 Investigators, found that Wilkinson is just one of 23,927 criminals on the active voter database.

6,812 of them are considered "very likely voters" because they

already cast a ballot in other elections this year.

Unless something changes soon, every one of the felons will get a ballot for the November election, even though the state admits it has no idea if they are eligible.

Sources familiar with the election program, who asked we not identify them, tell us the new computer system was intentionally programmed to ignore a certain subset of felony data. The reasoning behind it was this: Because most of the felons on our list committed their crimes prior to the computer going online in 2006, it was going to be too difficult to research which ones can legally vote.

Jonathan Bechtle is an attorney at a conservative think tank, the Evergreen Freedom Foundation. He thinks we have found a significant flaw and one that could affect a close election.

“So we're not going to follow the law because it seems too hard to do? Sorry. That just doesn't cut it. The law says 'felons, you can't vote.' The Secretary has been given the authority, given the funds to put this database together. They should be able to do this,” said Bechtle.

Washington's convicted felons can't legally vote until two things happen. First, they must meet all of their court ordered conditions: Prison time, restitution, the works. Then, depending on the year, that felon also needs a judge to sign an order of discharge or restoration of civil rights.

A long-term study by the Washington Department of Corrections shows that about 65 percent of felons fail to pay off all their restitution or finish their court ordered conditions.

Using admittedly simplistic math, if our data shows 6,812 felons voted in primary elections this year, that means 65 percent of them or about 4,400 will illegally cast ballots in November.

If all active voters who also appear to be convicted felons are counted, that's more than 15,000 questionable votes.

Secretary of State Sam Reed is proud his office purged 40,000 dead, duplicate, underage, and non-citizen voters off the rolls since 2006. However, he admits that the felon issue remains a problem.

“They have so many people out there that have not completed their sentences. It's almost impossible for us to track that, but we are working with the courts to do it, but that is one of our challenges,” said Reed.

For Tracy Wilkinson, her answer is simple. It also happens to be the same thought process being used by the Secretary of State's Office: Let all criminals vote if they aren't actually sitting in prison, jail, or under active supervision of the Department of Corrections.

"As long as they're paying taxes, being part of the community and doing what they're supposed to be doing, they should have the right to vote," said Wilkinson.

One thing is very clear: The whole system for tracking felons is a mess. We found thousands of data entry errors, including questions regarding whether certain criminals (including Tracy Wilkinson) were convicted of felonies or gross misdemeanors or both.

Because of those discrepancies, elections officials don't think it's "practical" to eliminate any of the 24,000 or so felons in question. Instead, all will be handed ballots for the upcoming primary election.