

**BYLAWS OF
THE WASHINGTON STATE
CLEMENCY AND PARDONS BOARD**

ARTICLE 1

FORMATION AND PURPOSE

1.01 Formation. Pursuant to RCW 9.94A.880 and RCW 9.94A.885, the Clemency and Pardons Board (“Board”), is a board established within the Office of the Governor for the State of Washington.

1.02 Purpose. The Board is created to assist the Governor in gathering the information necessary to exercise the pardoning power vested in the Governor under the Washington State Constitution and such regulations and restrictions as may be prescribed by law.

The Board shall receive petitions from individuals, organizations, and the Department of Corrections for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the Governor. The Board shall also receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies.

ARTICLE 2

BOARD MEMBERS

2.01 General Powers. The powers of the Board are delineated in RCW 9.94A.885.

2.02 Members. The Board shall consist of five members appointed by the Governor, subject to confirmation by the Senate. RCW 9.94A.880(1).

2.03 Tenure. Each member of the Board shall serve a term of four years or until a successor is appointed. RCW 9.94A.880(2).

2.04 Qualification. Board members shall be individuals who are legally registered voters in the State of Washington.

2.05 Chairperson. The Board shall elect a Chairperson (Chair) from among its Board members. The Chair shall exercise the usual executive powers pertaining to the office of Chair. He or she shall preside at all meetings of the Board. When authorized by the Board, he or she shall have the power to sign and execute all instruments in the name of the Board. He or she shall appoint the members of all Board committees.

2.06 Vice-Chairperson. The Board shall elect a Vice-Chairperson (Vice-Chair) from among its Board members. The Vice-Chair shall act in the place of the Chair in the

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absence of the Chair or upon the disability or refusal of the Chair to act. The Vice-Chair shall have such other duties as the Chair and Board shall designate.

2.07 Duties of Board Members. Each Board member shall perform the duties of a Board member, including the duties as a member of any committee of the Board upon which the Board member may serve, in good faith, and in a manner that such Board member believes to be in the best interests of the Board, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. Board members shall also have such additional duties as are imposed by applicable state law, and such additional duties as are imposed from time to time by the Board.

2.08 Resignation. Any Board member may resign at any time by delivering notice, in any manner and by any means permitted under applicable law, to the Chair, or by giving such notice at any meeting of the Board. Any such resignation shall take effect at the time specified therein, or if the time is not specified, upon delivery thereof and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

2.09 Removal. A Board member may be removed from office for gross neglect of duties by a majority vote of the Board. The term “**gross neglect of duties**” shall mean a willful failure by any Board member to fulfill the duties set forth in Section 2.07 of these Bylaws, as determined by the same majority required to remove an appointed Board member.

2.10 Compensation. Board members shall not receive compensation for their services as such, although travel expenses of Board members for attendance at Board meetings may be paid or reimbursed by the Office of the Attorney General, as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

2.11 Preliminary Review Committee. The Chair shall form Preliminary Review Committees as allowed under Section 2.05 of these Bylaws for the purpose of making the determination of whether a petition will be set for hearing before the full Board for consideration.

ARTICLE 3

HEARINGS

3.01 Hearings. All Board hearings pertaining to Petitions shall be open and public. The Board may hold executive sessions to consider administrative matters, sensitive matters, or privileged matters recognized by law. Except for Preliminary Review Committee meetings, the Board shall not discuss or otherwise act on the merits of any pending petition except in a hearing open to the public. The public shall have a reasonable opportunity to address the Board, either orally or in writing at all hearings.

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3.02 Special Hearings. The Governor, the Board's Chairperson, or a majority of the Board may call a special hearing at any time. Every effort shall be made to notify the Prosecutor's Office and all those who have evidenced interest in the hearing pursuant to RCW 9.94A.885(3).

3.03 Quorum; Manner of Action. Three (3) members of the Board shall constitute a quorum for the transaction of business. Except as otherwise provided by applicable law or these Bylaws, a majority of those present may take action on any matter coming before the Board. Notwithstanding the foregoing, approval of the following actions shall require the affirmative vote of a majority of the total membership of the Board:

- (a) Removal of any member;
- (b) Revision or amendment of these Bylaws, inclusive of the Preliminary Review Check List; and
- (c) Revision or amendment of the Board's Policies.

No Board member shall vote or act by proxy at any meeting of the Board or any Board committee.

3.04 Voting Rights. In all matters put to a vote at any Board meeting, each member shall be entitled to one vote. Each vote will be considered equally.

3.05 Majority Vote. Except for the Preliminary Review Committee, all decisions and recommendations made by the Board require a majority vote and no decision or recommendation may be made by the Board unless a quorum is present.

3.06 Notice. Hearing dates shall be scheduled prior to the end of the calendar year for the next calendar year. Hearings dates shall be placed in the Washington State Register. Modification of the hearing schedule may occur with at least 24 hours notice to each Board member and to individuals who have evidenced interest.

3.07 Quarterly Hearings. Members of the Board shall hold quarterly hearings to decide petitions.

3.08 Location of Hearings. Hearings may be held at any location within the State of Washington, and shall be designated in the Notice of Hearing. The preferred location for hearings shall be Olympia, Washington.

3.09 Use of Court Reporter. A court reporter will be present in the hearing room and transcribe all hearing proceedings. The transcripts of the hearing proceedings will be made available to interested parties.

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ARTICLE 4

ADMINISTRATIVE PROVISIONS

4.01 Record of Proceedings. The Board shall keep minutes of each official proceeding of the Board. The minutes of all regular and special meetings, except executive sessions, shall be promptly transcribed by the court reporter, and shall be open to public inspection under RCW 42.32.030.

4.02 Policies. The Board shall adopt policies establishing rules governing the manner in which a Petition for Commutation, Pardon, or the Restoration of Civil Rights is presented to the Board, and upon which the Board will consider, deliberate and decide such petitions. The Board may at any time amend, revise its existing policies, and/or adopt additional policies for the furtherance of its affairs as it deems necessary by a majority vote of the Board.

4.03 Conflict of Interest. Members of the Board or staff persons who have personal knowledge, personal interest, or personal acquaintance of the petitioner, subject offender, victim, and witnesses, any of which might be reasonably construed as having an influence on the outcome, shall disclose the nature of his or her knowledge, personal interest, or personal acquaintance at the hearing.

4.04 Severability. If any provision of these Bylaws (or the application of any provision) is held invalid, the remaining provisions of these Bylaws (or the application of such provision) shall not be affected.

ARTICLE 5

AMENDMENTS

5.01 Proposals to Amend Bylaws. Any Board member may propose one or more amendments to these Bylaws at any meeting or hearing for which proper notice has been given.

5.02 Voting on Proposed Amendments. Voting on any amendments proposed pursuant to Section 5.01, may occur no sooner than the next regular meeting or hearing of the Board. Germaine amendment(s) reasonably related to the proposed amendment(s) will be permitted at the meeting at which the vote is taken. As provided in Section 3.03, approval of any such amendment(s) shall require affirmative vote of a majority of the total membership of the Board.

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CERTIFICATION OF ADOPTION

The undersigned Chairperson of the Washington State Clemency and Pardons Board certifies that the above Bylaws, were adopted by the Board members and that the same do now constitute the Bylaws of the Clemency and Pardons Board, and that they supercede any prior Bylaws or Resolutions adopted by the Board or its predecessors.

Dated this 22nd day of March, 2011.

/s/ _____
John Turner, Chairperson