

SB121 INTRODUCED



1 I5L16Z-1
2 By Senator Coleman-Madison
3 RFD: Judiciary
4 First Read: 22-Mar-23
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SYNOPSIS:

Under existing law, an individual who has lost his or her right to vote based upon a past criminal conviction may apply to the Board of Pardons and Paroles for a Certificate of Eligibility to Register to Vote under certain circumstances, including payment of all fines, court costs, fees, and victim restitution as ordered by the sentencing court and completion of probation or parole and release from compliance by the court or Board of Pardons and Paroles.

This bill would eliminate the application requirement and the Certificate of Eligibility to Register to Vote and require the Board of Pardons and Paroles to determine whether an individual may have his or her right to vote restored if the individual has lost his or her right to vote by reason of conviction in a state or federal court and has been pardoned or released from incarceration or period of probation or parole.

This bill would allow an indigent individual to have his or her right to vote restored if he or she has paid all fines and restitution and is in compliance with an approved payment plan for the payment of court costs and fees or an approved community service plan to offset the payment of court costs and fees.



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A BILL
TO BE ENTITLED
AN ACT

Relating to voting rights; to amend Sections 15-22-36.1, 17-3-31, and 17-4-3, Code of Alabama 1975; to eliminate the application requirement and the Certificate of Eligibility to Register to Vote; to require the Board of Pardons and Paroles to determine whether an individual may have his or her right to vote restored if the individual has lost his or her right to vote by reason of conviction in a state or federal court and has been pardoned or released from incarceration or period of probation or parole; to allow an indigent individual to have his or her right to vote restored if he or she has paid all fines and restitution and is in compliance with an approved payment plan for the payment of court costs and fees or an approved community service plan to offset the payment of court costs and fees; to remove impeachment from the list of offenses that prohibit an individual from having his or her right to vote restored to make consistent with existing law; and to add Section 17-3-31.1 to the Code of Alabama 1975, to require notification to the individual that his or her right to vote has been restored.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-22-36.1, 17-3-31, and 17-4-3,



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57 Code of Alabama 1975, are amended to read as follows:

58 "§15-22-36.1

59 (a) ~~Any other provision of law notwithstanding~~Except as
60 provided in subsection (h), any person individual who has lost
61 his or her right to vote by reason of conviction in a state or
62 federal court, regardless of the date of his or her sentence,
63 ~~may apply to the Board of Pardons and Paroles for a~~
64 ~~Certificate of Eligibility to Register to Vote~~ shall have his
65 or her right to vote restored if ~~all~~ both of the following
66 ~~requirements~~ criteria are met on all disqualifying cases:

67 ~~(1) The person has lost his or her right to vote by~~
68 ~~reason of conviction in a state or federal court in any case~~
69 ~~except those listed in subsection (g).~~

70 ~~(2) The person has no criminal felony charges pending~~
71 ~~against him or her in any state or federal court.~~

72 ~~(3) The person has paid all fines, court costs, fees,~~
73 ~~and victim restitution ordered by the sentencing court at the~~
74 ~~time of sentencing on disqualifying cases.~~

75 (1) The individual has done either of the following:

76 a. Paid all fines, court costs, fees, and restitution
77 ordered by the sentencing court at the time of sentencing.

78 b. Paid all fines and restitution ordered by the
79 sentencing court and with regard to all court costs and fees,
80 has done either of the following:

81 1. Made all payments for a period of not less than one
82 year on court costs and fees pursuant to an approved payment
83 plan.

84 2. Complied with an approved community service plan



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85 pursuant to Section 3 of the act adding this amendatory
86 language for a period of not less than one year.

87 ~~(4)~~ (2) Any of the following are true:

88 a. The ~~person~~ individual has been released upon
89 completion of sentence.

90 b. The ~~person~~ individual has been pardoned.

91 c. The ~~person~~ individual has successfully completed
92 probation or parole and has been released from compliance by
93 the ordering entity.

94 (b) The circuit clerk of the court in which any
95 outstanding fines, court costs, fees, or restitution are owed
96 shall apply payments in the following order of priority:

97 (1) To any restitution owed on a disqualifying case.

98 (2) To any fines owed on a disqualifying case.

99 (3) To any restitution owed on a non-disqualifying
100 case.

101 (4) To any court costs or fees owed on a disqualifying
102 case.

103 (5) To any fines, court costs, or fees owed on a
104 non-disqualifying case.

105 ~~(b)~~ (c) The ~~Certificate of Eligibility to Register to~~
106 ~~Vote shall be granted~~ board shall restore an individual's
107 right to vote upon a determination that ~~all of~~ the individual
108 has met the ~~requirements~~ criteria set forth in subsection (a)
109 ~~are fulfilled.~~

110 ~~(c) Upon receipt of an application under this section,~~

111 (d) When an individual, who has lost his or her right
112 to vote by reason of conviction in a state or federal court in



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113 any case except those listed in subsection (h) has met one of
114 the criteria set forth in subdivision (a) (2), the Board of
115 Pardons and Paroles shall conduct a review to determine if the
116 individual has complied with the criteria set forth in
117 subdivision (a) (1) ~~investigation of the request shall be~~
118 ~~assigned forthwith to an officer of the state Board of Pardons~~
119 ~~and Paroles. The~~ An assigned officer of the board shall
120 verify, through court records, records of the board, and
121 records of the Department of Corrections, that the ~~applicant~~
122 individual has met the ~~qualifications~~ criteria set out in
123 subsection (a). Within ~~30~~ 14 calendar days of the initial
124 ~~application for a Certificate of Eligibility to Register to~~
125 ~~Vote~~ review, the officer shall draft a report of his or her
126 findings including a statement as to whether the ~~applicant~~
127 individual has successfully ~~completed his or her sentence and~~
128 ~~has~~ complied with ~~all~~ the eligibility ~~requirements~~ criteria
129 provided in subsection (a).

130 ~~(d)~~ (e) After completing the ~~investigation~~ review set
131 out in subsection ~~(e)~~ (d), the officer shall submit his or her
132 report of investigation to the Executive Director of the Board
133 of Pardons and Paroles.

134 ~~(e)~~ (f) If the report created pursuant to subsection ~~(e)~~
135 (d) states that the ~~applicant~~ individual has met all of the
136 eligibility criteria set forth in subsection (a), and the
137 executive director or his or her designee attests that the
138 report has been submitted properly and accurately, the Board
139 of Pardons and Paroles shall ~~issue a Certificate of~~
140 ~~Eligibility to Register to Vote to~~ restore the individual's



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141 right to vote and shall notify the ~~applicant~~ individual that
142 his or her right to vote has been restored within 14 calendar
143 days of receipt of the report by the executive director.

144 ~~(f)~~ (g) If the report created pursuant to subsection ~~(e)~~
145 (d) states that the ~~applicant~~ individual has not met all of
146 the eligibility criteria set forth in subsection (a), and the
147 executive director or his or her designee attests that the
148 report has been submitted properly and accurately, the Board
149 of Pardons and Paroles shall ~~not issue a Certificate of~~
150 ~~Eligibility to Register to Vote and shall~~ not restore the
151 individual's right to vote and shall notify the ~~applicant~~
152 individual of the decision not to restore his or her right to
153 vote and reason or reasons for the decision within 14 calendar
154 days of receipt of the report by the executive director. The
155 notice shall state what measures the individual must undertake
156 in order to have his or her right to vote restored. The
157 ~~applicant, upon completion of the eligibility requirement in~~
158 ~~subsection (a) for restoration of his or her rights,~~
159 individual may submit ~~a new application~~ a written request for
160 a new review at any time if he or she has met the
161 certification criteria. Upon receipt of a new request, the
162 board shall conduct a review pursuant to the requirements set
163 forth in subsections (d) through (g).

164 ~~(g) A person~~ (h) An individual who has lost his or her
165 right to vote by reason of conviction in a state or federal
166 court for any of the following offenses as they are set forth
167 in Section 17-3-30.1 ~~will not be eligible to apply for a~~
168 ~~Certificate of Eligibility to Register to Vote under this~~



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169 section is not eligible to have his or her right to vote
170 restored: ~~Impeachment, murder~~ Murder, rape in any degree,
171 sodomy in any degree, sexual abuse in any degree, incest,
172 sexual torture, enticing a child to enter a vehicle for
173 immoral purposes, ~~soliciting~~ electronic solicitation of a
174 child ~~by computer~~, production of obscene matter ~~involving a~~
175 minor containing visual depiction of persons under 17 years of
176 age involved in obscene acts, distribution, possession with
177 intent to distribute, production of obscene material, or offer
178 or agreement to distribute or produce obscene material,
179 ~~production of obscene matter~~, parents or guardians permitting
180 children to engage in production of obscene matter, ~~possession~~
181 ~~of obscene matter, possession with intent to distribute child~~
182 ~~pornography, or~~ dissemination or public display of obscene
183 matter containing visual depiction of persons under 17 years
184 of age involved in obscene acts, possession and possession
185 with intent to disseminate obscene matter containing visual
186 depiction of persons under 17 years of age involved in obscene
187 acts, treason, or any crime as defined by the laws of the
188 United State or by the laws of another state, territory,
189 country, or other jurisdiction, which, if committed in this
190 state, would constitute one of the offenses listed in this
191 subsection.

192 ~~(h)~~ (i) This section shall not affect the right of any
193 ~~person~~ individual to apply to the board for a pardon with
194 restoration of voting rights pursuant to Section 15-22-36.

195 ~~(i)~~ (j) Each state or county correctional facility,
196 prison, or jail shall post materials to be prepared by the



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197 Secretary of State and the Board of Pardons and Paroles
198 notifying incarcerated individuals of the ~~requirements~~
199 criteria and procedures for having one's voting rights
200 restored.

201 (k) No later than September 1, 2024, the Board of
202 Pardons and Paroles and the Secretary of State shall jointly
203 develop and make available on each agency's website a form
204 with instructions for any individual who met one of the
205 criteria set forth in subdivision (a) (2) prior to the
206 effective date of the act adding this amendatory language to
207 submit to the Board of Pardons and Paroles for review pursuant
208 to the requirements set forth in subsections (d) through (g).

209 (l) The Board of Pardons and Paroles shall provide the
210 Secretary of State with an individual's address and the date
211 upon which the board restored the right to vote to an
212 individual who has lost his or her right to vote by reason of
213 conviction in a state or federal court.

214 (m) The Board of Pardons and Paroles shall post on the
215 board's website a list of individuals whose right to vote has
216 been restored pursuant to this section but does not have a
217 known address."

218 "§17-3-31

219 (a) Any ~~person~~ individual who is disqualified by reason
220 of conviction of any ~~of the offenses mentioned in~~ offense
221 designated pursuant to Section 17-3-30.1 as a felony involving
222 moral turpitude for the purposes of ~~Article VIII~~, Section 177
223 of the Constitution of Alabama of ~~1901~~ 2022, except treason
224 ~~and impeachment~~, whether the conviction was had in a state or



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225 federal court, and who has been pardoned, may be restored to
226 citizenship with the right to vote by the State Board of
227 Pardons and Paroles when specifically expressed in the pardon.
228 If otherwise qualified, ~~such person~~ the individual shall be
229 permitted to register or reregister as an elector upon
230 submission of a copy of the pardon document to the board of
231 registrars of the county of his or her residence. ~~In addition,~~
232 ~~any person~~

233 (b) Any individual who ~~has been granted a Certificate of~~
234 ~~Eligibility to Register to Vote by the Board of Pardons and~~
235 ~~Paroles pursuant to Section 15-22-36.1~~ was registered to vote
236 at any time prior to losing his or her right to vote by reason
237 of conviction in a state or federal court and has met the
238 eligibility criteria set forth in Section 15-22-36.1(a) as
239 determined by the Board of Pardons and Paroles, shall be
240 eligible to vote.

241 (c) Any individual who was not registered at any time
242 prior to losing his or her right to vote by reason of
243 conviction in a state or federal court and has met the
244 eligibility criteria set forth in Section 15-22-36.1(a) as
245 determined by the Board of Pardons and Paroles, shall be
246 permitted to register ~~or reregister~~ as an elector ~~upon~~
247 ~~submission of a copy of the certificate to the board of~~
248 ~~registrars of the county of his or her residence."~~

249 "§17-4-3

250 (a) Each county board of registrars shall purge the
251 computerized statewide voter registration list on a continuous
252 basis, whenever it receives and confirms information that a



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253 person registered to vote in that county has died, become a
254 nonresident of the state or county, been declared mentally
255 incompetent, been convicted of any offense designated pursuant
256 to Section 17-3-30.1 as a felony involving moral turpitude for
257 the purposes of ~~Article VIII~~, Section 177 of the Constitution
258 of Alabama of ~~1901~~ 2022, since being registered, or otherwise
259 become disqualified as an elector. Except as provided below, a
260 person convicted of a disqualifying criminal offense shall be
261 notified by certified mail sent to the voter's last known
262 address of the board's intention to strike his or her name
263 from the list. No person convicted of a disqualifying crime
264 may be stricken from the poll list while an appeal from the
265 conviction is pending.

266 (b) On the date set in the notice, or at a later date
267 to which the case may have been continued by the board, the
268 board shall proceed to consider the case of the elector whose
269 name it proposes to strike from the registration list and make
270 its determination. Any person whose name is stricken from the
271 list may appeal from the decision of the board without giving
272 security for costs, and the board shall forthwith certify the
273 proceedings to the judge of probate who shall docket the case
274 in the probate court.

275 (c) An appeal from the judge of probate shall be as
276 appeals set forth in Section 17-3-55.

277 (d) In the event the Board of Pardons and Paroles is
278 supervising a person convicted of a disqualifying criminal
279 offense on probation or parole, and the person has received
280 face-to-face counseling from the supervising officer regarding



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281 voter disqualification and executed documentation explaining
282 the loss and restoration of civil and political rights, upon
283 receipt of the documentation, signed by the disqualified
284 elector, the county board of registrars shall be exempt from
285 providing notice as otherwise required by this section. The
286 document administered by the Board of Pardons and Paroles and
287 to be signed by the disqualified elector shall contain the
288 following statement: "Any person convicted of a disqualifying
289 felony loses his or her civil and political rights, which
290 includes the right to vote. ~~Restoration of these rights may be~~
291 ~~applied for~~ These rights may be restored through the ~~Central~~
292 ~~Montgomery Office of the~~ Board of Pardons and Paroles, but
293 only upon completion of the requirements of Section
294 15-22-36.1 (a)."

295 (e) The Board of Pardons and Paroles shall provide
296 signed documentation to county boards of registrars to
297 indicate those persons under probation or parole supervision
298 with the board who have been convicted of a disqualifying
299 criminal offense and been counseled regarding voter
300 disqualification and the restoration of civil and political
301 rights, and may otherwise share privileged records and files
302 with county boards of registrars for the limited purpose of
303 implementing the requirements of this section.

304 (f) When the board has sufficient evidence furnished it
305 that any elector has permanently moved from one precinct to
306 another within the county, it shall change the elector's
307 precinct designation in the voter registration list, and shall
308 give notice by mail to the elector of the precinct in which



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309 the elector is registered to vote.

310 (g) The Secretary of State and the Board of Pardons and
311 Paroles may ~~promulgate~~ adopt rules in accordance with the
312 Alabama Administrative Procedure Act as necessary to implement
313 this section."

314 Section 2. Section 17-3-31.1 is added to the Code of
315 Alabama 1975, to read as follows:

316 (a) Upon receipt of information provided by the Board
317 of Pardons and Paroles pursuant to Section 15-22-36.1(1), the
318 Secretary of State shall notify the individual and the board
319 of registrars of the county in which the individual resides of
320 the date upon which the board restored his or her right to
321 vote.

322 (b) The board of registrars of the county in which the
323 individual resides shall add the individual's name to the poll
324 list and notify the individual of the date that he or she is
325 eligible to vote. This subsection does not apply to any
326 individual who has had his or her right to vote restored but
327 has never registered to vote prior to losing his or her right
328 to vote by reason of conviction in a state or federal court.

329 (c) Notwithstanding the provisions of Section
330 15-22-36.1(1), if an individual, who has had his or her right
331 to vote restored pursuant to Section 15-22-36.1, but does not
332 have a known address, the Board of Pardons and Paroles shall
333 not be required to notify the Secretary of State of the
334 individual's address.

335 Section 3. (a) As used in this section, the following
336 terms have the following meanings:



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337 (1) BOARD. The Board of Pardons and Paroles.

338 (2) COMMUNITY SERVICE PLAN. A plan designed by the
339 board, through the community service program, for an indigent
340 individual to offset the payment of court costs and fees.

341 (3) COMMUNITY SERVICE PROGRAM. A program established by
342 the board pursuant to subsection (b).

343 (b) The board shall establish a community service
344 program in order to develop options and requirements for
345 individuals who are indigent to engage in community service to
346 offset the payment of court costs and fees. The community
347 service program shall establish guidelines for the design of
348 community service plans under the program. The board shall
349 annually submit a report to the Legislative Council to
350 consider the nonprofit programs offered to individuals by the
351 board, the use of resources, and the success or shortcomings
352 of the program.

353 (c) The board shall not require any individual to
354 participate in the community service program. No individual
355 shall participate in a community service program without his
356 or her informed consent.

357 (d) An individual in the community service program
358 shall receive credit for outstanding court costs and fees at
359 an amount equal to the specified hourly credit rate per hour
360 of community service performed, which shall reduce the
361 outstanding court costs and fees by the amount of the credit.
362 The circuit clerk of the court in which the outstanding court
363 costs and fees are owed shall apply the credit in the order of
364 priority set forth in Section 15-22-36.1(b), Code of Alabama



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365 1975. As used in this subsection, the term "specified hourly
366 credit rate" means the wage rate that is specified in 29
367 U.S.C. § 206(a)(1) of the Fair Labor Standards Act of 1938.

368 (e) The board shall establish a community service
369 program by December 31, 2023.

370 (f) An individual demonstrating economic hardship may
371 petition the board to participate in a community service plan
372 to offset the payment of court costs and fees.

373 Section 4. This act shall become effective on the first
374 day of the third month following its passage and approval by
375 the Governor, or its otherwise becoming law.