

1 SB6
2 216362-4
3 By Senator Coleman-Madison
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 06/22/2021

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to voting rights; to amend Sections
12 15-22-36.1, 17-3-31, and 17-4-3, Code of Alabama 1975; to
13 eliminate the application requirement and the Certificate of
14 Eligibility to Register to Vote; to require the Board of
15 Pardons and Paroles to determine whether an individual may
16 have his or her right to vote restored if the individual has
17 lost his or her right to vote by reason of conviction in a
18 state or federal court and has been pardoned or released from
19 incarceration or period of probation or parole; to allow an
20 indigent individual to have his or her right to vote restored
21 if he or she has paid all fines and restitution and is in
22 compliance with an approved payment plan for the payment of
23 court costs and fees or an approved community service plan to
24 offset the payment of court costs and fees; to remove
25 impeachment from the list of offenses that prohibit an
26 individual from having his or her right to vote restored to
27 make consistent with existing law; and to add Section

1 17-3-31.1 to the Code of Alabama 1975, to require notification
2 to the individual that his or her right to vote has been
3 restored.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 15-22-36.1, 17-3-31, and 17-4-3,
6 Code of Alabama 1975, are amended to read as follows:

7 "§15-22-36.1.

8 ~~"(a) Any other provision of law notwithstanding~~
9 Except as provided in subsection (h), any person individual
10 who has lost his or her right to vote by reason of conviction
11 in a state or federal court, regardless of the date of his or
12 her sentence, ~~may apply to the Board of Pardons and Paroles~~
13 ~~for a Certificate of Eligibility to Register to Vote shall~~
14 have his or her right to vote restored if ~~all~~ both of the
15 following ~~requirements~~ criteria are met on all disqualifying
16 cases:

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

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

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

25 "(1) The individual has done either of the
26 following:

1 "a. Paid all fines, court costs, fees, and
2 restitution ordered by the sentencing court at the time of
3 sentencing.

4 "b. Paid all fines and restitution ordered by the
5 sentencing court and with regard to all court costs and fees,
6 has done either of the following:

7 " 1. Made all payments for a period of not less than
8 one year on court costs and fees pursuant to an approved
9 payment plan.

10 "2. Complied with an approved community service plan
11 pursuant to Section 3 of the act adding this amendatory
12 language for a period of not less than one year.

13 ~~"(4)~~ (2) Any of the following are true:

14 "a. The ~~person~~ individual has been released upon
15 completion of sentence.

16 "b. The ~~person~~ individual has been pardoned.

17 "c. The ~~person~~ individual has successfully completed
18 probation or parole and has been released from compliance by
19 the ordering entity.

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

23 "(1) To any restitution owed on a disqualifying
24 case.

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

26 "(3) To any restitution owed on a non-disqualifying
27 case.

1 "(4) To any fines, court costs, or fees owed on a
2 non-disqualifying case.

3 "~~(b) (c) The Certificate of Eligibility to Register~~
4 ~~to Vote shall be granted~~ board shall restore an individual's
5 right to vote upon a determination that all of the individual
6 has met the requirements criteria set forth in subsection (a)
7 are fulfilled.

8 "~~(c) Upon receipt of an application under this~~
9 ~~section,~~ (d) When an individual, who has lost his or her right
10 to vote by reason of conviction in a state or federal court in
11 any case except those listed in subsection (h), has met one of
12 the criteria set forth in subdivision (a) (2), the Board of
13 Pardons and Paroles shall conduct a review to determine if the
14 individual has complied with the criteria set forth in
15 subdivision (a) (1) investigation of the request shall be
16 assigned forthwith to an officer of the state Board of Pardons
17 and Paroles. The An assigned officer of the board shall
18 verify, through court records, records of the board, and
19 records of the Department of Corrections, that the applicant
20 individual has met the qualifications criteria set out in
21 subsection (a). Within 30 14 calendar days of the initial
22 application for a Certificate of Eligibility to Register to
23 Vote review, the officer shall draft a report of his or her
24 findings, including a statement as to whether the applicant
25 individual has successfully completed his or her sentence and
26 has complied with all the eligibility requirements criteria
27 provided in subsection (a).

1 "~~(d)~~ (e) After completing the investigation review
2 set out in subsection ~~(c)~~ (d), the officer shall submit his or
3 her report of investigation to the Executive Director of the
4 Board of Pardons and Paroles.

5 "~~(e)~~ (f) If the report created pursuant to
6 subsection ~~(c)~~ (d) states that the ~~applicant~~ individual has
7 met all of the eligibility criteria set forth in subsection
8 (a), and the executive director or his or her designee attests
9 that the report has been submitted properly and accurately,
10 the Board of Pardons and Paroles shall ~~issue a Certificate of~~
11 ~~Eligibility to Register to Vote to~~ restore the individual's
12 right to vote and shall notify the applicant individual that
13 his or her right to vote has been restored within 14 calendar
14 days of receipt of the report by the executive director.

15 "~~(f)~~ (g) If the report created pursuant to
16 subsection ~~(c)~~ (d) states that the ~~applicant~~ individual has
17 not met all of the eligibility criteria set forth in
18 subsection (a), and the executive director or his or her
19 designee attests that the report has been submitted properly
20 and accurately, the Board of Pardons and Paroles shall ~~not~~
21 ~~issue a Certificate of Eligibility to Register to Vote and~~
22 ~~shall~~ not restore the individual's right to vote and shall
23 notify the applicant individual of the decision not to restore
24 his or right to vote and reason or reasons for the decision
25 within 14 calendar days of receipt of the report by the
26 executive director. The notice shall state what measures the
27 individual must undertake in order to have his or her right to

1 vote restored. The applicant, upon completion of the
2 eligibility requirement in subsection (a) for restoration of
3 his or her rights, individual may submit a new application a
4 written request for a new review at any time if he or she has
5 met the certification criteria. Upon receipt of a new request,
6 the board shall conduct a review pursuant to the requirements
7 set forth in subsections (d) through (g).

8 "~~(g) A person~~ (h) An individual who has lost his or
9 her right to vote by reason of conviction in a state or
10 federal court for any of the following offenses as they are
11 set forth in Section 17-3-30.1 will not be eligible to apply
12 for a Certificate of Eligibility to Register to Vote under
13 this section is not eligible to have his or her right to vote
14 restored: Impeachment, murder Murder, rape in any degree,
15 sodomy in any degree, sexual abuse in any degree, incest,
16 sexual torture, enticing a child to enter a vehicle for
17 immoral purposes, soliciting electronic solicitation of a
18 child by computer, production of obscene matter involving a
19 minor containing visual depiction of persons under 17 years of
20 age involved in obscene acts, distribution, possession with
21 intent to distribute, production of obscene material, or offer
22 or agreement to distribute or produce obscene material,
23 production of obscene matter, parents or guardians permitting
24 children to engage in production of obscene matter, possession
25 of obscene matter, possession with intent to distribute child
26 pornography, or dissemination or public display of obscene
27 matter containing visual depiction of persons under 17 years

1 of age involved in obscene acts, possession and possession
2 with intent to disseminate obscene matter containing visual
3 depiction of persons under 17 years of age involved in obscene
4 acts, treason, or any crime as defined by the laws of the
5 United States or by the laws of another state, territory,
6 country, or other jurisdiction, which, if committed in this
7 state, would constitute one of the offenses listed in this
8 subsection.

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

12 ~~"(i)~~ (j) Each state or county correctional facility,
13 prison, or jail shall post materials to be prepared by the
14 Secretary of State and the Board of Pardons and Paroles
15 notifying incarcerated individuals of the ~~requirements~~
16 criteria and procedures for having one's voting rights
17 restored.

18 "(k) No later than September 1, 2023, the Board of
19 Pardons and Paroles and the Secretary of State shall jointly
20 develop and make available on each agency's website a form
21 with instructions for any individual who met one of the
22 criteria set forth in subdivision (a) (2) prior to the
23 effective date of the act adding this amendatory language to
24 submit to the Board of Pardons and Paroles for review pursuant
25 to the requirements set forth in subsections (d) through (g).

26 "(l) The Board of Pardons and Paroles shall provide
27 the Secretary of State with an individual's address and the

1 date upon which the board restored the right to vote to an
2 individual who has lost his or her right to vote by reason of
3 conviction in a state or federal court.

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

8 "§17-3-31.

9 "(a) Any ~~person~~ individual who is disqualified by
10 reason of conviction of any ~~of the offenses mentioned in~~
11 offense designated pursuant to Section 17-3-30.1 as a felony
12 involving moral turpitude for the purposes of Article VIII of
13 the Constitution of Alabama of 1901, as amended by Amendment
14 579 of the Constitution of Alabama 1901, now appearing as
15 Section 177 of the Official Recompilation of the Constitution
16 of Alabama of 1901, as amended, except treason and
17 impeachment, whether the conviction was had in a state or
18 federal court, and who has been pardoned, may be restored to
19 citizenship with the right to vote by the State Board of
20 Pardons and Paroles when specifically expressed in the pardon.
21 If otherwise qualified, ~~such person~~ the individual shall be
22 permitted to register or reregister as an elector upon
23 submission of a copy of the pardon document to the board of
24 registrars of the county of his or her residence.

25 ~~"In addition, any person~~ (b) Any individual who has
26 been granted a Certificate of Eligibility to Register to Vote
27 by the Board of Pardons and Paroles pursuant to Section

1 15-22-36.1 was registered to vote at any time prior to losing
2 his or her right to vote by reason of conviction in a state or
3 federal court and has met the eligibility criteria set forth
4 in Section 15-22-36.1(a) as determined by the Board of Pardons
5 and Paroles, shall be eligible to vote.

6 "(c) Any individual who was not registered at any
7 time prior to losing his or her right to vote by reason of
8 conviction in a state or federal court and has met the
9 eligibility criteria set forth in Section 15-22-36.1(a) as
10 determined by the Board of Pardons and Paroles, shall be
11 permitted to register or reregister as an elector upon
12 submission of a copy of the certificate to the board of
13 registrars of the county of his or her residence.

14 "§17-4-3.

15 "(a) Each county board of registrars shall purge the
16 computerized statewide voter registration list on a continuous
17 basis, whenever it receives and confirms information that a
18 person registered to vote in that county has died, become a
19 nonresident of the state or county, been declared mentally
20 incompetent, been convicted of any offense designated pursuant
21 to Section 17-3-30.1 as a felony involving moral turpitude for
22 the purposes of Article VIII of the Constitution of Alabama of
23 1901, as amended by Amendment 579 of the Constitution of
24 Alabama 1901, now appearing as Section 177 of the Official
25 Recompilation of the Constitution of Alabama of 1901, as
26 amended, since being registered, or otherwise become
27 disqualified as an elector. Except as provided below, a person

1 convicted of a disqualifying criminal offense shall be
2 notified by certified mail sent to the voter's last known
3 address of the board's intention to strike his or her name
4 from the list. No person convicted of a disqualifying crime
5 may be stricken from the poll list while an appeal from the
6 conviction is pending.

7 "(b) On the date set in the notice, or at a later
8 date to which the case may have been continued by the board,
9 the board shall proceed to consider the case of the elector
10 whose name it proposes to strike from the registration list
11 and make its determination. Any person whose name is stricken
12 from the list may appeal from the decision of the board
13 without giving security for costs, and the board shall
14 forthwith certify the proceedings to the judge of probate who
15 shall docket the case in the probate court.

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

18 "(d) In the event the Board of Pardons and Paroles
19 is supervising a person convicted of a disqualifying criminal
20 offense on probation or parole, and the person has received
21 face-to-face counseling from the supervising officer regarding
22 voter disqualification and executed documentation explaining
23 the loss and restoration of civil and political rights, upon
24 receipt of the documentation, signed by the disqualified
25 elector, the county board of registrars shall be exempt from
26 providing notice as otherwise required by this section. The
27 document administered by the Board of Pardons and Paroles and

1 to be signed by the disqualified elector shall contain the
2 following statement: "Any person convicted of a disqualifying
3 felony loses his or her civil and political rights, which
4 includes the right to vote. ~~Restoration of these rights may be~~
5 ~~applied for~~ These rights may be restored through the ~~Central~~
6 ~~Montgomery Office of the~~ Board of Pardons and Paroles, but
7 only upon completion of the requirements of Section
8 15-22-36.1(a)."

9 (e) The Board of Pardons and Paroles shall provide
10 signed documentation to county boards of registrars to
11 indicate those persons under probation or parole supervision
12 with the board who have been convicted of a disqualifying
13 criminal offense and been counseled regarding voter
14 disqualification and the restoration of civil and political
15 rights, and may otherwise share privileged records and files
16 with county boards of registrars for the limited purpose of
17 implementing the requirements of this section.

18 (f) When the board has sufficient evidence
19 furnished it that any elector has permanently moved from one
20 precinct to another within the county, it shall change the
21 elector's precinct designation in the voter registration list,
22 and shall give notice by mail to the elector of the precinct
23 in which the elector is registered to vote.

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

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

3 (a) Upon receipt of information provided by the
4 Board of Pardons and Paroles pursuant to Section
5 15-22-36.1(1), the Secretary of State shall notify the
6 individual and the board of registrars of the county in which
7 the individual resides of the date upon which the board
8 restored his or her right to vote.

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

16 (c) Notwithstanding the provisions of Section
17 15-22-36.1(1), if an individual, who has had his or her right
18 to vote restored pursuant to Section 15-22-36.1, but does not
19 have a known address, the Board of Pardons and Paroles shall
20 not be required to notify the Secretary of State of the
21 individual's address.

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

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

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

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

3 (b) The board shall establish a community service
4 program in order to develop options and requirements for
5 individuals who are indigent to engage in community service to
6 offset the payment of court costs and fees. The community
7 service program shall establish guidelines for the design of
8 community service plans under the program. The board shall
9 annually submit a report to the Legislative Council to
10 consider the non-profit programs offered to individuals by the
11 board, the use of resources, and the success or shortcomings
12 of the program.

13 (c) The board shall not require any individual to
14 enter into the community service program. No individual shall
15 enter into a community service program without his or her
16 informed consent.

17 (d) An individual in the community service program
18 shall receive credit for outstanding court costs and fees at
19 an amount equal to the specified hourly credit rate per hour
20 of community service performed, which shall reduce the
21 outstanding court costs and fees by the amount of the credit.
22 The circuit clerk of the court in which the outstanding court
23 costs and fees are owed shall apply the credit in the order of
24 priority set forth in Section 15-22-36.1(b), Code of Alabama
25 1975. As used in this subsection, the term "specified hourly
26 credit rate" means the wage rate that is specified in 29
27 U.S.C. § 206(a)(1) of the Fair Labor Standards Act of 1938.

1 (e) The board shall establish a community service
2 program by December 31, 2022.

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

6 Section 4. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Judiciary.....	11-JAN-22
Read for the second time and placed on the calen- dar with 1 substitute and.....	09-MAR-22
Read for the third time and passed as amended	29-MAR-22

Yeas 33
Nays 0

Patrick Harris,
Secretary.