

1 HB443  
2 198605-1  
3 By Representative McClammy  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 16-APR-19

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8 SYNOPSIS: Under existing law, a person who has lost  
9 his or her right to vote based upon a past criminal  
10 conviction, may apply to the Board of Pardons and  
11 Paroles for a Certificate of Eligibility to  
12 Register to Vote under certain circumstances,  
13 including payment of all fines, court costs, fees,  
14 and victim restitution as ordered by the sentencing  
15 court and completion of probation or parole and  
16 release from compliance by the court or Board of  
17 Pardons and Paroles.

18 This bill would allow a person who has been  
19 convicted of certain crimes of moral turpitude who  
20 applies to the Board of Pardons and Paroles for a  
21 Certificate of Eligibility to Register to Vote who  
22 is unable to pay any fines, court costs, fees, and  
23 victim restitution ordered by the sentencing court  
24 at the time of sentencing to petition the  
25 sentencing court to modify the payments originally  
26 ordered by the court.

1                   This bill would provide the procedure for  
2                   the modification of the payment of fines, court  
3                   costs, victim restitution, and fees, allow the  
4                   issuance of a Certificate of Eligibility to  
5                   Register to Vote to a person whose fines, court  
6                   costs, fees, and victim restitution have been  
7                   reduced, and provide for revocation of the  
8                   Certificate of Eligibility to Register to Vote if  
9                   the person fails to make the reduced payments.

10  
11   A BILL  
12   TO BE ENTITLED  
13   AN ACT

14  
15                   Relating to voting rights; to amend Section  
16                   15-22-36.1, Code of Alabama 1975, to provide that a person  
17                   convicted of certain crimes of moral turpitude who applies to  
18                   the Board of Pardons and Paroles for a Certificate of  
19                   Eligibility to Register to Vote and who is unable to pay the  
20                   fines, court costs, fees, and victim restitution ordered by  
21                   the sentencing court at the time of sentencing may petition  
22                   the sentencing court to modify the payments originally ordered  
23                   by the court; to provide that the modification would be in  
24                   lieu of full payment of the fines, court costs, fees, and  
25                   victim restitution; and to provide the procedure for  
26                   modification of payment of fines, court costs, fees, and

1 victim restitution and revocation of a Certificate of  
2 Eligibility to Register to Vote.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 15-22-36.1, Code of Alabama 1975,  
5 is amended to read as follows:

6 "§15-22-36.1.

7 "(a) Any other provision of law notwithstanding, any  
8 person, regardless of the date of his or her sentence, may  
9 apply to the Board of Pardons and Paroles for a Certificate of  
10 Eligibility to Register to Vote if all of the following  
11 requirements are met:

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

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

17 "(3) The person has paid all fines, court costs,  
18 fees, and victim restitution ordered by the sentencing court  
19 at the time of sentencing on disqualifying cases or the  
20 sentencing court modifies the payment of the fines, court  
21 costs, victim restitution, and fees pursuant to Section 2 of  
22 the act amending this subdivision.

23 "(4) Any of the following are true:

24 "a. The person has been released upon completion of  
25 sentence.

26 "b. The person has been pardoned.

1            "c. The person has successfully completed probation  
2 or parole and has been released from compliance by the  
3 ordering entity.

4            "(b) The Certificate of Eligibility to Register to  
5 Vote shall be granted upon a determination that all of the  
6 requirements in subsection (a) are fulfilled.

7            "(c) Upon receipt of an application under this  
8 section, investigation of the request shall be assigned  
9 forthwith to an officer of the state Board of Pardons and  
10 Paroles. The assigned officer shall verify, through court  
11 records, records of the board, and records of the Department  
12 of Corrections, that the applicant has met the qualifications  
13 set out in subsection (a). Within 30 days of the initial  
14 application for a Certificate of Eligibility to Register to  
15 Vote, the officer shall draft a report of his or her findings  
16 including a statement as to whether the applicant has  
17 successfully completed his or her sentence and has complied  
18 with all the eligibility requirements provided in subsection  
19 (a).

20            "(d) After completing the investigation set out in  
21 subsection (c), the officer shall submit his or her report of  
22 investigation to the Executive Director of the Board of  
23 Pardons and Paroles.

24            "(e) If the report created pursuant to subsection  
25 (c) states that the applicant has met all of the eligibility  
26 criteria set forth in subsection (a), and the executive  
27 director or his or her designee attests that the report has

1       been submitted properly and accurately, the Board of Pardons  
2       and Paroles shall issue a Certificate of Eligibility to  
3       Register to Vote to the applicant within 14 days of receipt of  
4       the report by the executive director.

5               "(f) If the report created pursuant to subsection  
6       (c) states that the applicant has not met all of the  
7       eligibility criteria set forth in subsection (a), and the  
8       executive director or his or her designee attests that the  
9       report has been submitted properly and accurately, the Board  
10      of Pardons and Paroles shall not issue a Certificate of  
11      Eligibility to Register to Vote and shall notify the applicant  
12      of the decision and reason or reasons for the decision within  
13      14 days of receipt of the report by the executive director.  
14      The applicant, upon completion of the eligibility requirement  
15      in subsection (a) for restoration of his or her rights, may  
16      submit a new application at any time if he or she has met the  
17      certification criteria.

18              "(g) A person who has lost his or her right to vote  
19      by reason of conviction in a state or federal court for any of  
20      the following will not be eligible to apply for a Certificate  
21      of Eligibility to Register to Vote under this section:  
22      Impeachment, murder, rape in any degree, sodomy in any degree,  
23      sexual abuse in any degree, incest, sexual torture, enticing a  
24      child to enter a vehicle for immoral purposes, soliciting a  
25      child by computer, production of obscene matter involving a  
26      minor, production of obscene matter, parents or guardians  
27      permitting children to engage in obscene matter, possession of

1 obscene matter, possession with intent to distribute child  
2 pornography, or treason.

3 "(h) This section shall not affect the right of any  
4 person to apply to the board for a pardon with restoration of  
5 voting rights pursuant to Section 15-22-36.

6 "(i) Each state or county correctional facility,  
7 prison, or jail shall post materials to be prepared by the  
8 Secretary of State and the Board of Pardons and Paroles  
9 notifying incarcerated individuals of the requirements and  
10 procedures for having one's voting rights restored."

11 Section 2. (a) A person who is unable to pay the  
12 fines, court costs, victim restitution, and fees ordered by  
13 the sentencing court at the time of sentencing for a  
14 disqualifying crime except for a crime set forth in subsection  
15 (g) of Section 15-22-36.1 may petition the sentencing court to  
16 modify the payments originally ordered by the court. The  
17 petition shall include a list of the actual necessary monthly  
18 expenses of the person and the monthly income of the person  
19 after deduction for taxes and, if appropriate, child support  
20 and alimony.

21 (b) If, after reviewing the petition, the court  
22 determines that the person has the ability to pay part of the  
23 fines, court costs, victim restitution, and fees it shall set  
24 the amount to be reimbursed and order the person to pay that  
25 sum in the manner in which the court believes reasonable and  
26 compatible with the person's financial ability.

1           (c) A Certificate of Eligibility to Register to Vote  
2 may be issued to a person after the entry of the order  
3 modifying the payment of the fines, court costs, victim  
4 restitution, and fees if the person is in compliance with  
5 subsection (a) of Section 15-22-36.1.

6           (d) If the person fails to make the payments, the  
7 prosecutor shall seek revocation of the Certificate of  
8 Eligibility to Register to Vote from the Board of Pardons and  
9 Paroles.

10           (e) If a person who receives a Certificate of  
11 Eligibility to register to vote pursuant to this section fails  
12 to make the restitution payments authorized by the court, the  
13 recipient may ask the board to revoke the Certificate of  
14 Eligibility to Register to Vote.

15           (f) A person whose Certificate of Eligibility to  
16 Register to Vote is revoked may file only one petition with  
17 the sentencing court to modify the payments ordered by the  
18 court.

19           (g) The circuit clerk of each county shall enter  
20 into a database maintained by the Administrative Office of  
21 Courts the names of all persons whose Certificate of  
22 Eligibility to Register to Vote has been revoked, and update  
23 the database for any person whose voting rights have  
24 subsequently been restored pursuant to this section.

25           (h) At least twice a year, the Secretary of State  
26 shall compare the list of registered voters to a list of  
27 felons who are not eligible to vote as provided in this



1 section. If a registered voter is not eligible to vote as  
2 provided in this section, the Secretary of State or local  
3 board of registrars shall confirm the match through the date  
4 of birth comparison and suspend the voter registration from  
5 the official statewide voter registration list. The Secretary  
6 of State or local board of registrars shall send to the last  
7 known voter registration address of the person a notice of the  
8 proposed cancellation. To the extent possible, the Secretary  
9 of State shall time the comparison required by this  
10 subparagraph to allow notice and cancellation of voting rights  
11 for ineligible voters prior to a primary or general election.

12 Section 3. This act shall become effective on the  
13 first day of the third month following its passage and  
14 approval by the Governor, or its otherwise becoming law.