

1 SB209
2 204110-2
3 By Senators Coleman-Madison, Singleton and Burkette
4 RFD: Judiciary
5 First Read: 18-FEB-20

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 eliminate the application
19 requirement and require the Board of Pardons and
20 Paroles to determine whether a person may receive a
21 Certificate of Eligibility to Register to Vote if
22 the person has lost his or her right to vote by
23 reason of conviction in a state or federal court
24 and has been pardoned or released from
25 incarceration or period of probation or parole.

26 This bill would also eliminate the
27 requirement that a person pay all fines, court

1 costs, and fees prior to having his or her right to
2 vote restored.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to voting rights; to amend Sections
9 15-22-36.1 and 17-3-31, Code of Alabama 1975; to require the
10 Board of Pardons and Paroles to determine whether a person may
11 receive a Certificate of Eligibility to Register to Vote if
12 the person has lost his or her right to vote by reason of
13 conviction in a state or federal court and has been pardoned
14 or released from incarceration or period of probation or
15 parole; and to eliminate the requirement that a person pay all
16 fines, court costs, and fees.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§15-22-36.1.

21 "~~(a) Any other provision of law notwithstanding~~
22 Except as provided in subsection (g), any person, regardless
23 of the date of his or her sentence, may apply to the Board of
24 Pardons and Paroles for a Certificate of Eligibility to
25 Register to Vote shall have his or her right to vote restored
26 if all of the following requirements are met:

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

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

6 "~~(3) (2) The person has paid all fines, court costs,~~
7 ~~fees, and~~ victim restitution ordered by the sentencing court
8 at the time of sentencing on disqualifying cases.

9 "~~(4) (3) Any of the following are true:~~

10 "a. The person has been released ~~upon completion of~~
11 ~~sentence~~ from incarceration.

12 "b. The person has been pardoned.

13 "c. The person has successfully completed probation
14 or parole and has been released from compliance by the
15 ordering entity.

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

19 "~~(c) Upon receipt of an application under this~~
20 ~~section~~ When a person who has lost his or her right to vote by
21 reason of conviction in a state or federal court in any case
22 except those listed in subsection (g) has satisfied one of the
23 criteria set forth in subdivision (3), the Board of Pardons
24 and Paroles shall conduct a review to determine the person's
25 eligibility to receive a Certificate of Eligibility to
26 Register to Vote. ~~investigation of the request shall be~~
27 ~~assigned forthwith to an officer of the state Board of Pardons~~

1 ~~and Pardons. The~~ An assigned officer of the board shall
2 verify, through court records, records of the board, and
3 records of the Department of Corrections, that the ~~applicant~~
4 person has met the qualifications set out in subsection (a).
5 Within ~~30~~ 14 calendar days of the initial ~~application for a~~
6 ~~Certificate of Eligibility to Register to Vote~~ review, the
7 officer shall draft a report of his or her findings including
8 a statement as to whether the ~~applicant~~ person has
9 successfully ~~completed his or her sentence and has~~ complied
10 with all the eligibility requirements provided in subsection
11 (a).

12 "(d) After completing the ~~investigation~~ review set
13 out in subsection (c), the officer shall submit his or her
14 report of investigation to the Executive Director of the Board
15 of Pardons and Paroles.

16 "(e) If the report created pursuant to subsection
17 (c) states that the ~~applicant~~ person has met all of the
18 eligibility criteria set forth in subsection (a), and the
19 executive director or his or her designee attests that the
20 report has been submitted properly and accurately, the Board
21 of Pardons and Paroles shall issue a Certificate of
22 Eligibility to Register to Vote to the ~~applicant~~ person within
23 14 calendar days of receipt of the report by the executive
24 director.

25 "(f) If the report created pursuant to subsection
26 (c) states that the ~~applicant~~ person has not met all of the
27 eligibility criteria set forth in subsection (a), and the

1 executive director or his or her designee attests that the
2 report has been submitted properly and accurately, the Board
3 of Pardons and Paroles shall not issue a Certificate of
4 Eligibility to Register to Vote and shall notify the ~~applicant~~
5 person of the decision and reason or reasons for the decision
6 within 14 calendar days of receipt of the report by the
7 executive director. The ~~applicant~~ person, upon completion of
8 the eligibility requirement in subsection (a) for restoration
9 of his or her rights, may ~~submit a new application~~ request a
10 new review at any time if he or she has met the certification
11 criteria.

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

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

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

6 (j) No later than September 1, 2020, the Board of
7 Pardons and Paroles and the Secretary of State shall develop
8 and make available on each agency's website a form with
9 instructions for any individual who became eligible to receive
10 a Certificate of Eligibility prior to the effective date of
11 this act to submit to the Board of Pardons and Paroles for
12 review pursuant to the procedures set forth in subsections (c)
13 through (f).

14 "(k) The Board of Pardons and Paroles shall notify
15 the Secretary of State when a person who has lost his or her
16 right to vote of the date upon which the person received a
17 Certificate of Eligibility to Register to Vote. Upon receipt
18 of notification from the Board of Pardons and Paroles, the
19 Secretary of State shall notify the board of registrars of the
20 county of the person's residence and the person who has lost
21 his or her right to vote of the date upon which the person
22 received a Certificate of Eligibility to Register to Vote."

23 "§17-3-31.

24 "Any person who is disqualified by reason of
25 conviction of any of the offenses mentioned in Article VIII of
26 the Constitution of Alabama of 1901, except treason and
27 impeachment, whether the conviction was had in a state or

1 federal court, and who has been pardoned, may be restored to
2 citizenship with the right to vote by the State Board of
3 Pardons and Paroles when specifically expressed in the pardon.
4 If otherwise qualified, ~~such~~ the person shall be permitted to
5 register or reregister as an elector upon submission of a copy
6 of the pardon document to the board of registrars of the
7 county of his or her residence. In addition, any person who
8 ~~has been granted a Certificate of Eligibility to Register to~~
9 ~~Vote by the Board of Pardons and Paroles~~ complied with all the
10 eligibility requirements pursuant to Section 15-22-36.1, shall
11 be 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 Section 2. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.