

1 SB118
2 211760-2
3 By Senator Coleman-Madison
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/28/2021

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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 and 17-3-31, Code of Alabama 1975; to require the
13 Board of Pardons and Paroles to determine whether an
14 individual may receive a Certificate of Eligibility to
15 Register to Vote if the individual has lost his or her right
16 to vote by reason of conviction in a state or federal court
17 and has been pardoned or released from incarceration or period
18 of probation or parole; and to allow an indigent individual to
19 have his or her voting rights restored if he or she is in
20 compliance with an approved payment plan for the payment of
21 fines, court costs, and fees or an approved community service
22 plan either in conjunction with a payment plan or in lieu of a
23 payment plan for the payment of fines, court costs, and fees.
24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§15-22-36.1.

1 ~~"(a) Any other provision of law notwithstanding~~
2 Except as provided in subsection (g), any person individual,
3 regardless of the date of his or her sentence, ~~may apply to~~
4 ~~the Board of Pardons and Paroles for a Certificate of~~
5 ~~Eligibility to Register to Vote~~ shall have his or her right to
6 vote restored if all of the following requirements are met:

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

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

12 ~~"(3) (2) The person individual has paid all fines,~~
13 ~~court costs, fees, and victim restitution ordered by the~~
14 sentencing court at the time of sentencing on disqualifying
15 cases.

16 "(3) Either of the following:

17 "a. The individual has paid all fines, court costs,
18 and fees.

19 "b. For a period of not less than one year, the
20 individual has made all payments on fines, court costs, and
21 fees pursuant to an approved payment plan or complied with an
22 approved community service plan pursuant to Section 2 of the
23 act adding this amendatory language.

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

25 "a. The ~~person~~ individual has been released upon
26 completion of sentence.

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

1 "c. The ~~person~~ individual has successfully completed
2 probation or parole and has been released from compliance by
3 the 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 "~~Upon receipt of an application under this~~
8 ~~section~~ When an individual, who has lost his or her right to
9 vote by reason of conviction in a state or federal court in
10 any case except those listed in subsection (g), has satisfied
11 one of the criteria set forth in subdivision (a) (3), the Board
12 of Pardons and Paroles shall conduct a review to determine the
13 individual's eligibility to receive a Certificate of
14 Eligibility to Register to Vote ~~investigation of the request~~
15 ~~shall be assigned forthwith to an officer of the state Board~~
16 ~~of Pardons and Paroles. The~~ An assigned officer of the board
17 shall verify, through court records, records of the board, and
18 records of the Department of Corrections, that the ~~applicant~~
19 individual has met the qualifications set out in subsection
20 (a). Within ~~30~~ 14 calendar days of the initial ~~application for~~
21 ~~a Certificate of Eligibility to Register to Vote~~ review, the
22 officer shall draft a report of his or her findings including
23 a statement as to whether the ~~applicant~~ individual has
24 successfully ~~completed his or her sentence and has~~ complied
25 with all the eligibility requirements provided in subsection
26 (a).

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

5 "(e) If the report created pursuant to subsection
6 (c) states that the ~~applicant~~ individual has 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 issue a Certificate of
11 Eligibility to Register to Vote to the ~~applicant~~ individual
12 within 14 calendar days of receipt of the report by the
13 executive director.

14 "(f) If the report created pursuant to subsection
15 (c) states that the ~~applicant~~ individual has not met all of
16 the eligibility criteria set forth in subsection (a), and the
17 executive director or his or her designee attests that the
18 report has been submitted properly and accurately, the Board
19 of Pardons and Paroles shall not issue a Certificate of
20 Eligibility to Register to Vote and shall notify the ~~applicant~~
21 individual of the decision and reason or reasons for the
22 decision within 14 calendar days of receipt of the report by
23 the executive director. The ~~applicant~~ individual, upon
24 completion of the eligibility requirement in subsection (a)
25 for restoration of his or her rights, may ~~submit a new~~
26 ~~application~~ request a new review at any time if he or she has
27 met the certification criteria.

1 "~~A person~~ An individual who has lost his or her
2 right to vote by reason of conviction in a state or federal
3 court for any of the following ~~will~~ is not ~~be~~ eligible to
4 ~~apply for~~ receive a Certificate of Eligibility to Register to
5 Vote under this section: Impeachment, murder, rape in any
6 degree, sodomy in any degree, sexual abuse in any degree,
7 incest, sexual torture, enticing a child to enter a vehicle
8 for immoral purposes, soliciting a child by computer,
9 production of obscene matter involving a minor, production of
10 obscene matter, parents or guardians permitting children to
11 engage in obscene matter, possession of obscene matter,
12 possession with intent to distribute child pornography, or
13 treason.

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

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

22 "No later than September 1, 2022, the Board of
23 Pardons and Paroles and the Secretary of State shall develop
24 and make available on each agency's website a form with
25 instructions for any individual who became eligible to receive
26 a Certificate of Eligibility to Register to Vote prior to the
27 effective date of the act adding this amendatory language to

1 submit to the Board of Pardons and Paroles for review pursuant
2 to the procedures set forth in subsections (c) through (f).

3 "(k) The Board of Pardons and Paroles shall notify
4 the Secretary of State when an individual who has lost his or
5 her right to vote of the date upon which the individual
6 received a Certificate of Eligibility to Register to Vote.
7 Upon receipt of notification from the Board of Pardons and
8 Paroles, the Secretary of State shall notify the individual
9 and the board of registrars of the county of the individual's
10 residence of the date upon which the individual received a
11 Certificate of Eligibility to Register to Vote.

12 "§17-3-31.

13 "Any ~~person~~ individual who is disqualified by reason
14 of conviction of any of the offenses mentioned in Article VIII
15 of the Constitution of Alabama of 1901, except treason and
16 impeachment, whether the conviction was had in a state or
17 federal court, and who has been pardoned, may be restored to
18 citizenship with the right to vote by the State Board of
19 Pardons and Paroles when specifically expressed in the pardon.
20 If otherwise qualified, ~~such person~~ the individual shall be
21 permitted to register or reregister as an elector upon
22 submission of a copy of the pardon document to the board of
23 registrars of the county of his or her residence. In addition,
24 any ~~person~~ individual who has ~~been granted a Certificate of~~
25 ~~Eligibility to Register to Vote by the Board of Pardons and~~
26 ~~Paroles~~ complied with all of the eligibility requirements
27 pursuant to Section 15-22-36.1, shall be permitted to register

1 or reregister as an elector ~~upon submission of a copy of the~~
2 ~~certificate to the board of registrars of the county of his or~~
3 ~~her residence."~~

4 Section 2. (a) As used in this section, the
5 following terms have the following meanings:

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

7 (2) COMMUNITY SERVICE PLAN. A plan designed by the
8 board, through the community service program, for an indigent
9 individual to offset the payment of fines, court costs, and
10 fees.

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

13 (4) PAYMENT PLAN. A schedule of payments that shall
14 be interest free and approved by the board for the payment of
15 fines, court costs, and fees.

16 (b) The board shall establish a community service
17 program in order to develop options and requirements for
18 individuals who are indigent to engage in community service
19 either in conjunction with or in lieu of a payment plan for
20 the payment of fines, court costs, and fees. The community
21 service program shall establish guidelines for the design of
22 community service plans under the program. The board shall
23 annually submit a report to the Legislative Council to
24 consider the non-profit programs offered to individuals by the
25 board, the use of resources, and the success or shortcomings
26 of the program.

1 (c) The board shall establish a community service
2 program by December 31, 2021.

3 (d) An individual demonstrating economic hardship
4 may petition the board to participate in a community service
5 plan either in conjunction with or in lieu of a payment plan
6 for the payment of fines, court costs, and fees.

7 (e) The Board of Pardons and Paroles shall annually
8 review each individual subject to a payment plan or community
9 service plan and suspend the voting rights of any individual
10 who is not in compliance with the plan until the individual
11 has complied with an amended plan for a period of one year.
12 When an individual has lost his or her right to vote pursuant
13 to this subsection, the Board of Pardons and Paroles shall
14 notify the Secretary of State of the date of the suspension.
15 Upon receipt of notification from the Board of Pardons and
16 Paroles, the Secretary of State shall notify the individual
17 and the board of registrars of the county of the individual's
18 residence of the date upon which the individual's voting
19 rights were suspended. The board of registrars shall remove
20 the individual from the voter roll until the Board of Pardons
21 and Paroles notifies the Secretary of State that the
22 individual has been reinstated.

23 Section 3. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 02-FEB-21

Read for the second time and placed on the calen-
dar..... 10-FEB-21

Read for the third time and passed as amended 16-MAR-21

Yeas 25
Nays 1

Patrick Harris,
Secretary.