

1 SB237
2 178796-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 23-FEB-17

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8 SYNOPSIS: Under existing law, a person who commits a
9 felony involving moral turpitude loses his or her
10 right to vote.

11 This bill would create the Definition of
12 Moral Turpitude Act to establish a comprehensive
13 list of felonies that involve moral turpitude.

14 This bill would also provide procedures for
15 the Board of Pardons and Paroles and the Secretary
16 of State to follow to purge certain disqualified
17 voters from voter registration lists.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To add Section 17-3-30.1 to the Code of Alabama
24 1975, to create the Felony Voter Disqualification Act; to
25 establish a comprehensive list of felonies that involve moral
26 turpitude which disqualify a person from exercising his or her
27 right to vote; and to amend Sections 17-4-3 and 17-4-4, Code

1 of Alabama 1975, relating to voter registration lists, to
2 provide procedures for the Board of Pardons and Paroles and
3 the Secretary of State to follow to purge certain disqualified
4 voters from voter registration lists.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 17-3-30.1 is added to the Code of
7 Alabama 1975, to read as follows:

8 §17-3-30.1.

9 (a) This section shall be known and may be cited as
10 the Felony Voter Disqualification Act.

11 (b) (1) The Legislature finds and declares that:

12 a. Article VIII of the Constitution of Alabama of
13 1901, now appearing as Section 177 of Article VIII of the
14 Official Recompilation of the Constitution of Alabama of 1901,
15 as amended, provides that Alabama citizens shall lose the
16 right to vote when convicted of a crime only if the conviction
17 was for a felony involving moral turpitude.

18 b. Under general law, there is no comprehensive list
19 of felonies that involve moral turpitude which disqualify a
20 person from exercising his or her right to vote. Neither
21 individuals with felony convictions nor election officials
22 have a comprehensive, authoritative source for determining if
23 a felony conviction involves moral turpitude and is therefore
24 a disqualifying felony.

25 (2) The purposes of this section are:

26 a. To give full effect to Article VIII of the
27 Constitution of Alabama of 1901, now appearing as Section 177

1 of Article VIII of the Official Recompilation of the
2 Constitution of Alabama of 1901, as amended.

3 b. To ensure that no one is wrongly excluded from
4 the electoral franchise.

5 c. To provide a comprehensive list of acts that
6 constitute moral turpitude for the limited purpose of
7 disqualifying a person from exercising his or her right to
8 vote.

9 (c) For purposes of Article VIII of the Constitution
10 of Alabama of 1901, now appearing as Section 177 of Article
11 VIII of the Official Recompilation of the Constitution of
12 Alabama of 1901, as amended, a person is disqualified to vote
13 by reason of conviction of a felony involving moral turpitude
14 only when convicted of any of the following offenses in a
15 degree constituting a felony:

16 (1) Murder as defined in the following sections:

17 a. Subdivision (1) of subsection (a) of Section
18 13A-5-40.

19 b. Subdivision (2) of subsection (a) of Section
20 13A-5-40.

21 c. Subdivision (3) of subsection (a) of Section
22 13A-5-40.

23 d. Subdivision (4) of subsection (a) of Section
24 13A-5-40.

25 e. Subdivision (5) of subsection (a) of Section
26 13A-5-40.

1 f. Subdivision (6) of subsection (a) of Section
2 13A-5-40.
3 g. Subdivision (7) of subsection (a) of Section
4 13A-5-40.
5 h. Subdivision (8) of subsection (a) of Section
6 13A-5-40.
7 i. Subdivision (9) of subsection (a) of Section
8 13A-5-40.
9 j. Subdivision (10) of subsection (a) of Section
10 13A-5-40.
11 k. Subdivision (11) of subsection (a) of Section
12 13A-5-40.
13 l. Subdivision (12) of subsection (a) of Section
14 13A-5-40.
15 m. Subdivision (13) of subsection (a) of Section
16 13A-5-40.
17 n. Subdivision (14) of subsection (a) of Section
18 13A-5-40.
19 o. Subdivision (15) of subsection (a) of Section
20 13A-5-40.
21 p. Subdivision (16) of subsection (a) of Section
22 13A-5-40.
23 q. Subdivision (17) of subsection (a) of Section
24 13A-5-40.
25 r. Subdivision (18) of subsection (a) of Section
26 13A-5-40.

1 s. Subdivision (19) of subsection (a) of Section
2 13A-5-40.

3 t. Section 13A-6-2.

4 (2) Manslaughter as defined in Section 13A-6-3.

5 (3) Assault as defined in Section 13A-6-20, except
6 for subdivision (5) of subsection (a) of Section 13A-6-20, and
7 Section 13A-6-21.

8 (4) Kidnapping in the first degree as defined in
9 Section 13A-6-43.

10 (5) Kidnapping in the second degree as defined in
11 Section 13A-6-44.

12 (6) Rape as defined in Sections 13A-6-61 and
13 13A-6-62.

14 (7) Sodomy as defined in Sections 13A-6-63 and
15 13A-6-64.

16 (8) Sexual torture as defined in Section 13A-6-65.1.

17 (9) Sexual abuse as defined in Sections 13A-6-66,
18 13A-6-67, and 13A-6-69.1.

19 (10) Enticing a child to enter a vehicle for immoral
20 purposes as defined in Section 13A-6-69.

21 (11) Soliciting a child by computer as defined in
22 Section 13A-6-110.

23 (12) Human trafficking as defined in Sections
24 13A-6-152 and 13A-6-153.

25 (13) Terrorism as defined in Section 13A-10-152.

26 (14) Soliciting or providing support for an act of
27 terrorism as defined in Section 13A-10-153.

1 (15) Hindering prosecution of terrorism as defined
2 in Section 13A-10-154.

3 (16) Endangering the water supply as defined in
4 Section 13A-10-171.

5 (17) Possession, manufacture, transport, or
6 distribution of a destructive device or bacteriological or
7 biological weapon as defined in Section 13A-10-193.

8 (18) Selling, furnishing, giving away, delivering,
9 or distribution of a destructive device, a bacteriological
10 weapon, or biological weapon to a person who is less than 21
11 years of age as defined in Section 13A-10-194.

12 (19) Possession, manufacture, transport, or
13 distribution of a detonator, explosive, poison, or hoax device
14 as defined in Section 13A-10-195.

15 (20) Possession or distribution of a hoax device
16 represented as a destructive device or weapon as defined in
17 subsection (c) of Section 13A-10-196.

18 (21) Attempt to commit an explosives or destructive
19 device or bacteriological or biological weapons crime as
20 defined in Section 13A-10-197.

21 (22) Conspiracy to commit an explosives or
22 destructive device or bacteriological or biological weapons
23 crime as defined in Section 13A-10-198.

24 (23) Hindrance or obstruction during detection,
25 disarming, or destruction of a destructive device or weapon as
26 defined in Section 13A-10-199.

1 (24) Possession or distribution of a destructive
2 device or weapon intended to cause injury or destruction as
3 defined in Section 13A-10-200.

4 (25) Treason as defined in Section 13A-11-2.

5 (26) Dissemination or public display of obscene
6 matter containing visual depiction of persons under 17 years
7 of age involved in obscene acts as defined in Section
8 13A-12-191.

9 (27) Possession and possession with intent to
10 disseminate obscene matter containing visual depiction of
11 persons under 17 years of age involved in obscene acts as
12 defined in Section 13A-12-192.

13 (28) Parents or guardians permitting children to
14 engage in production of obscene matter as defined in Section
15 13A-12-196.

16 (29) Production of obscene matter containing visual
17 depiction of persons under 17 years of age involved in obscene
18 acts as defined in Section 13A-12-197.

19 (30) Distribution, possession with intent to
20 distribute, production of obscene material, or offer or
21 agreement to distribute or produce, as defined in Section
22 13A-12-200.2.

23 (31) Trafficking in cannabis, cocaine, or other
24 illegal drugs or trafficking in amphetamine and
25 methamphetamine as defined in Section 13A-12-231.

26 (32) Bigamy as defined in Section 13A-13-1.

27 (33) Incest as defined in Section 13A-13-3.

1 (34) Torture or other willful maltreatment of a
2 child under the age of 18 as defined in Section 26-15-3.

3 (35) Aggravated child abuse as defined in Section
4 26-15-3.1.

5 (36) Prohibited acts in the offer, sale, or purchase
6 of securities as defined in Section 8-6-17.

7 (37) Burglary as defined in Sections 13A-7-5 and
8 13A-7-6.

9 (38) Theft of property as defined in Sections
10 13A-8-3 and 13A-8-4.

11 (39) Theft of lost property as defined in Sections
12 13A-8-7 and 13A-8-8.

13 (40) Theft of trademarks or trade secrets as defined
14 in Section 13A-8-10.4.

15 (41) Robbery as defined in Sections 13A-8-41,
16 13A-8-42, and 13A-8-43.

17 (42) Forgery as defined in Sections 13A-9-2 and
18 13A-9-3.

19 (43) Any crime as defined by the laws of the United
20 States or by the laws of another state, territory, country, or
21 other jurisdiction, which, if committed in this state, would
22 constitute one of the offenses listed in this subsection.

23 (d) Nothing in this section shall be interpreted as
24 determining moral turpitude for any purpose other than
25 disqualifying a person from exercising his or her right to
26 vote.

1 (e) The felonies involving moral turpitude listed in
2 subsection (c) are the only felonies for which a person, upon
3 conviction, may be disqualified from voting. Additional
4 felonies may be added to the list in subsection (c) only by
5 amendment to this section.

6 Section 2. Sections 17-4-3 and 17-4-4 of the Code of
7 Alabama 1975, are amended to read as follows:

8 "§17-4-3.

9 "(a) Each county board of registrars shall purge the
10 computerized statewide voter registration list on a continuous
11 basis, whenever it receives and confirms information that a
12 person registered to vote in that county has died, become a
13 nonresident of the state or county, been declared mentally
14 incompetent, been convicted of any offense ~~mentioned in~~
15 designated pursuant to Section 17-3-30.1 as a felony involving
16 moral turpitude for the purposes of Article VIII of the
17 Constitution of Alabama of 1901 since being registered, or
18 otherwise become disqualified as an elector. ~~A~~ Except as
19 provided below, a person convicted of a disqualifying criminal
20 offense ~~must~~ shall be notified by certified mail sent to the
21 voter's last known address of the board's intention to strike
22 his or her name from the list. No person convicted of a
23 disqualifying crime may be stricken from the poll list while
24 an appeal from the conviction is pending.

25 "(b) On the date set in the notice, or at a later
26 date to which the case may have been continued by the board,
27 the board shall proceed to consider the case of the elector

1 whose name it proposes to strike from the registration list
2 and make its determination. Any person whose name is stricken
3 from the list may appeal from the decision of the board
4 without giving security for costs, and the board shall
5 forthwith certify the proceedings to the judge of probate who
6 shall docket the case in the probate court.

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

9 "(d) In the event the Board of Pardons and Paroles
10 is supervising a person convicted of a disqualifying criminal
11 offense on probation or parole, and the person has received
12 face-to-face counseling from the supervising officer regarding
13 voter disqualification and executed documentation explaining
14 the loss and restoration of civil and political rights, upon
15 receipt of the documentation, signed by the disqualified
16 elector, the county board of registrars shall be exempt from
17 providing notice as otherwise required by this section. The
18 document administered by the Board of Pardons and Paroles and
19 to be signed by the disqualified elector shall contain the
20 following statement: "Any person convicted of a disqualifying
21 felony loses his or her civil and political rights, which
22 includes the right to vote. Restoration of these rights may be
23 applied for through the Central Montgomery Office of the Board
24 of Pardons and Paroles, but only upon completion of the
25 requirements of Section 15-22-36.1."

26 "(e) The Board of Pardons and Paroles shall provide
27 signed documentation to county boards of registrars to

1 indicate those persons under probation or parole supervision
2 with the board who have been convicted of a disqualifying
3 criminal offense and been counseled regarding voter
4 disqualification and the restoration of civil and political
5 rights, and may otherwise share privileged records and files
6 with county boards of registrars for the limited purpose of
7 implementing the requirements of this section.

8 "(f) When the board has sufficient evidence
9 furnished it that any elector has permanently moved from one
10 precinct to another within the county, it shall change the
11 elector's precinct designation in the voter registration list,
12 and shall give notice by mail to the elector of the precinct
13 in which the elector is registered to vote.

14 "(g) The Secretary of State and the Board of Pardons
15 and Paroles may promulgate rules in accordance with the
16 Alabama Administrative Procedure Act as necessary to implement
17 this section.

18 "§17-4-4.

19 "(a) In addition to all other duties now required by
20 law, the Office of Vital Statistics of the State Department of
21 Public Health shall furnish to the board of registrars of the
22 county in which such district is located, once each month, a
23 report of the death of all persons over 18 years of age who
24 resided in such registration district.

25 "(b) In addition to all other duties now required by
26 law, the judges of probate of the several counties of this
27 state shall furnish to the board of registrars of their

1 respective counties, once each month, a list of all residents
2 of the county, 18 years of age or over, who have been declared
3 mentally incompetent.

4 "(c) In addition to all other duties required by
5 law, the clerks of the circuit and district courts of this
6 state shall furnish to the board of registrars of each county,
7 once each month, a list of all residents of that county who
8 have been convicted of any offense ~~mentioned in~~ designated
9 pursuant to Section 17-3-30.1 as a felony involving moral
10 turpitude for the purposes of Article VIII of the Constitution
11 of Alabama of 1901. Any person who willfully fails to perform
12 such duties shall forfeit the sum of one hundred dollars
13 (\$100) for each such failure. Such sum may be recovered in an
14 action by law by any citizen of the county in which the
15 officer acts, one half to his or her own use and one half to
16 the use of the state.

17 "(d) The Secretary of State and the Board of Pardons
18 and Paroles may promulgate rules in accordance with the
19 Alabama Administrative Procedure Act as necessary to implement
20 this section."

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