SB178

RZPVNYY-1

By Senators Coleman-Madison, Stewart, Beasley, Coleman, Singleton, Smitherman

RFD: Judiciary

First Read: 29-Feb-24

SYNOPSIS:

Under existing law, an individual who has lost his or her right to vote based upon a past criminal conviction may apply to the Board of Pardons and Paroles for a Certificate of Eligibility to Register to Vote under certain circumstances, including payment of all fines, court costs, fees, and victim restitution as ordered by the sentencing court and completion of probation or parole and release from compliance by the court or Board of Pardons and Paroles.

This bill would eliminate the application requirement and the Certificate of Eligibility to Register to Vote and require the Board of Pardons and Paroles to restore the voting rights of individuals who lost the right to vote by reason of conviction of certain crimes if the individuals have met the criteria for restoration of voting rights.

A BILL

TO BE ENTITLED

AN ACT

Relating to voting rights; to amend Sections 15-22-36.1, 17-3-31, and 17-4-3, Code of Alabama 1975; to

eliminate the application requirement and the Certificate of Eligibility to Register to Vote; and to require the Board of Pardons and Paroles to restore the voting rights of individuals who lost the right to vote by reason of conviction of certain crimes if the individuals have met the criteria for restoration of voting rights.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§15-22-36.1

(a) Any other provision of law notwithstanding, ~~any person~~an individual who has lost his or her right to vote by reason of conviction of a felony in a state, federal, or foreign court, regardless of the date of his or her sentence, ~~may apply to the Board of Pardons and Paroles for a Certificate of Eligibility to Register to Vote~~shall have his or her right to vote restored if all of the following ~~requirements~~ criteria are met:

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

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

(3) The person has paid an amount equal to all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on disqualifying cases.

(4) Any of the following are true on all disqualifying

cases:

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

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

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

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

(c)(1) ~~Upon receipt of an application under this section, investigation of the request shall be assigned forthwith to an officer of the state Board of Pardons and Paroles. The~~ When an individual who has lost his or her right to vote by reason of conviction in a state, federal, or foreign court in any case except those listed in subsection (e) has met one of the criteria set forth in subdivision (a)(4), the Board of Pardons and Paroles shall conduct a review to determine if the individual has complied with the criteria set forth in subsection (a).

(2) An assigned officer of the board shall verify, through court records, records of the board, and records of the Department of Corrections, that the ~~applicant~~ individual has met the ~~qualifications~~ criteria set out in subsection (a). If the officer cannot obtain records to verify any criterion under subsection (a), the individual is deemed to have met the

criterion.

(3) Within 30 days of the initial ~~application for a Certificate of Eligibility to Register to Vote~~ review, the officer shall draft a report of his or her findings including a statement as to whether the ~~applicant~~ individual has successfully ~~completed his or her sentence and has~~ complied with ~~all~~ the eligibility ~~requirements~~ criteria provided in subsection (a).

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

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

~~(f)~~(6) If the report created pursuant to this subsection ~~(c)~~ states that the ~~applicant~~ individual has not met all of the eligibility criteria set forth in subsection (a), and the executive director or his or her designee attests that the report has been submitted properly and accurately, the Board of Pardons and Paroles shall ~~not issue a Certificate~~

~~of Eligibility to Register to Vote and shall~~ not restore the individual's right to vote and shall notify the ~~applicant~~ individual of the decision not to restore his or her right to vote and provide the reason or reasons for the decision within 14 calendar days of receipt of the report by the executive director. The notice shall state what measures the individual must undertake in order to have his or her right to vote restored. The ~~applicant, upon completion of the eligibility requirement in subsection (a) for restoration of his or her rights,~~ individual may submit ~~a new application~~ a written request for a new review at any time if he or she has met the certification criteria. Upon receipt of a new request, the board shall conduct a review pursuant to the requirements set forth in this subsection.

~~(g) A person~~(d) An individual who has lost his or her right to vote by reason of conviction in a state, ~~or~~ federal, or foreign court for any of the following will not be eligible to ~~apply for a Certificate of Eligibility to Register to Vote under this section~~have his or her right to vote restored: Impeachment, murder, rape in any degree, sodomy in any degree, sexual abuse in any degree, incest, sexual torture, enticing a child to enter a vehicle for immoral purposes, soliciting a child by computer, production of obscene matter involving a minor, production of obscene matter, parents or guardians permitting children to engage in obscene matter, possession of obscene matter, possession with intent to distribute child pornography, or treason.

~~(h)~~(e) This section shall not affect the right of any

~~person~~ individual to apply to the board for a pardon with restoration of voting rights pursuant to Section 15-22-36.

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

(g) No later than September 1, 2025, the Board of Pardons and Paroles and the Secretary of State shall jointly develop and make available on each agency's website a form with instructions for any individual who met one of the criteria set forth in subdivision (a)(4) prior to October 1, 2024, to submit to the Board of Pardons and Paroles for review pursuant to the requirements set forth in subsection (c)."

"§17-3-31

(a) Any ~~person~~ individual who is disqualified by reason of conviction of any of the offenses mentioned in Section 17-3-30.1 as a felony involving moral turpitude for the purposes of ~~Article VIII~~ Section 177 of the Constitution of Alabama of ~~1901~~ 2022, except treason ~~and impeachment~~, whether the conviction was had in a state, ~~or~~ federal, or foreign court, and who has been pardoned, may be restored to citizenship with the right to vote by the State Board of Pardons and Paroles when specifically expressed in the pardon. If otherwise qualified, ~~such person~~ the individual shall be permitted to register or reregister as an elector upon submission of a copy of the pardon document to the board of

registrars of the county of his or her residence. ~~In addition, any person~~

(b) Any individual who ~~has been granted a Certificate of Eligibility to Register to Vote by the Board of Pardons and Paroles pursuant to Section 15-22-36.1~~ was registered to vote at any time prior to losing his or her right to vote by reason of conviction in a state, federal, or foreign court and has met the eligibility criteria set forth in Section 15-22-36.1(a), as determined by the Board of Pardons and Paroles, shall be eligible to vote.

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

"§17-4-3

(a) Each county board of registrars shall purge the computerized statewide voter registration list on a continuous basis~~,~~ whenever it receives and confirms information that a person registered to vote in that county has died, become a nonresident of the state or county, been declared mentally incompetent, been convicted of any offense designated pursuant to Section 17-3-30.1 as a felony involving moral turpitude for the purposes of ~~Article VIII~~ Section 177 of the Constitution of Alabama of ~~1901~~ 2022, since being registered, or otherwise

become disqualified as an elector. Except as provided below, a person convicted of a disqualifying criminal offense shall be notified by certified mail sent to the voter's last known address of the board's intention to strike his or her name from the list. No person convicted of a disqualifying crime may be stricken from the poll list while an appeal from the conviction is pending.

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

(c) Section 17-3-55 shall apply to any ~~An~~ appeal from the judge of probate ~~shall be as appeals set forth in Section 17-3-55~~.

(d) In the event the Board of Pardons and Paroles is supervising ~~a person~~ an individual convicted of a disqualifying criminal offense on probation or parole, and the ~~person~~ individual has received face-to-face counseling from the supervising officer regarding voter disqualification and executed documentation explaining the loss and restoration of civil and political rights, upon receipt of the documentation, signed by the disqualified elector, the county board of registrars shall be exempt from providing notice as otherwise

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

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

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

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

Section 2. This act shall become effective on October 1, 2024.