

1 SB220
2 96525-1
3 By Senator Sanders
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under current law, individuals convicted of
9 felonies involving moral turpitude may only regain
10 the right to vote after they complete several
11 requirements, including paying all fines, court
12 costs, fees, and victim restitution.

13 This bill would allow an applicant who has
14 made required monthly payments as ordered by the
15 court for the three months prior to application to
16 be eligible for the restoration of voting rights.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 15-22-36.1 of the Code of Alabama
23 1975, relating to the restoration of voting rights; to permit
24 individuals who have made required monthly payments for three
25 months prior to application to be eligible for the restoration
26 of voting rights.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 15-22-36.1 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§15-22-36.1.

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

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

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

14 "(3) The person has paid all fines, court costs,
15 fees, and victim restitution ordered by the sentencing court,
16 or has made all required monthly payments for fines, court
17 costs, fees, and victim restitution for the three months
18 immediately prior to applying.

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

20 "a. The person has been released upon completion of
21 sentence.

22 "b. The person has been pardoned.

23 "c. The person has successfully completed probation
24 or parole and has been released from compliance by the
25 ordering entity.

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

4 "(c) Upon receipt of an application under this
5 section, investigation of the request shall be assigned
6 forthwith to an officer of the state Board of Pardons and
7 Paroles. The assigned officer shall verify, through court
8 records, records of the board, and records of the Department
9 of Corrections, that the applicant has met the qualifications
10 set out in subsection (a). The officer shall draft a report of
11 his or her findings and make a recommendation concerning
12 whether the offender has successfully completed his or her
13 sentence and has complied with all the eligibility
14 requirements provided in subsection (a).

15 "(d) After completing the investigation set out in
16 subsection (c), the officer shall submit his or her report of
17 investigation and recommendation to the Executive Director of
18 the Board of Pardons and Paroles, who shall refer the report
19 and recommendation to a senior staff member to determine
20 whether the applicant has met the qualifications set out in
21 subsection (a).

22 "(e) Upon the senior staff member's completion of
23 his or her review of the report and recommendation and a
24 determination that all eligibility requirements of subsection
25 (a) have been met, he or she shall file a report with the
26 Executive Director of the Board of Pardons and Paroles stating
27 whether or not all of the criteria for obtaining a Certificate

1 of Eligibility to Register to Vote have been met. Within 45
2 days of the date of the initial application for a certificate
3 under this section, the executive director shall make the
4 reports and recommendations available to the members of the
5 board for review and if, within five days, no objection is
6 made by a board member on the basis that the criteria set out
7 in subsection (a) have not been met, the executive director
8 shall issue a Certificate of Eligibility to Register to Vote
9 to the applicant; provided, however, that the 45-day
10 requirement in this sentence shall not apply for the first 90
11 days following September 25, 2003. Upon determination by the
12 senior staff member that any of the criteria have not been
13 met, the applicant shall be notified of the reasons the
14 Certificate of Eligibility to Register to Vote will not be
15 issued and that upon satisfaction of all outstanding
16 requirements, a new request may be submitted by the applicant.

17 "(f) In the event a board member objects to the
18 issuance of a Certificate of Eligibility to Register to Vote
19 on the basis that the criteria set out in subsection (a) have
20 not been met, the matter shall be referred to the next hearing
21 docket of the board, without regard to any other provision of
22 law affecting the setting of a hearing date, for the board to
23 determine whether the applicant has met the criteria
24 established by subsection (a). In the event the board
25 determines, by a majority vote, that the criteria have been
26 met, the executive director shall forthwith issue a
27 Certificate of Eligibility to Register to Vote to the

1 applicant. Upon a determination by the board that the criteria
2 have not been met, the applicant shall be notified of the
3 reasons the Certificate of Eligibility to Register to Vote
4 will not be issued, and that upon satisfaction of all
5 outstanding requirements, a new application may be submitted
6 by the applicant.

7 "(g) A person who has lost his or her right to vote
8 by reason of conviction in a state or federal court for any of
9 the following will not be eligible to apply for a Certificate
10 of Eligibility to Register to Vote under this section:

11 Impeachment, murder, rape in any degree, sodomy in any degree,
12 sexual abuse in any degree, incest, sexual torture, enticing a
13 child to enter a vehicle for immoral purposes, soliciting a
14 child by computer, production of obscene matter involving a
15 minor, production of obscene matter, parents or guardians
16 permitting children to engage in obscene matter, possession of
17 obscene matter, possession with intent to distribute child
18 pornography, or treason.

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

22 Section 2. This act shall become operative after any
23 necessary preclearance from the U.S. Justice Department
24 pursuant to the federal Voting Rights Act.

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

