

1 SB294  
2 166298-1  
3 By Senator Sanders  
4 RFD: Judiciary  
5 First Read: 19-MAR-15

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8 SYNOPSIS: Under existing law, there is an established  
9 procedure for the restoration of voting rights of  
10 felons who have satisfactorily completed conditions  
11 of their sentence. Restoration of voting rights is  
12 made through an application to the Board of Pardons  
13 and Paroles.

14 This bill would provide for the automatic  
15 restoration of voting rights of a person who has  
16 been convicted of a felony involving moral  
17 turpitude when he or she is discharged from  
18 incarceration. The bill would have retroactive  
19 effect.  
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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 To provide for the Alabama Restoration of Voting  
26 Rights Act; to amend Sections 15-22-36 and 17-3-31, Code of  
27 Alabama 1975, to provide that a person who has been convicted

1 of a felony involving moral turpitude would have his or her  
2 voting rights restored when he or she is discharged from  
3 incarceration; to repeal Section 15-22-36.1, Code of Alabama  
4 1975; and to provide for a retroactive effect.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. This act shall be known and may be cited  
7 as the Alabama Restoration of Voting Rights Act.

8 Section 2. (a) The Legislature hereby finds all of  
9 the following:

10 (1) Alabama denies the right to vote to all persons  
11 who have been convicted of a felony involving moral turpitude.

12 (2) Voting is both a fundamental right and a civic  
13 duty. Restoring the right to vote strengthens our democracy by  
14 increasing voter participation and helps people who have  
15 completed their incarceration to reintegrate into society.

16 (3) Under current Alabama law, more than 100,000  
17 African-Americans and nearly an equal number of whites and  
18 others have lost the right to vote. This fact has a  
19 disproportionate impact on minorities, especially the  
20 African-American community. Nearly one in three  
21 African-American men in Alabama has lost the right to vote  
22 because of a felony conviction.

23 (4) The restoration of voting rights through  
24 application to the Board of Pardons and Paroles for a  
25 Certificate of Eligibility to Register to Vote under Section  
26 15-22-36.1, Code of Alabama 1975, has proved cumbersome for  
27 both applicants and the board. The current system imposes

1 economic and administrative burdens on the state and is costly  
2 for Alabama taxpayers. Streamlining the restoration process  
3 will advance administrative efficiency, fiscal responsibility,  
4 fairness, and democracy.

5 (b) The purposes of this act are to strengthen  
6 democratic institutions by increasing participation in the  
7 voting process, to help people who have completed their  
8 incarceration to become productive members of society, and to  
9 streamline procedures for restoring their right to vote.

10 Section 3. (a) Except in cases of treason or  
11 impeachment, a person who has been convicted of a felony  
12 involving moral turpitude shall have his or her right to vote  
13 in a federal, state, county, or municipal election in Alabama  
14 restored when that person is discharged from incarceration.

15 (b) As part of any plea bargaining process, the  
16 prosecutor shall notify a person accused of a felony involving  
17 moral turpitude that conviction will result in loss of the  
18 right to vote for the period of incarceration and that voting  
19 rights will be restored thereafter.

20 (c) Upon pronouncing the sentence for conviction of  
21 a felony involving moral turpitude, the presiding judge shall  
22 notify the person being sentenced that conviction will result  
23 in loss of the right to vote for the period of incarceration  
24 and that voting rights will be restored thereafter.

25 (d) As part of the release process leading to a  
26 person's discharge from a federal or state correctional  
27 institution, the Department of Corrections shall notify the

1 person in writing that voting rights will be restored, provide  
2 the person with a voter registration form, and assist the  
3 person in filling out the form. The Department of Corrections  
4 shall deliver completed voter registration forms to the  
5 Secretary of State.

6 (e) The Department of Corrections, on or before the  
7 first and fifteenth days of each month, shall transmit to the  
8 Secretary of State a list of the names, birth dates, Social  
9 Security numbers, if known, addresses with counties of  
10 residence, and dates of conviction as provided by the Alabama  
11 Criminal Justice Information System of persons convicted of a  
12 felony who, during the preceding reporting period, have become  
13 eligible to vote.

14 (f) The Secretary of State shall add the names and  
15 identifying information transmitted under subsection (e) to  
16 the computerized statewide voter registration list in the same  
17 manner as all other information is added to that list, in  
18 accordance with Section 17-4-210, Code of Alabama 1975.

19 (g) The Secretary of State shall develop and  
20 implement a program to educate state and local prosecutors,  
21 judges, election officials, corrections officials, and members  
22 of the public about the requirements of this section ensuring  
23 that all of the following information is known:

24 (1) Prosecutors and judges are informed of their  
25 obligation to notify criminal defendants of the potential loss  
26 and restoration of their voting rights, in accordance with  
27 subsections (b) and (c).

1           (2) The Department of Corrections is prepared to  
2 assist people with registration to vote in anticipation of  
3 their discharge from incarceration, including by forwarding  
4 their completed voter registration forms to the Secretary of  
5 State.

6           (3) The language on voter registration forms makes  
7 clear that people who have been disqualified from voting  
8 because of felony convictions regain their right to vote when  
9 they are discharged from incarceration.

10           (4) The Department of Corrections is prepared to  
11 transmit to the Secretary of State the information specified  
12 in subsection (e).

13           (5) The Supervisor of Voter Registration is prepared  
14 to restore names to the computerized statewide voter  
15 registration list in accordance with subsection (f).

16           (6) Accurate and complete information about the  
17 voting rights of people who have been charged with or  
18 convicted of crimes, whether disqualifying or not, is made  
19 available through a single publication to government officials  
20 and the public.

21           Section 4. Sections 15-22-36 and 17-3-31, Code of  
22 Alabama 1975, are amended to read as follows:

23           "§15-22-36.

24           "(a) In all cases, except treason and impeachment  
25 and cases in which sentence of death is imposed and not  
26 commuted, as is provided by law, the Board of Pardons and  
27 Paroles shall have the authority and power, after conviction

1 and not otherwise, to grant pardons and paroles and to remit  
2 fines and forfeitures.

3 "(b) Each member of the Board of Pardons and Paroles  
4 favoring a pardon, parole, remission of a fine or forfeiture,  
5 or restoration of civil and political rights shall enter in  
6 the file his or her reasons in detail, which entry and the  
7 order shall be public records, but all other portions of the  
8 file shall be privileged.

9 "~~(c) No pardon shall relieve one from civil and~~  
10 ~~political disabilities unless specifically expressed in the~~  
11 ~~pardon.~~ No pardon shall be granted unless the prisoner has  
12 successfully completed at least three years of permanent  
13 parole or until the expiration of his or her sentence if his  
14 or her sentence was for less than three years. Notwithstanding  
15 the foregoing, a pardon based on innocence may be granted upon  
16 the unanimous affirmative vote of the board following receipt  
17 and filing of clear proof of his or her innocence of the crime  
18 for which he or she was convicted and the written approval of  
19 the judge who tried his or her case or district attorney or  
20 with the written approval of a circuit judge in the circuit  
21 where he or she was convicted if the judge who tried his or  
22 her case is dead or no longer serving.

23 "(d) The Board of Pardons and Paroles shall have no  
24 power to grant a pardon, order a parole, remit a fine or  
25 forfeiture, ~~or restore civil and political rights~~ until 30  
26 days' notice that the prisoner is being considered therefor  
27 has been given by the board to the Attorney General, the judge

1 who presided over the case, the district attorney who tried  
2 the subject's case, the chief of police in the municipality in  
3 which the crime occurred, if the crime was committed in an  
4 incorporated area with a police department, and to the sheriff  
5 of the county where convicted, and to the same officials of  
6 the county where the crime occurred if different from the  
7 county of conviction; provided, however, that if they are dead  
8 or not serving, the notice shall be given to the district  
9 attorney, incumbent sheriff, and one of the judges of the  
10 circuit in which the subject was convicted. The board also  
11 shall be required to provide the same notice to the Crime  
12 Victims Compensation Commission.

13 "(e) (1) Until and unless at least 30 days' written  
14 notice of the board's action to be considered has been given  
15 by the board to the victim named in the indictment, the  
16 victim's representative, or any other interested individual,  
17 after the board has received a request that includes the  
18 preferred mode of notification from the victim, the victim's  
19 representative, or other interested individual and is  
20 submitted 30 days or more in advance of the board action to be  
21 considered either through the automated victim notification  
22 system or by a direct request to the board or other authorized  
23 individual, the Board of Pardons and Paroles shall have no  
24 power or authority to in any way approve or order any parole,  
25 pardon, remission of fine or forfeiture, ~~restoration of civil~~  
26 ~~and political rights,~~ furlough, leave or early release of a  
27 person convicted of the following offenses:



1           "a. A Class A felony.

2           "b. Any felony committed prior to the first day of  
3 January, 1980, which if committed after the first day of  
4 January, 1980, would be designated a Class A felony.

5           "c. Any felony involving violence, death, or any  
6 physical injury to the person of another.

7           "d. Any felony involving unlawful sexual assault or  
8 other unlawful sexual conduct on the person of another.

9           "e. Any felony involving sexual assault, or a lewd  
10 or lascivious act upon a child under the age of 16 years or  
11 attempt thereof.

12           "f. Sexual abuse or any other criminal conduct  
13 committed prior to the first day of January, 1980, which if  
14 committed after the first day of January, 1980, would be  
15 defined as sexual abuse under the Alabama Criminal Code.

16           "g. Child abuse or any criminal conduct committed  
17 prior to the first day of January, 1980, which if committed  
18 after the first day of January, 1980, would be defined as  
19 child abuse under the Alabama Criminal Code.

20           "h. Sodomy or any criminal conduct committed prior  
21 to the first day of January, 1980, which if committed after  
22 the first day of January, 1980, would be defined as sodomy  
23 under the Alabama Criminal Code.

24           "i. Any violation of Section 13A-6-69, as amended.

25           "(2) If, however, the victim, victim's  
26 representative, or other interested individual has not been  
27 registered for notice through the automated victim

1 notification system or otherwise made a direct request to the  
2 board for notice or to another authorized individual, the  
3 victim's information has not been updated, or a particular  
4 mode of notification has not been requested at least 30 days  
5 or more in advance of the board's action to be considered, the  
6 board shall not be limited in power or authority in any way to  
7 approve or order any parole, pardon, remission of fine or  
8 forfeiture, restoration of civil and political rights,  
9 furlough, leave, or early release of a person convicted of the  
10 offenses named in subsection (e) (1)a. to i., inclusive.

11 "(3) The notice shall be given by U.S. certified  
12 mail, return receipt requested, U.S. mail, electronic  
13 transmission, or by other commonly accepted method of  
14 delivery, upon a request made through the automated victim  
15 notification system or otherwise upon direct request made to  
16 the board or other authorized individual 30 days or more in  
17 advance of the board's action to be considered and shall  
18 include:

19 "a. The name of the prisoner or defendant involved.

20 "b. The crime for which the prisoner or defendant  
21 was convicted.

22 "c. The date of the sentence.

23 "d. The court in which the conviction occurred.

24 "e. The sentence imposed.

25 "f. The actual time the prisoner has been held in  
26 confinement and the prisoner's minimum release date, as  
27 computed by the Department of Corrections.

1 "g. The action to be considered by the board.

2 "h. The date, time, and location of the board  
3 meeting at which the action is to be considered.

4 "i. The right of the victim named in the indictment,  
5 a victim's representative, or if the victim is deceased as a  
6 result of the offense, the victim's immediate family, as  
7 defined by the board's operating rules, or, in the event there  
8 is no immediate family, a relative of a victim, if any, to  
9 present his or her views to the board in person or in writing.

10 "Notice for robbery victims who were robbed while on  
11 duty as an employee of a business establishment shall be  
12 sufficient if mailed to the last address provided by the  
13 victim or as otherwise noted on the indictment or in the board  
14 files.

15 "(4) If a victim, victim's representative, or  
16 otherwise interested individual requests not to be notified,  
17 the request shall be made to the Board of Pardons and Paroles  
18 in writing or by electronic signature. Confirmation of a  
19 request to not be notified shall be provided to the victim so  
20 requesting. After a request is received, the board shall  
21 provide no further notifications, unless and until the victim,  
22 victim's representative, or otherwise interested individual  
23 subsequently requests future notifications, at least 30 days  
24 in advance of the board's action to be considered through the  
25 automated victim notification system designated by the board  
26 or by contacting the board or other authorized individual in  
27 writing, in person, or by telephone.

1           "(5) Should a victim, victim's representative, or  
2 otherwise interested person wish to receive notice of any  
3 specific board hearing and action taken by the board, if any,  
4 in a specific case, the individual may register to request the  
5 notice through the automated victim notification system or  
6 otherwise request notice by making a direct request to the  
7 board or other authorized individual to receive notice at  
8 least 30 days in advance of the board's action to be  
9 considered. The individual shall be required to designate his  
10 or her preferred mode or modes of communication.

11           "(6) Prior to the sentencing of any defendant  
12 convicted of the offenses named in subsection (e) (1)a. to i.,  
13 inclusive, and only after the most recent victim information  
14 has been furnished to the Board of Pardons and Paroles  
15 pursuant to Section 12-17-184(9), in those cases, the  
16 probation and parole officer assigned to prepare a  
17 pre-sentence investigation report shall register the most  
18 recent information for the victim named in the indictment into  
19 the automated victim notification system designated by the  
20 board. In case of a homicide, the information of immediate  
21 family members shall be entered into the automated victim  
22 notification system designated by the board. If a surviving  
23 victim is a minor, information for parents or guardians shall  
24 be entered into the automated victim notification system  
25 designated by the board. The probation and parole officer  
26 assigned to prepare a pre-sentence investigation report shall  
27 then report to the sentencing court that all most current

1 victim information has been so registered. The sentencing  
2 court shall then record into the case record that the victim  
3 information has been entered into the automated victim  
4 notification system.

5 "(7) For those cases in which a defendant has been  
6 convicted and sentenced prior to the implementation task force  
7 determining that the automated victim notification system  
8 complies with the requirements of this section and Sections  
9 15-22-23 and 15-22-36.2, for any homicide, and Class A felony,  
10 except Burglary I in which no victim was present, or any  
11 criminal sex offense, as defined by Section 15-20-21(4), the  
12 board shall exercise due diligence to locate the victim or  
13 victims and register the most recent victim information into  
14 the automated victim notification system designated by the  
15 board. If all attempts to locate a victim, or in case of a  
16 homicide to locate immediate family member or members, have  
17 failed and the agent of the board has certified that due  
18 diligence has been exercised, no future location attempts  
19 shall be required.

20 "(f) After any board action is taken granting any  
21 pardon or parole, the board shall promptly notify all persons  
22 who timely requested notice, pursuant to this section as to  
23 the action taken by the board and the conditions, if any, of  
24 any such parole or pardon via electronic notification through  
25 the automated victim notification system or posting publicly  
26 on a state agency website.

27 "§17-3-31.

1           "Any person who is disqualified by reason of  
2 conviction of any of the offenses mentioned in Article VIII of  
3 the Constitution of Alabama of 1901, except treason and  
4 impeachment, whether the conviction was had in a state or  
5 federal court, ~~and who has been pardoned, may~~ shall be  
6 restored to citizenship with the right to vote by the State  
7 Board of Pardons and Paroles ~~when specifically expressed in~~  
8 ~~the pardon.~~ If otherwise qualified, such person shall be  
9 permitted to register or reregister as an elector upon  
10 submission of a copy of the pardon document to the board of  
11 registrars of the county of his or her residence. ~~In addition,~~  
12 ~~any person who has been granted a Certificate of Eligibility~~  
13 ~~to Register to Vote by the Board of Pardons and Paroles~~  
14 ~~pursuant to Section 15-22-36.1, shall be permitted to register~~  
15 ~~or reregister as an elector upon submission of a copy of the~~  
16 ~~certificate to the board of registrars of the county of his or~~  
17 ~~her residence."~~

18           Section 5. Section 15-22-36.1, Code of Alabama 1975,  
19 is repealed.

20           Section 6. This act shall become effective  
21 immediately following its passage and approval by the  
22 Governor, or its otherwise becoming law. Upon taking effect,  
23 this act shall have retroactive application to persons who  
24 were discharged from incarceration prior to its effective  
25 date.