

1 HB282  
2 178796-2  
3 By Representative Jones  
4 RFD: Judiciary  
5 First Read: 21-FEB-17

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 To add Section 17-3-30.1 to the Code of Alabama  
9 1975, to create the Felony Voter Disqualification Act; to  
10 establish a comprehensive list of felonies that involve moral  
11 turpitude which disqualify a person from exercising his or her  
12 right to vote; and to amend Sections 17-4-3 and 17-4-4, Code  
13 of Alabama 1975, relating to voter registration lists, to  
14 provide procedures for the Board of Pardons and Paroles and  
15 the Secretary of State to follow to purge certain disqualified  
16 voters from voter registration lists.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 §17-3-30.1.

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

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

24 a. Article VIII of the Constitution of Alabama of  
25 1901, now appearing as Section 177 of Article VIII of the  
26 Official Recompilement of the Constitution of Alabama of 1901,  
27 as amended, provides that Alabama citizens shall lose the

1 right to vote when convicted of a crime only if the conviction  
2 was for a felony involving moral turpitude.

3 b. Under general law, there is no comprehensive list  
4 of felonies that involve moral turpitude which disqualify a  
5 person from exercising his or her right to vote. Neither  
6 individuals with felony convictions nor election officials  
7 have a comprehensive, authoritative source for determining if  
8 a felony conviction involves moral turpitude and is therefore  
9 a disqualifying felony.

10 (2) The purposes of this section are:

11 a. To give full effect to Article VIII of the  
12 Constitution of Alabama of 1901, now appearing as Section 177  
13 of Article VIII of the Official Recompilation of the  
14 Constitution of Alabama of 1901, as amended.

15 b. To ensure that no one is wrongly excluded from  
16 the electoral franchise.

17 c. To provide a comprehensive list of acts that  
18 constitute moral turpitude for the limited purpose of  
19 disqualifying a person from exercising his or her right to  
20 vote.

21 (c) For purposes of Article VIII of the Constitution  
22 of Alabama of 1901, now appearing as Section 177 of Article  
23 VIII of the Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, a person is disqualified to vote  
25 by reason of conviction of a felony involving moral turpitude  
26 only when convicted of any of the following offenses in a  
27 degree constituting a felony:

- 1 (1) Murder as defined in the following sections:
- 2 a. Subdivision (1) of subsection (a) of Section
- 3 13A-5-40.
- 4 b. Subdivision (2) of subsection (a) of Section
- 5 13A-5-40.
- 6 c. Subdivision (3) of subsection (a) of Section
- 7 13A-5-40.
- 8 d. Subdivision (4) of subsection (a) of Section
- 9 13A-5-40.
- 10 e. Subdivision (5) of subsection (a) of Section
- 11 13A-5-40.
- 12 f. Subdivision (6) of subsection (a) of Section
- 13 13A-5-40.
- 14 g. Subdivision (7) of subsection (a) of Section
- 15 13A-5-40.
- 16 h. Subdivision (8) of subsection (a) of Section
- 17 13A-5-40.
- 18 i. Subdivision (9) of subsection (a) of Section
- 19 13A-5-40.
- 20 j. Subdivision (10) of subsection (a) of Section
- 21 13A-5-40.
- 22 k. Subdivision (11) of subsection (a) of Section
- 23 13A-5-40.
- 24 l. Subdivision (12) of subsection (a) of Section
- 25 13A-5-40.
- 26 m. Subdivision (13) of subsection (a) of Section
- 27 13A-5-40.

1                   n. Subdivision (14) of subsection (a) of Section  
2   13A-5-40.

3                   o. Subdivision (15) of subsection (a) of Section  
4   13A-5-40.

5                   p. Subdivision (16) of subsection (a) of Section  
6   13A-5-40.

7                   q. Subdivision (17) of subsection (a) of Section  
8   13A-5-40.

9                   r. Subdivision (18) of subsection (a) of Section  
10   13A-5-40.

11                  s. Subdivision (19) of subsection (a) of Section  
12   13A-5-40.

13                  t. Section 13A-6-2.

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

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

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

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

22                   (6) Rape as defined in Sections 13A-6-61 and  
23   13A-6-62.

24                   (7) Sodomy as defined in Sections 13A-6-63 and  
25   13A-6-64.

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

1                   (9) Sexual abuse as defined in Sections 13A-6-66,  
2 13A-6-67, and 13A-6-69.1.

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

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

7                   (11) Facilitating solicitation of unlawful sexual  
8 conduct with a child as defined in Section 13A-6-121.

9                   (12) Electronic solicitation of a child as defined  
10 in Section 13A-6-122.

11                   (13) Facilitating the on-line solicitation of a  
12 child as defined in Section 13A-6-123.

13                   (14) Traveling to meet a child for an unlawful sex  
14 act as defined in Section 13A-6-124.

15                   (15) Facilitating the travel of a child for an  
16 unlawful sex act as defined in Section 13A-6-125.

17                   (16) Human trafficking as defined in Sections  
18 13A-6-152 and 13A-6-153.

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

20                   (18) Soliciting or providing support for an act of  
21 terrorism as defined in Section 13A-10-153.

22                   (19) Hindering prosecution of terrorism as defined  
23 in Section 13A-10-154.

24                   (20) Endangering the water supply as defined in  
25 Section 13A-10-171.

1           (21) Possession, manufacture, transport, or  
2 distribution of a destructive device or bacteriological or  
3 biological weapon as defined in Section 13A-10-193.

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

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

11           (24) Possession or distribution of a hoax device  
12 represented as a destructive device or weapon as defined in  
13 subsection (c) of Section 13A-10-196.

14           (25) Attempt to commit an explosives or destructive  
15 device or bacteriological or biological weapons crime as  
16 defined in Section 13A-10-197.

17           (26) Conspiracy to commit an explosives or  
18 destructive device or bacteriological or biological weapons  
19 crime as defined in Section 13A-10-198.

20           (27) Hindrance or obstruction during detection,  
21 disarming, or destruction of a destructive device or weapon as  
22 defined in Section 13A-10-199.

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

26           (29) Treason as defined in Section 13A-11-2.

1           (30) Dissemination or public display of obscene  
2 matter containing visual depiction of persons under 17 years  
3 of age involved in obscene acts as defined in Section  
4 13A-12-191.

5           (31) Possession and possession with intent to  
6 disseminate obscene matter containing visual depiction of  
7 persons under 17 years of age involved in obscene acts as  
8 defined in Section 13A-12-192.

9           (32) Parents or guardians permitting children to  
10 engage in production of obscene matter as defined in Section  
11 13A-12-196.

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

15           (34) Distribution, possession with intent to  
16 distribute, production of obscene material, or offer or  
17 agreement to distribute or produce, as defined in Section  
18 13A-12-200.2.

19           (35) Trafficking in cannabis, cocaine, or other  
20 illegal drugs or trafficking in amphetamine and  
21 methamphetamine as defined in Section 13A-12-231.

22           (36) Bigamy as defined in Section 13A-13-1.

23           (37) Incest as defined in Section 13A-13-3.

24           (38) Torture or other willful maltreatment of a  
25 child under the age of 18 as defined in Section 26-15-3.

26           (39) Aggravated child abuse as defined in Section  
27 26-15-3.1.



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

3           (41) Burglary as defined in Sections 13A-7-5 and  
4 13A-7-6.

5           (42) Theft of property as defined in Sections  
6 13A-8-3 and 13A-8-4.

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

9           (44) Theft of trademarks or trade secrets as defined  
10 in Section 13A-8-10.4.

11           (45) Robbery as defined in Sections 13A-8-41,  
12 13A-8-42, and 13A-8-43.

13           (46) Forgery as defined in Sections 13A-9-2 and  
14 13A-9-3.

15           (47) Any crime as defined by the laws of the United  
16 States or by the laws of another state, territory, country, or  
17 other jurisdiction, which, if committed in this state, would  
18 constitute one of the offenses listed in this subsection.

19           (d) Nothing in this section shall be interpreted as  
20 determining moral turpitude for any purpose other than  
21 disqualifying a person from exercising his or her right to  
22 vote.

23           (e) The felonies involving moral turpitude listed in  
24 subsection (c) are the only felonies for which a person, upon  
25 conviction, may be disqualified from voting. Additional  
26 felonies may be added to the list in subsection (c) only by  
27 amendment to this section.

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

3           "§17-4-3.

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

20           "(b) On the date set in the notice, or at a later  
21 date to which the case may have been continued by the board,  
22 the board shall proceed to consider the case of the elector  
23 whose name it proposes to strike from the registration list  
24 and make its determination. Any person whose name is stricken  
25 from the list may appeal from the decision of the board  
26 without giving security for costs, and the board shall

1       forthwith certify the proceedings to the judge of probate who  
2       shall docket the case in the probate court.

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

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

22               "(e) The Board of Pardons and Paroles shall provide  
23       signed documentation to county boards of registrars to  
24       indicate those persons under probation or parole supervision  
25       with the board who have been convicted of a disqualifying  
26       criminal offense and been counseled regarding voter  
27       disqualification and the restoration of civil and political

1 rights, and may otherwise share privileged records and files  
2 with county boards of registrars for the limited purpose of  
3 implementing the requirements of this section.

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

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

14 "§17-4-4.

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

21 "(b) In addition to all other duties now required by  
22 law, the judges of probate of the several counties of this  
23 state shall furnish to the board of registrars of their  
24 respective counties, once each month, a list of all residents  
25 of the county, 18 years of age or over, who have been declared  
26 mentally incompetent.

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

14           "(d) 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           Section 3. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 21-FEB-17

Read for the second time and placed  
on the calendar..... 02-MAR-17

Read for the third time and passed  
as amended..... 09-MAR-17

Yeas 102, Nays 0, Abstains 0

Jeff Woodard  
Clerk