

1 HB454
2 199030-1
3 By Representative Hall
4 RFD: Constitution, Campaigns and Elections
5 First Read: 16-APR-19

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8 SYNOPSIS: Under existing law, a person who has lost
9 his or her right to vote based upon a past criminal
10 conviction, may apply to the Board of Pardons and
11 Paroles for a Certificate of Eligibility to
12 Register to Vote under certain circumstances,
13 including payment of all fines, court costs, fees,
14 and victim restitution as ordered by the sentencing
15 court and completion of probation or parole and
16 release from compliance by the court or Board of
17 Pardons and Paroles.

18 This bill would remove the process of
19 applying to the Board of Pardons and Paroles for a
20 Certificate of Eligibility to Register to Vote for
21 a person to have his or her right to vote restored.

22 This bill would eliminate the requirement
23 that a person pay all fines, court costs, fees, and
24 victim restitution prior to having his or her right
25 to vote restored.

1 This bill would also expand restoration of
2 voting rights to a person who has been released
3 from incarceration for five or more years.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to voting rights; to amend Section
10 15-22-36.1, Code of Alabama 1975; to remove the process of
11 applying to the Board of Pardons and Paroles for a Certificate
12 of Eligibility to Register to Vote for a person to have his or
13 her right to vote restored; to eliminate the requirement that
14 a person pay all fines, court costs, fees, and victim
15 restitution prior to having his or her right to vote restored;
16 and to expand restoration of voting rights to a person who has
17 been released from incarceration for five or more years.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 "§15-22-36.1.

22 "~~(a) Any other provision of law notwithstanding~~
23 Except as provided in subsection (b), any person, regardless
24 of the date of his or her sentence, may apply to the Board of
25 Pardons and Paroles for a Certificate of Eligibility to
26 Register to Vote shall have his or her right to vote restored
27 if all of the following requirements are met:

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

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

6 "~~(3) The person has paid all fines, court costs,~~
7 ~~fees, and victim restitution ordered by the sentencing court~~
8 ~~at the time of sentencing on disqualifying cases.~~

9 "~~(4)~~ (3) Any of the following are true:

10 "a. The person has been released upon completion of
11 sentence.

12 "b. The person has been pardoned.

13 "c. The person has successfully completed probation
14 or parole and has been released from compliance by the
15 ordering entity or has been released from incarceration for
16 five or more years.

17 "~~(b) The Certificate of Eligibility to Register to~~
18 ~~Vote shall be granted upon a determination that all of the~~
19 ~~requirements in subsection (a) are fulfilled.~~

20 "~~(c) Upon receipt of an application under this~~
21 ~~section, investigation of the request shall be assigned~~
22 ~~forthwith to an officer of the state Board of Pardons and~~
23 ~~Paroles. The assigned officer shall verify, through court~~
24 ~~records, records of the board, and records of the Department~~
25 ~~of Corrections, that the applicant has met the qualifications~~
26 ~~set out in subsection (a). Within 30 days of the initial~~
27 ~~application for a Certificate of Eligibility to Register to~~

1 ~~Vote, the officer shall draft a report of his or her findings~~
2 ~~including a statement as to whether the applicant has~~
3 ~~successfully completed his or her sentence and has complied~~
4 ~~with all the eligibility requirements provided in subsection~~
5 ~~(a).~~

6 ~~"(d) After completing the investigation set out in~~
7 ~~subsection (c), the officer shall submit his or her report of~~
8 ~~investigation to the Executive Director of the Board of~~
9 ~~Pardons and Paroles.~~

10 ~~"(e) If the report created pursuant to subsection~~
11 ~~(c) states that the applicant has met all of the eligibility~~
12 ~~criteria set forth in subsection (a), and the executive~~
13 ~~director or his or her designee attests that the report has~~
14 ~~been submitted properly and accurately, the Board of Pardons~~
15 ~~and Paroles shall issue a Certificate of Eligibility to~~
16 ~~Register to Vote to the applicant within 14 days of receipt of~~
17 ~~the report by the executive director.~~

18 ~~"(f) If the report created pursuant to subsection~~
19 ~~(c) states that the applicant has not met all of the~~
20 ~~eligibility criteria set forth in subsection (a), and the~~
21 ~~executive director or his or her designee attests that the~~
22 ~~report has been submitted properly and accurately, the Board~~
23 ~~of Pardons and Paroles shall not issue a Certificate of~~
24 ~~Eligibility to Register to Vote and shall notify the applicant~~
25 ~~of the decision and reason or reasons for the decision within~~
26 ~~14 days of receipt of the report by the executive director.~~
27 ~~The applicant, upon completion of the eligibility requirement~~

1 ~~in subsection (a) for restoration of his or her rights, may~~
2 ~~submit a new application at any time if he or she has met the~~
3 ~~certification criteria.~~

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

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

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

25 Section 2. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

