

1 HB37
2 204209-2
3 By Representative Hall
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-FEB-21
6 PFD: 11/30/2020

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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 Also under existing law, a person who been
19 granted a Certificate of Eligibility to Register to
20 Vote by the Board of Pardons and Paroles can
21 register or reregister as an elector upon
22 submission of a copy of the certificate to the
23 board of registrars of the county of his or her
24 residence.

25 This bill would remove the process of
26 applying to the Board of Pardons and Paroles for a

1 Certificate of Eligibility to Register to Vote for
2 a person to have his or her right to vote restored.

3 This bill would eliminate the requirement
4 that a person pay all fines, court costs, fees, and
5 victim restitution prior to having his or her right
6 to vote restored.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT

14
15 Relating to voting rights; to amend Sections
16 15-22-36.1 and 17-3-31, Code of Alabama 1975; to remove the
17 process of applying to the Board of Pardons and Paroles for a
18 Certificate of Eligibility to Register to Vote for a person to
19 have his or her right to vote restored; to eliminate the
20 requirement that a person pay all fines, court costs, fees,
21 and victim restitution prior to having his or her right to
22 vote restored; and to expand restoration of voting rights to a
23 person who has been released from incarceration for five or
24 more years.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "§15-22-36.1.

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

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

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

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

16 "~~(4)~~ (3) Any of the following are true:

17 "a. The person has been released upon completion of
18 sentence.

19 "b. The person has been pardoned.

20 "c. The person has successfully completed probation
21 or parole and has been released from compliance by the
22 ordering entity or has been released from incarceration for
23 five or more years.

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

1 ~~"(c) Upon receipt of an application under this~~
2 ~~section, investigation of the request shall be assigned~~
3 ~~forthwith to an officer of the state Board of Pardons and~~
4 ~~Paroles. The assigned officer shall verify, through court~~
5 ~~records, records of the board, and records of the Department~~
6 ~~of Corrections, that the applicant has met the qualifications~~
7 ~~set out in subsection (a). Within 30 days of the initial~~
8 ~~application for a Certificate of Eligibility to Register to~~
9 ~~Vote, the officer shall draft a report of his or her findings~~
10 ~~including a statement as to whether the applicant has~~
11 ~~successfully completed his or her sentence and has complied~~
12 ~~with all the eligibility requirements provided in subsection~~
13 ~~(a).~~

14 ~~"(d) After completing the investigation set out in~~
15 ~~subsection (c), the officer shall submit his or her report of~~
16 ~~investigation to the Executive Director of the Board of~~
17 ~~Pardons and Paroles.~~

18 ~~"(e) If the report created pursuant to subsection~~
19 ~~(c) states that the applicant has met all of the eligibility~~
20 ~~criteria set forth in subsection (a), and the executive~~
21 ~~director or his or her designee attests that the report has~~
22 ~~been submitted properly and accurately, the Board of Pardons~~
23 ~~and Paroles shall issue a Certificate of Eligibility to~~
24 ~~Register to Vote to the applicant within 14 days of receipt of~~
25 ~~the report by the executive director.~~

26 ~~"(f) If the report created pursuant to subsection~~
27 ~~(c) states that the applicant has not met all of the~~

1 ~~eligibility criteria set forth in subsection (a), and the~~
2 ~~executive director or his or her designee attests that the~~
3 ~~report has been submitted properly and accurately, the Board~~
4 ~~of Pardons and Paroles shall not issue a Certificate of~~
5 ~~Eligibility to Register to Vote and shall notify the applicant~~
6 ~~of the decision and reason or reasons for the decision within~~
7 ~~14 days of receipt of the report by the executive director.~~
8 ~~The applicant, upon completion of the eligibility requirement~~
9 ~~in subsection (a) for restoration of his or her rights, may~~
10 ~~submit a new application at any time if he or she has met the~~
11 ~~certification criteria.~~

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

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

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

6 "§17-3-31.

7 Any person who is disqualified by reason of
8 conviction of any of the offenses mentioned in Article VIII of
9 the Constitution of Alabama of 1901, except treason and
10 impeachment, whether the conviction was had in a state or
11 federal court, and who has been pardoned, may be restored to
12 citizenship with the right to vote by the State Board of
13 Pardons and Paroles when specifically expressed in the pardon.
14 If otherwise qualified, such person shall be permitted to
15 register or reregister as an elector upon submission of a copy
16 of the pardon document to the board of registrars of the
17 county of his or her residence. In addition, any person who
18 ~~has been granted a Certificate of Eligibility to Register to~~
19 ~~Vote by the Board of Pardons and Paroles pursuant to Section~~
20 ~~15-22-36.1,~~ had his or her right to vote restored shall be
21 permitted to register or reregister as an elector ~~upon~~
22 ~~submission of a copy of the certificate to the board of~~
23 ~~registrars of the county of his or her residence."~~

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