

1 SB118  
2 209367-1  
3 By Senator Coleman-Madison  
4 RFD: Judiciary  
5 First Read: 02-FEB-21  
6 PFD: 01/28/2021

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

18                             This bill would eliminate the application  
19                             requirement and require the Board of Pardons and  
20                             Paroles to determine whether an individual may  
21                             receive a Certificate of Eligibility to Register to  
22                             Vote if the individual has lost his or her right to  
23                             vote by reason of conviction in a state or federal  
24                             court and has been pardoned or released from  
25                             incarceration or period of probation or parole.

26                             This bill would also eliminate the  
27                             requirement that an individual pay all fines, court

1 costs, and fees prior to having his or her right to  
2 vote restored.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Relating to voting rights; to amend Sections  
9 15-22-36.1 and 17-3-31, Code of Alabama 1975; to require the  
10 Board of Pardons and Paroles to determine whether an  
11 individual may receive a Certificate of Eligibility to  
12 Register to Vote if the individual has lost his or her right  
13 to vote by reason of conviction in a state or federal court  
14 and has been pardoned or released from incarceration or period  
15 of probation or parole; and to eliminate the requirement that  
16 an individual pay all fines, court costs, and fees.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§15-22-36.1.

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

1           "(1) The ~~person~~ individual has lost his or her right  
2 to vote by reason of conviction in a state or federal court in  
3 any case 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)~~ (2) The ~~person~~ individual has paid all ~~finer,~~  
7 ~~court costs, fees, and~~ victim restitution ordered by the  
8 sentencing court at the time of sentencing on disqualifying  
9 cases.

10           "~~(4)~~ (3) Any of the following are true:

11           "a. The ~~person~~ individual has been released ~~upon~~  
12 ~~completion of sentence~~ from incarceration.

13           "b. The ~~person~~ individual has been pardoned.

14           "c. The ~~person~~ individual has successfully completed  
15 probation or parole and has been released from compliance by  
16 the ordering entity.

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~~ When an individual who has lost his or her right to  
22 vote by reason of conviction in a state or federal court in  
23 any case except those listed in subsection (g) has satisfied  
24 one of the criteria set forth in subdivision (a) (3), the Board  
25 of Pardons and Paroles shall conduct a review to determine the  
26 individual's eligibility to receive a Certificate of  
27 Eligibility to Register to Vote ~~investigation of the request~~

1 ~~shall be assigned forthwith to an officer of the state Board~~  
2 ~~of Pardons and Paroles. The~~ An assigned officer of the board  
3 shall verify, through court records, records of the board, and  
4 records of the Department of Corrections, that the ~~applicant~~  
5 individual has met the qualifications set out in subsection  
6 (a). Within ~~30~~ 14 calendar days of the initial ~~application for~~  
7 ~~a Certificate of Eligibility to Register to Vote~~ review, the  
8 officer shall draft a report of his or her findings including  
9 a statement as to whether the ~~applicant~~ individual has  
10 successfully ~~completed his or her sentence and has~~ complied  
11 with all the eligibility requirements provided in subsection  
12 (a).

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

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

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

1 the 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 individual of the decision and reason or reasons for the  
7 decision within 14 calendar days of receipt of the report by  
8 the executive director. The ~~applicant~~ individual, upon  
9 completion of the eligibility requirement in subsection (a)  
10 for restoration of his or her rights, may ~~submit a new~~  
11 ~~application~~ request a new review at any time if he or she has  
12 met the certification criteria.

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

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

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

9           "(j) No later than September 1, 2021, the Board of  
10 Pardons and Paroles and the Secretary of State shall develop  
11 and make available on each agency's website a form with  
12 instructions for any individual who became eligible to receive  
13 a Certificate of Eligibility prior to the effective date of  
14 this act to submit to the Board of Pardons and Paroles for  
15 review pursuant to the procedures set forth in subsections (c)  
16 through (f).

17           "(k) The Board of Pardons and Paroles shall notify  
18 the Secretary of State when an individual who has lost his or  
19 her right to vote of the date upon which the individual  
20 received a Certificate of Eligibility to Register to Vote.  
21 Upon receipt of notification from the Board of Pardons and  
22 Paroles, the Secretary of State shall notify the board of  
23 registrars of the county of the individual's residence and the  
24 individual who has lost his or her right to vote of the date  
25 upon which the individual received a Certificate of  
26 Eligibility to Register to Vote.

27           "§17-3-31.

1           "Any ~~person~~ individual who is disqualified by reason  
2 of conviction of any of the offenses mentioned in Article VIII  
3 of 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 be restored to  
6 citizenship with the right to vote by the State Board of  
7 Pardons and Paroles when specifically expressed in the pardon.  
8 If otherwise qualified, ~~such person~~ the individual 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 individual~~ who has ~~been granted a Certificate of~~  
13 ~~Eligibility to Register to Vote by the Board of Pardons and~~  
14 ~~Paroles~~ complied with all the eligibility requirements  
15 pursuant to Section 15-22-36.1, shall be permitted to register  
16 or reregister as an elector ~~upon submission of a copy of the~~  
17 ~~certificate to the board of registrars of the county of his or~~  
18 ~~her residence."~~

19           Section 2. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.