

2  
3 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SB6  
4  
5  
6  
7

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

1                   This bill would allow an indigent individual  
2                   to have his or her right to vote restored if he or  
3                   she has paid all fines and restitution and is in  
4                   compliance with an approved payment plan for the  
5                   payment of court costs and fees or an approved  
6                   community service plan to offset the payment of  
7                   court costs and fees.

8  
9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  Relating to voting rights; to amend Sections  
14                  15-22-36.1, 17-3-31, and 17-4-3, Code of Alabama 1975; to  
15                  eliminate the application requirement and the Certificate of  
16                  Eligibility to Register to Vote; to require the Board of  
17                  Pardons and Paroles to determine whether an individual may  
18                  have his or her right to vote restored if the individual has  
19                  lost his or her right to vote by reason of conviction in a  
20                  state or federal court and has been pardoned or released from  
21                  incarceration or period of probation or parole; to allow an  
22                  indigent individual to have his or her right to vote restored  
23                  if he or she has paid all fines and restitution and is in  
24                  compliance with an approved payment plan for the payment of  
25                  court costs and fees or an approved community service plan to  
26                  offset the payment of court costs and fees; to remove  
27                  impeachment from the list of offenses that prohibit an

1 individual from having his or her right to vote restored to  
2 make consistent with existing law; and to add Section  
3 17-3-31.1 to the Code of Alabama 1975, to require notification  
4 to the individual that his or her right to vote has been  
5 restored.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 15-22-36.1, 17-3-31, and 17-4-3,  
8 Code of Alabama 1975, are amended to read as follows:

9 "§15-22-36.1.

10 "~~(a) Any other provision of law notwithstanding~~  
11 Except as provided in subsection (h), any person individual  
12 who has lost his or her right to vote by reason of conviction  
13 in a state or federal court, regardless of the date of his or  
14 her sentence, may apply to the Board of Pardons and Paroles  
15 for a Certificate of Eligibility to Register to Vote shall  
16 have his or her right to vote restored if all both of the  
17 following requirements criteria are met on all disqualifying  
18 cases:

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

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

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

1           "(1) The individual has done either of the  
2 following:

3           "a. Paid all fines, court costs, fees, and  
4 restitution ordered by the sentencing court at the time of  
5 sentencing.

6           "b. Paid all fines and restitution ordered by the  
7 sentencing court and with regard to all court costs and fees,  
8 has done either of the following:

9           " 1. Made all payments for a period of not less than  
10 one year on court costs and fees pursuant to an approved  
11 payment plan.

12           "2. Complied with an approved community service plan  
13 pursuant to Section 3 of the act adding this amendatory  
14 language for a period of not less than one year.

15           ~~"(4)~~ (2) Any of the following are true:

16           "a. The ~~person~~ individual has been released upon  
17 completion of sentence.

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

19           "c. The ~~person~~ individual has successfully completed  
20 probation or parole and has been released from compliance by  
21 the ordering entity.

22           "(b) The circuit clerk of the court in which any  
23 outstanding fines, court costs, fees, or restitution are owed  
24 shall apply payments in the following order of priority:

25           "(1) To any restitution owed on a disqualifying  
26 case.

27           "(2) To any fines owed on a disqualifying case.

1           "(3) To any restitution owed on a non-disqualifying  
2 case.

3           "(4) To any fines, court costs, or fees owed on a  
4 non-disqualifying case.

5           "~~(b) (c) The Certificate of Eligibility to Register~~  
6 ~~to Vote shall be granted~~ board shall restore an individual's  
7 right to vote upon a determination that ~~all of the individual~~  
8 has met the requirements criteria set forth in subsection (a)  
9 ~~are fulfilled.~~

10           "~~(c) Upon receipt of an application under this~~  
11 ~~section,~~ (d) When an individual, who has lost his or her right  
12 to vote by reason of conviction in a state or federal court in  
13 any case except those listed in subsection (h), has met one of  
14 the criteria set forth in subdivision (a) (2), the Board of  
15 Pardons and Paroles shall conduct a review to determine if the  
16 individual has complied with the criteria set forth in  
17 subdivision (a) (1) ~~investigation of the request shall be~~  
18 ~~assigned forthwith to an officer of the state Board of Pardons~~  
19 ~~and Paroles. The~~ An assigned officer of the board shall  
20 verify, through court records, records of the board, and  
21 records of the Department of Corrections, that the ~~applicant~~  
22 individual has met the ~~qualifications~~ criteria set out in  
23 subsection (a). Within ~~30~~ 14 calendar days of the initial  
24 ~~application for a Certificate of Eligibility to Register to~~  
25 ~~Vote~~ review, the officer shall draft a report of his or her  
26 findings, including a statement as to whether the ~~applicant~~  
27 individual has successfully ~~completed his or her sentence and~~

1 ~~has~~ complied with ~~all~~ the eligibility ~~requirements~~ criteria  
2 provided in subsection (a).

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

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

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

1 executive director. The notice shall state what measures the  
2 individual must undertake in order to have his or her right to  
3 vote restored. ~~The applicant, upon completion of the~~  
4 ~~eligibility requirement in subsection (a) for restoration of~~  
5 ~~his or her rights,~~ individual may submit ~~a new application a~~  
6 written request for a new review at any time if he or she has  
7 met the certification criteria. Upon receipt of a new request,  
8 the board shall conduct a review pursuant to the requirements  
9 set forth in subsections (d) through (g).

10 ~~"(g) A person~~ (h) An individual who has lost his or  
11 her right to vote by reason of conviction in a state or  
12 federal court for any of the following offenses as they are  
13 set forth in Section 17-3-30.1 ~~will not be eligible to apply~~  
14 ~~for a Certificate of Eligibility to Register to Vote under~~  
15 ~~this section~~ is not eligible to have his or her right to vote  
16 restored: Impeachment, murder Murder, rape in any degree,  
17 sodomy in any degree, sexual abuse in any degree, incest,  
18 sexual torture, enticing a child to enter a vehicle for  
19 immoral purposes, ~~soliciting~~ electronic solicitation of a  
20 child by computer, production of obscene matter ~~involving a~~  
21 minor containing visual depiction of persons under 17 years of  
22 age involved in obscene acts, distribution, possession with  
23 intent to distribute, production of obscene material, or offer  
24 or agreement to distribute or produce obscene material,  
25 ~~production of obscene matter,~~ parents or guardians permitting  
26 children to engage in production of obscene matter, ~~possession~~  
27 ~~of obscene matter, possession with intent to distribute child~~

1 pornography, or dissemination or public display of obscene  
2 matter containing visual depiction of persons under 17 years  
3 of age involved in obscene acts, possession and possession  
4 with intent to disseminate obscene matter containing visual  
5 depiction of persons under 17 years of age involved in obscene  
6 acts, treason, or any crime as defined by the laws of the  
7 United States or by the laws of another state, territory,  
8 country, or other jurisdiction, which, if committed in this  
9 state, would constitute one of the offenses listed in this  
10 subsection.

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

14 ~~"(i)~~ (j) Each state or county correctional facility,  
15 prison, or jail shall post materials to be prepared by the  
16 Secretary of State and the Board of Pardons and Paroles  
17 notifying incarcerated individuals of the ~~requirements~~  
18 criteria and procedures for having one's voting rights  
19 restored.

20 "(k) No later than September 1, 2023, the Board of  
21 Pardons and Paroles and the Secretary of State shall jointly  
22 develop and make available on each agency's website a form  
23 with instructions for any individual who met one of the  
24 criteria set forth in subdivision (a) (2) prior to the  
25 effective date of the act adding this amendatory language to  
26 submit to the Board of Pardons and Paroles for review pursuant  
27 to the requirements set forth in subsections (d) through (g).



1           "(l) The Board of Pardons and Paroles shall provide  
2 the Secretary of State with an individual's address and the  
3 date upon which the board restored the right to vote to an  
4 individual who has lost his or her right to vote by reason of  
5 conviction in a state or federal court.

6           "(m) The Board of Pardons and Paroles shall post on  
7 the board's website a list of individuals whose right to vote  
8 has been restored pursuant to this section but does not have a  
9 known address.

10           "§17-3-31.

11           "(a) Any ~~person~~ individual who is disqualified by  
12 reason of conviction of any ~~of the offenses mentioned in~~  
13 offense designated pursuant to Section 17-3-30.1 as a felony  
14 involving moral turpitude for the purposes of Article VIII of  
15 the Constitution of Alabama of 1901, as amended by Amendment  
16 579 of the Constitution of Alabama 1901, now appearing as  
17 Section 177 of the Official Recompilation of the Constitution  
18 of Alabama of 1901, as amended, except treason ~~and~~  
19 impeachment, whether the conviction was had in a state or  
20 federal court, and who has been pardoned, may be restored to  
21 citizenship with the right to vote by the State Board of  
22 Pardons and Paroles when specifically expressed in the pardon.  
23 If otherwise qualified, ~~such person~~ the individual shall be  
24 permitted to register or reregister as an elector upon  
25 submission of a copy of the pardon document to the board of  
26 registrars of the county of his or her residence.

1           ~~"In addition, any person~~ (b) Any individual who has  
2 ~~been granted a Certificate of Eligibility to Register to Vote~~  
3 ~~by the Board of Pardons and Paroles pursuant to Section~~  
4 ~~15-22-36.1~~ was registered to vote at any time prior to losing  
5 his or her right to vote by reason of conviction in a state or  
6 federal court and has met the eligibility criteria set forth  
7 in Section 15-22-36.1(a) as determined by the Board of Pardons  
8 and Paroles, shall be eligible to vote.

9           "(c) Any individual who was not registered at any  
10 time prior to losing his or her right to vote by reason of  
11 conviction in a state or federal court and has met the  
12 eligibility criteria set forth in Section 15-22-36.1(a) as  
13 determined by the Board of Pardons and Paroles, shall be  
14 permitted to register or reregister as an elector upon  
15 submission of a copy of the certificate to the board of  
16 registrars of the county of his or her residence.

17           "§17-4-3.

18           "(a) Each county board of registrars shall purge the  
19 computerized statewide voter registration list on a continuous  
20 basis, whenever it receives and confirms information that a  
21 person registered to vote in that county has died, become a  
22 nonresident of the state or county, been declared mentally  
23 incompetent, been convicted of any offense designated pursuant  
24 to Section 17-3-30.1 as a felony involving moral turpitude for  
25 the purposes of Article VIII of the Constitution of Alabama of  
26 1901, as amended by Amendment 579 of the Constitution of  
27 Alabama 1901, now appearing as Section 177 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as  
2 amended, since being registered, or otherwise become  
3 disqualified as an elector. Except as provided below, a person  
4 convicted of a disqualifying criminal offense shall be  
5 notified by certified mail sent to the voter's last known  
6 address of the board's intention to strike his or her name  
7 from the list. No person convicted of a disqualifying crime  
8 may be stricken from the poll list while an appeal from the  
9 conviction is pending.

10 "(b) On the date set in the notice, or at a later  
11 date to which the case may have been continued by the board,  
12 the board shall proceed to consider the case of the elector  
13 whose name it proposes to strike from the registration list  
14 and make its determination. Any person whose name is stricken  
15 from the list may appeal from the decision of the board  
16 without giving security for costs, and the board shall  
17 forthwith certify the proceedings to the judge of probate who  
18 shall docket the case in the probate court.

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

21 "(d) In the event the Board of Pardons and Paroles  
22 is supervising a person convicted of a disqualifying criminal  
23 offense on probation or parole, and the person has received  
24 face-to-face counseling from the supervising officer regarding  
25 voter disqualification and executed documentation explaining  
26 the loss and restoration of civil and political rights, upon  
27 receipt of the documentation, signed by the disqualified

1 elector, the county board of registrars shall be exempt from  
2 providing notice as otherwise required by this section. The  
3 document administered by the Board of Pardons and Paroles and  
4 to be signed by the disqualified elector shall contain the  
5 following statement: "Any person convicted of a disqualifying  
6 felony loses his or her civil and political rights, which  
7 includes the right to vote. ~~Restoration of these rights may be~~  
8 ~~applied for~~ These rights may be restored through the ~~Central~~  
9 ~~Montgomery Office of the~~ Board of Pardons and Paroles, but  
10 only upon completion of the requirements of Section  
11 15-22-36.1(a)."

12 "(e) The Board of Pardons and Paroles shall provide  
13 signed documentation to county boards of registrars to  
14 indicate those persons under probation or parole supervision  
15 with the board who have been convicted of a disqualifying  
16 criminal offense and been counseled regarding voter  
17 disqualification and the restoration of civil and political  
18 rights, and may otherwise share privileged records and files  
19 with county boards of registrars for the limited purpose of  
20 implementing the requirements of this section.

21 "(f) When the board has sufficient evidence  
22 furnished it that any elector has permanently moved from one  
23 precinct to another within the county, it shall change the  
24 elector's precinct designation in the voter registration list,  
25 and shall give notice by mail to the elector of the precinct  
26 in which the elector is registered to vote.

1           "(g) The Secretary of State and the Board of Pardons  
2 and Paroles may ~~promulgate~~ adopt rules in accordance with the  
3 Alabama Administrative Procedure Act as necessary to implement  
4 this section."

5           Section 2. Section 17-3-31.1 is added to the Code of  
6 Alabama 1975, to read as follows:

7           (a) Upon receipt of information provided by the  
8 Board of Pardons and Paroles pursuant to Section  
9 15-22-36.1(1), the Secretary of State shall notify the  
10 individual and the board of registrars of the county in which  
11 the individual resides of the date upon which the board  
12 restored his or her right to vote.

13           (b) The board of registrars of the county in which  
14 the individual resides shall add the individual's name to the  
15 poll list and notify the individual of the date that he or she  
16 is eligible to vote. This subsection does not apply to any  
17 individual who has had his or her right to vote restored but  
18 has never registered to vote prior to losing his or her right  
19 to vote by reason of conviction in a state or federal court.

20           (c) Notwithstanding the provisions of Section  
21 15-22-36.1(1), if an individual, who has had his or her right  
22 to vote restored pursuant to Section 15-22-36.1, but does not  
23 have a known address, the Board of Pardons and Paroles shall  
24 not be required to notify the Secretary of State of the  
25 individual's address.

26           Section 3. (a) As used in this section, the  
27 following terms have the following meanings:

1 (1) BOARD. The Board of Pardons and Paroles.

2 (2) COMMUNITY SERVICE PLAN. A plan designed by the  
3 board, through the community service program, for an indigent  
4 individual to offset the payment of court costs and fees.

5 (3) COMMUNITY SERVICE PROGRAM. A program established  
6 by the board pursuant to subsection (b).

7 (b) The board shall establish a community service  
8 program in order to develop options and requirements for  
9 individuals who are indigent to engage in community service to  
10 offset the payment of court costs and fees. The community  
11 service program shall establish guidelines for the design of  
12 community service plans under the program. The board shall  
13 annually submit a report to the Legislative Council to  
14 consider the non-profit programs offered to individuals by the  
15 board, the use of resources, and the success or shortcomings  
16 of the program.

17 (c) The board shall not require any individual to  
18 enter into the community service program. No individual shall  
19 enter into a community service program without his or her  
20 informed consent.

21 (d) An individual in the community service program  
22 shall receive credit for outstanding court costs and fees at  
23 an amount equal to the specified hourly credit rate per hour  
24 of community service performed, which shall reduce the  
25 outstanding court costs and fees by the amount of the credit.  
26 The circuit clerk of the court in which the outstanding court  
27 costs and fees are owed shall apply the credit in the order of

1 priority set forth in Section 15-22-36.1(b), Code of Alabama  
2 1975. As used in this subsection, the term "specified hourly  
3 credit rate" means the wage rate that is specified in 29  
4 U.S.C. § 206(a)(1) of the Fair Labor Standards Act of 1938.

5 (e) The board shall establish a community service  
6 program by December 31, 2022.

7 (f) An individual demonstrating economic hardship  
8 may petition the board to participate in a community service  
9 plan to offset the payment of court costs and fees.

10 Section 4. This act shall become effective  
11 immediately following its passage and approval by the  
12 Governor, or its otherwise becoming law.