

**SB21 INTRODUCED**



1 CXB5JW-1  
2 By Senator Coleman-Madison  
3 RFD: Judiciary  
4 First Read: 07-Mar-23  
5 PFD: 23-Feb-23



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SYNOPSIS:

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

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

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



**SB21 INTRODUCED**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to voting rights; to amend Sections 15-22-36.1, 17-3-31, and 17-4-3, Code of Alabama 1975; to eliminate the application requirement and the Certificate of Eligibility to Register to Vote; to require the Board of Pardons and Paroles to determine whether an individual may have his or her right to vote restored if the individual has lost his or her right to vote by reason of conviction in a state or federal court and has been pardoned or released from incarceration or period of probation or parole; to allow an indigent individual to have his or her right to vote restored if he or she has paid all fines and restitution and is in compliance with an approved payment plan for the payment of court costs and fees or an approved community service plan to offset the payment of court costs and fees; to remove impeachment from the list of offenses that prohibit an individual from having his or her right to vote restored to make consistent with existing law; and to add Section 17-3-31.1 to the Code of Alabama 1975, to require notification to the individual that his or her right to vote has been restored.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-22-36.1, 17-3-31, and 17-4-3,



## SB21 INTRODUCED

57 Code of Alabama 1975, are amended to read as follows:

58 "§15-22-36.1

59 (a) ~~Any other provision of law notwithstanding~~Except as  
60 provided in subsection (h), any person individual who has lost  
61 his or her right to vote by reason of conviction in a state or  
62 federal court, regardless of the date of his or her sentence,  
63 ~~may apply to the Board of Pardons and Paroles for a~~  
64 ~~Certificate of Eligibility to Register to Vote~~ shall have his  
65 or her right to vote restored if ~~all~~ both of the following  
66 ~~requirements~~ criteria are met on all disqualifying cases:

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

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

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

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

76 a. Paid all fines, court costs, fees, and restitution  
77 ordered by the sentencing court at the time of sentencing.

78 b. Paid all fines and restitution ordered by the  
79 sentencing court and with regard to all court costs and fees,  
80 has done either of the following:

81 1. Made all payments for a period of not less than one  
82 year on court costs and fees pursuant to an approved payment  
83 plan.

84 2. Complied with an approved community service plan



## SB21 INTRODUCED

85 pursuant to Section 3 of the act adding this amendatory  
86 language for a period of not less than one year.

87 ~~(4)~~ (2) Any of the following are true:

88 a. The ~~person~~ individual has been released upon  
89 completion of sentence.

90 b. The ~~person~~ individual has been pardoned.

91 c. The ~~person~~ individual has successfully completed  
92 probation or parole and has been released from compliance by  
93 the ordering entity.

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

97 (1) To any restitution owed on a disqualifying case.

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

99 (3) To any restitution owed on a non-disqualifying  
100 case.

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

103 ~~(b) (c) The Certificate of Eligibility to Register to~~  
104 ~~Vote shall be granted~~ board shall restore an individual's  
105 right to vote upon a determination that ~~all of~~ the individual  
106 has met the ~~requirements~~ criteria set forth in subsection (a)  
107 ~~are fulfilled.~~

108 ~~(c) Upon receipt of an application under this section,~~

109 (d) When an individual, who has lost his or her right  
110 to vote by reason of conviction in a state or federal court in  
111 any case except those listed in subsection (h) has met one of  
112 the criteria set forth in subdivision (a) (2), the Board of



## SB21 INTRODUCED

113 Pardons and Paroles shall conduct a review to determine if the  
114 individual has complied with the criteria set forth in  
115 subdivision (a) (1) ~~investigation of the request shall be~~  
116 ~~assigned forthwith to an officer of the state Board of Pardons~~  
117 ~~and Paroles. The~~ An assigned officer of the board shall  
118 verify, through court records, records of the board, and  
119 records of the Department of Corrections, that the ~~applicant~~  
120 individual has met the ~~qualifications~~ criteria set out in  
121 subsection (a). Within ~~30~~ 14 calendar days of the initial  
122 ~~application for a Certificate of Eligibility to Register to~~  
123 ~~Vote~~ review, the officer shall draft a report of his or her  
124 findings including a statement as to whether the ~~applicant~~  
125 individual has successfully ~~completed his or her sentence and~~  
126 ~~has~~ complied with ~~all~~ the eligibility ~~requirements~~ criteria  
127 provided in subsection (a).

128 ~~(d)~~ (e) After completing the ~~investigation~~ review set  
129 out in subsection ~~(e)~~ (d), the officer shall submit his or her  
130 report of investigation to the Executive Director of the Board  
131 of Pardons and Paroles.

132 ~~(e)~~ (f) If the report created pursuant to subsection ~~(e)~~  
133 (d) states that the ~~applicant~~ individual has met all of the  
134 eligibility criteria set forth in subsection (a), and the  
135 executive director or his or her designee attests that the  
136 report has been submitted properly and accurately, the Board  
137 of Pardons and Paroles shall ~~issue a Certificate of~~  
138 ~~Eligibility to Register to Vote to~~ restore the individual's  
139 right to vote and shall notify the ~~applicant~~ individual that  
140 his or her right to vote has been restored within 14 calendar



## SB21 INTRODUCED

141 days of receipt of the report by the executive director.

142 ~~(f)~~ (g) If the report created pursuant to subsection ~~(e)~~  
143 (d) states that the ~~applicant~~ individual has not met all of  
144 the eligibility criteria set forth in subsection (a), and the  
145 executive director or his or her designee attests that the  
146 report has been submitted properly and accurately, the Board  
147 of Pardons and Paroles shall ~~not issue a Certificate of~~  
148 ~~Eligibility to Register to Vote and shall~~ not restore the  
149 individual's right to vote and shall notify the ~~applicant~~  
150 individual of the decision not to restore his or her right to  
151 vote and reason or reasons for the decision within 14 calendar  
152 days of receipt of the report by the executive director. The  
153 notice shall state what measures the individual must undertake  
154 in order to have his or her right to vote restored. The  
155 ~~applicant, upon completion of the eligibility requirement in~~  
156 ~~subsection (a) for restoration of his or her rights,~~  
157 individual may submit ~~a new application~~ a written request for  
158 a new review at any time if he or she has met the  
159 certification criteria. Upon receipt of a new request, the  
160 board shall conduct a review pursuant to the requirements set  
161 forth in subsections (d) through (g).

162 ~~(g)~~ ~~A person~~ (h) An individual who has lost his or her  
163 right to vote by reason of conviction in a state or federal  
164 court for any of the following offenses as they are set forth  
165 in Section 17-3-30.1 ~~will not be eligible to apply for a~~  
166 ~~Certificate of Eligibility to Register to Vote under this~~  
167 ~~section~~ is not eligible to have his or her right to vote  
168 restored: ~~Impeachment, murder~~ Murder, rape in any degree,



## SB21 INTRODUCED

169 sodomy in any degree, sexual abuse in any degree, incest,  
170 sexual torture, enticing a child to enter a vehicle for  
171 immoral purposes, ~~soliciting~~ electronic solicitation of a  
172 child ~~by computer~~, production of obscene matter ~~involving a~~  
173 ~~minor~~ containing visual depiction of persons under 17 years of  
174 age involved in obscene acts, distribution, possession with  
175 intent to distribute, production of obscene material, or offer  
176 or agreement to distribute or produce obscene material,  
177 ~~production of obscene matter,~~ parents or guardians permitting  
178 children to engage in production of obscene matter, ~~possession~~  
179 ~~of obscene matter, possession with intent to distribute child~~  
180 ~~pornography, or~~ dissemination or public display of obscene  
181 matter containing visual depiction of persons under 17 years  
182 of age involved in obscene acts, possession and possession  
183 with intent to disseminate obscene matter containing visual  
184 depiction of persons under 17 years of age involved in obscene  
185 acts, treason, or any crime as defined by the laws of the  
186 United State or by the laws of another state, territory,  
187 country, or other jurisdiction, which, if committed in this  
188 state, would constitute one of the offenses listed in this  
189 subsection.

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

193 ~~(i)~~ (j) Each state or county correctional facility,  
194 prison, or jail shall post materials to be prepared by the  
195 Secretary of State and the Board of Pardons and Paroles  
196 notifying incarcerated individuals of the ~~requirements~~





## SB21 INTRODUCED

197 criteria and procedures for having one's voting rights  
198 restored.

199 (k) No later than September 1, 2024, the Board of  
200 Pardons and Paroles and the Secretary of State shall jointly  
201 develop and make available on each agency's website a form  
202 with instructions for any individual who met one of the  
203 criteria set forth in subdivision (a) (2) prior to the  
204 effective date of the act adding this amendatory language to  
205 submit to the Board of Pardons and Paroles for review pursuant  
206 to the requirements set forth in subsections (d) through (g).

207 (l) The Board of Pardons and Paroles shall provide the  
208 Secretary of State with an individual's address and the date  
209 upon which the board restored the right to vote to an  
210 individual who has lost his or her right to vote by reason of  
211 conviction in a state or federal court.

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

216 "§17-3-31

217 (a) Any ~~person~~ individual who is disqualified by reason  
218 of conviction of any ~~of the offenses mentioned in~~ offense  
219 designated pursuant to Section 17-3-30.1 as a felony involving  
220 moral turpitude for the purposes of ~~Article VIII~~, Section 177  
221 of the Constitution of Alabama of ~~1901~~ 2022, except treason  
222 ~~and impeachment~~, whether the conviction was had in a state or  
223 federal court, and who has been pardoned, may be restored to  
224 citizenship with the right to vote by the State Board of



## SB21 INTRODUCED

225 Pardons and Paroles when specifically expressed in the pardon.  
226 If otherwise qualified, ~~such person~~ the individual shall be  
227 permitted to register or reregister as an elector upon  
228 submission of a copy of the pardon document to the board of  
229 registrars of the county of his or her residence. ~~In addition,~~  
230 ~~any person~~

231 (b) Any individual who ~~has been granted a Certificate of~~  
232 ~~Eligibility to Register to Vote by the Board of Pardons and~~  
233 ~~Paroles pursuant to Section 15-22-36.1~~ was registered to vote  
234 at any time prior to losing his or her right to vote by reason  
235 of conviction in a state or federal court and has met the  
236 eligibility criteria set forth in Section 15-22-36.1(a) as  
237 determined by the Board of Pardons and Paroles, shall be  
238 eligible to vote.

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

247 "§17-4-3

248 (a) Each county board of registrars shall purge the  
249 computerized statewide voter registration list on a continuous  
250 basis, whenever it receives and confirms information that a  
251 person registered to vote in that county has died, become a  
252 nonresident of the state or county, been declared mentally



## SB21 INTRODUCED

253 incompetent, been convicted of any offense designated pursuant  
254 to Section 17-3-30.1 as a felony involving moral turpitude for  
255 the purposes of ~~Article VIII~~, Section 177 of the Constitution  
256 of Alabama of ~~1901~~ 2022, since being registered, or otherwise  
257 become disqualified as an elector. Except as provided below, a  
258 person convicted of a disqualifying criminal offense shall be  
259 notified by certified mail sent to the voter's last known  
260 address of the board's intention to strike his or her name  
261 from the list. No person convicted of a disqualifying crime  
262 may be stricken from the poll list while an appeal from the  
263 conviction is pending.

264 (b) On the date set in the notice, or at a later date  
265 to which the case may have been continued by the board, the  
266 board shall proceed to consider the case of the elector whose  
267 name it proposes to strike from the registration list and make  
268 its determination. Any person whose name is stricken from the  
269 list may appeal from the decision of the board without giving  
270 security for costs, and the board shall forthwith certify the  
271 proceedings to the judge of probate who shall docket the case  
272 in the probate court.

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

275 (d) In the event the Board of Pardons and Paroles is  
276 supervising a person convicted of a disqualifying criminal  
277 offense on probation or parole, and the person has received  
278 face-to-face counseling from the supervising officer regarding  
279 voter disqualification and executed documentation explaining  
280 the loss and restoration of civil and political rights, upon



## SB21 INTRODUCED

281 receipt of the documentation, signed by the disqualified  
282 elector, the county board of registrars shall be exempt from  
283 providing notice as otherwise required by this section. The  
284 document administered by the Board of Pardons and Paroles and  
285 to be signed by the disqualified elector shall contain the  
286 following statement: "Any person convicted of a disqualifying  
287 felony loses his or her civil and political rights, which  
288 includes the right to vote. ~~Restoration of these rights may be~~  
289 ~~applied for~~ These rights may be restored through the ~~Central~~  
290 ~~Montgomery Office of the~~ Board of Pardons and Paroles, but  
291 only upon completion of the requirements of Section  
292 15-22-36.1 (a)."

293 (e) The Board of Pardons and Paroles shall provide  
294 signed documentation to county boards of registrars to  
295 indicate those persons under probation or parole supervision  
296 with the board who have been convicted of a disqualifying  
297 criminal offense and been counseled regarding voter  
298 disqualification and the restoration of civil and political  
299 rights, and may otherwise share privileged records and files  
300 with county boards of registrars for the limited purpose of  
301 implementing the requirements of this section.

302 (f) When the board has sufficient evidence furnished it  
303 that any elector has permanently moved from one precinct to  
304 another within the county, it shall change the elector's  
305 precinct designation in the voter registration list, and shall  
306 give notice by mail to the elector of the precinct in which  
307 the elector is registered to vote.

308 (g) The Secretary of State and the Board of Pardons and



## SB21 INTRODUCED

309 Paroles may ~~promulgate~~ adopt rules in accordance with the  
310 Alabama Administrative Procedure Act as necessary to implement  
311 this section."

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

314 (a) Upon receipt of information provided by the Board  
315 of Pardons and Paroles pursuant to Section 15-22-36.1(1), the  
316 Secretary of State shall notify the individual and the board  
317 of registrars of the county in which the individual resides of  
318 the date upon which the board restored his or her right to  
319 vote.

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

327 (c) Notwithstanding the provisions of Section  
328 15-22-36.1(1), if an individual, who has had his or her right  
329 to vote restored pursuant to Section 15-22-36.1, but does not  
330 have a known address, the Board of Pardons and Paroles shall  
331 not be required to notify the Secretary of State of the  
332 individual's address.

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

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

336 (2) COMMUNITY SERVICE PLAN. A plan designed by the



## SB21 INTRODUCED

337 board, through the community service program, for an indigent  
338 individual to offset the payment of court costs and fees.

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

341 (b) The board shall establish a community service  
342 program in order to develop options and requirements for  
343 individuals who are indigent to engage in community service to  
344 offset the payment of court costs and fees. The community  
345 service program shall establish guidelines for the design of  
346 community service plans under the program. The board shall  
347 annually submit a report to the Legislative Council to  
348 consider the nonprofit programs offered to individuals by the  
349 board, the use of resources, and the success or shortcomings  
350 of the program.

351 (c) The board shall not require any individual to  
352 participate in the community service program. No individual  
353 shall participate in a community service program without his  
354 or her informed consent.

355 (d) An individual in the community service program  
356 shall receive credit for outstanding court costs and fees at  
357 an amount equal to the specified hourly credit rate per hour  
358 of community service performed, which shall reduce the  
359 outstanding court costs and fees by the amount of the credit.  
360 The circuit clerk of the court in which the outstanding court  
361 costs and fees are owed shall apply the credit in the order of  
362 priority set forth in Section 15-22-36.1(b), Code of Alabama  
363 1975. As used in this subsection, the term "specified hourly  
364 credit rate" means the wage rate that is specified in 29



## SB21 INTRODUCED

365 U.S.C. § 206(a)(1) of the Fair Labor Standards Act of 1938.

366 (e) The board shall establish a community service  
367 program by December 31, 2023.

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

371 Section 4. This act shall become effective on the first  
372 day of the third month following its passage and approval by  
373 the Governor, or its otherwise becoming law.