

**SB178 INTRODUCED**



1 SB178  
2 RZPVNYY-1  
3 By Senators Coleman-Madison, Stewart, Beasley, Coleman,  
4 Singleton, Smitherman  
5 RFD: Judiciary  
6 First Read: 29-Feb-24



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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 restore the voting rights of individuals who lost the right to vote by reason of conviction of certain crimes if the individuals have met the criteria for restoration of voting rights.

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



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29 eliminate the application requirement and the Certificate of  
30 Eligibility to Register to Vote; and to require the Board of  
31 Pardons and Paroles to restore the voting rights of  
32 individuals who lost the right to vote by reason of conviction  
33 of certain crimes if the individuals have met the criteria for  
34 restoration of voting rights.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

38 "§15-22-36.1

39 (a) Any other provision of law notwithstanding, ~~any~~  
40 ~~person~~ an individual who has lost his or her right to vote by  
41 reason of conviction of a felony in a state, federal, or  
42 foreign court, regardless of the date of his or her sentence,  
43 ~~may apply to the Board of Pardons and Paroles for a~~  
44 ~~Certificate of Eligibility to Register to Vote~~ shall have his  
45 or her right to vote restored if all of the following  
46 ~~requirements~~ criteria are met:

47 (1) The person has lost his or her right to vote by  
48 reason of conviction in a state, ~~or~~ federal, or foreign court  
49 in any case except those listed in subsection ~~(g)~~ (d).

50 (2) The person has no criminal felony charges pending  
51 against him or her in any state, ~~or~~ federal, or foreign court.

52 (3) The person has paid an amount equal to all fines,  
53 court costs, fees, and victim restitution ordered by the  
54 sentencing court at the time of sentencing on disqualifying  
55 cases.

56 (4) Any of the following are true on all disqualifying



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57 cases:

58 a. The ~~person~~ individual has been released upon  
59 completion of sentence.

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

61 c. The ~~person~~ individual has successfully completed  
62 probation or parole and has been released from compliance by  
63 the ordering entity.

64 (b) The ~~Certificate of Eligibility to Register to Vote~~  
65 ~~shall be granted~~ board shall restore an individual's right to  
66 vote upon a determination that ~~all of~~ the individual has met  
67 the requirements criteria set forth in subsection (a) ~~are~~  
68 ~~fulfilled~~.

69 (c) ~~(1) Upon receipt of an application under this~~  
70 ~~section, investigation of the request shall be assigned~~  
71 ~~forthwith to an officer of the state Board of Pardons and~~  
72 ~~Paroles. The~~ When an individual who has lost his or her right  
73 to vote by reason of conviction in a state, federal, or  
74 foreign court in any case except those listed in subsection  
75 (e) has met one of the criteria set forth in subdivision  
76 (a)(4), the Board of Pardons and Paroles shall conduct a  
77 review to determine if the individual has complied with the  
78 criteria set forth in subsection (a).

79 (2) An assigned officer of the board shall verify,  
80 through court records, records of the board, and records of  
81 the Department of Corrections, that the ~~applicant~~ individual  
82 has met the ~~qualifications~~ criteria set out in subsection (a).  
83 If the officer cannot obtain records to verify any criterion  
84 under subsection (a), the individual is deemed to have met the



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85 criterion.

86 (3) Within 30 days of the initial ~~application for a~~  
87 ~~Certificate of Eligibility to Register to Vote~~ review, the  
88 officer shall draft a report of his or her findings including  
89 a statement as to whether the ~~applicant~~ individual has  
90 successfully ~~completed his or her sentence and has~~ complied  
91 with ~~all~~ the eligibility ~~requirements~~ criteria provided in  
92 subsection (a).

93 ~~(d)~~ (4) After completing the ~~investigation~~ review set  
94 out in ~~subsection (e)~~ subdivision (1), the officer shall submit  
95 his or her report of investigation to the Executive Director  
96 of the Board of Pardons and Paroles.

97 ~~(e)~~ (5) If the report created pursuant to subsection (c)  
98 states that the ~~applicant~~ individual has met all of the  
99 eligibility criteria set forth in subsection (a), and the  
100 executive director or his or her designee attests that the  
101 report has been submitted properly and accurately, the Board  
102 of Pardons and Paroles shall ~~issue a Certificate of~~  
103 ~~Eligibility to Register to Vote to~~ restore the individual's  
104 right to vote and shall notify the ~~applicant~~ individual that  
105 his or her right to vote has been restored within 14 calendar  
106 days of receipt of the report by the executive director.

107 ~~(f)~~ (6) If the report created pursuant to this  
108 subsection ~~(e)~~ states that the ~~applicant~~ individual has not  
109 met all of the eligibility criteria set forth in subsection  
110 (a), and the executive director or his or her designee attests  
111 that the report has been submitted properly and accurately,  
112 the Board of Pardons and Paroles shall ~~not issue a Certificate~~



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113 ~~of Eligibility to Register to Vote and shall~~ not restore the  
114 individual's right to vote and shall notify the ~~applicant~~  
115 individual of the decision not to restore his or her right to  
116 vote and provide the reason or reasons for the decision within  
117 14 calendar days of receipt of the report by the executive  
118 director. The notice shall state what measures the individual  
119 must undertake in order to have his or her right to vote  
120 restored. The ~~applicant, upon completion of the eligibility~~  
121 ~~requirement in subsection (a) for restoration of his or her~~  
122 ~~rights,~~ individual may submit ~~a new application~~ a written  
123 request for a new review at any time if he or she has met the  
124 certification criteria. Upon receipt of a new request, the  
125 board shall conduct a review pursuant to the requirements set  
126 forth in this subsection.

127 ~~(g) A person~~ (d) An individual who has lost his or her  
128 right to vote by reason of conviction in a state, ~~or~~ federal,  
129 or foreign court for any of the following will not be eligible  
130 to ~~apply for a Certificate of Eligibility to Register to Vote~~  
131 ~~under this section~~ have his or her right to vote restored:

132 Impeachment, murder, rape in any degree, sodomy in any degree,  
133 sexual abuse in any degree, incest, sexual torture, enticing a  
134 child to enter a vehicle for immoral purposes, soliciting a  
135 child by computer, production of obscene matter involving a  
136 minor, production of obscene matter, parents or guardians  
137 permitting children to engage in obscene matter, possession of  
138 obscene matter, possession with intent to distribute child  
139 pornography, or treason.

140 ~~(h)~~ (e) This section shall not affect the right of any



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141 ~~person~~ individual to apply to the board for a pardon with  
142 restoration of voting rights pursuant to Section 15-22-36.

143 ~~(i)~~ (f) Each state or county correctional facility,  
144 prison, or jail shall post materials to be prepared by the  
145 Secretary of State and the Board of Pardons and Paroles  
146 notifying incarcerated individuals of the ~~requirements~~  
147 criteria and procedures for having one's voting rights  
148 restored.

149 (g) No later than September 1, 2025, the Board of  
150 Pardons and Paroles and the Secretary of State shall jointly  
151 develop and make available on each agency's website a form  
152 with instructions for any individual who met one of the  
153 criteria set forth in subdivision (a) (4) prior to October 1,  
154 2024, to submit to the Board of Pardons and Paroles for review  
155 pursuant to the requirements set forth in subsection (c)."

156 "§17-3-31

157 (a) Any ~~person~~ individual who is disqualified by reason  
158 of conviction of any of the offenses mentioned in Section  
159 17-3-30.1 as a felony involving moral turpitude for the  
160 purposes of ~~Article VIII~~ Section 177 of the Constitution of  
161 Alabama of ~~1901~~ 2022, except treason ~~and impeachment~~, whether  
162 the conviction was had in a state, ~~or~~ federal, or foreign  
163 court, and who has been pardoned, may be restored to  
164 citizenship with the right to vote by the State Board of  
165 Pardons and Paroles when specifically expressed in the pardon.  
166 If otherwise qualified, ~~such person~~ the individual shall be  
167 permitted to register or reregister as an elector upon  
168 submission of a copy of the pardon document to the board of



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169 registrars of the county of his or her residence. ~~In addition,~~  
170 ~~any person~~

171 (b) Any individual who ~~has been granted a Certificate~~  
172 ~~of Eligibility to Register to Vote by the Board of Pardons and~~  
173 ~~Paroles pursuant to Section 15-22-36.1~~ was registered to vote  
174 at any time prior to losing his or her right to vote by reason  
175 of conviction in a state, federal, or foreign court and has  
176 met the eligibility criteria set forth in Section  
177 15-22-36.1(a), as determined by the Board of Pardons and  
178 Paroles, shall be eligible to vote.

179 (c) Any individual who was not registered to vote prior  
180 to losing his or her right to vote by reason of conviction in  
181 a state, federal, or foreign court and has met the eligibility  
182 criteria set forth in Section 15-22-36.1(a) as determined by  
183 the Board of Pardons and Paroles, shall be permitted to  
184 ~~register or reregister as an elector upon submission of a copy~~  
185 ~~of the certificate to the board of registrars of the county of~~  
186 ~~his or her residence."~~

187 "§17-4-3

188 (a) Each county board of registrars shall purge the  
189 computerized statewide voter registration list on a continuous  
190 basis, whenever it receives and confirms information that a  
191 person registered to vote in that county has died, become a  
192 nonresident of the state or county, been declared mentally  
193 incompetent, been convicted of any offense designated pursuant  
194 to Section 17-3-30.1 as a felony involving moral turpitude for  
195 the purposes of ~~Article VIII~~ Section 177 of the Constitution  
196 of Alabama of ~~1901~~ 2022, since being registered, or otherwise





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197 become disqualified as an elector. Except as provided below, a  
198 person convicted of a disqualifying criminal offense shall be  
199 notified by certified mail sent to the voter's last known  
200 address of the board's intention to strike his or her name  
201 from the list. No person convicted of a disqualifying crime  
202 may be stricken from the poll list while an appeal from the  
203 conviction is pending.

204 (b) On the date set in the notice, or at a later date  
205 to which the case may have been continued by the board, the  
206 board shall proceed to consider the case of the elector whose  
207 name it proposes to strike from the registration list and make  
208 its determination. Any person whose name is stricken from the  
209 list may appeal from the decision of the board without giving  
210 security for costs, and the board shall forthwith certify the  
211 proceedings to the judge of probate who shall docket the case  
212 in the probate court.

213 (c) Section 17-3-55 shall apply to any An appeal from  
214 the judge of probate ~~shall be as appeals set forth in Section~~  
215 ~~17-3-55.~~

216 (d) In the event the Board of Pardons and Paroles is  
217 supervising ~~a person~~ an individual convicted of a  
218 disqualifying criminal offense on probation or parole, and the  
219 ~~person~~ individual has received face-to-face counseling from  
220 the supervising officer regarding voter disqualification and  
221 executed documentation explaining the loss and restoration of  
222 civil and political rights, upon receipt of the documentation,  
223 signed by the disqualified elector, the county board of  
224 registrars shall be exempt from providing notice as otherwise



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225 required by this section. The document administered by the  
226 Board of Pardons and Paroles and to be signed by the  
227 disqualified elector shall contain the following statement:  
228 "Any person convicted of a disqualifying felony loses his or  
229 her civil and political rights, which includes the right to  
230 vote. ~~Restoration of these rights may be applied for~~ These  
231 rights may be restored through the ~~Central Montgomery Office~~  
232 ~~of the~~ Board of Pardons and Paroles, but only upon completion  
233 of the requirements of Section 15-22-36.1 (a)."

234 (e) The Board of Pardons and Paroles shall provide  
235 signed documentation to county boards of registrars to  
236 indicate those ~~persons~~ individuals under probation or parole  
237 supervision with the board who have been convicted of a  
238 disqualifying criminal offense and ~~been~~ counseled regarding  
239 voter disqualification and the restoration of civil and  
240 political rights, and may otherwise share privileged records  
241 and files with county boards of registrars for the limited  
242 purpose of implementing the requirements of this section.

243 (f) When the board has sufficient evidence furnished to  
244 it that any elector has permanently moved from one precinct to  
245 another within the county, ~~it~~ the board shall change the  
246 elector's precinct designation in the voter registration list,  
247 and shall give notice by mail to the elector of the precinct  
248 in which the elector is registered to vote.

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



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253                   Section 2. This act shall become effective on October  
254   1, 2024.