

# HB100 INTRODUCED



1 HB100  
2 PAKYEEG-1  
3 By Representative Clarke  
4 RFD: Judiciary  
5 First Read: 06-Feb-24  
6 PFD: 05-Feb-24



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SYNOPSIS:

Under existing law, there are established penalties for the commission of felony and misdemeanor offenses.

This bill would establish increased penalties for a crime committed against an election official that is motivated by an individual's role as an election official.

This bill would also establish that a felony committed against an election official which is motivated by an individual's role as an election official is a crime of moral turpitude.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to crimes and offenses; to add Section 13A-5-14 to the Code of Alabama 1975; to establish increased penalties for a crime committed against an election official that is motivated by the individual's role as an election official; to amend Section 17-3-30.1, Code of Alabama 1975, to establish that a felony committed against an election official



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29 which is motivated by an individual's role as an election  
30 official is a crime of moral turpitude.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. Section 13A-5-14 is added to the Code of  
33 Alabama 1975, to read as follows:

34 §13A-5-14

35 (a) A person who has been found guilty of a crime, the  
36 commission of which was shown beyond a reasonable doubt to  
37 have been motivated by the victim's actual or perceived role  
38 as an election official, shall be punished as follows:

39 (1) On conviction of a Class A felony, the sentence  
40 shall not be less than 15 years.

41 (2) On conviction of a Class B felony, the sentence  
42 shall not be less than 10 years.

43 (3) On conviction of a Class C felony, the sentence  
44 shall not be less than two years.

45 (4) On conviction of a Class D felony, the sentence  
46 shall not be less than 18 months.

47 (5) On conviction of any misdemeanor, the defendant  
48 shall be sentenced for a Class A misdemeanor and shall be  
49 sentenced to a minimum of three months.

50 (b) For purposes of subsection (a), a defendant who has  
51 been previously convicted of any felony and receives an  
52 enhanced sentence pursuant to this section is also subject to  
53 enhanced punishment under the Alabama Habitual Felony Offender  
54 Act, Section 13A-5-9.

55 (c) For purposes of this section, an "election  
56 official" is any absentee election manager, clerk, inspector,



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57 poll worker, poll watcher, registrar, judge of probate or his  
58 or her employee, or the Secretary of State or his or her  
59 employee.

60 Section 2. Section 17-3-30.1, Code of Alabama 1975, is  
61 amended to read as follows:

62 "§17-3-30.1

63 (a) This section shall be known and may be cited as the  
64 Felony Voter Disqualification Act.

65 (b) (1) The Legislature finds and declares ~~that~~ both of  
66 the following:

67 a. That Section 177 Article VIII of the Constitution of  
68 Alabama of 1901~~2022, now appearing as Section 177 of Article~~  
69 ~~VIII of the Official Recompilation of the Constitution of~~  
70 ~~Alabama of 1901, as amended~~, provides that Alabama citizens  
71 shall lose the right to vote when convicted of a crime only if  
72 the conviction was for a felony involving moral turpitude.

73 b. ~~Under~~ That under general law, there is no  
74 comprehensive list of felonies that involve moral turpitude  
75 ~~which~~ that disqualify ~~a person~~ an individual from exercising his  
76 or her right to vote. Neither individuals with felony  
77 convictions nor election officials have a comprehensive,  
78 authoritative source for determining if a felony conviction  
79 involves moral turpitude and is therefore a disqualifying  
80 felony.

81 (2) The purposes of this section are all of the  
82 following:

83 a. To give full effect to Section 177 Article VIII of  
84 the Constitution of Alabama of 1901~~2022, now appearing as~~



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85 ~~Section 177 of Article VIII of the Official Recompilation of~~  
86 ~~the Constitution of Alabama of 1901, as amended.~~

87 b. To ensure that no ~~one~~ individual is wrongly excluded  
88 from the electoral franchise.

89 c. To provide a comprehensive list of acts that  
90 constitute moral turpitude for the limited purpose of  
91 disqualifying ~~a person~~ an individual from exercising his or her  
92 right to vote.

93 (c) For purposes of Section 177 ~~Article VIII~~ of the  
94 Constitution of Alabama of ~~1901~~ 2022, ~~now appearing as Section~~  
95 ~~177 of Article VIII of the Official Recompilation of the~~  
96 ~~Constitution of Alabama of 1901, as amended, a person~~ an  
97 individual is disqualified to vote by reason of conviction of  
98 a felony involving moral turpitude only when convicted of any  
99 of the following offenses in a degree constituting a felony:

100 (1) Murder as defined in the following sections:

101 a. Subdivision (1) of subsection (a) of Section  
102 13A-5-40.

103 b. Subdivision (2) of subsection (a) of Section  
104 13A-5-40.

105 c. Subdivision (3) of subsection (a) of Section  
106 13A-5-40.

107 d. Subdivision (4) of subsection (a) of Section  
108 13A-5-40.

109 e. Subdivision (5) of subsection (a) of Section  
110 13A-5-40.

111 f. Subdivision (6) of subsection (a) of Section  
112 13A-5-40.



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113           g. Subdivision (7) of subsection (a) of Section  
114 13A-5-40.

115           h. Subdivision (8) of subsection (a) of Section  
116 13A-5-40.

117           i. Subdivision (9) of subsection (a) of Section  
118 13A-5-40.

119           j. Subdivision (10) of subsection (a) of Section  
120 13A-5-40.

121           k. Subdivision (11) of subsection (a) of Section  
122 13A-5-40.

123           l. Subdivision (12) of subsection (a) of Section  
124 13A-5-40.

125           m. Subdivision (13) of subsection (a) of Section  
126 13A-5-40.

127           n. Subdivision (14) of subsection (a) of Section  
128 13A-5-40.

129           o. Subdivision (15) of subsection (a) of Section  
130 13A-5-40.

131           p. Subdivision (16) of subsection (a) of Section  
132 13A-5-40.

133           q. Subdivision (17) of subsection (a) of Section  
134 13A-5-40.

135           r. Subdivision (18) of subsection (a) of Section  
136 13A-5-40.

137           s. Subdivision (19) of subsection (a) of Section  
138 13A-5-40.

139           t. Section 13A-6-2.

140           (2) Manslaughter as defined in Section 13A-6-3.



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141 (3) Assault as defined in Section 13A-6-20, except for  
142 subdivision (5) of subsection (a) of Section 13A-6-20, and  
143 Section 13A-6-21.

144 (4) Kidnapping in the first degree as defined in  
145 Section 13A-6-43.

146 (5) Kidnapping in the second degree as defined in  
147 Section 13A-6-44.

148 (6) Rape as defined in Sections 13A-6-61 and 13A-6-62.

149 (7) Sodomy as defined in Sections 13A-6-63 and  
150 13A-6-64.

151 (8) Sexual torture as defined in Section 13A-6-65.1.

152 (9) Sexual abuse as defined in Sections 13A-6-66,  
153 13A-6-67, and 13A-6-69.1.

154 (10) Enticing a child to enter a vehicle for immoral  
155 purposes as defined in Section 13A-6-69.

156 (11) Facilitating solicitation of unlawful sexual  
157 conduct with a child as defined in Section 13A-6-121.

158 (12) Electronic solicitation of a child as defined in  
159 Section 13A-6-122.

160 (13) Facilitating the on-line solicitation of a child  
161 as defined in Section 13A-6-123.

162 (14) Traveling to meet a child for an unlawful sex act  
163 as defined in Section 13A-6-124.

164 (15) Facilitating the travel of a child for an unlawful  
165 sex act as defined in Section 13A-6-125.

166 (16) Human trafficking as defined in Sections 13A-6-152  
167 and 13A-6-153.

168 (17) Terrorism as defined in Section 13A-10-152.



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169 (18) Soliciting or providing support for an act of  
170 terrorism as defined in Section 13A-10-153.

171 (19) Hindering prosecution of terrorism as defined in  
172 Section 13A-10-154.

173 (20) Endangering the water supply as defined in Section  
174 13A-10-171.

175 (21) Possession, manufacture, transport, or  
176 distribution of a destructive device or bacteriological or  
177 biological weapon as defined in Section 13A-10-193.

178 (22) Selling, furnishing, giving away, delivering, or  
179 distribution of a destructive device, a bacteriological  
180 weapon, or biological weapon to a person who is less than 21  
181 years of age as defined in Section 13A-10-194.

182 (23) Possession, manufacture, transport, or  
183 distribution of a detonator, explosive, poison, or hoax device  
184 as defined in Section 13A-10-195.

185 (24) Possession or distribution of a hoax device  
186 represented as a destructive device or weapon as defined in  
187 subsection (c) of Section 13A-10-196.

188 (25) Attempt to commit an explosives or destructive  
189 device or bacteriological or biological weapons crime as  
190 defined in Section 13A-10-197.

191 (26) Conspiracy to commit an explosives or destructive  
192 device or bacteriological or biological weapons crime as  
193 defined in Section 13A-10-198.

194 (27) Hindrance or obstruction during detection,  
195 disarming, or destruction of a destructive device or weapon as  
196 defined in Section 13A-10-199.





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197 (28) Possession or distribution of a destructive device  
198 or weapon intended to cause injury or destruction as defined  
199 in Section 13A-10-200.

200 (29) Treason as defined in Section 13A-11-2.

201 (30) Dissemination or public display of obscene matter  
202 containing visual depiction of persons under 17 years of age  
203 involved in obscene acts as defined in Section 13A-12-191.

204 (31) Possession and possession with intent to  
205 disseminate obscene matter containing visual depiction of  
206 persons under 17 years of age involved in obscene acts as  
207 defined in Section 13A-12-192.

208 (32) Parents or guardians permitting children to engage  
209 in production of obscene matter as defined in Section  
210 13A-12-196.

211 (33) Production of obscene matter containing visual  
212 depiction of persons under 17 years of age involved in obscene  
213 acts as defined in Section 13A-12-197.

214 (34) Distribution, possession with intent to  
215 distribute, production of obscene material, or offer or  
216 agreement to distribute or produce, as defined in Section  
217 13A-12-200.2.

218 (35) Trafficking in cannabis, cocaine, or other illegal  
219 drugs or trafficking in amphetamine and methamphetamine as  
220 defined in Section 13A-12-231.

221 (36) Bigamy as defined in Section 13A-13-1.

222 (37) Incest as defined in Section 13A-13-3.

223 (38) Torture or other willful maltreatment of a child  
224 under ~~the age of~~ 18 years of age as defined in Section



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225 26-15-3.

226 (39) Aggravated child abuse as defined in Section  
227 26-15-3.1.

228 (40) Prohibited acts in the offer, sale, or purchase of  
229 securities as defined in Section 8-6-17.

230 (41) Burglary as defined in Sections 13A-7-5 and  
231 13A-7-6.

232 (42) Aggravated theft by deception as defined in  
233 Section 13A-8-2.1.

234 (43) Theft of property as defined in Sections 13A-8-3  
235 and 13A-8-4.

236 (44) Theft of lost property as defined in Sections  
237 13A-8-7 and 13A-8-8.

238 (45) Theft of trademarks or trade secrets as defined in  
239 Section 13A-8-10.4.

240 (46) Robbery as defined in Sections 13A-8-41, 13A-8-42,  
241 and 13A-8-43.

242 (47) Forgery as defined in Sections 13A-9-2 and  
243 13A-9-3.

244 (48) Any felony committed against an election official  
245 pursuant to Section 13A-5-14.

246 ~~(48)~~ (49) Any crime as defined by the laws of the United  
247 States or by the laws of another state, territory, country, or  
248 other jurisdiction, which, if committed in this state, would  
249 constitute one of the offenses listed in this subsection.

250 (d) Nothing in this section shall be interpreted as  
251 determining moral turpitude for any purpose other than  
252 disqualifying ~~a person~~ an individual from exercising his or



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253 her right to vote.

254 (e) The felonies involving moral turpitude listed in  
255 subsection (c) are the only felonies for which ~~a person~~an  
256 individual, upon conviction, may be disqualified from voting.  
257 ~~Additional felonies may be added to the list in subsection (c)~~  
258 ~~only by amendment to this section."~~

259 Section 3. This act shall become effective on October  
260 1, 2024.