

1 HB282  
2 178796-3  
3 By Representative Jones  
4 RFD: Judiciary  
5 First Read: 21-FEB-17

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ENROLLED, An Act,

To add Section 17-3-30.1 to the Code of Alabama 1975, to create the Felony Voter Disqualification Act; to establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote; and to amend Sections 17-4-3 and 17-4-4, Code of Alabama 1975, relating to voter registration lists, to provide procedures for the Board of Pardons and Paroles and the Secretary of State to follow to purge certain disqualified voters from voter registration lists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-3-30.1 is added to the Code of Alabama 1975, to read as follows:

§17-3-30.1.

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

(b) (1) The Legislature finds and declares that:

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

1           b. Under general law, there is no comprehensive list  
 2 of felonies that involve moral turpitude which disqualify a  
 3 person from exercising his or her right to vote. Neither  
 4 individuals with felony convictions nor election officials  
 5 have a comprehensive, authoritative source for determining if  
 6 a felony conviction involves moral turpitude and is therefore  
 7 a disqualifying felony.

8           (2) The purposes of this section are:

9           a. To give full effect to Article VIII of the  
 10 Constitution of Alabama of 1901, now appearing as Section 177  
 11 of Article VIII of the Official Recompilation of the  
 12 Constitution of Alabama of 1901, as amended.

13           b. To ensure that no one is wrongly excluded from  
 14 the electoral franchise.

15           c. To provide a comprehensive list of acts that  
 16 constitute moral turpitude for the limited purpose of  
 17 disqualifying a person from exercising his or her right to  
 18 vote.

19           (c) For purposes of Article VIII of the Constitution  
 20 of Alabama of 1901, now appearing as Section 177 of Article  
 21 VIII of the Official Recompilation of the Constitution of  
 22 Alabama of 1901, as amended, a person is disqualified to vote  
 23 by reason of conviction of a felony involving moral turpitude  
 24 only when convicted of any of the following offenses in a  
 25 degree constituting a felony:

- 1                   (1) Murder as defined in the following sections:
- 2                   a. Subdivision (1) of subsection (a) of Section
- 3                   13A-5-40.
- 4                   b. Subdivision (2) of subsection (a) of Section
- 5                   13A-5-40.
- 6                   c. Subdivision (3) of subsection (a) of Section
- 7                   13A-5-40.
- 8                   d. Subdivision (4) of subsection (a) of Section
- 9                   13A-5-40.
- 10                  e. Subdivision (5) of subsection (a) of Section
- 11                  13A-5-40.
- 12                  f. Subdivision (6) of subsection (a) of Section
- 13                  13A-5-40.
- 14                  g. Subdivision (7) of subsection (a) of Section
- 15                  13A-5-40.
- 16                  h. Subdivision (8) of subsection (a) of Section
- 17                  13A-5-40.
- 18                  i. Subdivision (9) of subsection (a) of Section
- 19                  13A-5-40.
- 20                  j. Subdivision (10) of subsection (a) of Section
- 21                  13A-5-40.
- 22                  k. Subdivision (11) of subsection (a) of Section
- 23                  13A-5-40.
- 24                  l. Subdivision (12) of subsection (a) of Section
- 25                  13A-5-40.

1                   m. Subdivision (13) of subsection (a) of Section  
2                   13A-5-40.

3                   n. Subdivision (14) of subsection (a) of Section  
4                   13A-5-40.

5                   o. Subdivision (15) of subsection (a) of Section  
6                   13A-5-40.

7                   p. Subdivision (16) of subsection (a) of Section  
8                   13A-5-40.

9                   q. Subdivision (17) of subsection (a) of Section  
10                   13A-5-40.

11                   r. Subdivision (18) of subsection (a) of Section  
12                   13A-5-40.

13                   s. Subdivision (19) of subsection (a) of Section  
14                   13A-5-40.

15                   t. Section 13A-6-2.

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

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

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

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

24                   (6) Rape as defined in Sections 13A-6-61 and  
25                   13A-6-62.

1           (7) Sodomy as defined in Sections 13A-6-63 and  
2 13A-6-64.

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

4           (9) Sexual abuse as defined in Sections 13A-6-66,  
5 13A-6-67, and 13A-6-69.1.

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

8           ~~(11) Soliciting a child by computer as defined in~~  
9 ~~Section 13A-6-110.~~

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

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

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

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

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

20           (16) Human trafficking as defined in Sections  
21 13A-6-152 and 13A-6-153.

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (30) Dissemination or public display of obscene  
9           matter containing visual depiction of persons under 17 years  
10          of age involved in obscene acts as defined in Section  
11          13A-12-191.

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

16          (32) Parents or guardians permitting children to  
17          engage in production of obscene matter as defined in Section  
18          13A-12-196.

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

22          (34) Distribution, possession with intent to  
23          distribute, production of obscene material, or offer or  
24          agreement to distribute or produce, as defined in Section  
25          13A-12-200.2.

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

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

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

6           (38) Torture or other willful maltreatment of a  
7 child under the age of 18 as defined in Section 26-15-3.

8           (39) Aggravated child abuse as defined in Section  
9 26-15-3.1.

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

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

14          (42) Theft of property as defined in Sections  
15 13A-8-3 and 13A-8-4.

16          (43) Theft of lost property as defined in Sections  
17 13A-8-7 and 13A-8-8.

18          (44) Theft of trademarks or trade secrets as defined  
19 in Section 13A-8-10.4.

20          (45) Robbery as defined in Sections 13A-8-41,  
21 13A-8-42, and 13A-8-43.

22          (46) Forgery as defined in Sections 13A-9-2 and  
23 13A-9-3.

24          (47) Any crime as defined by the laws of the United  
25 States or by the laws of another state, territory, country, or

1 other jurisdiction, which, if committed in this state, would  
2 constitute one of the offenses listed in this subsection.

3 (d) Nothing in this section shall be interpreted as  
4 determining moral turpitude for any purpose other than  
5 disqualifying a person from exercising his or her right to  
6 vote.

7 (e) The felonies involving moral turpitude listed in  
8 subsection (c) are the only felonies for which a person, upon  
9 conviction, may be disqualified from voting. Additional  
10 felonies may be added to the list in subsection (c) only by  
11 amendment to this section.

12 Section 2. Sections 17-4-3 and 17-4-4 of the Code of  
13 Alabama 1975, are amended to read as follows:

14 "§17-4-3.

15 "(a) Each county board of registrars shall purge the  
16 computerized statewide voter registration list on a continuous  
17 basis, whenever it receives and confirms information that a  
18 person registered to vote in that county has died, become a  
19 nonresident of the state or county, been declared mentally  
20 incompetent, been convicted of any offense ~~mentioned in~~  
21 designated pursuant to Section 17-3-30.1 as a felony involving  
22 moral turpitude for the purposes of Article VIII of the  
23 Constitution of Alabama of 1901 since being registered, or  
24 otherwise become disqualified as an elector. ~~A~~ Except as  
25 provided below, a person convicted of a disqualifying criminal

1 offense ~~must~~ shall be notified by certified mail sent to the  
2 voter's last known address of the board's intention to strike  
3 his or her name from the list. No person convicted of a  
4 disqualifying crime may be stricken from the poll list while  
5 an appeal from the conviction is pending.

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

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

17 "(d) In the event the Board of Pardons and Paroles  
18 is supervising a person convicted of a disqualifying criminal  
19 offense on probation or parole, and the person has received  
20 face-to-face counseling from the supervising officer regarding  
21 voter disqualification and executed documentation explaining  
22 the loss and restoration of civil and political rights, upon  
23 receipt of the documentation, signed by the disqualified  
24 elector, the county board of registrars shall be exempt from  
25 providing notice as otherwise required by this section. The

1 document administered by the Board of Pardons and Paroles and  
2 to be signed by the disqualified elector shall contain the  
3 following statement: "Any person convicted of a disqualifying  
4 felony loses his or her civil and political rights, which  
5 includes the right to vote. Restoration of these rights may be  
6 applied for through the Central Montgomery Office of the Board  
7 of Pardons and Paroles, but only upon completion of the  
8 requirements of Section 15-22-36.1."

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

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

24 "(g) The Secretary of State and the Board of Pardons  
25 and Paroles may promulgate rules in accordance with the

1 Alabama Administrative Procedure Act as necessary to implement  
2 this section.

3 "§17-4-4.

4 "(a) In addition to all other duties now required by  
5 law, the Office of Vital Statistics of the State Department of  
6 Public Health shall furnish to the board of registrars of the  
7 county in which such district is located, once each month, a  
8 report of the death of all persons over 18 years of age who  
9 resided in such registration district.

10 "(b) In addition to all other duties now required by  
11 law, the judges of probate of the several counties of this  
12 state shall furnish to the board of registrars of their  
13 respective counties, once each month, a list of all residents  
14 of the county, 18 years of age or over, who have been declared  
15 mentally incompetent.

16 "(c) In addition to all other duties required by  
17 law, the clerks of the circuit and district courts of this  
18 state shall furnish to the board of registrars of each county,  
19 once each month, a list of all residents of that county who  
20 have been convicted of any offense ~~mentioned in~~ designated  
21 pursuant to Section 17-3-30.1 as a felony involving moral  
22 turpitude for the purposes of Article VIII of the Constitution  
23 of Alabama of 1901. Any person who willfully fails to perform  
24 such duties shall forfeit the sum of one hundred dollars  
25 (\$100) for each such failure. Such sum may be recovered in an

1 action by law by any citizen of the county in which the  
2 officer acts, one half to his or her own use and one half to  
3 the use of the state.

4 "(d) The Secretary of State and the Board of Pardons  
5 and Paroles may promulgate rules in accordance with the  
6 Alabama Administrative Procedure Act as necessary to implement  
7 this section."

8 Section 3. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.

