

1 HB473
2 218564-1
3 By Representative Hall
4 RFD: Constitution, Campaigns and Elections
5 First Read: 08-MAR-22

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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 do 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.