

1 HB222
2 173231-1
3 By Representative England
4 RFD: Constitution, Campaigns and Elections
5 First Read: 11-FEB-16

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8 SYNOPSIS: Under existing law, a person convicted of
9 certain crimes may apply to the Board of Pardons
10 and Paroles for a Certificate of Eligibility to
11 Register to Vote if the person has completed his or
12 her sentence and satisfies other criteria.

13 This bill would revise some of the
14 application procedures for the Certificate of
15 Eligibility to Register to Vote to expedite the
16 process to within a specified timeframe.

17 This bill would also require each state or
18 county correctional facility, prison, or jail to
19 post materials provided by the Secretary of State
20 and the Board of Pardons and Paroles relating to
21 requirements and procedures for restoring one's
22 right to vote if convicted of a disqualifying
23 felony of moral turpitude.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Section 15-22-36.1, Code of Alabama 1975,
3 relating to Certificates of Eligibility to Register to Vote
4 for certain convicted persons, to revise some of the
5 application procedures for the Certificate of Eligibility to
6 Register to Vote to expedite the process to within a specified
7 timeframe; to specify fees that must be paid prior to an
8 application for eligibility; and to require each state or
9 county correctional facility, prison, or jail to post
10 materials provided by the Secretary of State and the Board of
11 Pardons and Paroles relating to requirements and procedures
12 for restoring one's right to vote.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 15-22-36.1, Code of Alabama
15 1975, is amended to read as follows:

16 "§15-22-36.1.

17 "(a) Any other provision of law notwithstanding, any
18 person, regardless of the date of his or her sentence, may
19 apply to the Board of Pardons and Paroles for a Certificate of
20 Eligibility to Register to Vote if all of the following
21 requirements are met:

22 "(1) The person has lost his or her right to vote by
23 reason of conviction in a state or federal court in any case
24 except those listed in subsection (g).

25 "(2) The person has no criminal felony charges
26 pending against him or her in any state or federal court.

1 "(3) The person has paid all fines, court costs,
2 fees, and victim restitution ordered by the sentencing court,
3 except for fees assessed or ordered against the person after
4 the original conviction in the same case.

5 "(4) Any of the following are true:

6 a. The person has been released upon completion of
7 sentence.

8 b. The person has been pardoned.

9 c. The person has successfully completed probation
10 or parole and has been released from compliance by the
11 ordering entity.

12 "(b) The Certificate of Eligibility to Register to
13 Vote shall be granted upon a determination that all of the
14 requirements in subsection (a) are fulfilled.

15 "(c) Upon receipt of an application under this
16 section, investigation of the request shall be assigned
17 forthwith to an officer of the state Board of Pardons and
18 Paroles. The assigned officer shall verify, through court
19 records, records of the board, and records of the Department
20 of Corrections, that the applicant has met the qualifications
21 set out in subsection (a). ~~The~~ Within 30 days of the initial
22 application for a Certificate of Eligibility to Register to
23 Vote, the officer shall draft a report of his or her findings
24 ~~and make a recommendation concerning~~ including a statement as
25 to whether the offender applicant has successfully completed
26 his or her sentence and has complied with all the eligibility
27 requirements provided in subsection (a).

1 "(d) After completing the investigation set out in
2 subsection (c), the officer shall submit his or her report of
3 investigation ~~and recommendation~~ to the Executive Director of
4 the Board of Pardons and Paroles, ~~who shall refer the report~~
5 ~~and recommendation to a senior staff member to determine~~
6 ~~whether the applicant has met the qualifications set out in~~
7 ~~subsection (a).~~

8 "~~(e) Upon the senior staff member's completion of~~
9 ~~his or her review of the report and recommendation and a~~
10 ~~determination that all eligibility requirements of subsection~~
11 ~~(a) have been met, he or she shall file a report with the~~
12 ~~Executive Director of the Board of Pardons and Paroles stating~~
13 ~~whether or not all of the criteria for obtaining a Certificate~~
14 ~~of Eligibility to Register to Vote have been met. Within 45~~
15 ~~days of the date of the initial application for a certificate~~
16 ~~under this section, the executive director shall make the~~
17 ~~reports and recommendations available to the members of the~~
18 ~~board for review and if, within five days, no objection is~~
19 ~~made by a board member on the basis that the criteria set out~~
20 ~~in subsection (a) have not been met, the executive director~~
21 ~~shall issue a Certificate of Eligibility to Register to Vote~~
22 ~~to the applicant; provided, however, that the 45-day~~
23 ~~requirement in this sentence shall not apply for the first 90~~
24 ~~days following September 25, 2003. Upon determination by the~~
25 ~~senior staff member that any of the criteria have not been~~
26 ~~met, the applicant shall be notified of the reasons the~~
27 ~~Certificate of Eligibility to Register to Vote will not be~~

1 ~~issued and that upon satisfaction of all outstanding~~
2 ~~requirements, a new request may be submitted by the applicant~~
3 If the report created pursuant to subsection (c) states that
4 the applicant has met all of the eligibility criteria set
5 forth in subsection (a), and the executive director or his or
6 her designee attests that the report has been submitted
7 properly and accurately, the Board of Pardons and Paroles
8 shall issue a Certificate of Eligibility to Register to Vote
9 to the applicant within 14 days of receipt of the report by
10 the executive director.

11 " (f) ~~In the event a board member objects to the~~
12 ~~issuance of a Certificate of Eligibility to Register to Vote~~
13 ~~on the basis that the criteria set out in subsection (a) have~~
14 ~~not been met, the matter shall be referred to the next hearing~~
15 ~~docket of the board, without regard to any other provision of~~
16 ~~law affecting the setting of a hearing date, for the board to~~
17 ~~determine whether the applicant has met the criteria~~
18 ~~established by subsection (a). In the event the board~~
19 ~~determines, by a majority vote, that the criteria have been~~
20 ~~met, the executive director shall forthwith issue a~~
21 ~~Certificate of Eligibility to Register to Vote to the~~
22 ~~applicant. Upon a determination by the board that the criteria~~
23 ~~have not been met, the applicant shall be notified of the~~
24 ~~reasons the Certificate of Eligibility to Register to Vote~~
25 ~~will not be issued, and that upon satisfaction of all~~
26 ~~outstanding requirements, a new application may be submitted~~
27 ~~by the applicant~~ If the report created pursuant to subsection

1 (c) states that the applicant has not met all of the
2 eligibility criteria set forth in subsection (a), and the
3 executive director or his or her designee attests that the
4 report has been submitted properly and accurately, the Board
5 of Pardons and Paroles may not issue a Certificate of
6 Eligibility to Register to Vote and shall notify the applicant
7 of the decision and reason or reasons for the decision within
8 14 days of receipt of the report by the executive director.
9 The applicant, upon completion of the eligibility requirement
10 in subsection (a) for restoration of his or her rights, may
11 submit a new application at any time.

12 "(g) A person who has lost his or her right to vote
13 by reason of conviction in a state or federal court for any of
14 the following will not be eligible to apply for a Certificate
15 of Eligibility to Register to Vote under this section:
16 Impeachment, murder, rape in any degree, sodomy in any degree,
17 sexual abuse in any degree, incest, sexual torture, enticing a
18 child to enter a vehicle for immoral purposes, soliciting a
19 child by computer, production of obscene matter involving a
20 minor, production of obscene matter, parents or guardians
21 permitting children to engage in obscene matter, possession of
22 obscene matter, possession with intent to distribute child
23 pornography, or treason.

24 "(h) This section shall not affect the right of any
25 person to apply to the board for a pardon with restoration of
26 voting rights pursuant to Section 15-22-36.

1 "(i) Each state or county correctional facility,
2 prison, or jail shall post materials to be prepared by the
3 Secretary of State and the Board of Pardons and Paroles
4 notifying incarcerated individuals of the requirements and
5 procedures for having one's voting rights restored."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.