

HB96 INTRODUCED



1 SBMM55-1
2 By Representative Hall
3 RFD: Constitution, Campaigns and Elections
4 First Read: 07-Mar-23
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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 determine whether an individual may have his or her right to vote restored if the individual has lost his or her right to vote by reason of conviction in a state or federal court and has been pardoned or released from incarceration or period of probation or parole.

This bill would allow an indigent individual to have his or her right to vote restored if he or she has paid all fines and restitution and is in compliance with an approved payment plan for the payment of court costs and fees or an approved community service plan to offset the payment of court costs and fees.



HB96 INTRODUCED

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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 eliminate the application requirement and the Certificate of Eligibility to Register to Vote; to require the Board of Pardons and Paroles to determine whether an individual may have his or her right to vote restored if the individual has lost his or her right to vote by reason of conviction in a state or federal court and has been pardoned or released from incarceration or period of probation or parole; to allow an indigent individual to have his or her right to vote restored if he or she has paid all fines and restitution and is in compliance with an approved payment plan for the payment of court costs and fees or an approved community service plan to offset the payment of court costs and fees; to remove impeachment from the list of offenses that prohibit an individual from having his or her right to vote restored to make consistent with existing law; and to add Section 17-3-31.1 to the Code of Alabama 1975, to require notification to the individual that his or her right to vote has been restored.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-22-36.1, 17-3-31, and 17-4-3,



HB96 INTRODUCED

57 Code of Alabama 1975, are amended to read as follows:

58 "§15-22-36.1

59 (a) ~~Any other provision of law notwithstanding~~Except as
60 provided in subsection (h), any person individual who has lost
61 his or her right to vote by reason of conviction in a state or
62 federal court, regardless of the date of his or her sentence,
63 ~~may apply to the Board of Pardons and Paroles for a~~
64 ~~Certificate of Eligibility to Register to Vote~~ shall have his
65 or her right to vote restored if ~~all~~ both of the following
66 ~~requirements~~ criteria are met on all disqualifying cases:

67 ~~(1) The person has lost his or her right to vote by~~
68 ~~reason of conviction in a state or federal court in any case~~
69 ~~except those listed in subsection (g).~~

70 ~~(2) The person has no criminal felony charges pending~~
71 ~~against him or her in any state or federal court.~~

72 ~~(3) The person has paid all fines, court costs, fees,~~
73 ~~and victim restitution ordered by the sentencing court at the~~
74 ~~time of sentencing on disqualifying cases.~~

75 (1) The individual has done either of the following:

76 a. Paid all fines, court costs, fees, and restitution
77 ordered by the sentencing court at the time of sentencing.

78 b. Paid all fines and restitution ordered by the
79 sentencing court and with regard to all court costs and fees,
80 has done either of the following:

81 1. Made all payments for a period of not less than one
82 year on court costs and fees pursuant to an approved payment
83 plan.

84 2. Complied with an approved community service plan



HB96 INTRODUCED

85 pursuant to Section 3 of the act adding this amendatory
86 language for a period of not less than one year.

87 ~~(4)~~ (2) Any of the following are true:

88 a. The ~~person~~ individual has been released upon
89 completion of sentence.

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

91 c. The ~~person~~ individual has successfully completed
92 probation or parole and has been released from compliance by
93 the ordering entity.

94 (b) The circuit clerk of the court in which any
95 outstanding fines, court costs, fees, or restitution are owed
96 shall apply payments in the following order of priority:

97 (1) To any restitution owed on a disqualifying case.

98 (2) To any fines owed on a disqualifying case.

99 (3) To any restitution owed on a non-disqualifying
100 case.

101 (4) To any fines, court costs, or fees owed on a
102 non-disqualifying case.

103 ~~(b)~~ (c) The ~~Certificate of Eligibility to Register to~~
104 ~~Vote shall be granted~~ board shall restore an individual's
105 right to vote upon a determination that ~~all of~~ the individual
106 has met the ~~requirements~~ criteria set forth in subsection (a)
107 ~~are fulfilled.~~

108 ~~(c) Upon receipt of an application under this section,~~

109 (d) When an individual, who has lost his or her right
110 to vote by reason of conviction in a state or federal court in
111 any case except those listed in subsection (h) has met one of
112 the criteria set forth in subdivision (a) (2), the Board of



HB96 INTRODUCED

113 Pardons and Paroles shall conduct a review to determine if the
114 individual has complied with the criteria set forth in
115 subdivision (a) (1) ~~investigation of the request shall be~~
116 ~~assigned forthwith to an officer of the state Board of Pardons~~
117 ~~and Paroles. The~~ An assigned officer of the board shall
118 verify, through court records, records of the board, and
119 records of the Department of Corrections, that the ~~applicant~~
120 individual has met the ~~qualifications~~ criteria set out in
121 subsection (a). Within ~~30~~ 14 calendar days of the initial
122 ~~application for a Certificate of Eligibility to Register to~~
123 ~~Vote~~ review, the officer shall draft a report of his or her
124 findings including a statement as to whether the ~~applicant~~
125 individual has successfully ~~completed his or her sentence and~~
126 ~~has~~ complied with ~~all~~ the eligibility ~~requirements~~ criteria
127 provided in subsection (a).

128 ~~(d)~~ (e) After completing the ~~investigation~~ review set
129 out in subsection ~~(e)~~ (d), the officer shall submit his or her
130 report of investigation to the Executive Director of the Board
131 of Pardons and Paroles.

132 ~~(e)~~ (f) If the report created pursuant to subsection ~~(e)~~
133 (d) states that the ~~applicant~~ individual has met all of the
134 eligibility criteria set forth in subsection (a), and the
135 executive director or his or her designee attests that the
136 report has been submitted properly and accurately, the Board
137 of Pardons and Paroles shall ~~issue a Certificate of~~
138 ~~Eligibility to Register to Vote to~~ restore the individual's
139 right to vote and shall notify the ~~applicant~~ individual that
140 his or her right to vote has been restored within 14 calendar



HB96 INTRODUCED

141 days of receipt of the report by the executive director.

142 ~~(f)~~ (g) If the report created pursuant to subsection ~~(e)~~
143 (d) states that the ~~applicant~~ individual has not met all of
144 the eligibility criteria set forth in subsection (a), and the
145 executive director or his or her designee attests that the
146 report has been submitted properly and accurately, the Board
147 of Pardons and Paroles shall ~~not issue a Certificate of~~
148 ~~Eligibility to Register to Vote and shall~~ not restore the
149 individual's right to vote and shall notify the ~~applicant~~
150 individual of the decision not to restore his or her right to
151 vote and reason or reasons for the decision within 14 calendar
152 days of receipt of the report by the executive director. The
153 notice shall state what measures the individual must undertake
154 in order to have his or her right to vote restored. The
155 ~~applicant, upon completion of the eligibility requirement in~~
156 ~~subsection (a) for restoration of his or her rights,~~
157 individual may submit ~~a new application~~ a written request for
158 a new review at any time if he or she has met the
159 certification criteria. Upon receipt of a new request, the
160 board shall conduct a review pursuant to the requirements set
161 forth in subsections (d) through (g).

162 ~~(g)~~ ~~A person~~ (h) An individual who has lost his or her
163 right to vote by reason of conviction in a state or federal
164 court for any of the following offenses as they are set forth
165 in Section 17-3-30.1 ~~will not be eligible to apply for a~~
166 ~~Certificate of Eligibility to Register to Vote under this~~
167 ~~section~~ is not eligible to have his or her right to vote
168 restored: ~~Impeachment, murder~~ Murder, rape in any degree,



HB96 INTRODUCED

169 sodomy in any degree, sexual abuse in any degree, incest,
170 sexual torture, enticing a child to enter a vehicle for
171 immoral purposes, ~~soliciting~~ electronic solicitation of a
172 child ~~by computer~~, production of obscene matter ~~involving a~~
173 ~~minor~~ containing visual depiction of persons under 17 years of
174 age involved in obscene acts, distribution, possession with
175 intent to distribute, production of obscene material, or offer
176 or agreement to distribute or produce obscene material,
177 ~~production of obscene matter,~~ parents or guardians permitting
178 children to engage in production of obscene matter, ~~possession~~
179 ~~of obscene matter, possession with intent to distribute child~~
180 ~~pornography, or~~ dissemination or public display of obscene
181 matter containing visual depiction of persons under 17 years
182 of age involved in obscene acts, possession and possession
183 with intent to disseminate obscene matter containing visual
184 depiction of persons under 17 years of age involved in obscene
185 acts, treason, or any crime as defined by the laws of the
186 United State or by the laws of another state, territory,
187 country, or other jurisdiction, which, if committed in this
188 state, would constitute one of the offenses listed in this
189 subsection.

190 ~~(h)~~ (i) This section shall not affect the right of any
191 ~~person~~ individual to apply to the board for a pardon with
192 restoration of voting rights pursuant to Section 15-22-36.

193 ~~(i)~~ (j) Each state or county correctional facility,
194 prison, or jail shall post materials to be prepared by the
195 Secretary of State and the Board of Pardons and Paroles
196 notifying incarcerated individuals of the ~~requirements~~



HB96 INTRODUCED

197 criteria and procedures for having one's voting rights
198 restored.

199 (k) No later than September 1, 2024, the Board of
200 Pardons and Paroles and the Secretary of State shall jointly
201 develop and make available on each agency's website a form
202 with instructions for any individual who met one of the
203 criteria set forth in subdivision (a) (2) prior to the
204 effective date of the act adding this amendatory language to
205 submit to the Board of Pardons and Paroles for review pursuant
206 to the requirements set forth in subsections (d) through (g).

207 (l) The Board of Pardons and Paroles shall provide the
208 Secretary of State with an individual's address and the date
209 upon which the board restored the right to vote to an
210 individual who has lost his or her right to vote by reason of
211 conviction in a state or federal court.

212 (m) The Board of Pardons and Paroles shall post on the
213 board's website a list of individuals whose right to vote has
214 been restored pursuant to this section but does not have a
215 known address."

216 "§17-3-31

217 (a) Any ~~person~~ individual who is disqualified by reason
218 of conviction of any ~~of the offenses mentioned in~~ offense
219 designated pursuant to Section 17-3-30.1 as a felony involving
220 moral turpitude for the purposes of ~~Article VIII~~, Section 177
221 of the Constitution of Alabama of ~~1901~~ 2022, except treason
222 ~~and impeachment~~, whether the conviction was had in a state or
223 federal court, and who has been pardoned, may be restored to
224 citizenship with the right to vote by the State Board of



HB96 INTRODUCED

225 Pardons and Paroles when specifically expressed in the pardon.
226 If otherwise qualified, ~~such person~~ the individual shall be
227 permitted to register or reregister as an elector upon
228 submission of a copy of the pardon document to the board of
229 registrars of the county of his or her residence. ~~In addition,~~
230 ~~any person~~

231 (b) Any individual who ~~has been granted a Certificate of~~
232 ~~Eligibility to Register to Vote by the Board of Pardons and~~
233 ~~Paroles pursuant to Section 15-22-36.1~~ was registered to vote
234 at any time prior to losing his or her right to vote by reason
235 of conviction in a state or federal court and has met the
236 eligibility criteria set forth in Section 15-22-36.1(a) as
237 determined by the Board of Pardons and Paroles, shall be
238 eligible to vote.

239 (c) Any individual who was not registered at any time
240 prior to losing his or her right to vote by reason of
241 conviction in a state or federal court and has met the
242 eligibility criteria set forth in Section 15-22-36.1(a) as
243 determined by the Board of Pardons and Paroles, shall be
244 permitted to register ~~or reregister~~ as an elector ~~upon~~
245 ~~submission of a copy of the certificate to the board of~~
246 ~~registrars of the county of his or her residence.~~"

247 "§17-4-3

248 (a) Each county board of registrars shall purge the
249 computerized statewide voter registration list on a continuous
250 basis, whenever it receives and confirms information that a
251 person registered to vote in that county has died, become a
252 nonresident of the state or county, been declared mentally



HB96 INTRODUCED

253 incompetent, been convicted of any offense designated pursuant
254 to Section 17-3-30.1 as a felony involving moral turpitude for
255 the purposes of ~~Article VIII~~, Section 177 of the Constitution
256 of Alabama of ~~1901~~ 2022, since being registered, or otherwise
257 become disqualified as an elector. Except as provided below, a
258 person convicted of a disqualifying criminal offense shall be
259 notified by certified mail sent to the voter's last known
260 address of the board's intention to strike his or her name
261 from the list. No person convicted of a disqualifying crime
262 may be stricken from the poll list while an appeal from the
263 conviction is pending.

264 (b) On the date set in the notice, or at a later date
265 to which the case may have been continued by the board, the
266 board shall proceed to consider the case of the elector whose
267 name it proposes to strike from the registration list and make
268 its determination. Any person whose name is stricken from the
269 list may appeal from the decision of the board without giving
270 security for costs, and the board shall forthwith certify the
271 proceedings to the judge of probate who shall docket the case
272 in the probate court.

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

275 (d) In the event the Board of Pardons and Paroles is
276 supervising a person convicted of a disqualifying criminal
277 offense on probation or parole, and the person has received
278 face-to-face counseling from the supervising officer regarding
279 voter disqualification and executed documentation explaining
280 the loss and restoration of civil and political rights, upon



HB96 INTRODUCED

281 receipt of the documentation, signed by the disqualified
282 elector, the county board of registrars shall be exempt from
283 providing notice as otherwise required by this section. The
284 document administered by the Board of Pardons and Paroles and
285 to be signed by the disqualified elector shall contain the
286 following statement: "Any person convicted of a disqualifying
287 felony loses his or her civil and political rights, which
288 includes the right to vote. ~~Restoration of these rights may be~~
289 ~~applied for~~ These rights may be restored through the ~~Central~~
290 ~~Montgomery Office of the~~ Board of Pardons and Paroles, but
291 only upon completion of the requirements of Section
292 15-22-36.1 (a)."

293 (e) The Board of Pardons and Paroles shall provide
294 signed documentation to county boards of registrars to
295 indicate those persons under probation or parole supervision
296 with the board who have been convicted of a disqualifying
297 criminal offense and been counseled regarding voter
298 disqualification and the restoration of civil and political
299 rights, and may otherwise share privileged records and files
300 with county boards of registrars for the limited purpose of
301 implementing the requirements of this section.

302 (f) When the board has sufficient evidence furnished it
303 that any elector has permanently moved from one precinct to
304 another within the county, it shall change the elector's
305 precinct designation in the voter registration list, and shall
306 give notice by mail to the elector of the precinct in which
307 the elector is registered to vote.

308 (g) The Secretary of State and the Board of Pardons and



HB96 INTRODUCED

309 Paroles may ~~promulgate~~ adopt rules in accordance with the
310 Alabama Administrative Procedure Act as necessary to implement
311 this section."

312 Section 2. Section 17-3-31.1 is added to the Code of
313 Alabama 1975, to read as follows:

314 (a) Upon receipt of information provided by the Board
315 of Pardons and Paroles pursuant to Section 15-22-36.1(1), the
316 Secretary of State shall notify the individual and the board
317 of registrars of the county in which the individual resides of
318 the date upon which the board restored his or her right to
319 vote.

320 (b) The board of registrars of the county in which the
321 individual resides shall add the individual's name to the poll
322 list and notify the individual of the date that he or she is
323 eligible to vote. This subsection does not apply to any
324 individual who has had his or her right to vote restored but
325 has never registered to vote prior to losing his or her right
326 to vote by reason of conviction in a state or federal court.

327 (c) Notwithstanding the provisions of Section
328 15-22-36.1(1), if an individual, who has had his or her right
329 to vote restored pursuant to Section 15-22-36.1, but does not
330 have a known address, the Board of Pardons and Paroles shall
331 not be required to notify the Secretary of State of the
332 individual's address.

333 Section 3. (a) As used in this section, the following
334 terms have the following meanings:

335 (1) BOARD. The Board of Pardons and Paroles.

336 (2) COMMUNITY SERVICE PLAN. A plan designed by the



HB96 INTRODUCED

337 board, through the community service program, for an indigent
338 individual to offset the payment of court costs and fees.

339 (3) COMMUNITY SERVICE PROGRAM. A program established by
340 the board pursuant to subsection (b).

341 (b) The board shall establish a community service
342 program in order to develop options and requirements for
343 individuals who are indigent to engage in community service to
344 offset the payment of court costs and fees. The community
345 service program shall establish guidelines for the design of
346 community service plans under the program. The board shall
347 annually submit a report to the Legislative Council to
348 consider the nonprofit programs offered to individuals by the
349 board, the use of resources, and the success or shortcomings
350 of the program.

351 (c) The board shall not require any individual to
352 participate in the community service program. No individual
353 shall participate in a community service program without his
354 or her informed consent.

355 (d) An individual in the community service program
356 shall receive credit for outstanding court costs and fees at
357 an amount equal to the specified hourly credit rate per hour
358 of community service performed, which shall reduce the
359 outstanding court costs and fees by the amount of the credit.
360 The circuit clerk of the court in which the outstanding court
361 costs and fees are owed shall apply the credit in the order of
362 priority set forth in Section 15-22-36.1(b), Code of Alabama
363 1975. As used in this subsection, the term "specified hourly
364 credit rate" means the wage rate that is specified in 29



HB96 INTRODUCED

365 U.S.C. § 206(a)(1) of the Fair Labor Standards Act of 1938.

366 (e) The board shall establish a community service
367 program by December 31, 2023.

368 (f) An individual demonstrating economic hardship may
369 petition the board to participate in a community service plan
370 to offset the payment of court costs and fees.

371 Section 4. This act shall become effective on the first
372 day of the third month following its passage and approval by
373 the Governor, or its otherwise becoming law.