

1 HB245
2 172946-1
3 By Representatives McClammy and Knight
4 RFD: Constitution, Campaigns and Elections
5 First Read: 16-FEB-16

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8 SYNOPSIS: Under existing law, a person convicted of a
9 felony involving moral turpitude is prohibited from
10 voting until he or she has been released upon
11 completion of a sentence, has been pardoned, has
12 completed probation or parole, and has paid any
13 victim restitution. Restoration of voting rights is
14 made through an application to the Board of Pardons
15 and Paroles.

16 This bill would provide for the automatic
17 restoration of voting rights of a person who has
18 been convicted of a felony involving moral
19 turpitude when he or she is discharged from
20 incarceration.

21 This bill would specify responsibilities of
22 the Secretary of State concerning such voter
23 restoration.

24 This bill would provide for absentee voting
25 for persons who are eligible to vote and are
26 incarcerated.

1 This bill would repeal the provisions of
2 state law that provide the procedure for the Board
3 of Pardons and Paroles to restore the voting rights
4 of a convicted felon.

5 This bill would also establish a temporary
6 legislative oversight committee and a task force to
7 monitor the restoration of voting rights.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to voting rights; to amend Sections
14 15-22-36, 17-3-31, 17-4-6, 17-4-60, 17-11-3, and 17-11-7 of
15 the Code of Alabama 1975; to provide for the automatic
16 restoration of voting rights of a person who has been
17 convicted of a felony involving moral turpitude when he or she
18 is discharged from incarceration; to specify responsibilities
19 of the Secretary of State concerning such voter restoration;
20 to provide for absentee voting for persons who are eligible to
21 vote and are incarcerated; to repeal Section 15-22-36.1 of the
22 Code of Alabama 1975, which provides the procedure for the
23 Board of Pardons and Paroles to restore the voting rights of a
24 convicted felon; and to establish a temporary legislative
25 oversight committee and a task force to monitor the
26 restoration of voting rights.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall be cited as the Alabama
2 Restoration of Voting Rights Act.

3 Section 2. The Legislature finds and declares the
4 following:

5 (1) Alabama denies the right to vote to all persons
6 who have been convicted of a felony involving moral turpitude.

7 (2) Voting is both a fundamental right and a civic
8 duty. Restoring the right to vote strengthens our democracy by
9 increasing voter participation and helps people who have
10 completed their incarceration to reintegrate into society.

11 (3) Under current Alabama felony disfranchisement
12 law, more than 124,000 non-African-Americans and more than
13 137,000 African-Americans have lost the right to vote. The law
14 has a disproportionate impact on minority communities. Nearly
15 one in three African-American men in Alabama has lost the
16 right to vote because of a felony conviction.

17 (4) The restoration of voting rights through
18 application to the Board of Pardons and Paroles for a
19 Certificate of Eligibility to Register to Vote has proved
20 cumbersome for both applicants and the board. The current
21 system imposes economic and administrative burdens on the
22 state and is costly for Alabama taxpayers. Streamlining the
23 restoration process will advance administrative efficiency,
24 fiscal responsibility, fairness, and democracy.

25 (5) The purposes of this act are to strengthen
26 democratic institutions by increasing participation in the
27 voting process, to help people who have completed their

1 incarceration to become productive members of society, and to
2 streamline procedures for restoring their right to vote.

3 Section 3. (a) Except in cases of treason or
4 impeachment, a person who has been convicted of a felony
5 involving moral turpitude shall be restored the right to vote
6 in a federal, state, or local election in Alabama when that
7 person is discharged from incarceration.

8 (b) Before accepting a plea of guilty or nolo
9 contendere to a felony involving moral turpitude, and before
10 imposing sentence for such a felony after trial, the court
11 shall notify the defendant that conviction will result in loss
12 of the right to vote only if and for as long as the person is
13 incarcerated and that voting rights are restored upon
14 discharge.

15 (c) The state Department of Corrections and, subject
16 to any agreement under 52 U.S.C. §20506(a)(3)(B)(ii), the
17 federal correctional institutions in Alabama shall act as
18 voter registration agencies in accordance with Section
19 17-4-60(d), Code of Alabama 1975. In this capacity, and as
20 part of the release process leading to a person's discharge
21 from a correctional facility, the Department of Corrections or
22 the federal correctional institutions in Alabama shall notify
23 that person in writing that voting rights will be restored;
24 provide that person with a voter registration form, including
25 a section for indicating acceptance or declination of voter
26 registration services; and offer that person assistance in
27 filling out the form. Unless the registrant refuses to permit

1 it to do so, the Department of Corrections or the federal
2 correctional institution shall transmit the completed voter
3 registration form to the county boards of registrars in the
4 same manner and according to the same administrative rules as
5 govern other voter registration agencies designated in Section
6 17-4-60(d), Code of Alabama 1975.

7 (d) The state Department of Corrections and, subject
8 to their agreement, federal correctional institutions in
9 Alabama shall, on or before the 15th day of each month,
10 transmit to the Secretary of State two lists. The first list
11 shall contain the following information about persons age 18
12 or older who, during the preceding reporting period, have
13 become ineligible to vote because of their incarceration upon
14 conviction of a felony involving moral turpitude. The second
15 list shall contain the following information about persons age
16 18 or older, who, during the preceding reporting period, have
17 become eligible to vote because of their discharge from
18 incarceration. The lists shall include all of the following:

19 (1) Name.

20 (2) Date of birth.

21 (3) Last known address with county of residence.

22 (4) Date of conviction.

23 (5) Driver's license number, if known, and last four
24 digits of Social Security number, if known.

25 (e) The Secretary of State shall ensure that the
26 computerized statewide voter registration list is purged of
27 the names of persons who are ineligible to vote because of

1 their incarceration upon conviction of a felony involving
2 moral turpitude. The Secretary of State shall ensure that the
3 names of persons who are eligible and registered to vote
4 following their discharge from incarceration are added to the
5 computerized statewide voter registration list.

6 (f) The Secretary of State shall ensure that persons
7 who become eligible to vote upon their discharge from
8 incarceration face no continued barriers to registration or
9 voting resulting from their felony convictions.

10 (g) The Secretary of State shall develop and
11 implement a program to educate attorneys; judges; election
12 officials; corrections officials, including parole and
13 probation officers; and members of the public about the
14 requirements of this section. The program shall ensure all of
15 the following:

16 (1) Judges are informed of their obligation to
17 notify criminal defendants of the potential loss and
18 restoration of their voting rights, in accordance with
19 subsection (b).

20 (2) The state Department of Corrections and, subject
21 to their agreement, federal correctional institutions in
22 Alabama are prepared to assist people with registration to
23 vote in anticipation of their discharge from incarceration,
24 including by forwarding their completed voter registration
25 forms to the county boards of registrars.

26 (3) The language on voter registration forms makes
27 clear that a person is disqualified from voting while serving

1 a prison sentence on a conviction of a felony involving moral
2 turpitude and that the person regains the right to vote when
3 discharged from incarceration.

4 (4) The state Department of Corrections and, subject
5 to their agreement, federal correctional institutions in
6 Alabama are prepared to transmit to the Secretary of State the
7 information specified in subsection (d).

8 (5) The Supervisor of Voter Registration is prepared
9 both to purge names from and to restore names to the
10 computerized statewide voter registration list in accordance
11 with subsection (e).

12 (6) Probation and parole officers are informed of
13 the change in the law and are prepared to notify each
14 probationer and parolee that the right of the person to vote
15 is restored.

16 (7) Accurate and complete information about the
17 voting rights of people who have been charged with or
18 convicted of crimes, whether disfranchising or not, is made
19 available through a single publication to government officials
20 and the public.

21 (h) The Secretary of State, pursuant to the Alabama
22 Administrative Procedure Act, shall promulgate pertinent rules
23 necessary to implement this act.

24 Section 4. Sections 15-22-36, 17-3-31, 17-4-6,
25 17-4-60, 17-11-3, and 17-11-7, Code of Alabama 1975, are
26 amended to read as follows:

27 "§15-22-36.

1 "(a) In all cases, except treason and impeachment
2 and cases in which sentence of death is imposed and not
3 commuted, as is provided by law, the Board of Pardons and
4 Paroles shall have the authority and power, after conviction
5 and not otherwise, to grant pardons and paroles and to remit
6 fines and forfeitures.

7 "(b) Each member of the Board of Pardons and Paroles
8 favoring a pardon, parole, or remission of a fine or
9 forfeiture, ~~or restoration of civil and political rights~~ shall
10 enter in the file his or her reasons in detail, which entry
11 and the order shall be public records, but all other portions
12 of the file shall be privileged.

13 "~~(c) No pardon shall relieve one from civil and~~
14 ~~political disabilities unless specifically expressed in the~~
15 ~~pardon.~~ No pardon shall be granted unless the prisoner has
16 successfully completed at least three years of permanent
17 parole or until the expiration of his or her sentence if his
18 or her sentence was for less than three years. Notwithstanding
19 the foregoing, a pardon based on innocence may be granted upon
20 the unanimous affirmative vote of the board following receipt
21 and filing of clear proof of his or her innocence of the crime
22 for which he or she was convicted and the written approval of
23 the judge who tried his or her case or district attorney or
24 with the written approval of a circuit judge in the circuit
25 where he or she was convicted if the judge who tried his or
26 her case is dead or no longer serving.

1 "(d) The Board of Pardons and Paroles shall have no
2 power to grant a pardon, order a parole, or remit a fine or
3 forfeiture, ~~or restore civil and political rights~~ until 30
4 days' notice that the prisoner is being considered therefor
5 has been given by the board to the Attorney General, the judge
6 who presided over the case, the district attorney who tried
7 the subject's case, the chief of police in the municipality in
8 which the crime occurred, if the crime was committed in an
9 incorporated area with a police department, and to the sheriff
10 of the county where convicted, and to the same officials of
11 the county where the crime occurred if different from the
12 county of conviction; provided, however, that if they are dead
13 or not serving, the notice shall be given to the district
14 attorney, incumbent sheriff, and one of the judges of the
15 circuit in which the subject was convicted. The board also
16 shall be required to provide the same notice to the Crime
17 Victims Compensation Commission.

18 "(e) (1) Until and unless at least 30 days' written
19 notice of the board's action to be considered has been given
20 by the board to the victim named in the indictment, the
21 victim's representative, and any other interested individuals,
22 after the board has received a request that includes the
23 preferred mode or modes of notification from the victim, the
24 victim's representative, and other interested individuals and
25 is submitted 45 days or more in advance of the board action to
26 be considered either through the automated victim notification
27 system or by a direct request to the board or other authorized

1 individual, the Board of Pardons and Paroles shall have no
2 power or authority to in any way approve or order any parole,
3 pardon, remission of fine or forfeiture, ~~restoration of civil~~
4 ~~and political rights,~~ furlough, leave, or early release of a
5 person convicted of the following offenses:

6 "a. A Class A felony.

7 "b. Any felony committed prior to the first day of
8 January, 1980, which if committed after the first day of
9 January, 1980, would be designated a Class A felony.

10 "c. Any felony involving violence, death, or any
11 physical injury to the person of another.

12 "d. Any felony involving unlawful sexual assault or
13 other unlawful sexual conduct on the person of another.

14 "e. Any felony involving sexual assault, or a lewd
15 or lascivious act upon a child under the age of 16 years or
16 attempt thereof.

17 "f. Sexual abuse or any other criminal conduct
18 committed prior to the first day of January, 1980, which if
19 committed after the first day of January, 1980, would be
20 defined as sexual abuse under the Alabama Criminal Code.

21 "g. Child abuse or any criminal conduct committed
22 prior to the first day of January, 1980, which if committed
23 after the first day of January, 1980, would be defined as
24 child abuse under the Alabama Criminal Code.

25 "h. Sodomy or any criminal conduct committed prior
26 to the first day of January, 1980, which if committed after

1 the first day of January, 1980, would be defined as sodomy
2 under the Alabama Criminal Code.

3 "i. Any violation of Section 13A-6-69, as amended.

4 "(2) If, however, the victim, victim's
5 representative, and other interested individual has not been
6 registered for notice through the automated victim
7 notification system or otherwise made a direct request to the
8 board for notice or to another authorized individual, the
9 victim's information has not been updated, or particular modes
10 of notification have not been requested at least 45 days or
11 more in advance of the board's action to be considered, the
12 board shall not be limited in power or authority in any way to
13 approve or order any parole, pardon, remission of fine or
14 forfeiture, ~~restoration of civil and political rights,~~
15 furlough, leave, or early release of a person convicted of the
16 offenses named in subsection (e)(1)a. to i., inclusive.

17 "(3) The notice shall be given by U.S. certified
18 mail, return receipt requested, U.S. mail, electronic
19 transmission, or by other commonly accepted method of
20 delivery, upon a request made through the automated victim
21 notification system or otherwise upon direct request made to
22 the board or other authorized individual 45 days or more in
23 advance of the board's action to be considered and shall
24 include:

25 "a. The name of the prisoner or defendant involved.

26 "b. The crime for which the prisoner or defendant
27 was convicted.

1 "c. The date of the sentence.

2 "d. The court in which the conviction occurred.

3 "e. The sentence imposed.

4 "f. The actual time the prisoner has been held in
5 confinement and the prisoner's minimum release date, as
6 computed by the Department of Corrections.

7 "g. The action to be considered by the board.

8 "h. The date, time, and location of the board
9 meeting at which the action is to be considered.

10 "i. The right of the victim named in the indictment,
11 a victim's representative, or if the victim is deceased as a
12 result of the offense, the victim's immediate family, as
13 defined by the board's operating rules, or, in the event there
14 is no immediate family, a relative of a victim, if any, to
15 present his or her views to the board in person or in writing.

16 "Notice for robbery victims who were robbed while on
17 duty as an employee of a business establishment shall be
18 sufficient if mailed to the last address provided by the
19 victim or as otherwise noted on the indictment or in the board
20 files.

21 "(4) If a victim, victim's representative, and
22 otherwise interested individual requests not to be notified,
23 the request shall be made to the Board of Pardons and Paroles
24 in writing or by electronic signature. Confirmation of a
25 request to not be notified shall be provided to the victim so
26 requesting. After a request is received, the board shall
27 provide no further notifications, unless and until the victim,

1 victim's representative, and otherwise interested individual
2 subsequently requests future notifications, at least 45 days
3 in advance of the board's action to be considered through the
4 automated victim notification system or by contacting the
5 board or other authorized individual in writing, in person, or
6 by telephone.

7 "(5) Should a victim, victim's representative, and
8 otherwise interested person wish to receive notice of any
9 specific board hearing and action taken by the board, if any,
10 in a specific case, the individual may register to request the
11 notice through the automated victim notification system or
12 otherwise request notice by making a direct request to the
13 board or other authorized individual to receive notice at
14 least 45 days in advance of the board's action to be
15 considered. The individual shall be required to designate his
16 or her preferred mode or modes of communication.

17 "(6) For any defendant convicted of the offenses
18 named in subsection (e)(1)a. to i., inclusive, and only after
19 the most recent victim information has been furnished to the
20 Board of Pardons and Paroles pursuant to Section 12-17-184(9),
21 in those cases, the probation and parole officer assigned to
22 prepare a pre-sentence or post-sentence investigation report
23 shall at that time register the most recent information for
24 the victim named in the indictment into the automated victim
25 notification system. In case of a homicide, the information of
26 immediate family members shall be entered into the automated
27 victim notification system. If a surviving victim is a minor,

1 information for parents or guardians shall be entered into the
2 automated victim notification system. The probation and parole
3 officer assigned to prepare a pre-sentence or post-sentence
4 investigation report shall then report to the sentencing court
5 that all most current victim information has been so
6 registered. The sentencing court shall then record into the
7 case record that the victim information has been entered into
8 the automated victim notification system.

9 "(7) For those cases in which a defendant has been
10 convicted and sentenced prior to the implementation task force
11 determining that the automated victim notification system
12 complies with the requirements of this section and Sections
13 15-22-23 and 15-22-36.2, for any homicide, and Class A felony,
14 except Burglary I in which no victim was present, or any sex
15 offense, as defined by Section 15-20A-5, the board shall
16 exercise due diligence to locate the victim or victims and
17 register the most recent victim information into the automated
18 victim notification system. If all attempts to locate a
19 victim, or in case of a homicide to locate immediate family
20 member or members, have failed and the agent of the board has
21 certified that due diligence has been exercised, no future
22 location attempts shall be required.

23 "(f) After any board action is taken granting any
24 pardon or parole, the board shall promptly notify all persons
25 who timely requested notice, pursuant to this section as to
26 the action taken by the board and the conditions, if any, of
27 any such parole or pardon via electronic notification through

1 the automated victim notification system and posting publicly
2 on a state agency website.

3 "(g) Electronic notices as required by this section,
4 Section 14-14-5, Section 15-22-23, Section 15-22-36.2, Section
5 15-22-36.3, and Section 15-22-26.2 shall be produced through
6 the automated notification system developed and maintained by
7 the Alabama Law Enforcement Agency. All data and records
8 required to produce the notices shall be provided to the
9 Alabama Law Enforcement Agency to be incorporated into the
10 automated notification system. Board records and information
11 accessible to the public through the automated notification
12 system shall be limited to those notification items specified
13 in subdivision (3) of subsection (e), as well as the
14 offender's age, sex, race, and unique identifiers. Records
15 concerning the status of supervised offenders on probation and
16 parole shall also be made available to the public, including
17 information on when supervision began, the date the
18 supervision term will end, and information on whether or how
19 supervision was terminated. Otherwise, access to board records
20 and information through the automated notification system
21 shall be limited in use to the legitimate law enforcement
22 purpose of entering and updating contact information on behalf
23 of crime victims, assisting victims with registration, and
24 ensuring victims receive notice. Information and records of
25 the board accessible for law enforcement purposes through the
26 automated notification system, in addition to that available
27 to the public as specified above, shall be limited to the

1 offender's date of birth, the supervising officer's name, the
2 county of residence for those offenders currently supervised
3 in Alabama, and the supervising officer's phone number. Misuse
4 of the automated notification system or records or information
5 contained in the automated notification system shall be
6 subject to criminal prosecution under Article 5A of Chapter 8
7 of Title 13A, as well as Section 41-9-601, Section 41-9-602,
8 and any other law of this state.

9 §17-3-31.

10 "Any person who is disqualified by reason of
11 conviction of any of the offenses mentioned in Article VIII of
12 the Constitution of Alabama of 1901, except treason and
13 impeachment, ~~whether the conviction was had in a state or~~
14 ~~federal court, and who has been pardoned~~ discharged from
15 incarceration, may shall be restored to citizenship with the
16 right to vote ~~by the State Board of Pardons and Paroles when~~
17 ~~specifically expressed in the pardon.~~ If otherwise qualified,
18 such person shall be permitted to register or reregister as an
19 elector ~~upon submission of a copy of the pardon document to~~
20 ~~the board of registrars of the county of his or her residence.~~
21 ~~In addition, any person who has been granted a Certificate of~~
22 ~~Eligibility to Register to Vote by the Board of Pardons and~~
23 ~~Paroles pursuant to Section 15-22-36.1, shall be permitted to~~
24 ~~register or reregister as an elector upon submission of a copy~~
25 ~~of the certificate to the board of registrars of the county of~~
26 ~~his or her residence~~ in accordance with the procedures set
27 forth in Section 3 of the act adding this language.

1 "§17-4-6.

2 "(a) To continuously and automatically identify the
3 names of persons to be purged from the voters' list, the
4 appropriate state departments or agencies shall provide to the
5 Secretary of State, as such information is recorded by the
6 departments, the names and identifying information set out
7 below of any person age 18 or older who:

8 "~~(1) Has~~ has died, with date of birth and Social
9 Security number (if such number is known), last known address
10 with county of residence, and date of death, as provided by
11 the Office of Vital Statistics of the State Department of
12 Public Health.

13 "~~(2) Has been convicted of a felony, with date of~~
14 ~~birth and Social Security number (if such number is known),~~
15 ~~last known address with county of residence, and date of~~
16 ~~conviction, as provided by the Alabama Criminal Justice~~
17 ~~Information Systems.~~

18 "(b) The Secretary of State, upon the receipt of the
19 information pursuant to subsection (a), shall disseminate the
20 information to the appropriate board of registrars to
21 facilitate the continuous purgation of the statewide voter
22 registration list.

23 "§17-4-60.

24 "(a) The Secretary of State shall be the primary
25 state official for federal contact for the implementation of
26 the National Voter Registration Act of 1993 and the Help
27 America Vote Act of 2002.

1 " (b) ~~The State Department of Public Safety~~ Alabama
2 Law Enforcement Agency shall integrate voter registration into
3 driver's license application and renewal or updating
4 procedures and shall coordinate its driver's license database
5 with the state voter registration list and the Social Security
6 Administration's database in accordance with the Help America
7 Vote Act of 2002.

8 " (c) The state through the Secretary of State's
9 office shall allow citizens to register to vote by mail. The
10 voter registration application may be designed by the
11 Secretary of State provided it meets the requirements of the
12 National Voter Registration Act of 1993. The Secretary of
13 State may, however, choose to use federally prescribed forms.

14 " (d) State agencies which provide food stamps,
15 Medicaid, services related to the Women and Infant Children
16 program (WIC), services related to Aid to Families with
17 Dependent Children (AFDC), and agencies providing services to
18 the disabled shall provide voter registration opportunities to
19 their clientele in accordance with the National Voter
20 Registration Act of 1993. The state Department of Corrections
21 and, subject to any agreement under 52 U.S.C.
22 §20506(a) (3) (B) (ii), the federal correctional institutions in
23 Alabama, shall provide these same voter registration
24 opportunities to persons in their custody, as part of the
25 release process leading to their discharge from a correctional
26 facility.

1 "(e) Recruitment offices of the Armed Forces of the
2 United States shall provide voter registration opportunities
3 to their clientele in accordance with the National Voter
4 Registration Act of 1993.

5 "(f) Other public offices and agencies which may
6 provide the voter registration services provided by the
7 National Voter Registration Act of 1993 include public
8 libraries, public schools, offices of municipal clerks,
9 probate offices, state and local revenue offices, unemployment
10 compensation offices, offices providing services to the
11 disabled other than those required in subsection (d) to
12 provide voter registration services, and federal and
13 nongovernmental offices which agree to provide the voter
14 registration services.

15 "(g) Voter registration, confirmation documents, and
16 any other documents necessary to be prescribed by the
17 Secretary of State to meet the requirements of the National
18 Voter Registration Act of 1993 shall be prepared and furnished
19 as provided for in Section 17-3-57.

20 "(h) The Secretary of State, by rule, may prescribe
21 forms in furtherance of state election laws deemed helpful to
22 disabled voters and voters speaking an alternative language to
23 English who, according to the most recent decennial census,
24 comprise more than five percent of the voting age population
25 for any county in Alabama.

26 "§17-11-3.

1 "(a) Any qualified elector of this state may apply
2 for and vote an absentee ballot by mail or by hand delivery,
3 as provided in Sections 17-11-5 and 17-11-9, in any primary,
4 general, special, or municipal election, if he or she makes
5 application in writing therefor not less than five days prior
6 to the election in which he or she desires to vote and meets
7 one of the following requirements:

8 "(1) The person will be out of the county or the
9 state, or the municipality for municipal elections, on
10 election day.

11 "(2) The person has any physical illness or
12 infirmity which prevents his or her attendance at the polls,
13 whether he or she is within or without the county on the day
14 of the election.

15 "(3) The person works on a shift which has at least
16 10 hours which coincide with the hours the polls are open at
17 his or her regular polling place.

18 "(4) The person is enrolled as a student at an
19 educational institution located outside the county of his or
20 her personal residence attendance at which prevents his or her
21 attendance at the polls.

22 "(5) The person is a member of, or spouse or
23 dependent of a member of, the Armed Forces of the United
24 States or is similarly qualified to vote absentee pursuant to
25 the federal Uniformed and Overseas Citizens Absentee Voting
26 Act, 42 U.S.C. 1973ff.

1 "(6) The person has been appointed as an election
2 officer or named as a poll watcher at a polling place other
3 than his or her regular polling place.

4 "(7) The person is incarcerated but remains eligible
5 to vote.

6 "(b) An applicant for an absentee ballot who is a
7 member of the Armed Forces of the United States, including the
8 Alabama National Guard, the United States Naval Reserves, the
9 United States Air Force Reserves, and the United States Army
10 Reserve on active duty or active duty for training or an
11 applicant who is the spouse of any member of the armed forces
12 or any other applicant qualified to vote absentee pursuant to
13 the federal Uniformed and Overseas Citizens Absentee Voting
14 Act, 42 U.S.C. 1973ff, may make application for an absentee
15 ballot by filling out the federal postcard application form,
16 authorized and provided for under the provisions of "The
17 Federal Voting Assistance Act of 1955," Public Law 296,
18 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress
19 1st Session.

20 "(c) Any registered elector who requires emergency
21 treatment of a licensed physician within five days of an
22 election may apply for an emergency absentee ballot for the
23 election and may vote by returning the absentee ballot no
24 later than noon on the day the election is held. The attendant
25 physician shall describe and certify the circumstances as
26 constituting an emergency on a special form designed by the
27 Secretary of State and provided by his or her office to local

1 absentee election managers. The special form shall be attached
2 to the application.

3 "(d) Any registered elector whose name appears on
4 the poll list of qualified voters may vote by an emergency
5 absentee ballot if he or she is required by his or her
6 employer under unforeseen circumstances to be out of the
7 county on an emergency business trip on election day. Under
8 such circumstances, the applicant shall apply for an emergency
9 absentee ballot at the office of the absentee election manager
10 no later than the close of the business day one day prior to
11 the election. The applicant shall complete and file an
12 application form designed by the Secretary of State for
13 emergency absentee voters. The form shall contain an affidavit
14 which the applicant shall sign or swear acknowledging that he
15 or she was not aware of the out-of-county business requirement
16 prior to five days before the election. An applicant who meets
17 the requirements of this subsection may vote by an emergency
18 absentee ballot. After voting the ballot, the voter shall hand
19 the ballot to the absentee election manager.

20 "(e) If the occurrence of a state of emergency as
21 declared in this or any other state, or by the federal
22 government, renders substantial compliance with this article
23 impossible or unreasonable for a group of qualified voters who
24 respond to the emergency, the Secretary of State, pursuant to
25 Section 41-22-5, may promulgate an emergency rule to allow
26 those qualified voters to vote by absentee ballot.
27 Notwithstanding any other laws to the contrary, all expenses

1 and costs incurred by the state or any county in carrying out
2 the responsibilities and duties included in an emergency rule
3 promulgated pursuant to this subsection shall be paid by the
4 State of Alabama from any funds made available for election
5 expenses under state and federal law.

6 "(f) Notwithstanding any other provision of
7 otherwise applicable law, in the event more than one absentee
8 ballot is cast in the name of the single voter, whether any
9 such multiple ballot is cast by mail or otherwise, none of the
10 affidavit envelopes containing the multiple ballots shall be
11 opened, and none of the multiple ballots shall be counted,
12 except in the event of an election contest, upon the order of
13 the election contest tribunal. Upon the conclusion of an
14 election contest or, in the event no such contest is filed,
15 upon the expiration of time for filing such a contest, the
16 multiple ballots shall be provided to the district attorney,
17 with photocopies provided to the state Attorney General, for
18 such investigation, prosecution, or other action as may be
19 appropriate under applicable law.

20 "§17-11-7.

21 "(a) Each absentee ballot shall be accompanied by an
22 envelope upon which shall be printed an affidavit.

23 "(b) With respect to an absentee ballot cast
24 pursuant to Section 17-11-3, the affidavit shall read as
25 follows:

26 ""State of Alabama

27 "County of _____

1 "I, the undersigned, do swear (or affirm) that:

2 "(1) I am a resident of _____ County in the
3 State of Alabama.

4 "(2) My place of residence in Alabama is: _____

5 (street)

6 _____, Alabama _____

7 (city or town)

(zip code)

8 "(3) My voting precinct (or place where I vote)

9 is: _____

10 _____

11 _____

12 "(4) My date of birth is: _____

13 month day year

14
15 "(5) I am entitled to vote an absentee ballot

16 because:

17 "Check only one:

18 "___ I will be out of the county or the state on
19 election day.

20 "___ I am physically incapacitated and will not be
21 able to vote in person on election day.

1 "___ I work a required workplace shift which has at
2 least 10 hours which coincide with the polling hours at my
3 regular polling place.

4 "___ I am a student at an educational institution
5 located outside the county of my permanent residence and am
6 therefore unable to vote at my usual polling place on election
7 day.

8 "___ I am a member of or a spouse or dependent of a
9 member of the Armed Forces of the United States or am
10 otherwise entitled to vote pursuant to the federal Uniformed
11 and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

12 "___ I have been appointed as an election officer at
13 a polling place which is not my regular polling place.

14 "___ I will be out of the county on election day
15 responding to a state of emergency as declared by this state
16 or any other state, or by the federal government.

17 "___ I am eligible to vote because I have not been
18 convicted of a felony involving moral turpitude, but I will be
19 incarcerated and unable to vote in person on election day.

20 "I further swear (or affirm) that I have not voted
21 nor will I vote in person in the election to which this ballot
22 pertains.

23 "I have marked the enclosed absentee ballot
24 voluntarily and I have read or had read to me and understand
25 the instructions accompanying this ballot and I have carefully
26 complied with such instructions.

1 "Moreover, I further swear (or affirm) that all of
2 the information given above is true and correct to the best of
3 my knowledge and that I understand that by knowingly giving
4 false information so as to vote illegally by absentee ballot
5 that I shall be guilty of a misdemeanor which is punishable by
6 a fine not to exceed one thousand dollars (\$1,000) or confine-
7 ment in the county jail for not more than six months, or both.

8 _____
9 (Signature or mark of voter.)

10 _____
11 (Printed name of voter.)

12 "IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF
13 YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF
14 AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO
15 ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE
16 ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.

17 "Sworn to and subscribed before me this _____ day of
18 _____, 2__.

19 "I certify that the affiant is known (or made known)
20 to me to be the identical party he or she claims to be.

21 _____ (Signature of official)

22 (Title of official)

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(Address of official)

OR

1st Witness _____

Signature

Print name

Address

City Zip Code

2nd Witness _____

Signature

Print name

Address

City Zip Code""

1 Section 5. Section 15-22-36.1, Code of Alabama 1975,
2 is repealed.

3 Section 6. There is created a temporary joint
4 legislative oversight committee to exist for a period of three
5 years following the effective date of this act. The committee
6 shall consist of three members of the Legislature, one chosen
7 by the Governor, who shall serve as chair, one by the
8 President of the Senate, and one by the Speaker of the House.
9 The Secretary of State, the Commissioner of the Department of
10 Corrections, and the Attorney General shall serve in advisory
11 capacities upon request of the committee. The committee shall
12 convene a task force of community leaders with expertise in
13 and commitment to the restoration of voting rights to people
14 who have been disfranchised because of felony convictions. The
15 committee shall hold its organizational meeting and select
16 members of the task force within 30 days after passage of this
17 act. The committee shall meet at the call of the chair or any
18 majority of members thereof, provided that the committee shall
19 meet at least once every three months. Members of the task
20 force shall be invited to all committee meetings unless a
21 majority of committee members objects. The committee may meet,
22 act, and conduct its business during the sessions of the
23 Legislature, or any recess thereof, and in the interim period
24 between sessions. The chief responsibility of the committee
25 shall be to monitor the implementation of this act. The
26 committee shall report any findings and recommendations to the

1 Legislature no later than the seventh legislative day of each
2 regular session.

3 Section 7. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law. Upon taking effect,
6 it shall have retroactive application to all persons who are
7 eligible to vote under its terms, regardless of whether they
8 were convicted or discharged from incarceration prior to its
9 effective date.