

1 SB221
2 96527-1
3 By Senator Sanders
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under current law, individuals convicted of
9 felonies involving moral turpitude may only regain
10 the right to vote after they complete several
11 requirements, including paying all fines, court
12 costs, fees, and victim restitution. The Attorney
13 General has interpreted this to require the payment
14 of all court ordered payments related to any
15 convictions of the individuals including
16 convictions that did not cause disenfranchisement,
17 such as felonies that do not involve moral
18 turpitude and misdemeanors.

19 This bill would specify that only those
20 fines, costs, fees, and victim restitution
21 associated with convictions resulting in
22 disenfranchisement are to be considered when
23 determining whether the person is eligible to
24 regain the right to vote.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 15-22-36.1 of the Code of Alabama
4 1975, relating to the restoration of voting rights; to specify
5 that the requirement that all fines, costs, fees, and victim
6 restitution be paid in order to be eligible to apply for the
7 restoration of voting rights would apply only to any
8 disenfranchising convictions.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 15-22-36.1 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§15-22-36.1.

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

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

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

23 "(3) The person has paid all fines, court costs,
24 fees, and victim restitution ordered by the sentencing court
25 for any disenfranchising conviction.

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

1 "a. The person has been released upon completion of
2 sentence.

3 "b. The person has been pardoned.

4 "c. The person has successfully completed probation
5 or parole and has been released from compliance by the
6 ordering entity.

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

10 "(c) Upon receipt of an application under this
11 section, investigation of the request shall be assigned
12 forthwith to an officer of the state Board of Pardons and
13 Paroles. The assigned officer shall verify, through court
14 records, records of the board, and records of the Department
15 of Corrections, that the applicant has met the qualifications
16 set out in subsection (a). The officer shall draft a report of
17 his or her findings and make a recommendation concerning
18 whether the offender has successfully completed his or her
19 sentence and has complied with all the eligibility
20 requirements provided in subsection (a).

21 "(d) After completing the investigation set out in
22 subsection (c), the officer shall submit his or her report of
23 investigation and recommendation to the Executive Director of
24 the Board of Pardons and Paroles, who shall refer the report
25 and recommendation to a senior staff member to determine
26 whether the applicant has met the qualifications set out in
27 subsection (a).

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

23 "(f) In the event a board member objects to the
24 issuance of a Certificate of Eligibility to Register to Vote
25 on the basis that the criteria set out in subsection (a) have
26 not been met, the matter shall be referred to the next hearing
27 docket of the board, without regard to any other provision of

1 law affecting the setting of a hearing date, for the board to
2 determine whether the applicant has met the criteria
3 established by subsection (a). In the event the board
4 determines, by a majority vote, that the criteria have been
5 met, the executive director shall forthwith issue a
6 Certificate of Eligibility to Register to Vote to the
7 applicant. Upon a determination by the board that the criteria
8 have not been met, the applicant shall be notified of the
9 reasons the Certificate of Eligibility to Register to Vote
10 will not be issued, and that upon satisfaction of all
11 outstanding requirements, a new application may be submitted
12 by the applicant.

13 "(g) A person who has lost his or her right to vote
14 by reason of conviction in a state or federal court for any of
15 the following will not be eligible to apply for a Certificate
16 of Eligibility to Register to Vote under this section:

17 Impeachment, murder, rape in any degree, sodomy in any degree,
18 sexual abuse in any degree, incest, sexual torture, enticing a
19 child to enter a vehicle for immoral purposes, soliciting a
20 child by computer, production of obscene matter involving a
21 minor, production of obscene matter, parents or guardians
22 permitting children to engage in obscene matter, possession of
23 obscene matter, possession with intent to distribute child
24 pornography, or treason.

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

1 Section 2. This act shall become operative after any
2 necessary preclearance from the U.S. Justice Department
3 pursuant to the federal Voting Rights Act.

4 Section 3. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.