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3 SENATE C&E COMMITTEE SUBSTITUTE FOR SB186  
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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

1 AN ACT

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

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 15-22-36.1, Code of Alabama  
16 1975, is amended to read as follows:

17 "§15-22-36.1.

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

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

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

3           "(3) The person has paid all fines, court costs,  
4 fees, and victim restitution ordered by the sentencing court  
5 at the time of sentencing on disqualifying cases.

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

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

9           b. The person has been pardoned.

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

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

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

1 his or her sentence and has complied with all the eligibility  
2 requirements provided in subsection (a).

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

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

1 ~~senior staff member that any of the criteria have not been~~  
2 ~~met, the applicant shall be notified of the reasons the~~  
3 ~~Certificate of Eligibility to Register to Vote will not be~~  
4 ~~issued and that upon satisfaction of all outstanding~~  
5 ~~requirements, a new request may be submitted by the applicant~~  
6 If the report created pursuant to subsection (c) states that  
7 the applicant has met all of the eligibility criteria set  
8 forth in subsection (a), and the executive director or his or  
9 her designee attests that the report has been submitted  
10 properly and accurately, the Board of Pardons and Paroles  
11 shall issue a Certificate of Eligibility to Register to Vote  
12 to the applicant within 14 days of receipt of the report by  
13 the executive director.

14 " (f) ~~In the event a board member objects to the~~  
15 ~~issuance of a Certificate of Eligibility to Register to Vote~~  
16 ~~on the basis that the criteria set out in subsection (a) have~~  
17 ~~not been met, the matter shall be referred to the next hearing~~  
18 ~~docket of the board, without regard to any other provision of~~  
19 ~~law affecting the setting of a hearing date, for the board to~~  
20 ~~determine whether the applicant has met the criteria~~  
21 ~~established by subsection (a). In the event the board~~  
22 ~~determines, by a majority vote, that the criteria have been~~  
23 ~~met, the executive director shall forthwith issue a~~  
24 ~~Certificate of Eligibility to Register to Vote to the~~  
25 ~~applicant. Upon a determination by the board that the criteria~~  
26 ~~have not been met, the applicant shall be notified of the~~

1 ~~reasons the Certificate of Eligibility to Register to Vote~~  
2 ~~will not be issued, and that upon satisfaction of all~~  
3 ~~outstanding requirements, a new application may be submitted~~  
4 ~~by the applicant~~ If the report created pursuant to subsection  
5 (c) states that the applicant has not met all of the  
6 eligibility criteria set forth in subsection (a), and the  
7 executive director or his or her designee attests that the  
8 report has been submitted properly and accurately, the Board  
9 of Pardons and Paroles shall not issue a Certificate of  
10 Eligibility to Register to Vote and shall notify the applicant  
11 of the decision and reason or reasons for the decision within  
12 14 days of receipt of the report by the executive director.  
13 The applicant, upon completion of the eligibility requirement  
14 in subsection (a) for restoration of his or her rights, may  
15 submit a new application at any time.

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

1 obscene matter, possession with intent to distribute child  
2 pornography, or treason.

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

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

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