

1 SB154  
2 79294-1  
3 By Senator Singleton  
4 RFD: Judiciary  
5 First Read: 10-JAN-06

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7  
8 SYNOPSIS: Under existing law, there is an established  
9 procedure for the restoration of voting rights of  
10 felons who have satisfactorily completed conditions  
11 of their sentence. Restoration of voting rights is  
12 made through an application to the Board of Pardons  
13 and Parole.

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

19 This bill would specify responsibilities of  
20 the Secretary of State concerning such voter  
21 restoration.

22 This bill would amend certain existing  
23 sections of the Code of Alabama 1975, to conform  
24 with such restoration process and would amend  
25 provisions relating to absentee voting to expressly  
26 apply to persons who are eligible to vote and are  
27 incarcerated.

1                   This bill would also establish a temporary  
2                   legislative oversight committee and a task force to  
3                   monitor the restoration of voting rights.

4                   This bill would have retroactive effect.

5  
6                   A BILL  
7                   TO BE ENTITLED  
8                   AN ACT  
9

10                   To provide for the Alabama Restoration of Voting  
11                   Rights Act, to amend Sections 17-3-10, 17-4-212, 17-4-250,  
12                   17-10-3, and 17-10-7, Code of Alabama 1975; to provide that a  
13                   person who has been convicted of a felony involving moral  
14                   turpitude would have his or her voting rights restored when he  
15                   or she is discharged from incarceration; to establish a  
16                   temporary legislative oversight committee; to repeal Section  
17                   15-22-36.1, Code of Alabama 1975; and to provide for a  
18                   retroactive effect.

19                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22                   Section 2. The Legislature finds and declares the  
23                   following:

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

26                   (2) Voting is both a fundamental right and a civic  
27                   duty. Restoring the right to vote strengthens our democracy by

1 increasing voter participation and helps people who have  
2 completed their incarceration to reintegrate into society.

3 (3) Under current Alabama felony disfranchisement  
4 law, more than 132,000 non-African-Americans and more than  
5 130,000 African-Americans have lost the right to vote. The law  
6 has a disproportionate impact on minority communities. Nearly  
7 one in three African-American men in Alabama has lost the  
8 right to vote because of a felony conviction.

9 (4) The restoration of voting rights through  
10 application to the Board of Pardons and Paroles for a  
11 Certificate of Eligibility to Register to Vote under Section  
12 15-22-36.1, Code of Alabama 1975, has proved cumbersome for  
13 both applicants and the board. The current system imposes  
14 economic and administrative burdens on the state and is costly  
15 for Alabama taxpayers. Streamlining the restoration process  
16 will advance administrative efficiency, fiscal responsibility,  
17 fairness, and democracy.

18 (5) The purposes of this act are to strengthen  
19 democratic institutions by increasing participation in the  
20 voting process, to help people who have completed their  
21 incarceration to become productive members of society, and to  
22 streamline procedures for restoring their right to vote.

23 Section 3. (a) Except in cases of treason or  
24 impeachment, a person who has been convicted of a felony  
25 involving moral turpitude shall be restored the right to vote  
26 in a federal, state, or municipal election in Alabama when  
27 that person is discharged from incarceration.

1           (b) Before accepting a plea of guilty or nolo  
2           contendere to a felony involving moral turpitude, and before  
3           imposing sentence for such a felony after trial, the court  
4           shall notify the defendant that conviction will result in loss  
5           of the right to vote only if and for as long as the person is  
6           incarcerated and that voting rights are restored upon  
7           discharge.

8           (c) The Department of Corrections and, subject to  
9           their agreement under 42 U.S.C. §1973gg-5(a)(3)(B)(ii), the  
10          federal correctional institutions in Alabama shall act as  
11          voter registration agencies in accordance with Section  
12          17-4-250(d), Code of Alabama 1975. In this capacity, and as  
13          part of the release process leading to a person's discharge  
14          from a correctional facility, the Department of Corrections or  
15          the federal correctional institutions in Alabama shall notify  
16          that person in writing that voting rights will be restored;  
17          provide that person with a voter registration form, including  
18          a section for indicating acceptance or declination of voter  
19          registration services; and offer that person assistance in  
20          filling out the form. Unless the registrant refuses to permit  
21          it to do so, the Department of Corrections or the federal  
22          correctional institution shall transmit the completed voter  
23          registration form to the county boards of registrars in the  
24          same manner and according to the same administrative rules as  
25          govern other voter registration agencies designated in Section  
26          17-4-250(d), Code of Alabama 1975.

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

13           (1) Name.

14           (2) Date of birth.

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

16           (4) Date of conviction.

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

19           (e) The Secretary of State shall ensure that the  
20 computerized statewide voter registration list is purged of  
21 the names of persons who are ineligible to vote because of  
22 their incarceration upon conviction of a felony involving  
23 moral turpitude. The Secretary of State shall ensure that the  
24 names of persons who are eligible and registered to vote  
25 following their discharge from incarceration are added to the  
26 computerized statewide voter registration list in the same

1 manner as all other names are added to that list, in  
2 accordance with Section 17-4-210, Code of Alabama 1975.

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

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

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

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

23 (3) The language on voter registration forms makes  
24 clear that a person is disqualified from voting while serving  
25 a prison sentence on a conviction of a felony involving moral  
26 turpitude and that the person regains the right to vote when  
27 discharged from incarceration.

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

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

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

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

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

21           Section 4. Section 17-3-10, 17-4-212, 17-4-250,  
22 17-10-3, and 17-10-7, Code of Alabama 1975, are amended to  
23 read as follows:

24           "§17-3-10.

25           "Any person who is disqualified by reason of  
26 conviction of any of the offenses mentioned in Article VIII of  
27 the Constitution of Alabama, except treason and impeachment,

1 whether the conviction was had in a state or federal court,  
2 and who has been pardoned, may be restored to his or her  
3 citizenship with right to vote by the State Board of Pardons  
4 and Paroles when specifically expressed in the pardon. If  
5 otherwise qualified, such person shall be permitted to  
6 register or reregister as an elector upon submission of a copy  
7 of the pardon document to the board of registrars or deputy  
8 registrars of the county of his or her residence. ~~In addition,~~  
9 ~~any person who has been granted a Certificate of Eligibility~~  
10 ~~to Register to Vote by the Board of Pardons and Paroles~~  
11 ~~pursuant to § 15-22-36.1, shall be permitted to register or~~  
12 ~~reregister as an elector upon submission of a copy of the~~  
13 ~~certificate to the board of registrars or deputy registrars of~~  
14 ~~the county of his or her residence.~~

15 "§17-4-212.

16 "To continuously and automatically identify the  
17 names of persons to be purged from the voters' list, the  
18 appropriate state departments or agencies shall provide to the  
19 Secretary of State, as such information is recorded by the  
20 departments, the names and identifying information set out  
21 below of any person age 18 or older who: ~~(1) Have~~ has died,  
22 with date of birth and Social Security number (if such number  
23 is known), last known address with county of residence, and  
24 date of death, as provided by the Bureau of Vital Statistics  
25 of the State Health Department; ~~and.~~

26 ~~"(2) Have been convicted of a felony with date of~~  
27 ~~birth and Social Security number (if such number is known),~~

1 ~~last known address with county of residence, and date of~~  
2 ~~conviction, as provided by the Alabama Criminal Justice~~  
3 ~~Information Systems.~~

4 "§17-4-250.

5 "(a) The Secretary of State shall be the primary  
6 state official for federal contact for the implementation of  
7 the National Voter Registration Act of 1993 and the Help  
8 America Vote Act of 2002.

9 "(b) The State Department of Public Safety shall  
10 integrate voter registration into driver's license application  
11 and renewal or updating procedures and shall coordinate its  
12 driver's license database with the state voter registration  
13 list and the Social Security Administration's database in  
14 accordance with the Help America Vote Act of 2002.

15 "(c) The state through the Secretary of State's  
16 Office shall allow citizens to register to vote by mail. The  
17 voter registration application may be designed by the  
18 Secretary of State provided it meets the requirements of the  
19 National Voter Registration Act of 1993. The Secretary of  
20 State may, however, choose to use federally prescribed forms.

21 "(d) State agencies which provide food stamps,  
22 Medicaid, services related to Women and Infant Children  
23 program (WIC), services related to Aid to Families with  
24 Dependent Children (AFDC), and agencies providing services to  
25 the disabled shall provide voter registration opportunities to  
26 their clientele in accordance with the National Voter  
27 Registration Act of 1993. The Department of Corrections and,

1 subject to their agreement under 42 U.S.C.  
2 §1973gg-5(a)(3)(B)(ii), the federal correctional institutions  
3 in Alabama shall provide these same voter registration  
4 opportunities to persons in their custody, as part of the  
5 release process leading to their discharge from a correctional  
6 facility.

7 "(e) Recruitment offices of the armed forces of the  
8 United States shall provide voter registration opportunities  
9 to their clientele in accordance with the National Voter  
10 Registration Act of 1993.

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

21 "(g) Voter registration, confirmation documents, and  
22 any other documents necessary to be prescribed by the  
23 Secretary of State to meet the requirements of the National  
24 Voter Registration Act of 1993 shall be prepared and furnished  
25 as provided for in Sections 17-4-126 and 17-4-137.

26 "(h) The Secretary of State, by rule, may prescribe  
27 forms in furtherance of state election laws deemed helpful to

1 disabled voters and voters speaking an alternative language to  
2 English who, according to the most recent decennial census,  
3 comprise more than five percent of the voting age population  
4 for any county in Alabama.

5 "§17-10-3.

6 "(a) Any qualified elector of this state (1) who  
7 will be out of the county or the state on election day or (2)  
8 who has any physical illness or infirmity which prevents his  
9 or her attendance at the polls, whether he or she is within or  
10 without the county on the day of the election, or (3) who  
11 works on a shift which has at least 10 hours which coincide  
12 with the hours the polls are open at his or her regular  
13 polling place, or (4) who is enrolled as a student at an  
14 educational institution located outside the county of his or  
15 her personal residence attendance at which prevents his or her  
16 attendance at the polls, or (5) who is a member of, or spouse  
17 or dependent of a member of, the armed forces of the United  
18 States or is similarly qualified to vote absentee pursuant to  
19 the federal Uniformed and Overseas Citizens Absentee Voting  
20 Act, 42 U.S.C. 1973ff, or (6) who has been appointed as an  
21 election officer or named as a poll watcher at a polling place  
22 other than his or her regular polling place, or (7) who is  
23 incarcerated but remains eligible to vote may apply for and  
24 vote an absentee ballot by mail or by hand delivery, as  
25 provided in Sections 17-10-5 and 17-10-9, in any primary,  
26 general, special, or municipal election, provided he or she  
27 makes application in writing therefor not less than five days

1 prior to the election in which he or she desires to vote as  
2 authorized in this chapter.

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

16 "(c) Notwithstanding any other provision of  
17 otherwise applicable law, in the event more than one absentee  
18 ballot is cast in the name of the single voter, whether any  
19 such multiple ballot is cast by mail or otherwise, none of the  
20 affidavit envelopes containing said multiple ballots shall be  
21 opened, and none of said multiple ballots shall be counted,  
22 except in the event of an election contest, upon the order of  
23 the election contest tribunal. Upon the conclusion of an  
24 election contest or, in the event no such contest is filed,  
25 upon the expiration of time for filing such a contest, said  
26 multiple ballots shall be provided to the district attorney,  
27 with photocopies provided to the state Attorney General, for

1 such investigation, prosecution, or other action as may be  
2 appropriate under applicable law.

3 "§17-10-7.

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

6 "(b) With respect to an absentee ballot cast  
7 pursuant to Section 17-10-3(a), said affidavit shall read as  
8 follows:

9 ""State of Alabama

10 "County of \_\_\_\_\_

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

12 "(1) I am a resident of \_\_\_\_\_ County in the  
13 State of Alabama.

14 "(2) My place of residence in \_\_\_\_\_  
15 Alabama is:

16 (street)

17 \_\_\_\_\_ Alabama \_\_\_\_\_

18 (city or town)

(zip code)

19 "(3) My voting precinct (or place where I vote)  
20 is: \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_



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

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

7                   "I have marked the enclosed absentee ballot  
8 voluntarily and I have read or had read to me and understand  
9 the instructions accompanying this ballot and I have carefully  
10 complied with such instructions.

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

18 \_\_\_\_\_

19 (Signature or mark of voter.)

20 \_\_\_\_\_

21 (Printed name of voter.)

22                   "IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), OR IF  
23 YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF

1 AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO  
2 ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE  
3 ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.

4 "Sworn to and subscribed before me this \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2\_\_.

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

8 \_\_\_\_\_ (Signature of official)

9 (Title of official)

10 \_\_\_\_\_

11 (Address of official)

12 OR

13 1st Witness \_\_\_\_\_

14 Signature

15 \_\_\_\_\_

16 Print name

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\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code

2nd Witness \_\_\_\_\_

Signature

\_\_\_\_\_

Print name

\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code""

13                   Section 5. There is created a temporary joint  
14 legislative oversight committee to exist for a period of three  
15 years following the effective date of this act. The committee

1 shall consist of three members of the Legislature, one chosen  
2 by the Governor, who shall serve as chair, one by the  
3 Lieutenant Governor, and one by the Speaker of the House. The  
4 Secretary of State, the Commissioner of the Department of  
5 Corrections, and the Attorney General shall serve in advisory  
6 capacities upon request of the committee. The committee shall  
7 convene a taskforce of community leaders with expertise in and  
8 commitment to the restoration of voting rights to people who  
9 have been disfranchised because of felony convictions. The  
10 committee shall hold its organizational meeting and select  
11 members of the taskforce within 30 days after passage of this  
12 act. The committee shall meet at the call of the chair or any  
13 majority of members thereof, provided that the committee shall  
14 meet at least once every three months. Members of the  
15 taskforce shall be invited to all committee meetings unless a  
16 majority of committee members objects. The committee may meet,  
17 act, and conduct its business during the sessions of the  
18 Legislature, or any recess thereof, and in the interim period  
19 between sessions. The chief responsibility of the committee  
20 shall be to monitor the implementation of this act. The  
21 committee shall report any findings and recommendations to the  
22 Legislature no later than the seventh legislative day of each  
23 regular session.

24 Section 6. All laws or parts of laws which conflict  
25 with this act are repealed, and Section 15-22-36.1, Code of  
26 Alabama 1975, is specifically repealed.

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