



Restoration of Voting Rights for Certain Ex-Felons in Alabama – Law and Process

In 2003, the Alabama Legislature amended the 1975 Code of Alabama (state law) to provide for an ex-felon, with exceptions, who has fulfilled all sentence requirements to have his or her voting rights restored. Here is information about this law and how to get a Certificate of Eligibility to Register to Vote. See in this document:

- **AL Legislative Act Providing for Restoration of Voting Rights**
- **AL Code Providing for Restoration of Voting Rights**
- **Process for Restoration of Voting Rights** – from the Alabama Board of Pardons and Paroles Pardon Unit. See **part 2 for restoration of voting rights.** (This information also includes the process for applying for a full pardon.)

AL Legislative Act Providing for Restoration of Voting Rights

Act 2003-415, HB3 was passed in the 2003 2nd special session of the Alabama Legislature (on Sept. 25, 2003) to provide for the restoration of voting rights by certain ex-felons. The act "...provide[s] a procedure for the restoration of eligibility to register to vote of former probationers, parolees, and inmates who have satisfactorily completed conditions of their sentence."*

*From the Alabama Legislative Reference Service at
<http://www.examiners.state.al.us/FormPub/2003Summ-2ndSpec.pdf>

AL Code Providing for Restoration of Voting Rights

Code of Alabama 1975, Section 15-22-36.1

at <http://www.legislature.state.al.us/CodeofAlabama/1975/15-22-36.1.htm>

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

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

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

(3) The person has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court.

(4) Any of the following are true:

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

b. The person has been pardoned.

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

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

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

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

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

the criteria have not been met, the applicant shall be notified of the reasons the Certificate of Eligibility to Register to Vote will not be issued and that upon satisfaction of all outstanding requirements, a new request may be submitted by the applicant.

(f) In the event a board member objects to the issuance of a Certificate of Eligibility to Register to Vote on the basis that the criteria set out in subsection (a) have not been met, the matter shall be referred to the next hearing docket of the board, without regard to any other provision of law affecting the setting of a hearing date, for the board to determine whether the applicant has met the criteria established by subsection (a). In the event the board determines, by a majority vote, that the criteria have been met, the executive director shall forthwith issue a Certificate of Eligibility to Register to Vote to the applicant. Upon a determination by the board that the criteria have not been met, the applicant shall be notified of the reasons the Certificate of Eligibility to Register to Vote will not be issued, and that upon satisfaction of all outstanding requirements, a new application may be submitted by the applicant.

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

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

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Process for Restoration of Voting Rights

The following information is quoted from information obtained from the Alabama Board of Pardons and Paroles Pardon Unit in August, 2004. See part 2 for restoration of voting rights. For updated information, go to

<http://www.pardons.state.al.us/alabpp/main/ALABPP%20MAIN.htm>

There click on "Pardons & Voter Restoration."

This office has two procedures in place at this time [August, 2004] to restore the rights of ex-felons.

1.) Full Pardon

A MI pardon can be granted if an individual's sentence is complete or he/ she has completed three consecutive years of successful parole. The full pardon would restore all civil and political rights forfeited by a felony conviction. This is a very lengthy process that can take anywhere from six months to a year and a half to complete, just depending on the case and the information that is needed and also the backlog of the pardon unit at the time the request is made.

To begin the Pardon process, the individual may contact this office and make an application over the telephone. After the application has been taken, I will send a copy of the request to the District Supervisor over the Probation and Parole office in the county which your client resides. The District Supervisor will then assign the pardon request to one of the officers in that county and the officer will contact the applicant. This officer will contact the applicant and conduct an interview. He will then begin the investigative process. A background check will be conducted to ensure that we have all the charges needed to include on the pardon. If a disqualifying charge is not included on a pardon certificate, the pardon is basically no good. A DNA sample may be required, if so, the officer will instruct the client on how this will be conducted. We are required by Law to have a DNA sample on file before the Pardon can be granted.

Once the interview process has been completed, the officer will send the necessary information back to the Pardon Unit in Montgomery. An Officer will then review the file to ensure that we have all the necessary information to set the hearing. This step of the process may be lengthy at times for the simple fact; we only have two officers here in the office who reviews those files. After the case is reviewed it is set for a hearing in front of the Parole Board.

We will send out notices to notify the applicant and the appropriate officials that there will be a hearing held. If the convictions were not violent cases, then the applicant will be notified 30 days prior to the hearing. If the convictions were violent offenses, then, by law, we are required to give 60 days notice so that any victims can be notified.

The Hearing is an open-public hearing, which means anyone who wants to attend the hearing may attend. The Parole Board will look over the file. If the applicant is present, they may give him a chance to speak on his behalf. If he is not present, they will make a decision based on the information in the file. Either way, the Board will make a decision at the hearing and the applicant will be informed as to whether the Pardon was granted or denied.

The board can grant a full pardon, which will restore all Civil and Political Rights, but they can also grant a partial pardon. The Board has the right to put any restriction they wish, on the pardon. Here is a list of restrictions:

- 1) **Gun Rights** — Your client will not be allowed to ship, transport, possess or receive any firearms.
- 2) **Habitual Offender**- If the Individual is convicted again of a felony, then the courts could use the conviction on the pardon towards convicting the individual as a Habitual Offender. This restriction is on every basic pardon now.
- 3) **Community Notification**- If the Conviction was a sex offense, then the Board can grant a Pardon but apply this restriction to the pardon. If this restriction is applied, then the applicant is still under the rules and regulations of the Community Notification Act.
- 4) **Restitution**- If this restriction is added to the pardon then the applicant is still under obligation to pay any and all restitution and court costs that have not been paid.

Any and all of these restrictions can be added to a pardon.

2.)Voter Right Restoration:

This request, if granted, would restore only the voter rights of the individual. The requirements for this procedure are as follows:

- I) The individual's sentence must be complete.
- 2) All court costs, restitution , fines and fees must be paid in full
- 3) The individual could have been convicted any sex offense or a murder charge.

This process normally takes just a 45 days, again depending on the backlog of the Pardon Unit at the time the application is made.

If this individual meets the above state requirements, they can contact this office and an application can be taken. The application is then sent to a District Supervisor and that Supervisor will then assign it to the Probation and Parole Office in the County in which the individual resides. That Probation Officer will then complete the paperwork which indicates that the individual has met the above state requirements. The officer will forward this paperwork to the Pardon Unit.

Once the paperwork is received in the Pardon Unit, it is assigned to an officer in the Pardon Unit to review and it is processed. Once the paperwork has successfully been processed, the individual will be sent a Certificate of Voter Rights Restoration. The subject is then given the opportunity to continue with the Full Pardon Process.

If the individual would like to send the necessary information to our office we need the following information:

- 1) Full Name at the time of conviction
- 2) Race/Sex
- 3) Date of Birth
- 4) AIS # (if applicable)

- 5) Social Security Number
- 6) Current Physical Address, Including County/Mailing Address (if different)
- 7) Home Telephone Number
- 8) Work Telephone Number (if applicable)
- 9) Whether the conviction was State or Federal
- 10) County of Conviction
- 11) Year of Conviction
- 12) What the individual was convicted of.

Please have the individual make note of which process he or she would like to continue with. This information can be mailed to:

Alabama Board of Pardons and Paroles Attn: Pardon Unit
301 S. Ripley Street
PO Box 302405
Montgomery, AL 36130-2405

Or you may contact this office at 334-242-8730, and the information can be taken over the telephone.

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