

VOTING RIGHTS RESTORATION

A Manual for Activists and Advocates to Help
People with Convictions Vote in Alabama



For more information or assistance

202-736-2201

alabamavotingrights.com

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Introduction

For more than a century, Alabama's county officials decided which felonies disqualified voters.

This meant that every county in Alabama had different standards on who got to vote. This relic of the Jim Crow era disproportionately affected people of color and the poor, effectively silencing the voices of over 280,000 Alabamians.

By passing the Definition of Moral Turpitude Act (HB 282) in 2017, Alabama finally clarified which felonies, state or federal, will not disqualify Alabamians from voting and started the process on restoring the right to vote to tens of thousands of people. Those Alabamians can now register to vote; even if they were previously told they could not.

Tens of thousands of additional Alabamians may be eligible to restore their right to vote through a simple application to the state. Unfortunately, the vast majority of people enfranchised by the new law do not know about the law and their newly restored voting rights, in large part because the state of Alabama and its Secretary of State John Merrill have not engaged in a widespread public education campaign to correct the misinformation spread prior to the passage of the new law.

The Alabama Voting Rights Projects hopes to convey a simple message across the state: a felony conviction does not automatically mean you lose your right to vote.

This manual first details how you can determine what a person's path to rights restoration will look like: if they ever lost their right to vote, whether they can apply to the state to have it restored, if they will need to remit their fines and fees, or if they will need a pardon. It also includes contact information for some groups who can help further. Our website and organizers can provide templates of the paperwork a person might need to complete.

We hope that this information and material will be of use to anyone who seeks to strengthen democracy and their communities by empowering those whose voices have been silenced by felony disenfranchisement.

Working with Disenfranchised Citizens

When assisting people with convictions, it is important to keep in mind that they may have particular sensitivities and privacy concerns. So, please:

- Be welcoming and personable. Understand that there can be guilt and stigma associated with having a criminal record.
- Be patient. The person you are helping may be emotional or nervous in recalling the details of their conviction. Be aware that other issues may be involved, such as mental health concerns or disability. The person may need assistance with reading and writing.
- Respect the privacy of the person you are assisting. Keep the conversation private by speaking at a reasonable volume and finding a space away from others. All assistance should be confidential.
- Do not pry into their personal business. Questions of innocence or morality regarding their conviction should not be discussed.
- Do not pass judgment. It is important to enter this work aware of your own biases. Be mindful of your tone of voice and facial expressions. Do not talk down to the people you are assisting.

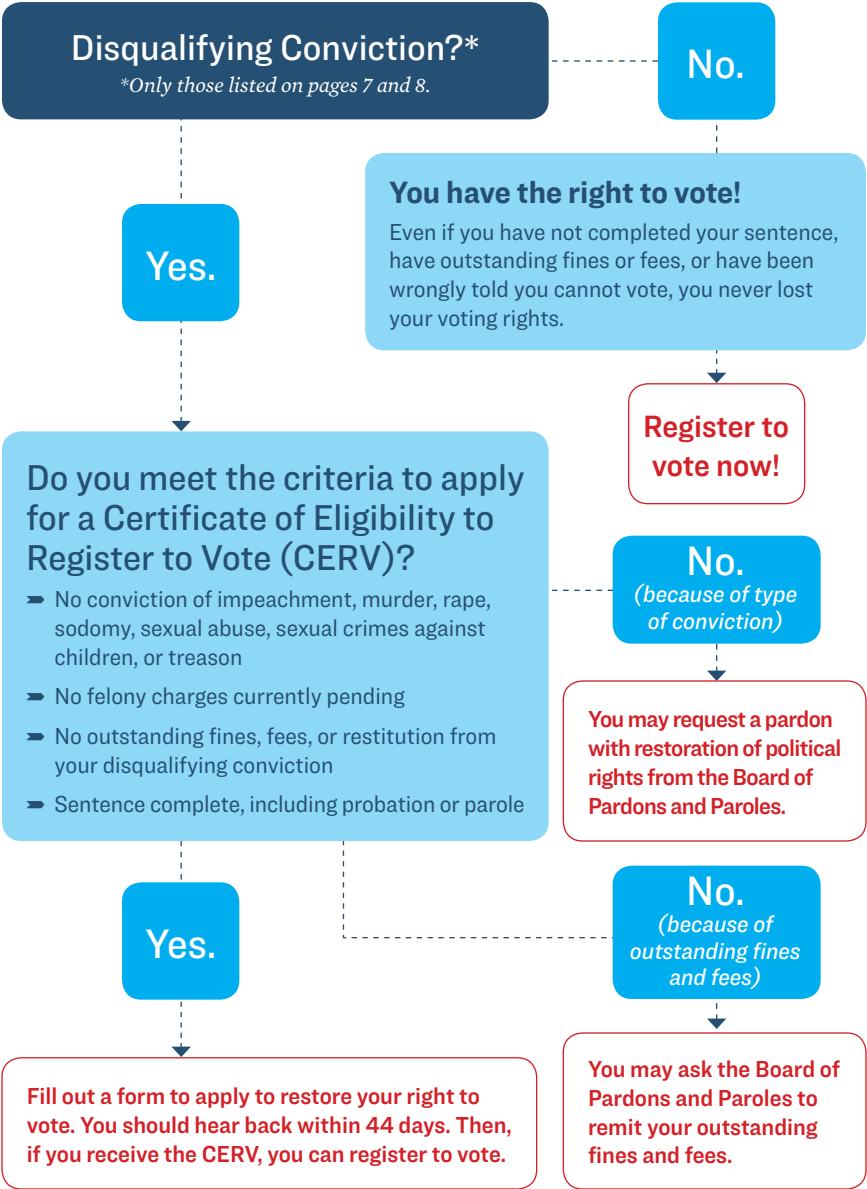
The bottom line is to remember that all people deserve dignity and respect.

The Path to Rights Restoration

This section details the steps to determining the voting rights of people with convictions in Alabama. It will help you determine whether an individual has the right to vote or has the ability to restore their right to vote. It includes details covering a range of possible situations. For most people, rights restoration is not complicated. Helping someone restore their rights can be as simple as glancing at the list of disqualifying convictions. If a person does not have a conviction on the disqualifying list, they can immediately register to vote. Even if a person needs to fill out the required paperwork to restore their rights, it often should not take more than ten minutes.

The Path to Voting Rights Restoration

DIAGRAM



DISQUALIFYING FELONIES IN ALABAMA

If someone has not been convicted of one of the following, then they never lost their right to vote, and are eligible to register now. See step 2 (page 11) for information on how to register to vote. Even if someone does have one or more of the convictions on this list, they may be eligible to restore their right to vote. Skip to step 3 (page 15) to see if they are eligible to restore their rights.

- Aggravated child abuse
- Assault (1st or 2nd degree)
- Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime
- Bigamy
- Burglary (1st or 2nd degree)
- Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime
- Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Distribution, possession with intent to distribute, production of, or offer or agreement to distribute or produce obscene material
- Electronic solicitation of a child
- Endangering the water supply
- Enticing a child to enter a vehicle for immoral purposes
- Facilitating solicitation of unlawful sexual conduct with a child
- Facilitating the online solicitation of a child
- Facilitating the travel of a child for an unlawful sex act
- Forgery (1st or 2nd degree)
- Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon
- Hindering prosecution of terrorism
- Human trafficking (1st or 2nd degree)
- Incest
- Kidnapping (1st or 2nd degree)
- Manslaughter
- Murder (including non-Capital, reckless, and felony murder)

(continued on next page)

DISQUALIFYING FELONIES IN ALABAMA

- Parents or guardians permitting children to engage in production of obscene matter
- Possession and possession with intent to disseminate of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon
- Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device
- Possession or distribution of a hoax device represented as a destructive device or weapon
- Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts
- Production or distribution of a destructive device or weapon intended to cause injury or destruction
- Prohibited acts in the offer, sale, or purchase of securities
- Rape (1st or 2nd degree)
- Robbery (1st, 2nd, or 3rd degree)
- Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age
- Sexual abuse (1st or 2nd degree)
- Sexual abuse of a child under 12 years old
- Sexual torture
- Sodomy (1st or 2nd degree)
- Soliciting or providing support for an act of terrorism
- Terrorism
- Theft of lost property (1st or 2nd degree)
- Theft of property (1st or 2nd degree)
- Theft of trademarks or trade secrets
- Torture or other willful maltreatment of a child under the age of 18
- Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine or methamphetamine
- Traveling to meet a child for an unlawful sex act
- Treason

Out of State and Federal Convictions

If someone you are assisting has a conviction from a state other than Alabama or a conviction from a federal court, the process will be slightly different.

Under Alabama law, a person does not lose their right to vote unless they have one of the disqualifying convictions listed on the previous page or if they have an equivalent conviction from another state or federal court.

This means that a conviction from another state would not be disqualifying unless it is statutorily the same as one of the disqualifying convictions in Alabama. For example, though some states consider driving under the influence a felony, that conviction will never disqualify someone from voting in Alabama because there is no similar conviction on the disqualifying list.¹

Similarly, a federal conviction will not disqualify someone from voting unless its language matches one of the Alabama disqualifying convictions, even if the federal court of conviction was located in Alabama.

Frequently, the question of whether a conviction in one state or in federal court is disqualifying in Alabama will require a legal analysis. Please contact the Alabama Voting Rights Project for assistance. Do not assume that just because a conviction has the same name as one of the convictions on the disqualifying list that it will be disqualifying. For example, it is our position that federal drug trafficking convictions² are not equivalent to Alabama's drug trafficking conviction, therefore they are not disqualifying. Similarly, do not assume that simply because a conviction's name is not exactly the same any on the disqualifying list that it is not disqualifying. What matters are the elements of the crime, not the name of the conviction.

We encourage you to reach out to us for assistance with out of state and federal convictions.

¹ For purposes of this example we are assuming that the DUI conviction is not tied in with any other convictions, for example, assault or manslaughter, which might be disqualifying in Alabama.

² 21 U.S.C. 841(a).

Step 1: Checking whether the person's conviction was disqualifying

Ask the person you are helping if they remember their exact conviction(s). Check the list on pages 7-8 to see if the conviction(s) is on the list. If the felony is NOT on that list, the person never lost their right to vote. That means that they are eligible to register to vote now and need not take additional steps. This is true regardless of whether they are currently incarcerated and whether they owe any legal financial obligations to the state. Skip to step 2 for information on registration.

If a person does have a disqualifying conviction, skip to step 3 for more information about rights restoration.

- Ask about the degree of a person's conviction. Many convictions in the third degree are not on the list, such as burglary 3rd.
- There are no drug-related crimes on the list except trafficking. Distribution and possession convictions are not disqualifying.
- Crimes prosecuted under the youthful offender statutes are not disqualifying.
- Federal and out-of-state convictions may be disqualifying if their definitions mirror the state law crime on the disqualifying list. See page 9 for more information.

Sometimes people cannot remember their exact convictions, maybe because they occurred a long time ago or because they were charged with something different than what they were convicted of. If this is the case, you — or another resource — can help them look it up in the state's database. Any attorney in Alabama with access to Alacourt can access this information. A person can also check with the Board of Pardons and Paroles or local

courthouse to access this information. Feel free to contact us for assistance.

Step 2: Registering to vote

A person may register to vote by filling out an online form, filling out and mailing the paper registration form, or by going to their local registrar's office in-person.

- To register online:
<http://sos.alabama.gov/alabama-votes/voter/register-to-vote>
- To register by mail: Fill out the form and mail it to your local board of registrars office, addresses are found here:
<http://sos.alabama.gov/alabama-votes/board-of-registrars-all-counties>
- To register in person: visit your local board of registrars office.

The deadline to register to vote is 15 days before an election. For up to date information on upcoming elections and deadlines, visit

<http://sos.alabama.gov/alabama-votes/voter/upcoming-elections>

Occasionally people who are qualified to vote are denied registration by error. If you have determined that someone is eligible to vote and helped them register, you should check this website after 14 days to see if they are actually registered to vote:

<https://myinfo.alabamavotes.gov/VoterView/RegistrantSearch.do>
or call 1-800-274-8683.

If after two weeks, they are not in the system, follow up with the local board of registrars office.

Step 2(a). Registering incarcerated people to vote

If you are working with people who are currently incarcerated, step 1 should be performed in the same way as described above. Unfortunately, if a person who is incarcerated has been convicted of a disqualifying felony, they will not be able to restore their rights until their sentence has been completed.

However, if an incarcerated person has not been convicted of a disqualifying felony, they retain the right to vote. Their path to registration and casting their ballot, however, may be more complicated than for someone who is not incarcerated.

- It is best to have an incarcerated person fill out the paperwork required under A and B, below, in one visit.

A. Registering to vote

The first step is to register to vote, either by mail or online. They may use their last address before being incarcerated, or they may use the address of the facility at which they are incarcerated.

The deadline to register to vote is fifteen days before an election.

B. Requesting an absentee ballot

People who are incarcerated can vote only by absentee ballot. They must fill out a form to request the ballot.

- A person who is detained outside of the county of their residence should mark the box stating that they will be out of the county on Election Day. A person who is detained inside their county of residence should mark the box that states they are unable to vote because of a physical illness or infirmity. A person who will use the address of the facility in which they are incarcerated as their residential address should similarly mark that they are unable to vote because of a physical illness or infirmity.
- Absentee ballot requests are specific to particular elections and will only cover elections within 42 days of each other. Practically speaking, this means a person will likely have to fill out a new application to receive a ballot for every primary and general election.

- Applications for absentee ballot must be received five days before an election. You may need to build in extra time to ensure that the application is received on time.
- Mail each application in a separate envelope to the Absentee Election Manager in the county in which the voter is registered. The list of addresses for these managers can be found online at:

<http://sos.alabama.gov/alabama-votes/absentee-election-manager-all-counties>

C. Casting an absentee ballot

The absentee ballot should arrive by mail. You may assist the voter by giving instructions on how to properly submit the ballot, but should otherwise not be involved with the process of the casting the ballot.

The absentee ballot comes with three envelopes one plain (the secrecy envelope), one with an affidavit, or oath, printed on the outside, and one plain, pre-addressed envelope (the outer envelope). Once the voter casts the ballot, the procedure is as follows:

- Voter seals the ballot in the plain envelope
- Voter places the plain envelope inside the accompanying affidavit envelope
- Voter seals the affidavit envelope and completes the affidavit that is on the outside of the envelope
- Voter signs the affidavit and has the signature witnessed by two witnesses 18 years of age or older
- Voter places the affidavit envelope and a COPY of voter identification inside the outer envelope

The ballot should be returned by mail and must be postmarked no later than the day prior to the election or received by the Absentee Election Manager no later than noon on Election Day.

Do not return multiple ballots in one envelope.

Step 2(b): Voter ID requirements

Voters in Alabama are now required to present photo identification at the polls or to enclose a copy of identification in their absentee ballot application.

The following forms of ID are acceptable:

- Valid Driver's License
- Valid Nondriver ID
- Valid Alabama Photo Voter ID
- Valid State-Issued ID (Alabama or any other state)
- Valid Federal-Issued ID
- Valid US Passport
- Valid Employee ID from Federal Government, State of Alabama, County Government, Municipality, Board, Authority, or other entity of this state
- Valid student or employee ID from a college or university in the state of Alabama (including postgraduate technical or professional schools)
- Valid Military ID
- Valid Tribal ID
- Movement sheets and other jail or prison identification may qualify

If you do not possess one of these forms of ID, you are eligible to receive a free voter ID. To get a free voter ID you must go in person to your local Board of Registrars, the Secretary of State's office in Montgomery, or to one of the roving mobile units, the schedules for which are posted online.

- For more information visit:
<http://sos.alabama.gov/alabama-votes/voter/voter-id>
- For the address of your local Board of Registrar's office, visit:
<http://sos.alabama.gov/alabama-votes/board-of-registrars-all-counties>

Step 3: Requesting a Certificate of Eligibility to Register to Vote (CERV) for people with disqualifying convictions

Even if someone has a disqualifying conviction, as determined under step one, that does not mean they can never vote. Many people with convictions are eligible to restore their right to vote through a simple application process. Voters who meet the eligibility requirements for a CERV must be given a CERV that will allow them to register to vote within 44 days.

A. Determine eligibility for a CERV

A person is eligible if they meet all of the following four criteria:

- They do not have a conviction of impeachment, murder, rape, sodomy, sexual abuse, sexual crimes against children, or treason. (If they do have one of these convictions, skip to step 5 of this section);
- They do not have any felony charges currently pending;
- They do not owe any outstanding fines, fees, or restitution from the disqualifying conviction (if they do, skip to step 4 of this section). It is important to note that outstanding fines, fees, or restitution are only relevant to voting rights if they are connected to a disqualifying conviction.

For those who are not sure whether they owe fines, fees, or restitution, or are not sure which conviction they are connected with, this information can be looked up by us, another group, or they may call the Board of Pardons and Paroles to request it. If they do owe disqualifying fines, fees, or restitution, skip to step 4.

- Their sentence for the disqualifying conviction must be complete, including all probation and parole. If this is not yet the case, they can apply for a pardon (see step 5).

B. If eligible, fill out the form to request a CERV

If a person meets all of the above criteria, they are eligible for a CERV. If a person meets the criteria the state must grant it within 44 days. There are four ways to apply for a CERV:

- In person: The person you are assisting may go in person to the local Board of Pardons and Paroles office and fill out a form there. The address for this office in each county can be found at: www.pardons.state.al.us/Offices.aspx.
- By Mail: Fill out and mail in the form. The person you are assisting should fill out as much information as possible. If you do not have some information or a section does not apply to the person you are helping, that may be okay as long as the form includes the person's name, mailing address, date of birth, list of all convictions (using the back if necessary), and their signature. *Important: The form must be signed.* Mail the form to the local Board of Pardons and Paroles office found here: www.pardons.state.al.us/Offices.aspx, or to:

The Alabama Board of Pardons and Paroles
PO Box 302405
Montgomery, AL 36130-2405

If you are working with a community organization, we recommend asking if you can make a record of the person's name and contact information, and note the date the request was sent, so that you may follow up with that person in 44 days to ensure that the CERV has arrived. If it has not, it is worth following up with the Board of Pardons and Paroles.

- By Phone: Call the Board of Pardons and Paroles at (334) 353-7771 or (334) 353-8067
- By Email: Email the form or all of the information requested on the form to pardons@paroles.alabama.gov, subject line: Request for "Certificate of Eligibility to Register to Vote."

After the person has received their CERV in the mail, they must still register to vote. See step 2.

Step 4: Request for remission of fines and fees

If a person owes outstanding fines, fees, or restitution that were imposed because of a disqualifying conviction, they are not yet eligible to restore their right to vote through the CERV process. They may, however, ask the Board of Pardons and Paroles to reduce or forgive those fees.

If the person has outstanding fines, fees, or restitution imposed in connection with a conviction that was *not* a disqualifying felony, this not a barrier to restoring the person's rights or registering to vote.

If the person is not sure whether they owe fines, fees, or restitution or are unsure of which conviction they are related to, we or another organization with access to Alacourt can help them find out.

A person can request a reduction or forgiveness of fines, fees, or restitution:

- By filling out the accompanying form and mailing it to:

The Alabama Board of Pardons and Paroles
PO Box 302405
Montgomery, AL 36130-2405

- By calling the Board of Pardons and Paroles at 334-353-7771 or 334-353-8067

- Or by emailing a completed form or all the information requested on the form to pardons@paroles.alabama.gov, subject line: "Request for Remission of Fines and Fees"

The Board can only reduce or forgive fines and fees that have been imposed by the state of Alabama, not by other states or the United States government.

Step 5: Request for a pardon

If someone has a conviction of murder, rape, sodomy, sexual abuse, or sexual crimes against children, they are not eligible for a CERV but may still be able to restore their right to vote by seeking a pardon from the Board of Pardons and Paroles. Additionally, a person who is not eligible for a CERV because they are still on probation or because they owe outstanding fines and fees may also apply for a pardon. A person is not eligible for a pardon if they have been convicted of treason, impeachment, or if a death sentence has been imposed and not commuted.

A pardon may be requested:

► In writing:

The Alabama Board of Pardons and Paroles
P.O. Box 302405
Montgomery, AL 36130-2405

► By phone: 334-353-7771 or 334-353-8067

► By email: pardons@paroles.alabama.gov

For assistance, please contact the person nearest you from the list below.

North and Northeast Alabama

John Paul Taylor

John.Paul.Taylor@splcenter.org

334-235-6789

Central Alabama and the Black Belt

Jason Barnes

Jason.Barnes@splcenter.org

202-736-2201

Southern Alabama

Ellen Boettcher

Ellen.Boettcher@splcenter.org

334-235-4029

Resources

UPCOMING ELECTION INFORMATION

<http://sos.alabama.gov/alabama-votes/voter/upcoming-elections>

VOTER ID INFORMATION

Voter ID Guide

<http://sos.alabama.gov/sites/default/files/AlabamaPhotoVoterIDGuide.pdf>

Application for free Voter ID

<http://sos.alabama.gov/sites/default/files/voter-pdfs/candidate-resources/ApplicationForFreeALPhotoVoterIdCard.pdf>

STATE CONTACT INFORMATION

Complete list of Absentee Managers

<http://sos.alabama.gov/city-county-lookup/absentee-election-manager>

Complete list of Boards of Registrars

<http://sos.alabama.gov/alabama-votes/board-of-registrars-all-counties>

Complete list of Boards of Pardons and Paroles

<http://www.pardons.state.al.us/Offices.aspx>

OTHER ORGANIZATION CONTACT INFORMATION

ACLU of Alabama

info@aclualabama.org

P.O. Box 6179

Montgomery, AL 36106

(334) 265-2754

www.aclualabama.org

Alabama Non-Violent Offenders Organization (Huntsville)

701 Andrew Jackson Way

Suite 118

Huntsville, AL 35801

(256) 288-3175

www.anvoo.org

Greater Birmingham Ministries (Birmingham)

2304 12th Avenue North

Birmingham, AL 35234

(205) 326-6821

info@gbm.org

www.gbm.org

Legal Services Alabama

1-866-456-4995

www.legalservicesalabama.org



FOR MORE INFORMATION OR ASSISTANCE

202-736-2201

alabamavotingrights.com