MEMORANDUM ON REINSTATEMENT OF VOTING

RIGHTS OF EX-OFFENDERS UNDER ALABAMA LAW[[1]](#footnote-1)\*

In *Chapman v. Gooden* the Alabama Supreme Court discusses voting reinstatement for ex-offenders. *Chapman v. Gooden*, 974 So. 2d 972 (Ala. 2007). While voting rights are automatically suspended for the duration of an offenders sentence, under Alabama law all felony offenders do not lose their voting rights upon conviction. Only ex-offenders who were convicted of felonies involving moral turpitude will be required to apply for reinstatement of their voting rights upon release. However, all other ex-offenders voting rights will be automatically reinstated following release.

Alabama law does not outline specific crimes that disqualify an individual from automatically regaining voting rights without applying for reinstatement. However, the *Chapman* case includes an Attorney Generals order that addresses a few crimes that the Alabama Supreme Court has determined to be crimes involving moral turpitude. Amongst those crimes are rape, murder, burglary, robbery, and income tax evasion. Further, the case discusses crimes that, by Alabama law, will preclude a person from having his or her voting rights reinstated. The Alabama code reads:

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.

Ala.Code 15-22-36.1(g) (Supp.2004).

*Chapman* also discusses crimes that the Alabama Supreme Court has determined do not involve moral turpitude and will not require reinstatement of voting rights upon release. Amongst those crimes are assault, driving under the influence, and possession of marijuana. Accordingly, unless an ex-offender has been convicted of one of the crimes listed in the statute or another crime involving moral turpitude then an ex-offender should be able to vote immediately upon release.

Ex-offenders with additional questions should contact their local probation or parole offices or the State Board of Pardons and Paroles at (334) 242-8730.

1. \*This document was created for general informational purposes only. [↑](#footnote-ref-1)