

MEMORANDUM ON REINSTATEMENT OF VOTING RIGHTS OF EX-OFFENDERS UNDER ALABAMA LAW*

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 offender's 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 General's 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

*This document was created for general informational purposes only.

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.

To: State Board of Pardons and Paroles
In Re: Request for Restoration of Voter Registration Rights
Date: _____

This is to request that the Alabama Board of Pardons and Paroles reinstate my right to register to vote as a citizen of Alabama which was lost due to disqualifying conviction(s) in one or more of the following courts:

- A District Court of the State of Alabama
- A Circuit Court of the State of Alabama
- A state court of a state other than Alabama
- A Federal District Court

(PLEASE PRINT CLEARLY)

My Name is: _____ Race: _____ Sex: _____

Birth Date: _____ Social Security Number: _____

Mailing Address: _____

City, State & Zip Code _____

Residence/ home address (if different than mailing address):

Home Phone #: _____ Work Phone #: _____

County and state where my conviction(s) occurred:	Year of Conviction:	Court Type: (Circle one)
_____	_____	State / Federal
_____	_____	State / Federal
_____	_____	State / Federal

(You may attach an additional page if needed)

Signature of Applicant

(Notice: This letter must be signed by the person who is requesting that his/her own voter registration rights be restored)

ACT 2003 - 415. PASSED BY THE ALABAMA LEGISLATURE IN SEPTEMBER 2003, ALLOWS FOR MOST PERSON WHO HAVE LOST THEIR RIGHTS TO VOTE DUE TO CONVICTIONS IN STATE OR FEDERAL COURTS TO APPLY TO THE ALABAMA BOARD OF PARDONS AND PAROLES FOR A CERTIFICATE OF ELIGIBILITY TO REGISTER TO VOTE.

PERSONS WHO HAVE SUCCESSFULLY COMPLETED THEIR SENTENCES AND HAVE PAID ALL COURT OR BOARD ORDERED OBLIGATIONS MAY CONTACT THEIR LOCAL PROBATION OR PAROLE OFFICES OR THE BOARD'S CENTRAL OFFICE AT (334) 242-8730 TO INITIATE THE PROCESS. CERTIFICATES SHALL BE PROCESSED WITHIN 45 DAYS OF REQUEST.

PERSONS WITH CONVICTIONS FOR IMPEACHMENT, TREASON, MURDER, OR SEX OFFENSES, ALONG WITH THOSE WHO HAVE FELONY CHARGES PENDING, ARE EXCLUDED FROM APPLICATION.