

## **RIGHTS RESTORATION IN ALABAMA**

### **I. DISENFRANCHISEMENT AND RESTORATION PROCESSES**

#### **Who does Alabama disenfranchise?**

Alabama disenfranchises people convicted of felonies involving “moral turpitude” as defined in HB 282 (Ala. Code § 17-3-30.1) until completion of all terms of sentence, including payment of court-ordered fines, fees, and restitution (“LFOs”). Crimes of “moral turpitude” include about 50 offenses. Some white-collar crimes like embezzlement and bribery are not included.<sup>18</sup>

#### **What is Alabama’s restoration process for people with felony convictions?**

If a person convicted of a crime of moral turpitude seeks to restore their right to vote, they may apply for a pardon or a Certificate of Eligibility to Register to Vote (“CERV”) with the Board of Pardons and Paroles. They must pay all outstanding LFOs though “they can request a remission of fines and fees from [this Board].”<sup>19</sup>

### **II. IMPACT**

#### **How many people are directly impacted by disenfranchisement and mass incarceration?**

Alabama’s disenfranchisement scheme bars approximately 286,000 people in the state from the ballot box, approximately 7.6 percent of the statewide voting-age population.<sup>20</sup> Alabama’s prison population is decreasing. It decreased by nearly 25 percent from 2012 to 2017. It decreased its prison population more than any other Southern state. “South Carolina and Louisiana were the closest to Alabama with around 16 percent reductions each since 2012.”<sup>21</sup>

But Alabama’s jail rates are still high. Approximately 90,000 people every year, or roughly 1,850 people per 100,000, go to jail. This is the 11th highest rate in the country.

#### **Who are the impacted people?**

15.1 percent of the adult Black male voting-age population in Alabama cannot vote due to a felony conviction.

“People utilizing a public defender and African Americans are about 15 and 9 [percent] more likely to have an outstanding LFO balance, respectively, than people utilizing a private attorney [and people who are not African American]. Consequentially, [African Americans] are about 26 [percent] more likely than [non-African Americans] to have their voting rights restoration applications denied because of outstanding LFOs.”<sup>22</sup>

Black people are incarcerated in Alabama state prisons “at a rate five times higher than the rate for white people. In Alabama, the Black incarceration rate is 1,417 per 100,000 African Americans. The rate for whites is 425 per 100,000 white people.”<sup>23</sup>

### III. STRATEGIES TO EXPAND RIGHTS RESTORATION

What are key legal and policy rights restoration strategies tried as of February 2020?

	Legislation	Litigation	Executive Order	Ballot Initiative	Administrative Advocacy
Interventions Attempted in the State	X	X			X

#### Legislation

Definition of Moral Turpitude Act, HB 282 (2018)—defined “crimes of moral turpitude.” In recent years, Alabama has also streamlined its rights restoration process after completion of sentence for persons not convicted of a crime of “moral turpitude.” It also clarified that outstanding fines for unrelated court cases cannot bar people from access to voting.<sup>24</sup>

#### Litigation

*Thompson v. Alabama*, No. 2:16-cv-00783-ECM-SMD (M.D. Ala.) (filed Sept. 26, 2016)—a federal constitutional challenge to the “moral turpitude” language and payment of fines and fees prior to restoration.

#### Administrative Advocacy (Rulemaking/Regulations)

There is ongoing advocacy with the Secretary of State (SOS) to revise his misstatements about HB 282 and engage in more robust public education around HB 282.<sup>25</sup>

#### What is the process for bringing forward a ballot initiative in Alabama?

Legislative: Both houses of the Alabama State Legislature must pass a proposed constitutional amendment by three-fifths or 60 percent. A majority of voters must then approve.<sup>26</sup>

#### **IV. KEY ISSUES/WHERE THE FIGHT IS**

The *Thompson* case in Alabama is one to watch. There are also active grassroots voter registration efforts in Alabama in communities of color across the state. Finally, there appears to be ongoing advocacy with the SOS to revise his public misstatements about HB 282, update the website, and engage in a public education and awareness campaign around HB 282.

