



Alabama Secretary of State

facsimile transmittal

To: Mr. Ryan Haygood Fax: (212) 226-7592

NAACP Legal Defense & Educational Fund, Inc.

From: Hope M. Avers Date: September 28, 2005

Pages: 3

CC:

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Note: My fax number is (334) 242-4993. Thank your time and patience. Hope M. Avers.

Deputy Attorney General for the Alabama Secretary of State

L. WORLEY
SECRETARY OF STATE



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State of Alabama

May 11, 2005

VIA HAND DELIVERY

The Honorable Troy King
 Attorney General
 11 South Union Street - 3rd Floor
 Montgomery, Alabama 36130

Re: Request for an Attorney General's Opinion - Felony Convictions

Dear General King:

On March 18, 2005, your office issued an Opinion which concluded, "If a person is convicted of a felony involving moral turpitude, that person is ineligible to vote unless his or her civil and political rights have been restored." The Opinion further concludes that "If a person has been convicted of a felony that does not involve moral turpitude, that person remains eligible to vote and is therefore ineligible to apply for a Certificate of Eligibility to Register to Vote." The Opinion provides a "list of the crimes that the Alabama courts have determined to be crimes involving moral turpitude." The Opinion provides an extensive listing of crimes which involve moral turpitude; however, you clearly establish that the listing is not "an exhaustive list of every felony involving moral turpitude."

As the State's Chief election official, I am seeking clarification on behalf of all local election officials and the Boards of Registrars in each Alabama county. I am concerned that if a uniform listing of felonies involving moral turpitude is not established, distributed and publicly posted, interpretations could potentially vary in each county. A uniform listing would be helpful to the Boards of Registrars when a registered voter is convicted of a qualifying felony of moral turpitude and removal from the list of registered voters is legally necessary. The uniform listing would also be beneficial to a private citizen when he or she registers to vote initially. The uniform listing should be available to the potential registrant prior to his or her signing the prescribed voter declaration, a sworn statement, on the voter registration form. The current declaration on the Voter Registration Forms includes the following statement, "I am not barred from voting by reason of a felony conviction" which could be confusing or misleading to the potential registrant. I shall appreciate your consideration of my request that you modify the March

18, 2005, Opinion to provide a complete and comprehensive list of felonies involving moral turpitude. The current Opinion is confusing to many Registrars and other election officials.

In a 1999 Opinion to Mr. Lindbergh Jones, Chairman of the St. Clair County Board of Registrars, the Attorney General broadly concluded that "A person convicted of a felony is prohibited from voting." The Opinion contemplated the decision of the United States Supreme Court in Hunter v. Underwood, 471 U.S. 222 (1985), the repeal of Section 182 of the Alabama Constitution and subsequent ratification of Amendment 579. It is my understanding that since 1999 many Registrars may have improperly relied upon the conclusion in the Jones Opinion and removed all persons convicted of a felony from the State's list of registered voters. Accordingly, we seek clarification of the following:

1. *Should your Opinion of March 18, 2005, to the Honorable William Sargent be submitted for pre-clearance by the United States Department of Justice since the interpretation may cause a change in voting practice within the State of Alabama?*
2. *Will you modify your Opinion of March 18, 2005, and provide a comprehensive listing of felonies involving moral turpitude?*
3. *If a determination is made that individuals have been improperly removed from the State's List of Registered Voters by the various county Boards of Registrars, what legal procedure should be utilized by the Boards of Registrars to accurately restore the names of those voters improperly removed?*

I shall appreciate your consideration and review of this matter and will look forward to receiving an Opinion at your first convenience. We plan to update the State's voter registration forms prior to the next election cycle and shall withhold submitting them to the Alabama Supreme Court for approval and the United States Department of Justice for pre-clearance until this matter is resolved.

Sincerely,



Nancy L. Worley
Secretary of State