

## CHAPTER 16

### BOARD OF REGISTRARS

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#### **16.1 The Office of Registrar**

Each county has three registrars, unless a local act provides otherwise. § 17-3-2. Registrars from each county work with the supervisor of voter registration, who works under the direction of the Secretary of State. § 17-4-35.

##### **16.1.1 Supervisor of Voter Registration**

The Secretary of State employs a supervisor of voter registration to serve as liaison between the Secretary of State and the county boards of registrars. § 17-4-35(2).

The Secretary of State maintains a statewide voter registration list from reports of boards of registrars. The supervisor of voter registration maintains the list and recommends to the Secretary of State administrative rules to carry out these duties. § 17-4-35. Other responsibilities of the supervisor of voter registration are to train, counsel, advise, and evaluate registrars in the performance of their duties and to provide military and overseas voters with registration and absentee ballot forms. § 17-4-35. See “Absentee Ballots” in Chapter 3 for more information on military and

overseas voters.

### **16.1.2 Qualifications of Registrars**

A registrar must be a reputable and suitable person, a qualified elector and a resident of the county they will serve. § 17-3-2. Each registrar must have a high school diploma or equivalent and possess the minimum computer and map reading skills necessary to function in the office. These provisions do not apply in any county having a population of 600,000 or more where there is a local law that provides for the appointment of the board of registrars. § 17-3-2(c).

A registrar cannot hold another public office while serving. § 17-3-2. A registrar may campaign for an elected office or for another candidate, but not during working hours. AG AO 88-00466 and AG AO 90-00113. A registrar may hold an elected position with a political party but cannot serve in that position during working hours. AG AO 88-00073 and AG AO 88-00466.

Because of the potential for a conflict of interest, a registrar cannot serve as an absentee election manager, unless otherwise provided for by local law. AG AO 88-00224.

### **16.1.3 Appointment and Removal**

An appointing board consisting of the Governor, State Auditor, and the Commissioner of Agriculture and Industries chooses the registrars, unless a local act provides otherwise. § 17-3-2.

Registrars serve four-year terms and until a successor is appointed. §17-3-3. Registrars no longer serve at the pleasure of the appointing board and may only be removed for cause by the Secretary of State. Written reasons for such removal must be shown. §17-3-3 and AG AO 2004-171.

Upon taking office, registrars take the same oath as judicial officials. That written oath must be filed in the judge of probate's office. § 17-3-6. The judge of probate is not required to charge a fee to file their oath. AG AO 91-00338.

The appointing board will name one of the registrars to serve as chair. § 17-3-2. Generally, the chair has no more authority than any other registrar and cannot unilaterally exercise the authority of the board. AG AO 88-00438. However, the chair is authorized to purchase all necessary office equipment and hire all necessary part-time or full-time clerical help for the board. § 17-3-60.

#### **16.1.4 Powers of the Board of Registrars**

It takes a quorum, consisting of a majority of the board of registrars, for the board to consider any official business, and a majority of the board must approve any official action. § 17-3-7.

Boards of registrars previously had the ability to establish internal procedures to ensure that the processing of voter registration forms is done in an orderly manner. As of 2003, however, the Secretary of State promulgates rules for the receipt of registration applications and the expedient administration of those applications. § 17-3-1. The Secretary of State also has the authority to promulgate administrative rules governing implementation of the National Voter Registration Act. § 17-4-63. The supervisor of voter registration may recommend forms and administrative rules to the Secretary of State.

#### **16.1.5 Compensation**

Each registrar is entitled to \$80 per day spent on the board's business, unless a local act sets a different amount or if the county has a population of more than 600,000. § 17-3-5. The number of working days for each board of registrars varies from county to county. § 17-3-8. The table in this chapter shows the maximum number of working days legally allowed for each county.

Unlike certain elected officials, a pay raise passed by the legislature can take effect during the current term of a registrar. AG AO 88-00338.

Registrars are entitled to their pay if a meeting day falls on a legal holiday and the courthouse is closed for that holiday. § 17-3-5(a).

In addition to \$80 a day in salary, registrars are entitled to the same mileage allowance allowed state employees or employees of the county, whichever is greater, for official travel. § 17-3-5(a). Such official travel includes continuing education meetings, seminars, or other similar

events necessary to attending the business of the board of registrars. AG AO 2014-005.

A registrar is to be treated like any other county and state employee as to their social security payments and benefits. § 17-3-5(d-f). Registrars are also entitled to travel reimbursement at the same per diem rate that applies to state employees. AG AO 2011-89.

The county commission must provide the board of registrars with office space. The chair of the county board of registrars can hire any part-time or full-time clerical help or purchase any needed office equipment, but the county commission has to authorize the salary of additional clerical assistants and expenditures. §§ 17-3-60 and 17-3-10.

### **16.1.6 Working Days and Meetings**

While the law sets the maximum number of working days an individual registrar can work, the actual number of working days to be used as session days shall be determined by a quorum of the board of registrars according to the needs of the county. § 17-3-8(e). In January, county boards of registrars shall conduct voter file maintenance activities in lieu of purge activities. § 17-4-30(a). See “Voter File Maintenance” in this chapter.

The number of working days under law apply to individual registrars and not to the number of days the office can be left open. It is important for boards to allow members to coordinate their work schedules so that the office is open on a full-time basis, when the courthouse is open.

A registrar working alone can perform many duties, including taking applications, updating forms, and answering questions. A formal meeting day can be reserved for the full board to conduct the business only it can do.

The law provides some constraints on how the board of registrars is to divide its time. In counties with more than one courthouse, the board must divide its time as appropriate between the courthouses to be available to receive applications. § 17-3-9.

Even though voters cannot be registered during the final 14 days before an election, the board must keep its office open during that time. § 17-3-50. Voters already registered could have some questions about precinct

assignments and voters accidentally left off the list of registered voters may need to obtain certificates of registration during that period.

In addition, a number of people will attempt to register during that period. Their applications should be taken, but the board cannot register them to vote in the pending election; it must wait until the current election is certified. AG AO 90-00172. However, if two elections have overlapping voter registration deadlines, the registrars should continue to register people for the second election even though the books are closed for the first election.

The last day to hand-in or postmark a hard copy voter registration application is 15 days prior to the election. Registrants may submit an electronic voter registration application by 11:59 p.m. on the 15th day, or by the close of business for hard copy applications. However, under the National Voter Registration Act, there are three times when a registration form may be accepted after the cutoff date and still be processed for the voter to participate in that election. These times are as follow: (1) when a registration form submitted to an agency no later than the cutoff arrives at the board's office after the cutoff; (2) when a mail-in registration form postmarked no later than the cutoff date arrives at the board's office after the cutoff; and (3) when a mail-in registration form without a postmark or with an illegible postmark is received at the board's office within three days after the cutoff. Ala. Admin. Code r. 820-2-2-.12. In each of these cases, the application is considered to be made prior to the cutoff date of registration for the pending election. The full board is not required to be in session during the 14-day period before an election. Instead, registrars may divide the working days between themselves to keep the office open. AG AO 90-00172.

However, the board members shall ensure that the board office is open during polling hours on election day. § 17-3-50. Polling hours are from 7:00 a.m. to 7:00 p.m. statewide. Registrars should note that polling places in their county that are located in the eastern time zone are to open and close pursuant to eastern time and plan to keep the board office open accordingly. However, the county commissions in Chambers County and Lee County may, by resolution choose to operate all of their polling places on central time. § 17-9-6. Registrars in these counties should check with their county commission offices to confirm polling hours.

Up to 25 working days can be used for special registration sessions. § 17-3-8(f). Such sessions could include registration sessions away from

the courthouse or sessions held outside of normal working hours. If a special session is held on the same day as a regular work or meeting day, registrars only get one day's pay for that day. § 17-3-12.

The board has to spend one working day each year at each college in its county that has an enrollment of more than 500 students. The registration session cannot be held on a holiday or a weekend. § 17-3-11(a). Colleges are required to provide the board of registrars with the proper space and accommodations for such a visit. § 17-3-11(a). The college registration sessions have their own notice requirements under the law. Notices must be posted at three or more public places within the precinct where the school is located; and advertisements have to be placed once a week for three weeks in the campus paper, if the school has one. § 17-3-11(a).

### Meeting Days Allowed in Each County

Autauga	187	Fayette	168
Baldwin	5 days/week	Franklin	216
Barbour	168	Geneva	120
Bibb	187	Greene	168
Blount	168	Hale	140
Bullock	216	Henry	140
Butler	168	Houston	216
Calhoun	5 days/week	Jackson	207
Chambers	180	Jefferson**	5 days/week
Cherokee	140	Lamar	140
Chilton	5 days/week	Lauderdale	199
Choctaw	199	Lawrence	140
Clarke	140	Lee*	168
Clay	120	Limestone	167
Cleburne	120	Lowndes	120
Coffee	199	Macon	216
Colbert	199	Madison	5 days/week
Conecuh	140	Marengo	168
Coosa	120	Marion	216
Covington	188	Marshall	216
Crenshaw	140	Mobile	5 days/week
Cullman	199	Monroe	199
Dale	216	Montgomery	5 days/week
Dallas	120	Morgan	5 days/week
DeKalb	207	Perry	120

Elmore	187	Pickens	168
Escambia	120	Pike*	168
Etowah	207	Randolph	168
Russell	177	Tuscaloosa	216
Shelby	167	Walker	200
St. Clair	5 days/week	Washington	140
Sumter	120	Wilcox	120
Talladega*	220	Winston	168
Tallapoosa	220		

\*Lee, Pike and Talladega Counties may meet an additional 30 days at the discretion of the chair of the county commission

\*\*As specified by § 45-37-110.

## 16.2 Staffing, Space, and Equipment

The county commission may pay for any travel, registration or other expenses registrars incur while attending any training, educational or instructional meetings and will be reimbursed by the state. AG AO 82-00046 and AG AO 94-00106.

The Secretary of State must provide proper forms for registrars to fulfill their duties. The state pays the printing cost of such forms. § 17-3-57.

The judge of probate may provide assistants and clerical help to prepare reports from the state voter registration lists for poll workers. In counties with populations between 100,000 and 350,000 as of the 2000 or any subsequent federal census, the judge of probate may employ a clerk to assist the board of registrars. The clerk's salary is set by the judge of probate but cannot exceed \$250 a month. The assistants, clerical help, and clerk are paid with county funds. § 17-3-60.

The county commission must provide the board of registrars with office space. The chair of the board of registrars can hire part-time or full-time clerical help or purchase needed office equipment, but the county commission must authorize any expenditures. §§ 17-3-60 and 17-3-10.

### **16.3 Precincts and Reapportionment**

Registrars play a very limited role in developing voting precincts.

The county commission uses the list of qualified electors on file with the judge of probate to draw precincts. § 17-6-3. These lists are developed by the board of registrars, so in many counties the board is actively involved in giving advice on drawing precinct lines. The board must be notified when precinct lines change so it can update its own records.

The board of registrars must cooperate with the Permanent Legislative Committee on Reapportionment to provide information for legislative reapportionment or on adjusting precinct boundaries due to legislative reapportionment. § 17-6-2(d).

When changes are made in voting precincts and locations, new voter identification cards must be issued before the next election. AG AO 92-00141.

### **16.4 Voter Registration**

The most important task of the board of registrars is voter registration. Registrars must decide whether to accept or reject a voter application, assign a registered voter to the proper precinct, maintain and update the voter file, maintain the records of the office, certify alphabetical lists of registered voters for polling places, provide proof of registration to voters, and notify registration officials in other states.

#### **16.4.1 Taking Applications**

Registrars are authorized to take applications and administer oaths to residents. §§ 17-3-52 and 17-3-54. Registrars normally take applications during regularly scheduled sessions of the board and when individual registrars are keeping the office open on days when the full board does not meet. Applications may be presented in person by individuals, or may arrive in the mail in the form of mail-in applications or as packages from agencies and offices conducting agency-based or “motor voter” registration. These agencies may also deliver the forms by courier. Boards of registrars accept and process electronic voter registration applications submitted through the Office of the Secretary of State and the Alabama Law Enforcement Agency. The Office of the

Secretary of State offers electronic voter registration online through its elections website: [www.alabamavotes.gov](http://www.alabamavotes.gov) or by its Vote For Alabama mobile app. The Alabama Law Enforcement Agency offers electronic voter registration during the application, re-application, re-certification, or change-of-address process.

If the applicant is unable to read or write, then the applicant shall be exempt (to the extent the applicant cannot meet the requirement) from completing the voter registration form in writing, and, in such cases, a witness shall read to the applicant the application and oath herein provided for, the applicant's answers thereto shall be written down by the witness, and the applicant shall be registered as a voter if they meet all other requirements. §§ 17-3-52 and 17-3-53.

In general, the information on the application is not a public record and, therefore the information on the application may not be disclosed except with consent of the applicant or when directed by court order or as otherwise provided by state law. However, the county political parties can obtain all voter registration information in possession of the board or the judge of probate except for each voter's social security number, driver's license number, and month and day of birth. §§ 17-3-52 and 17-3-53. The Secretary of State is required to provide an electronic copy of the voter registration list free of charge to each political party within 30 days of the certification of the election or when the election history is complete. Up to two additional copies shall be provided upon request. § 17-4-33.

The Secretary of State must provide all voter registration data in the statewide voter registration system, except for Social Security numbers and driver's license numbers, to anyone making application for this data. § 17-4-38. Judges of probate have immediate online accessibility to the list of registered voters. § 17-4-32. The board of registrars or judges of probate can charge the county party chairs the actual cost of providing this information. §§ 17-3-52 and 17-3-53. Only the Secretary of State can provide voter lists to the general public. § 17-4-38.

#### **16.4.2 Deciding on Applications**

A registrar may take an application, but it takes a majority of the board of registrars for an application to be approved and for the voter to be registered. Denial of a voter's registration also requires a majority vote of the board. § 17-3-1.

### 16.4.2.1 Voter Qualifications

Voter qualifications in the Alabama Constitution have been modified over the years by court decisions, other laws, and amendments to the U.S. Constitution. Applicants qualify to be voters if they:

- (a) Are a citizen of the United States.

The voter registration application is considered prima facie evidence of the applicant's qualifications to register to vote, including the applicant's citizenship status. 52 U.S.C. § 20506(a)(6)(A) and 52 U.S.C. § 20508(b)(3). However, if the board of registrars has a question or concern about a voter's qualifications, including citizenship status, or information comes to the board's attention that draws into question the applicant's citizenship, the board may request documentation, including proof of citizenship, to support the application. AG AO 2009-02. The board of registrars may request such information as naturalization papers if they deem such documents necessary for deciding on the applicant's qualifications. AG AO 84-00229 (Hon. Don Siegelman).

- (b) Are over 18-years-old by the date of the election.

The minimum age at which a citizen may submit a voter registration form to the board of registrars is seventeen and one-half (17½) years. Ala. Admin. Code r. 820-2-2-.12(4)(b)(1).

- (c) Are a resident of the state and county where the applicant applies.

A discussion of residency is given later in this chapter.

- (d) Have not been declared mentally incompetent by a court.

If the board approves the application, it assigns the new voter a precinct and adds the voter to the list of registered voters. It then issues a certificate of registration. §17-3-51. The certificate of registration, better known as the Voter Information Card, includes the voter's polling place and precinct assignment.

If the board refuses an application, it must notify the refused applicant within 10 days. The notification must state the specific reason the application was turned down. The applicant can appeal the board's decision to the probate court within 30 days. §§ 17-3-54 and 17-3-55.

#### **16.4.2.2 Residence**

The board of registrars must decide whether the applicant is a resident of the county. To do so, the board must determine where the voter intends to reside. AG AO 92-00122.

The board must consider all surrounding circumstances of each individual case, not just one factor. Factors the board can consider include where a person pays taxes, where they own a home, where they are employed, and where they have a driver's license.

To establish residency, a person must physically live in the county at the time of registration, but the applicant is not required to have lived in a jurisdiction a set period of time before registering.

Specified citizens living temporarily outside the county, such as members of the armed services, college students, and people temporarily working outside the jurisdiction, can register. §§ 17-3-32 and 17-3-59. A person who is temporarily residing overseas remains a resident of Alabama for voting purposes if the person's last place of residence in the United States before moving overseas was in Alabama. Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303.

The board may take additional testimony on an absentee registration application. § 17-3-59.

A person living in a residence that is cut by a precinct or county line can choose their county or precinct of residence by filing a statement in the office of the judge of probate. § 17-3-33.

A college student may qualify to register in the county where they attend school. State law requires boards to hold special registration sessions at colleges within the county. § 17-3-11. College students must not be treated differently because they are students. The same criteria applied to other applicants, applies to students. Dorm residence does not limit a student's registration rights, and such residence must be treated the same as owning or renting a room or apartment elsewhere in the county would

be treated. 162 AG Op. 30 (1976).

### **16.4.2.3 Mental Incompetence**

An applicant can be denied registration if they have been found mentally incompetent by a court. Mere medical care or institutionalization does not disqualify an applicant. The judge of probate must provide the board with a list of people who have been declared mentally incompetent. § 17-4-4.

A person found incompetent by court order must be declared competent by a court before being allowed to vote. The board of registrars may ask an applicant to present a court order as evidence of competence. AG AO 80-00558.

A finding of incapacity under the Guardianship and Protective Proceedings Act (§ 26-2A-1) by the judge of probate does not by itself deem the person incompetent to vote. AG AO 93-00182.

### **16.4.2.4 Disqualifying Offenses**

Any applicant convicted of a felony involving moral turpitude is not eligible to vote. Ala. Const. § 177; Ala. Code 17-3-30.1. For a list of the disqualifying felonies, see Chapter 6.

### **16.4.2.5 Restoration of Voting Rights to a Convicted Felon**

Persons convicted of a disqualifying offense who have completed their sentences may make application for reinstatement of their voting rights to the Alabama Board of Pardons and Paroles. § 17-3-31.

### **16.4.2.6 Assigning or Changing Precincts**

The board of registrars assigns a voter to a precinct immediately after registering. When the elector has changed precincts and when the precinct boundaries change, the board of registrars shall change the precinct assignment.

### **16.4.2.7 Change in Precinct Boundaries**

The county commission must file a description and map of new precinct boundaries with the board of registrars when it changes precinct lines. §

17-6-2. The board must use this list to update its records. County Board of Registrars may refrain from mailing new certificates of registration, better known as voter information cards, except in instances where actual voter precinct boundaries and voting locations are changed. AG AO 2014-078. To reflect any changes, the board must send out new certificates of registration (voter identification cards) before the next election. AG AO 92-00141.

## **16.5 Voter File Maintenance – Three Methods Overview**

Under the National Voter Registration Act and state law, voters remain on the voting list unless their qualifications change. A person may be removed from the voter rolls by the board of registrars only if the board determines that the voter is no longer qualified to vote in its county. *See* “Deciding on Applications” in this chapter. At the same time, eligible voters cannot be disenfranchised by their names being removed by mistake.

Voters may not be removed from the list simply because they have not voted for some period of time. Just as voters may choose to exercise their right to vote, they may choose not to exercise their right to vote.

Alabama must follow three voter file maintenance methods and federal law to maintain voter files: the traditional disqualification method, the continuous purging of the list method, and the 1995 mail-in address verification method. The mail-in address verification method must be read in conjunction with the disqualification method and the postcard address verification method sections in this chapter. §§ 17-4-4, 17-4-8, and 17-4-30.

## **16.6 The Disqualification Method**

Since 1907, boards have used a removal procedure to maintain their voter lists. This method relies on official notices that registrants have become ineligible to vote. Official notice plays a large part in the disqualification method, because evidence that a voter is no longer eligible to vote in the county must be confirmed.

The reasons for removing a name from the voter rolls and the official sources of information to confirm such evidence include the following:

### **16.6.1 Death**

The County Board of Registrars receives from the Bureau of Vital Statistics of the State Department of Public Health information concerning deaths of all persons over 18 years of age who resided in their district. § 17-4-4. The information may come as a hard copy list or may be provided electronically through a connection between the statewide voter registration system and the Department of Public Health.

### **16.6.2 Mental Incompetence**

The judge of probate provides monthly lists to the board of registrars of adults in the county who have been declared incompetent. § 17-4-4.

### **16.6.3 Disqualifying Felony Offense**

The clerks of the circuit and district courts are required to provide a monthly list of all residents of the county who have been convicted of a disqualifying felony offense. However, no one is to be stricken from the list of registered voters while an appeal of such a conviction is pending. § 17-4-4. Additionally, the Administrative Office of Courts provides information on disqualifying felony convictions electronically through a connection between its computer system and the statewide voter registration system.

### **16.6.4 Written Notification of Voter's Move Outside the Jurisdiction**

A written notice from the registrant of a move outside the jurisdiction is sufficient. 52 U.S.C. § 20507(d).

Notice is also sufficient when a board of registrar from another county or registration official from another state notifies registrars in writing that the voter has registered elsewhere. After having asked an elector if they have previously registered in another county, the board shall ascertain if the voter had previously registered in another county by conducting a computerized search of the statewide voter registration list. § 17-4-5.

## **16.7 Continuous Purging of the Voter List Method**

The purge method of removing voters from the statewide voter registration

list includes the following steps:

### **16.7.1 Disqualifying Event**

Receive and confirm information that a voter has died, become a nonresident of the state or county, been declared mentally incompetent, or been convicted of a felony crime of moral turpitude as provided in Article VIII of the Alabama Constitution. Ala. Const. § 177. *See also* § 17-3-30.1.

### **16.7.2 Notice**

Give notice to the voter that they will be stricken from the list of registered voters. A registrant convicted of a disqualifying felony offense must be notified by certified mail, except in the event the Board of Pardons and Paroles is supervising a person convicted of a disqualifying felony offense on probation or parole, and the person has received face-to-face counseling from the supervising officer regarding voter disqualification and executed documentation explaining the loss and restoration of civil and political rights. Upon receipt of the documentation, signed by the disqualified voter, the county board of registrars shall be exempt from providing notice as otherwise required by this section. The notice sent to those to be stricken from the list must include the date that the board of registrars will meet to decide whether or not the names will be stricken. § 17-4-3(a).

### **16.7.3 Adjudication**

The board of registrars hears and decides each case. Voters must be given an opportunity to appear before the board and present evidence as to why their name should not be taken off the voter rolls. § 17-4-3(b).

### **16.7.4 Appeal Process**

Registrants removed from the list by the board of registrars have the right to appeal the decision to the judge of probate. An appeal from the judge of probate may be appealed to the circuit court. §§ 17-3-55 and 17-4-3(c).

### **16.7.5 Removal**

Any person whose name is removed from the list of qualified voters for

failure to reidentify must reidentify before voting. § 17-4-12.

### **16.7.6 Restoration**

A person who reidentifies shall be eligible to have their name restored to the list of qualified voters. § 17-4-13.

## **16.8 Address Verification Program Method**

The postcard address verification program began in January of 1997 with subsequent verifications every four years, i.e. 2001, 2005, 2009, etc.

The steps for the address verification program are as follows:

### **16.8.1 First Notice to Voters Mailout (Non-forwardable Postcard)**

The address verification process begins with a mailout by the boards of registrars to all registered voters at their last known address. This initial mailout is a non-forwardable postcard designed by the Secretary of State. § 17-4-30(a).

Successful delivery of the initial postcard to the registrant within 90 days from mailing will indicate that the address on file for the registrant is valid and no changes need to be made to the registrant's voter registration records. No further action under the postcard address verification system should be taken with regard to this registrant. § 17-4-30(b).

### **16.8.2 Second Notice to Voters (Forwardable)**

The board of registrars sends a forwardable address confirmation notice to those registrants whose first postcard mailings are returned as undeliverable. This notice is designed by the Secretary of State and notifies the registrant of the need to update their voter registration information on a postage-paid confirmation card. § 17-4-30(c).

Some cards from the 1997 first mailout were rejected for delivery by the United States Postal Service due to lack of a complete mailing address for a voter. In these cases, the attorney general advised the Secretary of State that the registered voters should not be sent the second, forwardable mailing, since it would only be returned as undeliverable. AG AO 97-00109 (Bennett). The registered voters in these cases should be placed on the inactive list and in the suspense file.

Also in 1997, some of the first mailed postcards were returned as undeliverable indicating the individual's forwarding order had expired. In these cases, the attorney general has advised the Secretary of State that the registered voters should not be sent the second, forwardable mailing, since it would only be returned as undeliverable AG AO 97-00109 (Bennett). The registered voters in these cases should be placed on the inactive list and in the suspense file.

### **16.8.3. Voters Placed on Inactive List and in Suspense File**

If the second, forwardable notice is returned as undeliverable, or if the voter does not return the address confirmation card within 90 days of the second mailout, the registrant's name is to be placed on the inactive list and in a suspense file. The suspense file should also contain: (1) the voter's name (2) the voter's last known address, (3) at least the last four digits of the Social Security number or other personal identification number of the voter, and, (4) the date on which the voter was placed in the suspense file. § 17-4-30(b).

If a voter whose name is in the suspense file does not vote in an election conducted during the next two federal election cycles or otherwise provide updated information to the board of registrars during the same time period, he or she will be subject to removal from the voter list. § 17-4-30(c).

The names of persons removed from the registered list shall be published in a newspaper of general circulation in the county for two consecutive weeks in November and December each year in which the statewide voter file maintenance is conducted. § 17-4-10.

If a registrant responds to the address confirmation notice with a change of address that lies within the registrar's jurisdiction, the registrar will update the voter list to reflect this new address information.

Registrars cannot change the address of a voter unless this change of address is confirmed in writing by the registrant.

If a registrant responds to the address confirmation notice with a change of address that lies outside the registrars' jurisdiction, the registrars will remove the registrant from the voter list.

The boards of registrars must develop procedures with the judge of

probate to make sure a voter's inactive status is placed on the list of registered voters that goes to the polling place. Under state law, voters who are put on the inactive list must first provide update information prior to voting.

#### **16.8.4 Voters on Inactive List May Vote**

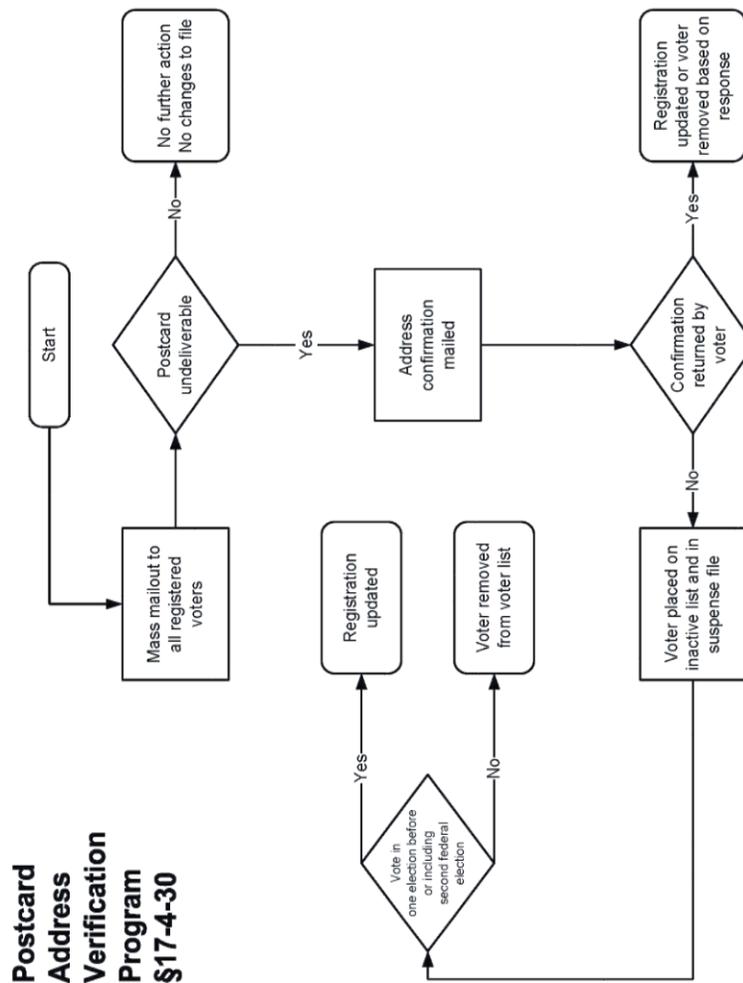
If a person whose name is on the inactive list appears on election day, the voter must be allowed to reidentify and vote a regular ballot. If the update form reflects a move to a new precinct, see Section 16.11.2. *See* § 17-4-9. The Secretary of State has established a reidentification procedure to use at the polling place which requires the completion of a reidentification form prior to voting. This plan has been precleared by the Department of Justice. *See also* §§ 17-4-9, 17-1-2(5) and 17-9-15.

#### **16.8.5 Return of Voting Lists**

After the election, the list of registered voters sent to the polling place is returned to the board of registrars to record voter history as well as the completed voter update forms. The board of registrars must certify to the Secretary of State any additions, deletions, corrections, or changes to the state voter registration list. § 17-4-2. When electronic poll books or poll pads are used in a precinct rather than a printed poll list, steps provided by the vendor will export a voter history file to be uploaded into the county voter registration system.

### 16.8.6 Removal from Inactive List and Suspense File.

A voter will be removed from the inactive list if they submit an update form for their voter registration to the board of registrars. The update form may be completed at the polls on election day or may be submitted any other time in person at the board of registrars or by mail using a mail-in voter registration application.



A voter will be removed from the suspense file: 1) if they submit an update to their voter registration to the board of registrars, or 2) if they vote.

### **16.8.7 Board Publishes Names to Be Removed from Voter Lists**

These are the names of registrants who did not return their address confirmation notice, or whose confirmation notice was returned undeliverable, and who did not vote in at least one election during the period of the next two federal election cycles or otherwise update their voter information. The latest edition of this list was published in 2016. The next list will be published in 2020. New editions are to be printed every four years thereafter. It is important to note that these voters are being removed because the board of registrars has substantial reason to doubt their qualifications for voting in the county. Specifically, the board of registrars has substantial reason to doubt that the voter resides in its jurisdiction. The voters are not being removed merely because they did not vote during the previous four years. The four-year period is a statutory time period in which the voter is afforded the opportunity to update their registration record. Voters may update their voter registration at the polls. § 17-4-9.

### **16.8.8 Unidentified Voters Removed from Registered Voter List**

Boards must note in their computer systems the reason the voter was deleted from the voter file. Voters removed from the list of registered voters must re-register if they intend to re-establish their eligibility to vote in that county. The removed voter can appeal to the judge of probate. An adverse ruling by the probate court is appealable to the circuit court. § 17-4-3.

## **16.9 Voting History and Eligibility**

The board of registrars must maintain records of voter histories. The Secretary of State, with the advice of the Voter Registration Advisory Board and President of the Probate Judges' Association, issues regulations on the voter history.

To maintain these records, the board of registrars will receive immediately after an election the lists of registered voters distributed to individual polling places for use in the election. The registrars use the lists to update the voter history in the statewide voter registration system. An entry is made in the registration record of each voter who participated in the election giving the voter credit for voting. After using the lists, the lists are to be sent to the city clerk in municipal elections and to the judge

of probate in all other elections. If electronic poll books or poll pads are used, then steps provided by the vendor can create a voter history file for uploading to the county voter registration. The lists of registered voters are public records while the board of registrars uses them to update their voter history records. § 17-9-15.

## **16.10 Maintaining Records**

The board of registrars maintains certain records to perform its duties. These records include applications for registration, update forms, a file of current registrants, an inactive file, a copy of the most recent list of registered voters, voter histories and a proposed removal list.

### **16.10.1 Applications for Registration**

Applications for registration must be kept and maintained permanently. The applications are not public records and are not for public disclosure unless the voter specifically provides written consent for the disclosure. § 17-3-52. However, county political parties are allowed to obtain all voter registration information in possession of the board of registrars or judge of probate, except for the voter's Social Security number, driver's license, and voter's day and month of birth. §§ 17-3-52 and 17-3-53. The board of registrars can charge the actual cost of providing the information to the political parties. §§ 17-3-52 and 17-3-53. The Secretary of State must provide one electronic list of voters after each state or county election free of charge to each political party that has satisfied the ballot access requirements for that election. In addition, the Secretary of State shall provide up to two additional electronic copies upon written request by each political party during each calendar year. § 17-4-33.

### **16.10.2 Current Registrants File**

The board of registrars must maintain current and accurate information on each registered voter. This information is used to update registration lists, reassign voters to their correct precincts and certify the list of registered voters which the judge of probate uses to prepare the poll list. The official list of registered voters is published before each primary election, excluding special primary elections. §§ 17-4-1 and 17-4-2.

### **16.10.3 Inactive List**

The board of registrars must maintain records on registrants placed on the inactive list to carry out the postcard notification program. § 17-4-30(b).

### **16.10.4 Suspense File**

Voters' names placed in the suspense file under the postcard notification program should be updated and maintained by the board. The suspense file should contain (1) the name of the registered voter; (2) the last known address of the voter; (3) at least the last four digits of the Social Security number or other identification number of the voter, and the (4) date on which the name of the voter was placed in the file. § 17-4-30(b).

## **16.11 List of Registered Voters**

The board of registrars must keep a copy of the alphabetical list of registered voters by precinct produced by the judge of probate for use at the polls. § 17-4-2.

The state voter registration list must maintain current and accurate information on each registered voter. This information (in either printed or electronic form) is used to update registration lists, reassign voters to their correct precincts, and certify the list of registered voters which the judge of probate uses to prepare the poll list. The official list of registered voters from the state voter registration list is published in a newspaper with general circulation in the county the twentieth day before each primary election, with a supplemental list published seven days before the primary. § 17-4-1.

The board of registrars has three duties with respect to the list of registered voters:

- (a) After the list is published in a newspaper of general circulation, some voters may feel that their names have been inadvertently omitted. Voters have 10 days after the publication of the list to satisfy the board that their names must be added. Any additional names that the board decides to add must then be submitted to the judge of probate who publishes a supplemental list on or before the seventh day before the election. § 17-4-1.

- (b) When the registration period is closed, the board of registrars certifies to the Secretary of State the county's list of qualified electors produced from the state voter registration list. The list provides a database for the state voter list and simultaneously provides each county's judge of probate with a list of qualified voters. The list must contain a certification that the list was generated from the state voter registration system at a specified time and date. § 17-4-2.
- (c) Immediately after the election the list of registered voters, along with the completed voter update cards are sent to the board of registrars to update voter history records. § 17-9-15. These records are used to help determine the status of voters under the postcard notification program.  
The lists are public records while the board uses them. § 17-9-15. After using the lists, the lists of registered voters are sent to the city clerk in municipal elections and to the judge of probate in all other cases. § 17-9-15.

#### **16.11.1 Inactive List**

A list of inactive voters must be created under the postcard notification program. The list is used to place an inactive "flag" or "marker" beside the names on the list of registered voters of registrants who need to update their registration records.

The inactive list must be used to prepare the list of changes sent to the judge of probate to help them prepare the alphabetical list of registered voters by precincts prior to an election. § 17-4-2. It must be kept current, with names being added or removed as dictated by the postcard notification program. Voters who update must have their names removed from the inactive list.

#### **16.11.2 Provisional Ballots**

Members of the boards of registrars are to be in their office on election day and the days immediately after to verify whether certain voters have registered and are qualified to vote.

On Election Day, if an individual's name cannot be found on the poll list, a poll official may call the board office to determine the person's eligibility to vote.

If a registrar can confirm that the individual is registered to vote and is at the correct polling place, the registrar can authorize the poll official to permit the individual to vote a regular ballot after the voter completes an update form. The poll official shall also complete the “verification” section on the back side of the update form, including the area to record the name of the person who authorized the person to vote. Registrars will use the update form to assign the individual credit for voting in the election and to investigate why the voter’s name did not appear on the poll list.

If a voter proceeds to complete an update form and the address that the voter provides places them in a new polling location, the voter must travel to the new location, complete the update form, and vote provisionally at the correct polling location.

If a registrar can confirm that the individual is registered to vote but has appeared at the wrong polling place, the poll official should be provided the name and location of the correct polling place so that the voter can be directed to that location.

If a registrar cannot confirm that an individual is registered to vote at all or if a voter insists on voting at the wrong polling place, the voter may cast a provisional ballot. For information on casting provisional ballots, see Chapter 10.

Beginning the day after the election, the board of registrars must review the provisional ballot information and the records in its office to determine whether each provisional ballot should be counted or rejected. On the seventh day after the election, the board of registrars submits its provisional ballot findings to the judge of probate. Using the findings of the board of registrars, the canvassing board for the election counts the ballots that have been approved by the board of registrars. § 17-10-1, et seq. Ala. Admin. Code ch. 850-2-6.

Board members must maintain secrecy and confidentiality in their actions.

For details about responding to requests for information about provisional ballots, see the Administrative Rules of the Secretary of State for Provisional Voting in Appendix T-7.