

OFFICE OF THE ATTORNEY GENERAL

80-00419



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

JUN 12 1980

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36138
AREA (205) 534-5150

LEE L. HALE
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

Honorable Bobby Day
Judge of Probate
Morgan County
P. O. Box 848
Decatur, Alabama 35602

Elections - Board of Registrars -
Poll Lists

Discussion of the release of in-
formation pertaining to registered
voters to the public, to political
organizations and to public
officials.

Dear Judge Day:

This is in response to your request for an opinion from
this office, which reads as follows:

"There exists a difference in opinion as
to what part of information can be re-
leased as public record regarding
registered voters. Our computer print-
out consists of name, precinct, voting
center, date of birth, sex, race,
address, date of registration, and card
file number. Title 17-4-122 states:

"The applications of persons
applying for registration shall
not become public records as
public records are defined under
the laws of the State of Alabama.
Nor shall the Board or it's depu-
ties disclose the information

contained in such applications and written answers, except with the written consent of the person who filed the answer or pursuant to the order of a court of competent jurisdiction in a proper proceeding.'

"Title 17-4-130 states:

"'The Board of Registrars shall, when registration is closed before a primary, general or special election, certify to the Judge of Probate any additions, deletions, corrections or changes from the list previously prepared and submitted to the Judge. The Judge of Probate shall certify a copy of each such poll list to the Secretary of State and shall provide a copy to the Board of Registrars and the Judge of Probate shall keep a current copy of such lists open and subject to public inspection.'

"What information is the public entitled to inspect?

"Is the Probate Court a court of competent jurisdiction?

"Can the County release this information and provide listings for the numerous cities who conduct their own elections? If so, who has this responsibility and authority to release such information.

"Can this information be released to candidates or political organizations seeking federal, state, county and municipal offices or special interest groups?

Honorable Bobby Day
Page Three

"This office is receiving requests for the previously listed information - this being an election year.

"A prompt reply would be greatly beneficial for all the various counties."

In answer to your first question, this office issued an opinion to Secretary of State Don Siegelman on May 8, 1980 which states that the only information pertaining to registered voters which may be made available to the public is the names and precincts of the voters. That opinion continues to express the position of this office on the release of voter information.

Because this information is public, it can be released to candidates or political organizations. However, there is no requirement that you provide lists to these groups. Again, while you are not required to send out lists, if you do provide them, you are authorized to provide only the names and precincts of the voters.

You are required to make the information available to the municipalities that conduct their own elections, pursuant to Sections 11-46-36 and 11-46-107, Code of Alabama 1975. These statutes do not specify whose responsibility it is to provide the information, but simply state that the mayor or other chief executive "shall have full access to all registration lists" for the purpose of compiling a correct list of municipal voters. The Probate Judges should work with the chief executives of the municipalities in finding an agreeable method of transferring the information.

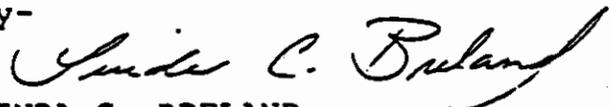
It should be noted that the limitation on access of voter information to the public does not apply to public officers, such as the jury commissions or mayors, who need more information than the names and precincts of voters in order to effectively carry out their duties.

I hope that I have sufficiently answered your questions.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-



LINDA C. BRELAND
Assistant Attorney General