

1 SB346
2 190876-1
3 By Senators Holley and Dial
4 RFD: Governmental Affairs
5 First Read: 27-FEB-18

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, each registrar in the
9 state is paid a set daily salary for each day
10 worked and is provided with a mileage allowance for
11 official travel. Under existing law, boards of
12 registrars are required to visit colleges and
13 universities having an enrollment of 500 or more at
14 least once during the school year for the purpose
15 of registering voters. Also under existing law, a
16 board of registrars is required to notify a person
17 convicted of a disqualifying criminal offense by
18 certified mail that he or she will be disqualified
19 to vote.

20 This bill would provide one annual personal
21 leave day to registrars other than those in
22 counties where Mardi Gras is a recognized holiday.

23 This bill would provide registrars with per
24 diem payments for official travel days.

25 This bill would require the offices of
26 boards of registrars to be open during regular
27 business hours of the county government.

1 This bill would make visits to colleges and
2 universities by registrars in order to register
3 voters optional rather than mandatory.

4 This bill would also require registrars to
5 notify a person convicted of a disqualifying
6 criminal offense by first class mail that he or she
7 will be disqualified to vote.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to boards of registrars; to amend Sections
14 17-3-5, 17-3-8, 17-3-11, and 17-4-3, as last amended by Act
15 2017-378, 2017 Regular Session, Code of Alabama 1975; to
16 provide one annual personal leave day to registrars other than
17 registrars in counties where Mardi Gras is a recognized
18 holiday; to provide registrars with per diem payments for
19 official travel days; to require the offices of boards of
20 registrars to be open during regular business hours of the
21 county government; to make visits to colleges and universities
22 by registrars in order to register voters optional rather than
23 mandatory; and to require registrars to notify a person
24 convicted of a disqualifying criminal offense by first class
25 mail rather than by certified mail that he or she will be
26 disqualified to vote.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 17-3-5, 17-3-8, 17-3-11, and
2 17-4-3, as last amended by Act 2017-378, 2017 Regular Session,
3 Code of Alabama 1975, are amended to read as follows:

4 "§17-3-5.

5 "(a) Each registrar shall receive a salary in the
6 amount of eighty dollars (\$80) per day for each day's
7 attendance upon business of the board, to be paid by the state
8 and disbursed to the county commissions and disbursed by the
9 county commissions to each registrar on order of a quorum of
10 the board of registrars of the county. The state Comptroller
11 shall issue to each county commission on a monthly basis an
12 amount sufficient to fund these payments plus the employer
13 share of the Social Security or Federal Insurance Corporation
14 Act tax. The county commission will provide to the state
15 Comptroller an invoice itemized to reflect payments made. If a
16 ~~legal~~ holiday recognized by a county falls on a day the board
17 is to be in session, and the ~~courthouse of the~~ county
18 government is closed for the holiday, the office of the board
19 of registrars shall be closed and the registrars shall be
20 compensated for the holiday. Registrars in all counties,
21 except in those counties that recognize Mardi Gras as a
22 holiday, shall be granted one paid personal leave day per
23 year. Each registrar shall receive a mileage allowance and per
24 diem equal to the amount allowed state employees subject to
25 the same rules and procedures applicable to state employees,
26 or employees of the county, whichever is greater, for official
27 travel in the course of attending the business of the board,

1 including attending continuing education programs related to
2 election administration. ~~Travel and other expenses~~ The mileage
3 allowance and per diem shall be paid by the county commissions
4 to the boards of registrars and the state shall reimburse the
5 county commissions based on a written request submitted by the
6 county commissions to the state Comptroller.

7 "(b) The provisions of this section regarding travel
8 mileage shall not apply in any county having a population of
9 600,000 or more inhabitants according to the 1970 or any
10 succeeding federal decennial census, and any currently
11 effective local law or general law of local application
12 regarding travel mileage for registrars in the county shall
13 remain in full force and effect and shall not be repealed by
14 operation of this chapter.

15 "(c) Members of the boards of registrars of this
16 state are hereby declared to be state employees for the
17 purposes of Chapter 28 of Title 36.

18 "(d) Members of the boards of registrars of this
19 state shall be treated as equals with other state and county
20 employees in regard to Social Security protection and
21 benefits.

22 "(e) All payments by a county to any member of a
23 county board of registrars (except for mileage or
24 reimbursement for expenses) shall be treated for Social
25 Security purposes equally with payments by that county to
26 other county employees of the county.

1 "(f) The state office for Social Security and the
2 state Comptroller and each county commission are directed to
3 take all necessary action to insure that members of the boards
4 of registrars of this state are treated as other state and
5 county employees in regard to Social Security protection and
6 benefits as provided in Chapter 28 of Title 36, including, if
7 necessary, amending the federal-state agreement referred to in
8 Chapter 28 of Title 36, to implement the intent of the
9 Legislature as expressed herein.

10 "(g) No county commission may reduce the current
11 county supplement upon the effect of this section by
12 implementation of Act 94-693.

13 "(h) A county commission may allow the chair or any
14 member of the county board of registrars who has served at
15 least 16 years in that position to participate in any health
16 insurance program provided by the county upon the same terms,
17 conditions, and employee contributions as required for county
18 employees.

19 "This subsection shall not apply to any health
20 insurance plans administered by the State of Alabama as
21 described in Title 36, Chapter 29 and Title 11, Chapter 91A.

22 "§17-3-8.

23 "(a) Each member of the board of registrars in the
24 Counties of Chambers, Clay, Cleburne, Coosa, Dallas, Escambia,
25 Geneva, Lowndes, Perry, Sumter, and Wilcox may meet a maximum
26 of 120 working days each fiscal year; each member of the board
27 of registrars in the Counties of Barbour, Blount, Butler,

1 Fayette, Greene, Lee, Marengo, Pickens, Pike, Randolph, and
2 Winston may meet a maximum of 168 working days each fiscal
3 year, except in the Counties of Lee and Pike each board of
4 registrars may meet up to an additional 30 session days each
5 fiscal year, at the discretion of the chair of the county
6 commission, and such days shall be paid from the respective
7 county funds; each member of the board of registrars in
8 Tallapoosa County and each member of the board of registrars
9 in Talladega County may meet a maximum of 220 working days
10 each fiscal year, except that in Talladega County the board of
11 registrars may meet up to an additional 30 session days each
12 fiscal year, at the discretion of the chair of the county
13 commission; each member of the board of registrars in the
14 Counties of Dale, Franklin, Houston, Marion, Marshall,
15 Bullock, Macon, and Tuscaloosa may meet a maximum of 216
16 working days each fiscal year; each member of the board of
17 registrars in the Counties of Limestone and Shelby may meet a
18 maximum of 167 working days each fiscal year; and each member
19 of the board of registrars in Russell County may meet a
20 maximum of 177 working days each fiscal year.

21 "(b) In the Counties of Choctaw, Coffee, Colbert,
22 Cullman, Lauderdale, and Monroe each member of the board of
23 registrars may meet a maximum of 199 working days each fiscal
24 year.

25 "(c) Each member of the Board of Registrars of
26 Autauga, Elmore, and Bibb Counties may meet a maximum of 187
27 working days each fiscal year. Each member of the Board of

1 Registrars of Walker County may meet a maximum of 200 days
2 each fiscal year and each member of the Board of Registrars of
3 Lamar, Cherokee, Clarke, Conecuh, Crenshaw, Hale, and
4 Washington Counties may meet a maximum of 140 days each fiscal
5 year. Each member of the board of registrars in the following
6 counties may meet the following maximum number of working days
7 each fiscal year: Henry - 140 working days; Covington - 188
8 working days; DeKalb - 207 working days; Jackson - 207 working
9 days; Etowah - 207 working days; and Lawrence - 140 working
10 days.

11 "(d) Each member of the board of registrars in the
12 Counties of Baldwin, Calhoun, Chilton, Madison, Mobile,
13 Montgomery, St. Clair, and Morgan are authorized to meet not
14 more than five days each week for the purpose of carrying out
15 their official duties. Jefferson County, which is now
16 operating under the provisions of local laws, shall be
17 exempted from the provisions of this section. Provided,
18 however, that where the words "each year" are used in the
19 local laws the words mean "each fiscal year."

20 "(e) The actual number of working days to be used as
21 session days shall be determined by a quorum of the board of
22 registrars according to the needs of the county.

23 "(f) As many as 25 of the allotted working days may
24 be used for special registration sessions (i.e., those
25 sessions held away from the courthouse in the several
26 precincts of the county or sessions held on Saturday or
27 between the hours of 5:00 P.M. and 9:00 P.M.). Notice of any

1 special session scheduled by the board shall be given at least
2 10 days prior to the special session by (1) bills posted at
3 three or more public places in each election precinct
4 affected, if the session involves precinct visits, and (2)
5 advertisement once a week for two successive weeks in a
6 newspaper published in the county or by radio or television
7 announcements on a local station, or both by newspaper or
8 announcement.

9 "(g) The board of registrars' office in each county
10 shall be open during the regular business hours of the county
11 government. Nothing in this subsection shall prohibit a member
12 of any board of registrars from attending training or
13 continuing education programs related to election
14 administration.

15 "§17-3-11.

16 "(a) The board of registrars in each county ~~shall~~
17 may visit each college or university, whether public or
18 private, having an enrollment of 500 or more, which is located
19 therein, at least once during the school year for the purpose
20 of registering voters, and shall remain there for one full
21 working day, weekends and holidays excepted. They shall give
22 at least 12 days' notice of the time and place where they will
23 attend to register applicants for registration, by bills
24 posted at three or more public places and by advertisement
25 once a week for three consecutive weeks in a campus newspaper,
26 if there is one published on the campus. Each college or
27 university receiving state funds that is affected by the

1 provisions of this section shall provide space and
2 accommodations for the board of registrars on their campus.

3 "(b) Each member of the board of registrars shall be
4 entitled to receive their usual salary and per diem for
5 attending the meetings of the board of registrars provided for
6 in this section.

7 "§17-4-3.

8 "(a) Each county board of registrars shall purge the
9 computerized statewide voter registration list on a continuous
10 basis, whenever it receives and confirms information that a
11 person registered to vote in that county has died, become a
12 nonresident of the state or county, been declared mentally
13 incompetent, been convicted of any offense designated pursuant
14 to Section 17-3-30.1 as a felony involving moral turpitude for
15 the purposes of Article VIII of the Constitution of Alabama of
16 1901 since being registered, or otherwise become disqualified
17 as an elector. Except as provided below, a person convicted of
18 a disqualifying criminal offense shall be notified by
19 ~~certified~~ first class mail sent to the voter's last known
20 address of the board's intention to strike his or her name
21 from the list. No person convicted of a disqualifying crime
22 may be stricken from the poll list while an appeal from the
23 conviction is pending.

24 "(b) On the date set in the notice, or at a later
25 date to which the case may have been continued by the board,
26 the board shall proceed to consider the case of the elector
27 whose name it proposes to strike from the registration list

1 and make its determination. Any person whose name is stricken
2 from the list may appeal from the decision of the board
3 without giving security for costs, and the board shall
4 forthwith certify the proceedings to the judge of probate who
5 shall docket the case in the probate court.

6 "(c) An appeal from the judge of probate shall be as
7 appeals set forth in Section 17-3-55.

8 "(d) In the event the Board of Pardons and Paroles
9 is supervising a person convicted of a disqualifying criminal
10 offense on probation or parole, and the person has received
11 face-to-face counseling from the supervising officer regarding
12 voter disqualification and executed documentation explaining
13 the loss and restoration of civil and political rights, upon
14 receipt of the documentation, signed by the disqualified
15 elector, the county board of registrars shall be exempt from
16 providing notice as otherwise required by this section. The
17 document administered by the Board of Pardons and Paroles and
18 to be signed by the disqualified elector shall contain the
19 following statement: "Any person convicted of a disqualifying
20 felony loses his or her civil and political rights, which
21 includes the right to vote. Restoration of these rights may be
22 applied for through the Central Montgomery Office of the Board
23 of Pardons and Paroles, but only upon completion of the
24 requirements of Section 15-22-36.1."

25 "(e) The Board of Pardons and Paroles shall provide
26 signed documentation to county boards of registrars to
27 indicate those persons under probation or parole supervision

1 with the board who have been convicted of a disqualifying
2 criminal offense and been counseled regarding voter
3 disqualification and the restoration of civil and political
4 rights, and may otherwise share privileged records and files
5 with county boards of registrars for the limited purpose of
6 implementing the requirements of this section.

7 "(f) When the board has sufficient evidence
8 furnished it that any elector has permanently moved from one
9 precinct to another within the county, it shall change the
10 elector's precinct designation in the voter registration list,
11 and shall give notice by mail to the elector of the precinct
12 in which the elector is registered to vote.

13 "(g) The Secretary of State and the Board of Pardons
14 and Paroles may promulgate rules in accordance with the
15 Alabama Administrative Procedure Act as necessary to implement
16 this section."

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.