

1 HB371
2 207744-1
3 By Representative Sorrell
4 RFD: County and Municipal Government
5 First Read: 09-FEB-21

8 SYNOPSIS: Under existing law, the judge of probate of
9 each county is required to publish in a newspaper
10 of general circulation in the county a list of all
11 registered voters in the county prior to each
12 primary election.

13 This bill would amend Section 17-4-1 of the
14 Code of Alabama 1975, to require the list of
15 registered voters to be published prior to each
16 primary election by the judge of probate on a
17 public notice website established by the Secretary
18 of State, unless the county commission opts out of
19 this method of publication. This bill would provide
20 the method by which a county commission may opt out
21 of the public notice website.

22 This bill would require the Secretary of
23 State to establish and operate a public notice
24 website on which voter lists may be published.

25 This bill would authorize the Secretary of
26 State to charge a fee to cover the cost of

1 publication. There would be no fee charged to the
2 public for usage of the public notice website.

3 Also under existing law, the clerk of each
4 municipality is required to create a list of
5 registered voters with in the municipality prior to
6 each municipal election.

7 This bill would amend Section 11-46-36, Code
8 of Alabama 1975, to authorize a municipal clerk to
9 publish the list of qualified voters for each
10 municipal election on the public notice website.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to elections and the publication of lists
17 of registered voters prior to elections; to amend Section
18 17-4-1, Code of Alabama 1975, to authorize the judge of
19 probate of the several counties to provide for the electronic
20 publication of voter lists on a public notice website operated
21 by the Secretary of State; to provide for fees for publication
22 and to provide that no fee shall be charged for access to the
23 list by the public; to allow a county commission to opt out of
24 internet publication of voter lists under certain conditions;
25 and to amend Section 11-46-36, Code of Alabama 1975, to
26 authorize municipalities to electronically publish a list of
27 registered voters prior to a municipal election.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited
3 as the Voter List Publication Savings and Modernization Act.

4 Section 2. As used in this act, the term "public
5 notice website" shall mean an Internet website or the existing
6 Secretary of State's website, maintained by the Secretary of
7 State, upon which lists of registered voters may be published
8 as provided by this act.

9 Section 3. (a) The Secretary of State shall create,
10 maintain, host, and operate a public notice website or may
11 contract with a third party for the creation, maintenance,
12 hosting, and operation of the public notice website for
13 purposes of this act.

14 (b) If the Secretary of State contracts with a third
15 party and the Secretary of State requires a quality review,
16 the third party shall provide full access to the technical
17 informational operations of the public notice website.

18 Section 4. (a) No later than October 1, 2021, the
19 Secretary of State shall develop and test the public notice
20 website for the purposes of this act.

21 (b) In addition to other requirements contained in
22 this act, the Secretary of State shall also do all of the
23 following:

24 (1) Develop, create, maintain, host, and operate the
25 public notice website.

26 (2) Maintain the public notice website so that it is
27 operable 24 hours per day, seven days a week, each day of the

1 year. The public notice website, including all its features,
2 shall be publicly accessible. This subdivision shall not apply
3 to interruptions caused by circumstances out of the control of
4 the Secretary of State, including unforeseeable interruptions
5 in internet service.

6 (3) Ensure that the public notice website has the
7 capability to accept and display any public notice forwarded
8 from a newspaper publishing a required notice, free of charge
9 to the public.

10 (4) Ensure that individual voter lists are displayed
11 to the end of the voting cycle. At the end of the posting
12 time, the Secretary of State, with prior approval of the
13 person or entity that arranged for the posting and for a
14 reasonable fee, may send a reminder to the entity that the
15 notice is due to expire.

16 (5) Include within the public notice website an
17 archives feature that is accessible free of charge to the
18 public at all times, and also include a function that allows
19 the public to determine which notices have been posted in a
20 given county.

21 (6) Make a report to the Legislature upon the
22 successful development and testing of the public notice
23 website.

24 (c) The submission for Internet publication of a
25 voter list shall be made through the Secretary of State by the
26 duly authorized person or entity purporting to provide the
27 notice.

1 (d) The Secretary of State may charge a fee which
2 reasonably reflects the actual cost of publication to the duly
3 authorized person or entity purporting to provide the notice.

4 (e) The Office of the Secretary of State shall be
5 solely responsible for providing personnel for the operation
6 or maintenance of a public notice website.

7 (f) The Secretary of State shall not charge a fee to
8 a person accessing, searching, or using the public notice
9 website, other than the fee for publication as provided in
10 this section.

11 Section 5. (a) If the county commission of any
12 county finds by majority vote that a public notice website
13 would not provide adequate notice to the citizens of the
14 county, then publication of voter lists on the public notice
15 website pursuant to this act shall not be sufficient to
16 fulfill the requirements of Section 17-4-1, Code of Alabama
17 1975, within that county, and public notice within that county
18 for purposes of Section 17-4-1, Code of Alabama 1975, shall
19 continue to be made by newspaper as authorized by law until
20 the county commission, by majority vote, finds that a public
21 notice website would provide adequate notice to the citizens
22 of the county.

23 (b) A county commission that determines a public
24 notice website to be insufficient under subsection (a) shall
25 deliver to the Secretary of State a written notice of those
26 findings within 30 calendar days of that vote. A county
27 commission that thereafter determines that a public notice

1 would provide adequate notice shall deliver to the Secretary
2 of State a written notice of that determination within 30
3 calendar days of that vote.

4 Section 6. (a) Prior to September 1, 2021, each
5 county shall publish a notice informing the public about the
6 change to Internet publication of voter lists.

7 (1) This notice shall run at least once a week for
8 four consecutive weeks in a newspaper of general circulation
9 qualified to publish public notice in that county under
10 Section 6-8-60 of the Code of Alabama 1975.

11 (2) If there is no newspaper of general circulation
12 qualified to publish public notice in the county, then this
13 requirement may be satisfied by posting the notice for four
14 consecutive weeks at five different public places in the
15 county or municipality.

16 (b) This section shall not apply to any county of
17 which the governing body has determined and declared, pursuant
18 to Section 5, that a public notice website pursuant to this
19 act is not sufficient to fulfill public notice requirements
20 within that county, until that county finds and declares that
21 a public notice website would provide adequate notice to the
22 intended audience.

23 Section 7. The Secretary of State may conduct a
24 public information campaign to inform the public of the
25 publication of the lists of registered voters on the Secretary
26 of State's website.

1 Section 8. Sections 11-46-36 and 17-4-1, Code of
2 Alabama 1975, are amended to read as follows:

3 "§11-46-36.

4 "(a) The mayor or other chief executive officer of
5 the city or town shall cause to be made a list of the
6 qualified voters who reside within the corporate limits of
7 such city or town and who are registered to vote regular
8 ballots, dividing the same into separate alphabetical lists of
9 the qualified voters of each ward where such city or town has
10 been divided into wards and all qualified voters thereof vote
11 at one box or voting machine, or dividing such list into
12 separate alphabetical lists of voters authorized to vote at
13 each respective box or voting machine if the list of qualified
14 voters has been divided alphabetically and each alphabetical
15 group assigned a box or machine at which to vote. He or she
16 shall have such lists compared with the official list of
17 electors qualified to vote during the current year on file in
18 the probate office of the county in which the municipality is
19 situated and shall certify on each list prepared pursuant to
20 this section that it is a correct list of the voters who are
21 qualified to vote regular ballots in the municipality, ward,
22 ballot box, or voting machine to which it appertains. He or
23 she shall have full access to all registration lists of the
24 county for this purpose. A copy of each list ~~so~~ prepared under
25 this section shall be filed with the municipal clerk, who
26 shall file and retain each such list as a public record in his
27 or her office, on or before the third Tuesday in July before a

1 regular municipal election. In addition, the clerk of each
2 municipality may email a copy of the list to the Secretary of
3 State, who shall publish the list on the public notice website
4 established pursuant to the act adding this amendatory
5 language. The clerk shall prepare a copy of the list of
6 qualified voters authorized to vote at each of the respective
7 polling places in the municipality, and, prior to the opening
8 of the polls on election day, he or she shall furnish to the
9 inspectors, or one of them, of each ballot box or voting
10 machine at each polling place a copy of the list of qualified
11 voters authorized to vote at the box or voting machine for
12 which he or she was appointed an inspector. The clerk shall
13 also publish the list of qualified voters authorized to vote
14 at the ensuing election at least five days prior to the
15 election by posting copies thereof in at least three public
16 places in the municipality.

17 "(b) Following each election, the municipal clerk
18 shall make a copy of that portion of the poll list to be made
19 a public record and shall maintain the original in his or her
20 office. The clerk shall redact any information required to be
21 redacted pursuant to Section 17-4-33 from the copy to be made
22 a public record. This subsection shall not affect poll lists
23 used at local precincts.

24 "§17-4-1.

25 "(a) The judge of probate shall publish from the
26 state voter registration list a correct alphabetical list of
27 qualified electors either by county, precinct, district, or

1 subdivision wherein each elector is registered to vote, on a
2 statewide public notice website maintained by the Secretary of
3 State if approved by the county commission pursuant to the act
4 adding this amendatory language, or in ~~some~~ a newspaper with
5 general circulation in the county, on or before the twentieth
6 day preceding the regularly scheduled primary election.

7 "(b) The list shall be accompanied by a ~~printed~~
8 certification generated by the state voter registration system
9 verifying that the list contains the names of all qualified
10 electors registered as of the specified time and date when it
11 was ~~printed~~ prepared.

12 "(c) (1) The list shall further state that any
13 elector whose name was inadvertently omitted from the list
14 shall have 10 days ~~in~~ during which to have his or her name
15 entered upon the list of qualified voters.

16 "(2) If, within 10 days, any voter shall reasonably
17 satisfy the board of registrars by proper proof that any name
18 should be added to the list, the board shall add such name to
19 the list. The supplemental list of registered voters
20 inadvertently omitted from the original list shall be
21 published on the public notice website or, if the county has
22 opted out of the public notice provisions as provided in the
23 act adding this amendatory language, once in a newspaper of
24 general circulation in the county, on or before the seventh
25 day preceding the date of the primary election.

26 "(d) (1) The lists required to be published pursuant
27 to this section may be published, at the discretion of the

1 county commission, as a preprinted or inserted advertising
2 supplement at a cost no greater than the selected newspaper's
3 lowest applicable national insertion rates.

4 "(2) If the list is published as a preprinted
5 supplement in the selected newspaper, the supplement size
6 shall conform to the size requirements set by the selected
7 newspaper and shall be printed on standard newsprint paper.
8 The type size shall be no smaller than nine point standard
9 type. The list shall also be delivered to the newspaper for
10 insertion in a manner required for other advertising
11 supplements. The supplement ~~may~~ shall not contain any other
12 advertising. Any newspaper accepting a preprinted insertion
13 that is not prepared by the newspaper shall not be responsible
14 for the content of ~~such~~ the insertion.

15 "(e) Nothing in this section shall prohibit a county
16 commission from publishing the list of voters in more than one
17 newspaper within the county at the county commission's
18 discretion.

19 "(f) The judge of probate shall email any list of
20 voters prepared pursuant to this section to the Secretary of
21 State, who shall publish the list on the public notice website
22 pursuant to the act adding this amendatory language."

23 Section 9. Section 8 of this act shall become
24 effective October 1, 2021, following the passage and approval
25 of this act by the Governor, or its otherwise becoming law;
26 the remainder of this act shall become effective immediately

1 following its passage and approval by the Governor, or its
2 otherwise becoming law.