

1 HB438
2 199106-1
3 By Representatives Chestnut, Jones (S), Daniels, Gray,
4 Lawrence and Morris
5 RFD: Constitution, Campaigns and Elections
6 First Read: 23-FEB-21

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8 SYNOPSIS: This bill would provide for automatic voter
9 registration in conjunction with obtaining,
10 updating, or renewing a driver's license or
11 nondriver identification card.

12 This bill would also authorize the Alabama
13 State Law Enforcement Agency and the Secretary of
14 State to adopt rules.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to voting; to provide for automatic voter
21 registration in conjunction with the issuance, updating, or
22 renewal of driver's licenses or nondriver identification cards
23 and to authorize rulemaking by the Secretary of State and the
24 Alabama State Law Enforcement Agency.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) Notwithstanding subsection (b) of
27 Section 17-4-60, Code of Alabama 1975, the Alabama State Law

1 Enforcement Agency, judges of probate, license commissioners,
2 and other license issuing officials shall obtain, as an
3 integral and simultaneous part of every application for the
4 issuance, renewal, or update of a driver's license or
5 nondriver identification card, all of the following
6 information from each applicant:

7 (1) Full name, including first, middle, last, and
8 any premarital names.

9 (2) Date of birth.

10 (3) Residential address including county, and, if
11 different, mailing address.

12 (4) Date and applicant's signature.

13 (5) Telephone number, if available.

14 (6) Last four digits of Social Security number.

15 (7) Driver's license number, if available.

16 (8) A notation that the applicant has attested that
17 he or she meets all voter eligibility requirements, including
18 United States citizenship.

19 (9) Whether the applicant affirmatively declined to
20 become registered to vote during the transaction with the
21 Alabama State Law Enforcement Agency or other license issuing
22 official by a signed statement that the applicant refuses to
23 register to vote or does not meet the qualifications to
24 register to vote.

25 (10) Any other information the Secretary of State,
26 by rule, determines to be reasonably necessary to implement
27 this section.

1 (b) Unless the applicant affirmatively declines by
2 use of an opt-out process to become registered to vote or
3 update his or her voter registration during the transaction
4 with the license issuing official, the official shall release
5 all of the information obtained pursuant to subsection (a) to
6 the Secretary of State, as further provided in subsection (f).
7 The Secretary of State shall forward the information to the
8 board of registrars for the relevant county, and the board of
9 registrars shall process the newly automatically registered
10 voter or update information for the elector. If the applicant
11 affirmatively declines to become registered to vote, the
12 license issuing official shall transmit the first name, middle
13 name, last name, premarital name, if applicable, residence
14 address, date of birth, and signature to the Secretary of
15 State, along with the notation that the applicant
16 affirmatively declined to become registered through an opt-out
17 process when applying for, renewing, or updating a driver's
18 license or nondriver identification card.

19 (c) The license issuing official shall notify the
20 applicant that by submitting his or her signature, the
21 applicant grants written consent for the submission of the
22 information obtained and required to be submitted to the
23 Secretary of State pursuant to this section. Information
24 regarding an applicant's failure to sign the voter
25 registration application is confidential and may not be used
26 for any purpose other than to determine voter registration.

1 (d) An application for voter registration submitted
2 pursuant to this section updates a previous voter registration
3 by the applicant and authorizes the cancellation of
4 registration in any other county or state in which the
5 applicant was previously registered.

6 (e) A change of address from one residence to
7 another that is submitted for updating a driver's license or
8 nondriver identification card serves as a notice of change of
9 address for voter registration purposes.

10 (f) Completed applications for voter registration or
11 change of address for voting purposes received by a license
12 issuing official shall be forwarded to the Secretary of State
13 within five days of receipt. The Secretary of State shall
14 remove and file any forms that have not been signed by the
15 applicant and shall forward completed, signed applications to
16 the board of registrars of the appropriate county within five
17 days of receipt.

18 (g) Voter registration applications submitted to a
19 license issuing official that are unsigned shall be collected
20 by the official and submitted to and maintained by the
21 Secretary of State according to the retention policy adopted
22 by the Secretary of State, provided that the retention policy
23 shall require the records to be retained for at least four
24 years.

25 (h) Information obtained pursuant to this section is
26 not a public record for purposes of Chapter 13 of Title 41,
27 Code of Alabama 1975, and the Secretary of State, by rule,

1 shall establish procedures to protect the confidentiality of
2 the information obtained pursuant to this section.

3 (i) This section shall not be construed as requiring
4 or authorizing the Alabama State Law Enforcement Agency,
5 judges of probate, license commissioners, or other license
6 issuing officials to determine eligibility for voter
7 registration or voting.

8 (j) The Alabama State Law Enforcement Agency and the
9 Secretary of State may adopt rules to implement this section.

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