

1 SB280
2 154010-4
3 By Senators Dunn, Beasley, Singleton, Smitherman, Coleman,
4 Figures, and Irons
5 RFD: Constitution, Campaign Finance, Ethics, and Elections
6 First Read: 23-JAN-14

1 SB280

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4 ENROLLED, An Act,

5 To amend Sections 11-46-36, 11-46-107, 17-4-33,
6 17-9-15, and 17-11-5, Code of Alabama 1975, relating to the
7 computerized statewide voter registration list, to provide for
8 the omission of the residential and mailing address of any
9 registered voter who is a victim of domestic violence or who
10 is the custodian of a minor victim of domestic violence upon
11 written affidavit of the registered voter.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 11-46-36, 11-46-107, 17-4-33,
14 17-9-15, and 17-11-5 of the Code of Alabama 1975, are amended
15 to read as follows:

16 "§11-46-36.

17 "(a) The mayor or other chief executive officer of
18 the city or town shall cause to be made a list of the
19 qualified voters who reside within the corporate limits of
20 such city or town and who are registered to vote regular
21 ballots, dividing the same into separate alphabetical lists of
22 the qualified voters of each ward where such city or town has
23 been divided into wards and all qualified voters thereof vote
24 at one box or voting machine, or dividing such list into
25 separate alphabetical lists of voters authorized to vote at

1 each respective box or voting machine if the list of qualified
2 voters has been divided alphabetically and each alphabetical
3 group assigned a box or machine at which to vote. He or she
4 shall have such lists compared with the official list of
5 electors qualified to vote during the current year on file in
6 the probate office of the county in which the municipality is
7 situated and shall certify on each list prepared pursuant to
8 this section that it is a correct list of the voters who are
9 qualified to vote regular ballots in the municipality, ward,
10 ballot box, or voting machine to which it appertains. He or
11 she shall have full access to all registration lists of the
12 county for this purpose. A copy of each list so prepared shall
13 be filed with the municipal clerk, who shall file and retain
14 each such list as a public record in his or her office, on or
15 before the third Tuesday in July before a regular municipal
16 election. The clerk shall prepare a copy of the list of
17 qualified voters authorized to vote at each of the respective
18 polling places in the municipality, and, prior to the opening
19 of the polls on election day, he or she shall furnish to the
20 inspectors, or one of them, of each ballot box or voting
21 machine at each polling place a copy of the list of qualified
22 voters authorized to vote at the box or voting machine for
23 which he or she was appointed an inspector. The clerk shall
24 also publish the list of qualified voters authorized to vote
25 at the ensuing election at least five days prior to the

1 election by posting copies thereof in at least three public
2 places in the municipality.

3 ~~"(b) Repealed by Acts 1982, No. 82-458, §7,
4 effective May 4, 1982.~~

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

12 "§11-46-107.

13 "(a) The mayor or other chief executive officer of
14 the city or town shall cause to be made a list of the
15 qualified voters who reside within the corporate limits of
16 such city or town and who are registered to vote regular
17 ballots, dividing the same into separate alphabetical lists of
18 the qualified voters of each ward where such city or town has
19 been divided into wards and all qualified voters thereof vote
20 at one box or voting machine or dividing such list into
21 separate alphabetical lists of voters authorized to vote at
22 each respective box or voting machine if the list of qualified
23 voters has been divided alphabetically and each alphabetical
24 group assigned a box or machine at which to vote. He or she
25 shall have such lists compared with the official list of

1 electors qualified to vote during the current year on file in
2 the probate office of the county in which the municipality is
3 situated, and shall certify on each list prepared pursuant to
4 this section that it is a correct list of the voters who are
5 qualified to vote regular ballots in the municipality, ward,
6 ballot box, or voting machine to which it appertains. He or
7 she shall have full access to all registration lists of the
8 county for this purpose. A copy of each list so prepared shall
9 be filed with the municipal clerk, who shall file and retain
10 each such list as a public record in his or her office, on or
11 before the third Tuesday in July preceding a regular municipal
12 election. The clerk shall prepare a copy of the list of
13 qualified voters authorized to vote at each of the respective
14 polling places in the municipality and, prior to the opening
15 of the polls on election day, he or she shall furnish to the
16 inspectors, or one of them, of each ballot box or voting
17 machine at each polling place a copy of the list of qualified
18 voters authorized to vote at the box or voting machine for
19 which he or she was appointed an inspector. The clerk shall
20 also publish the list of qualified voters authorized to vote
21 at the ensuing election at least five days prior to the
22 election, either by publication in a newspaper of general
23 circulation in the municipality or by posting copies thereof
24 in at least three public places in the municipality, as
25 directed by the municipal governing body.

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

8 "§17-4-33.

9 "(a) The State of Alabama shall provide, through the
10 Secretary of State, a nondiscriminatory, single, uniform,
11 official, centralized, interactive computerized statewide
12 voter registration list defined, maintained, and administered
13 by the Secretary of State, with advice from the Voter
14 Registration Advisory Board and the President of the Alabama
15 Probate Judges Association, which contains the name and
16 registration information of every legally registered voter in
17 the state. The computerized list shall comply with the
18 following requirements:

19 "(1) It shall serve as the single system for storing
20 and managing the official list of registered voters throughout
21 the state.

22 "(2) It shall contain the name, address, and voting
23 location, as well as other information deemed necessary by the
24 Voter Registration Advisory Board or the Secretary of State,
25 of every legally registered voter in the state.

1 "(3) A unique identifier shall be assigned to each
2 legally registered voter in the state.

3 "(4) It shall contain the voting history of each
4 registered voter.

5 "(5) It shall be coordinated with the driver's
6 license database of the Department of Public Safety and the
7 appropriate state agency to assist in the removal of deceased
8 voters.

9 "(6) Any election official in the state, including
10 any local election official, may obtain immediate electronic
11 access to the information contained in the computerized list.

12 "(7) All voter registration information obtained by
13 any registrar in the state shall be electronically entered
14 into the computerized list on an expedited basis at the time
15 information is provided to the registrar.

16 "(8) The Secretary of State shall provide such
17 support as may be required so that registrars are able to
18 enter voter registration information.

19 "(9) It shall serve as the official voter
20 registration list for the conduct of all elections.

21 "(10) Following each state and county election, the
22 Secretary of State shall provide one electronic copy of the
23 computerized voter list free of charge to each political party
24 that satisfied the ballot access requirements for that
25 election. The electronic copy of the computerized voter list

1 shall be provided within 30 days of the certification of the
2 election or upon the completion of the election vote history
3 update following the election, whichever comes first. In
4 addition, upon written request from the chair of a political
5 party, the Secretary of State shall furnish up to two
6 additional electronic copies of the computerized voter file
7 during each calendar year to each political party that
8 satisfied the ballot access requirements during the last
9 statewide election held prior to that calendar year. The
10 electronic copies provided pursuant to this section shall
11 contain the full, editable data as it exists in the
12 computerized voter list maintained by the Secretary of State.

13 "(11) The list shall be maintained so that it is
14 technologically secure.

15 "(b) The Secretary of State, or judge of probate, or
16 absentee election manager, or municipal clerk, or registrar
17 shall include the name and omit the residential and mailing
18 address of a registered voter on any generally available list
19 of registered voters, except for those lists provided to
20 federal and state agencies, upon the written signed affidavit
21 of the registered voter to the board of registrars of the
22 county in which the individual is registered or intends to
23 register, affirming either of the following:

24 "(1) That the registered voter, or a minor who is in
25 the legal custody of the registered voter, is or has been the

1 victim of domestic violence as provided in Article 7,
2 commencing with Section 13A-6-130, of Chapter 6 of Title 13A.

3 "(2) That a domestic violence order is or has been
4 issued by a judge or magistrate pursuant to the Domestic
5 Violence Protection Order Enforcement Act, to restrain access
6 to the registered voter or a minor who is in the legal custody
7 of the registered voter.

8 "§17-9-15.

9 "After the close of the polls in all primary,
10 special, general, and municipal elections held in the state,
11 the records and forms produced at the polling places shall be
12 returned as follows:

13 "(1) The list of registered voters, the affirmations
14 of provisional voters, the statements of election officials
15 challenging provisional voters, and the voter reidentification
16 forms shall be sealed in an envelope addressed to the board of
17 registrars and the inspectors and any poll watchers present
18 shall sign across the seal. The board of registrars shall hold
19 the list of registered voters ~~as a public record~~ while using
20 it to update their voter histories in accordance with Article
21 2 of Chapter 4. A copy of the list of registered voters shall
22 be made a public record after the information specified in
23 subdivision (1) of subsection (b) of Section 17-4-33 has been
24 redacted by the board of registrars. The original and copies
25 of the list shall then be returned to the city clerk in

1 municipal elections and the judge of probate in all other
2 elections.

3 "(2) The signed voters' poll list shall be sealed in
4 an envelope and the inspectors and any poll watchers present
5 shall sign across the seal. The envelope shall be delivered to
6 the judge of probate in general and special elections and to
7 the party chairs in primary elections. The "clerk's poll list"
8 shall be sealed in an envelope labeled "records of election"
9 and the inspector and any poll watchers present shall sign
10 across the seal and the envelope shall be placed in a "records
11 of election" container and remain there during the period of
12 time for the initiation of an election contest or recount as
13 provided by law. The "records of election" container shall be
14 delivered to the city clerk in municipal elections and the
15 sheriff in all other elections to be retained in accordance
16 with state and federal law.

17 "§17-11-5.

18 "(a) Upon receipt of an application for an absentee
19 ballot as provided in Section 17-11-3, if the applicant's name
20 appears on the list of qualified voters produced from the
21 state voter registration list in the election to be held, or
22 if the voter makes an affidavit for a challenged vote or
23 provisional ballot, the absentee election manager shall
24 furnish the absentee ballot to the applicant by: (1)
25 Forwarding it by United States mail to the applicant's or

1 voter's residence address, or upon written request of the
2 voter, to the address where the voter regularly receives mail
3 or (2) by handing the absentee ballot to the voter in person
4 or, in the case of emergency voting, his or her designee in
5 person. If the absentee election manager has reasonable cause
6 to believe that the applicant has given a fraudulent address
7 on the application for the absentee ballot, the absentee
8 election manager shall turn over the ballot application to the
9 district attorney for any action which may be necessary under
10 this chapter. The absentee election manager may require
11 additional proof of a voter's eligibility to vote absentee
12 when there is evidence of continuous absentee voting. The
13 absentee election manager shall mail any absentee ballot
14 requested to be mailed as provided in Section 17-11-3 no later
15 than the next business day after an application has been
16 received unless the absentee ballots have not been delivered
17 to the absentee election manager. If the absentee ballots have
18 not been so delivered, the absentee election manager shall
19 hold all requests until the ballots are delivered and shall
20 then respond by placing ballots in the mail no later than the
21 next business day.

22 "(b) The official list of qualified voters shall be
23 furnished to the absentee election manager by the judge of
24 probate using a printout from the state voter registration
25 list of registered voters for that county containing ~~vote~~

1 voter registration information useful in the identification of
2 absentee voters. The information provided in this report shall
3 be established by rules adopted by the Secretary of State with
4 the advice of the Alabama Circuit Court Clerks Association or
5 its members and shall indicate whether the individual is
6 obligated to produce identification in accordance with
7 Sections 17-9-30 and 17-10-1. The Secretary of State may
8 further provide by administrative rule for electronic access
9 to this list for optional use by the absentee election
10 manager. This list shall be made available beginning at least
11 45 days before the election. In municipal elections, the
12 official list of qualified voters shall be furnished to the
13 absentee election manager at least 35 days before the
14 election. Any supplemental list of qualified electors shall
15 also be provided to the absentee election manager as soon as
16 the list becomes available. The absentee election manager
17 shall underscore on the list the name of each voter who has
18 applied for an absentee ballot and shall write immediately
19 beside his or her name the word "absentee." The Secretary of
20 State by rule may provide for electronic access to the
21 absentee election manager's county list of registered voters
22 and for the method of identifying applicants for absentee
23 ballots in conjunction with the state voter registration list.

24 "(c) (1) The absentee election manager shall enroll
25 the name, residence, and voting place of the applicant, and

1 the date the application was received on a list of absentee
2 voters. Each day the absentee election manager shall enter on
3 the list the names, addresses, and voting places of each voter
4 who has that day applied for an absentee ballot and shall, for
5 all elections other than municipal elections, post a copy of
6 the list of applications received each day on the regular
7 bulletin board or other public place in the county courthouse.
8 In municipal elections, the absentee election manager shall
9 post a copy of the list of applications received each day on
10 the regular bulletin board or other public place in the city
11 hall. The absentee election manager in all elections shall
12 deliver to the board of registrars the day following the
13 election, a copy of the list of all absentee voters. The list
14 shall be maintained in the office of the circuit clerk for 60
15 days after the election, at which time it shall be delivered
16 to the judge of probate. Before the polls open at any election
17 on election day, the absentee election manager shall
18 effectuate the delivery to the election officers of each
19 voting place a list showing the name and address of every
20 person whose name appears on the official list of qualified
21 electors for the voting place who applied for an absentee
22 ballot in the election. The name of the person who applied for
23 an absentee ballot shall be identified as an absentee voter on
24 the list of qualified electors kept at the voting place, and
25 the person shall not vote again, except that in county, state,

1 and federal elections the person may vote a provisional
2 ballot. Applications for absentee ballots are required for
3 elections which are more than 30 days apart, except as to
4 individuals voting pursuant to the federal Uniformed and
5 Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

6 "(2) The absentee election manager shall redact any
7 information required to be redacted pursuant to Section
8 17-4-33 from any copy of an absentee voter list to be posted
9 or otherwise made a public record. This subdivision shall not
10 affect poll lists used at local precincts.

11 "(d) For individuals voting pursuant to the federal
12 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
13 the Secretary of State shall by rule prescribe use of
14 standardized military and overseas voter registration
15 applications and applications for absentee ballots adopted by
16 the United States government for such use. The Secretary of
17 State shall also prescribe by rule provisions within the
18 standard state application form for absentee voting which
19 permit the voter to identify himself or herself as a military
20 or overseas voter. Unless otherwise indicated by the military
21 or overseas voter, an application for an absentee ballot by
22 such a voter shall remain valid through the next two regularly
23 scheduled general election cycles for federal office. The
24 circuit clerk shall confirm by January 1 of each election year
25 the address of the military and overseas voters prior to

1 mailing the ballots during each election cycle, and the
2 absentee election manager shall provide an absentee ballot to
3 the military and overseas voters for each such subsequent
4 election. The absentee election manager, within seven days
5 after each regularly scheduled general election for federal
6 office, shall report the number of military and overseas
7 ballots mailed out and the number of ballots received to the
8 Secretary of State who shall report this information to the
9 Federal Election Assistance Commission within 90 days of each
10 regularly scheduled general election for federal office."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB280

Senate 20-FEB-14

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 18-MAR-14

By: Senator Dunn