

OFFICE OF THE ATTORNEY GENERAL



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Honorable Jim Bennett
Secretary of State
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Probate Judges – Poll Lists – Names - Addresses

The poll lists provided by the probate judge, pursuant to section 17-4-130, should contain identifying information from the board of registrars in addition to the name of the qualified elector.

The list of qualified voters provided by the probate judge to the absentee election manager, pursuant to section 17-10-5(b), should contain identifying information from the board of registrars in addition to the name of the qualified elector.

Dear Mr. Bennett:

This opinion of the Attorney General is issued in response to your request.

QUESTION 1

May the lists provided by the probate judge, pursuant to section 17-4-130 of the Code of Alabama, contain identifying information from

the board of registrars in addition to the name of the qualified elector?

FACTS AND ANALYSIS

Section 17-4-130 of the Code of Alabama requires the probate judge to provide poll lists to each voting place and states in pertinent part:

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. From these lists the judge shall prepare correct alphabetical lists of the qualified electors registered by precincts, by districts or by subdivisions thereof where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, and no others, which lists shall be certified by the board thereof to be full and correct copies of the lists of registered electors for each of said political subdivisions, as the same appears from the records of the board, and shall deliver the same to the judge of probate for distribution to the officers of election. The judge of probate shall deliver or cause to be delivered to the inspectors in each precinct, each district, each ward or each other subdivision one copy of the list prepared for such box or voting place immediately preceding every general, primary or special election, and the delivered list shall contain only the names of persons qualified to vote at such box or voting place; except, that for purposes of information only, there may be delivered to such inspectors lists prepared for other boxes or voting places. The list published in the newspaper before each primary election shall not be used as the poll list.

ALA. CODE § 17-4-130 (1995) (emphasis added).

Apparently, a question has arisen as to whether this section allows the poll lists to contain only the names of voters and no other identifying information. Under established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning. Tuscaloosa County Comm'n v. Deputy Sheriff's Ass'n of Tuscaloosa County, 589 So. 2d 687 (Ala. 1991). In addition, the intent of the Legislature must be ascertained and given effect. Hines v. Riverside Chevrolet-Olds, Inc., 655 So. 2d 909 (Ala. 1994). Legislative intent may be gleaned from the language used, the reason and necessity for the act, and the purpose sought to be obtained. Bama Budweiser v. Anheuser-Busch, 611 So. 2d 238 (Ala. 1992). Statutory provisions must also be read in conjunction with other related provisions to provide a workable and just construction. Kinard v. Jordan, 646 So. 2d 1380 (Ala. 1994).

Section 17-4-130 clearly requires that each polling place be provided with a list of voters who are qualified only for that polling place. The use of the word "only" in this section modifies the phrase "persons qualified to vote at such box or voting place" and does not simply modify the word "names." Thus, only those persons who are qualified to vote at that particular polling place shall be contained in the voters list provided to each polling place. This section does not prohibit the probate judge from including other identifying information such as the voter's address on the list provided to each polling place. In fact, this practice is necessary in order for other election-related functions to be performed. See, ALA. CODE § 17-4-231 (1995). Without the inclusion of other identifying information, the polling officials will not be able to make a distinction between voters with the same name when checking voters off the list.

You have informed this Office that a majority of probate judges have followed the practice of printing other identifying information, such as the voter's address, on the poll list. Any change in a general practice or procedure that has been followed with respect to elections would result in a change in voting procedure that would require preclearance with the United States Justice Department. 42 U.S.C. § 1973c (1994).

CONCLUSION

The poll lists provided by the probate judge, pursuant to section 17-4-130 of the Code of Alabama, should contain identifying information from the board of registrars in addition to the name of the qualified elector.

QUESTION 2

May the lists provided by the probate judge, pursuant to section 17-10-5(b) of the Code of Alabama, contain identifying information from the board of registrars in addition to the name of the qualified elector?

FACTS AND ANALYSIS

Section 17-10-5(b) requires the probate judge to furnish the official list of qualified voters to the absentee election manager. This section states:

The official list of qualified voters shall be furnished to the absentee election manager by the judge of probate or other person preparing the list at least 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as the list becomes available. . . . The absentee election manager shall enroll the name, residence, and polling place of the applicant, and the date the application was received on a list of absentee voters. . . . Before the polls open at any election on election day, the absentee election manager shall effectuate the delivery to the election officers of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for the polling place who applied for an absentee ballot in the election. The name of the person who applied for an absentee ballot shall be stricken from the list of qualified electors kept at the polling place, and the person shall not vote again. . . .

ALA. CODE § 17-10-5(b) (Supp. 1997).

This section does not specify the identifying information that should be included on the list provided to the absentee election manager. The list that is to be provided, however, is compiled from the list of voters that is prepared pursuant to sections 17-4-129 and 17-4-130. The same rationale applied to your first question is applicable to this question.

In order for the absentee election manager to distinguish between voters and correctly record those persons who are voting absentee, the absentee election manager needs other identifying information about each voter. For example, the absentee election manager is allowed to mail the absentee ballot only to the voter's residence address. See, ALA. CODE § 17-10-5(a) (Supp. 1997). If the voter's residence address is not included on the list of qualified voters provided to the absentee election manager, the absentee election manager will not be able to determine whether the ballot is being mailed to the appropriate address.

CONCLUSION

The list of qualified voters provided by the probate judge to the absentee election manager, pursuant to section 17-10-5(b) of the Code of Alabama, should contain identifying information from the board of registrars in addition to the name of the qualified elector.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

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