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80-00558

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Ms. Marguerite H. Rodgers
Chairman
Bullock County Board of Registrars
Union Springs, Alabama 36089

Boards of Registrars - Registrars -
Voting

Discussion of procedure for
purging from the poll lists, and
for re-registering, persons de-
clared mentally incompetent.

Dear Ms. Rodgers:

I am responding to your request for an opinion regarding the procedure for removing from the poll list, or registering, a person who has been declared to be mentally incompetent. Your request reads as follows:

"Article 8, Section 182 lists all idiots and insane persons among those people who are disqualified from voting. The Bullock County Board of Registrars would like to request an opinion from your office concerning this disqualification of voters. The point in question is not those persons who are institutionalized but those who are sent to an institution and released. Our Board receives a monthly list of those persons who are sent to an institution; however, there

is no follow up as to those who are committed and those who are released. If an individual whose name appears on one of those monthly lists comes in to register, how do we respond to his request? We have no evidence that he is legally insane nor do we have evidence of his release. Also if a person appearing on the provided list is a registered voter, how does the board respond? Do we notify the person in writing that his name is being stricken or do we publish his name as a purge?"

In answer to your questions, Alabama law provides that when the board of registrars receives and confirms information that a person has been declared mentally incompetent, they shall purge that person's name from the voter list. See Section 17-4-132, Code of Alabama 1975. Section 17-4-131, Code of Alabama 1975, directs the probate judge to furnish the board of registrars with a monthly list of persons who have been declared incompetent. This list should not include everyone who has been institutionalized, but only those who have been legally declared mentally incompetent by a court order, pursuant to a competency hearing. If you are not sure whether an individual on the list has been declared mentally incompetent as described above, you should call your probate judge and find out.

When you have determined that an individual has been declared mentally incompetent by a court proceeding, you should purge his or her name from the poll list. Section 17-4-132 provides that notice of names proposed to be stricken from the list shall be published in a newspaper published in the county. You need not give written notice. The only persons who must be given written notice are those who have been convicted of disqualifying crimes.

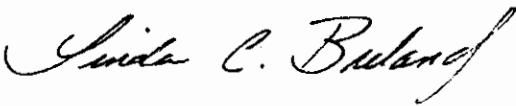
After the person has been purged from the list, he must, of course, re-register to vote if he is later declared mentally competent. He has the responsibility of showing to the satisfaction of the board that he is qualified to register. See Section 17-4-123, Code of Alabama 1975. You may require him to present a court order which would reflect that he has been declared to be competent.

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I trust that I have answered your questions sufficiently.
If this office can be of further help to you, please let me
know.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-



LINDA C. BRELAND
Assistant Attorney General

LCB:bb