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90-00113

STATE OF ALABAMA

JAN 23 1990

Honorable Nathan Mathis  
Member, Alabama House of Representatives  
District No. 87  
P.O. Drawer L  
Slocomb, Alabama 36375

**Elections - Voter  
Reidentification - Board of  
Registrars**

Voters whose names are to be purged from the voters' list should reidentify prior to election day but may reidentify at the polls on election day by completing a voter reidentification form.

Registrars and deputy registrars should not campaign during working hours.

Dear Representative Mathis:

This opinion is issued in response to your request for an opinion from the Attorney General.

**QUESTIONS**

1. Is it necessary for voters to reidentify in order to vote?
2. If reidentification is mandatory, what is the proper procedure at the polls for a voter who has not reidentified?

**FACTS AND ANALYSIS**

This office has been informed that the Houston County Board of Registrars, pursuant to Act No. 84-389, is conducting a purge of its voters' list. The Board submitted its plan for purging

the voters' list and reidentification of voters to the U.S. Justice Department for preclearance. The plan was precleared by the Justice Department on July 24, 1989.

Act No. 84-389, which is codified at Code of Alabama 1975, S 17-4-180, et seq., provides that the names of the persons who are to be struck from the list of registered voters shall be published in a newspaper of general circulation in the county. Each person whose name appears on the list of voters to be removed shall "reidentify" himself in order to be eligible to vote. A voter may reidentify before election day by appearing in person before a registrar, deputy registrar, at the office of the board of registrars, or at the office of the judge of probate and certifying that he is a registered voter by completing a voter reidentification form. A copy of this form is attached. Persons employed outside the United States, members of the armed forces and persons absent because of attendance at institutions of higher learning may reidentify by mail assuming they are otherwise qualified to vote.

A person who has not reidentified prior to election day may reidentify at the polls on election day. This procedure is very simple. The names of all the persons who have not reidentified prior to the election will appear on a list which will be available at all precincts. When a person whose name appears on the list enters the polls to vote he will be asked to complete a voter reidentification form. After this form is completed he will be allowed to vote. Although a person is allowed to reidentify at the polls on election day, we urge all voters to reidentify before that date in order to avoid any delays that might occur on election day if too many voters wait until election day to reidentify. We also note that any voter who requires assistance should be given assistance in completing the reidentification form.

This office has learned that several different centers have been set up around the county to allow voters to reidentify. Registrars and deputy registrars have been assigned to work at these centers to reidentify voters. It has been brought to our attention that some of these registrars and/or deputy registrars may be soliciting votes for a particular candidate when voters come into the centers to reidentify. We would like to point out that Code of Alabama 1975, S 17-1-7(c) provides:

"No person in the employment of the state of Alabama, whether classified or unclassified, shall use any state funds, property or time, for any political activities. Any person who is in the employment of the state of Alabama must be

on approved leave to engage in such political action or such person must be on personal time before or after work and on holidays. . . . Any person who violates the provisions of this section shall be guilty of the crime of trading in public office and upon conviction thereof, shall be fined or sentenced or both, as provided by section 13A-10-63.\*

Pursuant to this provision, this office has held that registrars and deputy registrars may campaign for a candidate but may not do so during their working hours. Opinion to Honorable Wanda Parker, Chairman, Mobile County Board of Registrars, under date of September 22, 1988. Accordingly, registrars and deputy registrars should not solicit votes or campaign in any way during their working hours, which includes the time spent reidentifying voters.

CONCLUSION

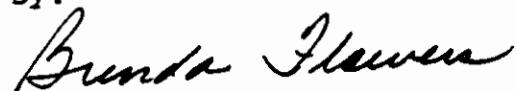
The voters of Houston County whose names appear on the list of voters to be struck must reidentify in order to be eligible to vote. Voters may reidentify prior to election day but may also reidentify on election day by completing a voter reidentification form at the polls. Voters are encouraged to reidentify prior to election day.

Registrars and deputy registrars should not campaign during working hours, which includes the time spent reidentifying voters.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN  
Attorney General  
By:



BRENDA FLOWERS  
Assistant Attorney General

