

OFFICE OF THE ATTORNEY GENERAL



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Registrars, Board of – Poll Lists –
Primary Elections – Voter Reiden-
tification

Voter reidentification information
should be used to update voter
information between the primary and
the primary run-off election in order
to place voters in the appropriate
precincts.

Dear Ms. Tatum:

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

QUESTION

Does the conclusion in A.G. No. 96-00286 include updating information from the voter reidentification update forms, or may the boards of registrars update the voter's address after the primary election and before the primary run-off election to ensure that the voter will be voting in the proper precinct?

FACTS AND ANALYSIS

In an opinion to the Honorable Martha S. Sims, Chairperson, Board of Registrars, dated August 5, 1996, A. G. No. 96-00286, this Office stated that voter histories are to be updated after the primary election run-off. This statement was made in reference to section 17-4-231, which provides:

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

(1) The list of registered voters and the voter reidentification forms shall be sealed in an envelope addressed to the board of registrars and the inspectors and any poll watchers present shall sign across the seal. The board of registrars shall hold the list of registered voters as a public record while using it to update their voter histories in accordance with Article 8 of this chapter. The list shall then be returned to the city clerk in municipal elections and the judge of probate in all other elections.

ALA. CODE § 17-4-231 (1995). The updating of voter histories referred to in this section, which is no longer in effect, was a process whereby the names of voters who were placed on an inactive list were removed from the voter list if they had not voted in the last four years. See ALA. CODE §§ 17-4-210 through 17-4-215. This process is different from the process of updating voters through "reidentification," which is the process now used.

Since the opinion to Martha Sims was issued, a new procedure for purging names from the voter list, called reidentification, was adopted. Act No. 95-769, codified at section 17-4-200 through section 17-4-204, established a statewide voter file maintenance process. ALA. CODE §§ 17-4-200 to 17-4-204 (1995). The new process was adopted in lieu of other voter list purge procedures previously provided by election law except for the purge procedures used to remove the names of deceased voters, voters convicted of disqualifying crimes, and voters adjudged mentally incompetent. Id. Beginning in January of 1997 and in January of every fourth year thereafter, the boards of registrars must conduct voter

list maintenance activities. ALA. CODE § 17-4-201 (1995). This process involves the mailing of notices to all registered voters. If this notice is returned to the board, a forwardable address-confirmation notice is sent to the voter. If the voter does not respond to this notice or if the notice is returned as undeliverable, the board must place the names of those voters on an inactive list and in a suspense file. ALA. CODE § 17-4-201 (1995). The voters placed on the inactive list must reidentify in order to vote and may be purged if they fail to vote in one of the next two federal elections held after their name is placed in the suspense file. ALA. CODE §§ 17-4-182, 17-4-201 (1995). Although the opinion to Martha Sims did not require the boards, between the primary and the primary run-off, to record the names of those persons who had voted in the election (i.e., update the voter histories), the boards are required to enter this information in a timely manner into the state voter file computer. ALA. CODE § 17-4-253 (1995).

Under both the new purge procedure and the old purge procedure, a voter who is placed on the inactive list can reidentify himself as a voter by providing the information needed by the board to place the voter in the correct precinct and/or district. The voter can reidentify by appearing in person before the board of registrars, by mail under certain circumstances, and by completing an update form at the polling place. ALA. CODE §§ 17-4-180 to 17-4-186 (1995). The law does not restrict the time in which a voter is allowed to reidentify. Voters generally reidentify during the period of time just before the primary, as well as during the period of time between the primary and the primary run-off and just before the general election. An inactive voter who has not reidentified prior to the primary, primary run-off, or the general election must reidentify at the polls in order to vote. ALA. CODE § 17-4-213 (1995); State of Alabama v. Wyatt, CV-96-064, May 20, 1996, St. Clair County Circuit Court. Thus, voter reidentification is essentially a continuous process during the four-year period of voter list maintenance.

Between the primary and the primary run-off the board of registrars may register persons to vote. Persons who register at least ten days before the primary run-off are allowed to vote in the primary run-off. ALA. CODE § 17-4-120 (1995). The board of registrars provides a list of voters, which includes newly registered voters, as well as additions, corrections, and deletions, to the probate judge prior to the run-off so that the probate judge may prepare poll lists for each precinct or polling place for the primary run-off. See ALA. CODE § 17-4-130 (1995).

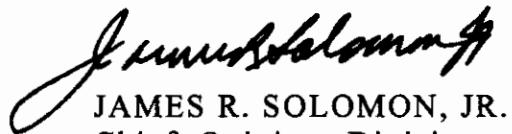
CONCLUSION

It is the opinion of this Office, since the reidentification of voters is a continuous process, reidentification information should be used to update voter information between the primary and the primary run-off election in order to place voters in the appropriate precincts.

I hope this opinion answers your question. 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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