

# CHAPTER 6

## VOTER REGISTRATION

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### **6.1 Board of Registrars**

Voter registration is administered by county boards of registrars. The board of registrars in each county consists of three “reputable and suitable” electors of the county, appointed by a state board of appointment composed of the Governor, the State Auditor, and the Commissioner of Agriculture and Industries. § 17-3-2.

Registrars serve for a period of four years from the date of appointment unless removed for cause. Registrars may be removed for cause by the Secretary of State, but written reasons for the removal are required to be shown. § 17-3-3. These provisions do not apply in any county having a population of 600,000 or more where there is a local law which provides for the appointment of the board of registrars. § 17-3-2(c).

## **6.2 Personal Registration**

Personal registration at the board of registrars was long the norm in Alabama. Though this form of registration is still available, legal and technological developments now allow for a broad array of registration options, including registration at government offices, registration by mail, and most recently, electronic registration via the Internet.

## **6.3 The National Voter Registration Act of 1993**

The National Voter Registration Act of 1993 establishes simple, convenient, and cost-effective methods for all American citizens to register to vote in federal elections. This Act (commonly called “Motor Voter”) applies to state and local elections and thus ensures a uniform system of voter registration for all elections conducted in Alabama. § 17-4-60.

Further, administrative rules were developed to clarify the responsibilities of those state and local agencies and officials covered by the federal and state laws. These administrative rules are included in Appendix S. Copies of the National Voter Registration Act and the state’s compliance legislation may be obtained from the Office of the Secretary of State.

In Alabama, the Secretary of State is the principal election official for federal contact for the state and, therefore, is named the chief election officer to head Alabama’s efforts to implement the National Voter Registration Act. § 17-4-60. The Secretary of State also seeks comments and guidance from other election officials and agency officials to ensure a coordinated effort that addresses the needs and concerns of all participants while effectively meeting the mandates of the law. § 17-4-60.

## **6.4 Agency-Based and "Motor Voter" Registration**

Under the National Voter Registration Act, Alabama has established two voter registration programs conducted by state and local agencies or offices. Agency-based registration is conducted by various agencies or offices at the state and local level: Department of Human Resources; Medicaid Agency; Rehabilitation Services; the WIC Division in the Department of Public Health; armed forces recruiting stations; and public

libraries. §§ 17-4-60(d) through (f) and Ala. Admin. Code r. 820-2-2-03. “Motor Voter” registration is conducted by driver’s licensing offices: Alabama Law Enforcement Agency offices for new licenses and the judges of probate or license commissioner’s offices for renewals. § 17-4-60(b) and Ala. Admin. Code r. 820-2-2-03.

In each of these programs, voter registration services are to be offered sometime during the application, re-application, re-certification, or change-of-address process for the agency’s or office’s services. Additionally, any change of address submitted for a driver’s license is to automatically serve as an address update for a person’s voter registration unless the person specifically says the address change is not valid for voting purposes. Further, the agency is required to offer the applicant the same level of assistance that it would provide the applicant for its own services.

Individuals may accept or decline the offer of voter registration services based upon their own needs and circumstances without their decision having any impact on the delivery of other services or benefits provided by the agency or office. Individuals may not be rewarded or penalized for their decision to register to vote or not to register to vote through this program. 52 U.S.C. § 20504.

Agency officials do not make any determination of a person’s eligibility to register to vote. Determination of eligibility is the jurisdiction of the board of registrars. Under Alabama’s implementation plan, agencies are required to collect the completed voter registration forms and transmit them to the appropriate board of registrars within five days of completion by the applicant. Ala. Admin. Code r. 820-2-2-09. By receiving applications transmitted within this time frame, the boards of registrars are better equipped to review all applications and inform individuals of their eligibility (or ineligibility) to vote in a timely manner. This deadline grows increasingly important the closer in time to an election, especially during the weeks prior to the fourteen-day close of voter registration.

## **6.5 Mail-in Voter Registration and Electronic Voter Registration**

Boards of registrars now accept two distinct mail-in voter registration forms. As required by state law, the Office of the Secretary of State has designed a mail-in version of the state’s voter registration form. As

provided by the National Voter Registration Act, the Election Assistance Commission has designed a national mail-in application that may be used to register to vote in all states covered by the Act. 52 U.S.C. § 20504 and §§ 17-4-60(c) and 17-4-63.

Both of these applications are made available to the public at a variety of locations throughout the state: agencies and offices participating in agency-based and “Motor Voter” registration (*see* the previous section for a list of these offices); unemployment offices; public libraries; public schools; and public and private four-year colleges. Ala. Admin. Code r. 820-2-2-11(1). These mail-in voter registration forms are also available for use in voter registration drives conducted by citizens, civic groups, political parties, businesses, and others interested in promoting voter registration. Ala. Admin. Code r. 820-2-2-11(2) and (3). The national mail-in form can be downloaded in electronic format from the Election Assistance Commission’s website: [www.eac.gov](http://www.eac.gov). For other information and state forms consult the Secretary of State’s web site: [www.alabamavotes.gov](http://www.alabamavotes.gov).

For an applicant to be eligible to vote in a pending election, the mail-in voter registration form must be postmarked prior to the fourteenth day before an election and the applicant must be otherwise qualified to register to vote. Ala. Admin. Code r. 820-2-2-12.

The State of Alabama’s mail-in voter registration form is designed to be mailed directly to the appropriate board of registrars. The national mail-in voter registration form is designed to be mailed to the Elections Division of the Office of the Secretary of State. Elections Division staff then forward the forms to the appropriate county board of registrars for review and a determination of the applicant’s eligibility. The design of these applications does not anticipate or provide for the delivery of these forms by the U.S. Postal Service to individuals or organizations other than the boards of registrars or the Secretary of State. Delivery of the form by the U.S. Postal Service directly to election officials promotes transmittal of the form in the most expeditious and secure manner.

Boards of registrars accept and process electronic voter registration applications submitted through the Office of the Secretary of State and the Alabama Law Enforcement Agency. The Office of the Secretary of State offers electronic voter registration online through its elections website: [www.alabamavotes.gov](http://www.alabamavotes.gov) or by its Vote For Alabama mobile app. The Alabama Law Enforcement Agency offers electronic voter registration

during the application, re-application, re-certification, or change-of-address process. For an applicant to be eligible to vote in a pending election, the electronic voter registration application must be submitted prior to the fourteenth day before an election and the applicant must be otherwise qualified to register to vote.

## **6.6 Meeting of the Board of Registrars**

The working sessions of the county boards of registrars are limited with various maximum operating day limits of different county boards. The list of counties in Chapter 16 indicate the working day limit in each county as stated in Ala. Code § 17-3-8.

The board of registrars in each county is required to visit each college or university, either public or private, having an enrollment of 500 or more during the school year. § 17-3-11(d).

Although a quorum of the board may determine the actual number of working days as the needs of the county may dictate within the maximum limit set by the Legislature, no more than 25 session days may be used for special registration sessions. Special registration days are defined as those sessions held away from the courthouse or sessions held on Saturday or between the hours of 5:00 p.m. and 9:00 p.m. Notice of any special session must be given at least 10 days before the session by bills posted at three or more public places in each precinct affected, if the session involves precinct visits, and advertisement once a week for two successive weeks in a newspaper published within the county or on local radio or television, or on both. § 17-3-8(f).

The chairperson of the board of registrars has the authority to preside over the meetings of the board. Neither the judge of probate, the Secretary of State, nor the supervisor of voter registration has the power to supervise the board or the individual members of the board. AG AO 98-00006 and AG AO 2004-124.

## **6.7 Qualification for Registration of a Voter**

As in other states, a person must meet certain requirements of age and citizenship to qualify as a voter. No persons are entitled to vote unless they are 18 years of age and a citizen of the United States. U.S.

Constitution, Amend. XXVI.

In 1970, a federal court ruled that Alabama's constitutional residence requirement pertaining to counties and precincts was unconstitutional. *Hadnott v. Amos*, 320 F. Supp. 107 (M.D. Ala. 1970), aff'd 401 U.S. 968, (1971) and aff'd *Amos v. Hadnott*, 405 U.S. 1035, (1972). This effectively repealed Amendment 207 to the Alabama Constitution, which required a residency requirement of one year in the state, six months in the county and three months in the precinct or ward. The state no longer has a durational residence requirement for state, county, or federal elections. However, municipal election laws require a 30-day period of residence as a qualification for voting in municipal elections. The voter in a municipal election, like all voters, is required to register more than 14 days prior to the election. §§ 11-46-38 and 17-3-50.

Persons seeking to register to vote are required to fill out an application or a form promulgated by rule by the Secretary of State. § 17-3-52. Ala. Const. § 177; *see also* AG AO 2005-092. The application for voter registration must contain a statement that the applicant will be required to provide required identification when voting. § 31-13-28.

Individuals declared mentally incompetent by a court of proper jurisdiction and persons convicted of felony offenses involving moral turpitude are disqualified from registering and voting. Ala. Const. § 177(b).

## 6.8 Protection of Personal Information for Certain Classes of Registered Voters

In general, all of the data on voters in the statewide voter registration database is available for purchase. However, the Legislature has in recent years passed legislation that protects the personal information for certain classes of voters. §§ 11-46-36, 11-46-107, 17-4-33, and 17-11-5. These classes include individuals who are registered to vote or who intend to register to vote and who affirm one of the following:

- the registered voter, or a minor who is the legal custody of a registered voter, is or has been the victim of domestic violence,
- that a domestic violence order is or has been issued by a judge or magistrate pursuant to the Domestic Violence Protection Order

Enforcement Act, to restrain access to the registered voter or a minor who is in the legal custody of the registered voter,

- that the registered voter is a federal or state prosecutor, federal, state, probate, or municipal judge, legislator, or law enforcement officer as defined in Chapter 21 of Title 36 or the spouse of a federal or state prosecutor, federal, state, probate or municipal judge, legislator or law enforcement officer as defined in chapter 21 of Title 36.

The Secretary of State shall develop and provide to each county the affidavit to be completed under § 17-4-33(b) for the covered individuals to have their personal information protected on any voter list that is sold to the general public.

## **6.9 Restoration of Voting Rights of a Convicted Felon**

The law governing the restoration of voting rights was amended in 2003. Under the 2003 amendment, persons convicted of a felony offense involving moral turpitude may have their voting rights restored by making application to the State Board of Pardons and Paroles. § 15-22-36.1. The Board of Pardons and Paroles shall grant a “Certificate of Eligibility to Register to Vote” to any convicted felon who has completed the terms of the sentence for the conviction, has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on disqualifying cases, and has no felony charges pending against them or has been pardoned. § 15-22-36.1. However, one convicted of any one of fifteen crimes listed in the law is not eligible to apply for a “Certificate of Eligibility to Register to Vote. § 15-22-36.1.

### **6.9.1 Process for Issuing a Certificate of Eligibility**

- (a) A person may apply by one of the following four methods: Going to the State Pardons and Paroles office nearest to where they live, calling the Pardon Unit, contacting the Board of Pardons and Paroles via e-mail at pardons@paroles.alabama.gov, or writing the Board at P.O. Box 302405, Montgomery, AL 36130-2405. The request should include all of the following information:

- (1) Name under which convicted;

- (2) True name;
- (3) Sex and race;
- (4) Date of birth;
- (5) Social Security number;
- (6) AIS# (Alabama Prison number), if you have one;
- (7) Current physical address including county;
- (8) Current mailing address, if different;
- (9) Indicate if the conviction was a State or Federal Conviction;
- (10) Home telephone number, including area code;
- (11) Work or alternate telephone number, including area code; and,
- (12) Complete list of charges, county and year of conviction.

(b) Once the application is received, the investigation is assigned to an officer in the State Pardons and Paroles office nearest to where the applicant lives. The officer determines disqualifying convictions through the applicant's criminal history, records of the Board, court records, and records of the Department of Corrections. The officer then verifies the applicant meets the eligibility requirements and submits a report of investigation within 30 days of the initial application.

(c) If the applicant meets the requirements, a report of investigation is submitted to the Executive Director of the Board of Pardons and Paroles. The Executive Director or his or her designee attests that the report has been submitted properly and the Board of Pardons and Paroles issues a Certificate of Eligibility to Register to Vote to the applicant within 14 days.

(d) If the investigation determines the eligibility requirements have not been met, a report is submitted to the Executive Director of the Board of Pardons and Paroles. The Executive Director or his or her designee attests that the report has been submitted properly and the Board of Pardons and Paroles does not issue a Certificate of Eligibility to Register to Vote but notifies the applicant of the reason(s) for the decision within 14 days.

NOTE: The time frame for processing an application for a certificate of eligibility is 44 days.

**6.9.2 Eligibility Requirements for Restoration of Voting Rights using a Certificate of Eligibility to Register to Vote**

- (a) The applicant cannot have a conviction for one of the following:
  - Impeachment;
  - Treason;
  - Murder;
  - Rape (any degree);
  - Sodomy (any degree);
  - Sexual abuse (any degree);
  - Incest;
  - Sexual torture;
  - Enticing a child to enter a vehicle for immoral purposes;
  - Soliciting a child by computer;
  - Production of obscene matter involving a minor;
  - Production of obscene matter;
  - Parents or guardians permitting children to engage in obscene matter;
  - Possession of obscene matter; or
  - Possession with intent to distribute child pornography.
- (b) The applicant cannot have any felony charges pending against him or her.
- (c) The applicant must have completed their sentence, been released from probation or parole supervision, or been pardoned.
- (d) The applicant must not owe any fines, court costs, fees, or victim restitution ordered at the time of sentencing on his disqualifying case(s).

NOTE: The board can issue a certificate for Alabama residents with state convictions from Alabama or federal convictions from Alabama or other states as long as the requirements are met and verified.

### **6.9.3 Actions That Do Not Result in a Loss of Voting Rights**

- (a) People who only have youthful offender adjudications;
- (b) People who only have misdemeanor convictions;
- (c) People who were charged with a felony that was not pressed or dismissed;
- (d) People who only have juvenile convictions; or,
- (e) People who have a felony conviction that did not involve moral turpitude (see following section below for the list of disqualifying offenses).

### **6.9.4 List of Disqualifying Felony Convictions**

Amendment 579 of the Alabama Constitution, ratified on June 4, 1996, restored voting rights to Alabamians with felony convictions that did not involve moral turpitude. This amendment now appears in Section 177 of the Official Recompilation of the Alabama Constitution.

The Felony Voter Disqualification Act established a comprehensive list of felonies that involve moral turpitude, which disqualifies a person from exercising their right to vote. § 17-3-30.1. The Act also amends Sections 17-4-3 and 17-4-4, relating to voter registration lists, to provide procedures for the board of registrars and the Secretary of State to follow to purge certain disqualified voters from voter registration lists.

Pursuant to the Act, the Administrative Office of Courts, in collaboration with the Office of the Secretary of State, compiled the following listing of disqualifying felonies involving moral turpitude. Conviction of any of the following offenses disqualifies state citizens of their right to vote. This listing is used by boards of registrars for voter file maintenance.

<b>Charge Code</b>	<b>Section</b>	<b>Crime</b>
ACHA	26-15-3.1	Aggravated Child Abuse
AGTD	13A-8-2.1	Aggravated Theft by Deception
ASS1	13A-6-20	Assault 1st Degree * <b>ASL1</b> 13A-6-20 (a)(5) - NOT Disqualifying
ASS2	13A-6-21	Assault 2nd Degree

BAC1	13A-10-193	Possession/Manufacturing of Destructive/Biological Weapons
BAC1 A	13A-10-197	Attempt to Commit Manufacturing of Destructive/Biological Weapons Crime
BAC2	13A-10-194	Selling/Manufacturing of Biological Weapons
BAC2 A	13A-10-197	Attempt to Commit Selling/Manufacturing of Biological Weapons Crime
BAC3	13A-10-195	Possession/Distribution of Detonator, Explosive or Hoax Device/Under Indictment
BAC3 A	13A-10-197	Attempt to Commit Detonator Biological Weapons Crime/Under Indictment
BAC4	13A-10-195	Possession/Distribution of Detonator, Explosive, Poison or Hoax Device
BAC4 A	13A-10-197	Attempt to Commit Distribution of Detonator/Poison Biological Weapons Crime
BAC6	13A-10-196	Possession/Manufacture/Distribution/Transfer of Biological Weapon
BAC6 A	13A-10-197	Attempt to Commit Manufacture/Transfer of Biological Weapons Crime
BAC7	13A-10-199	Hindrance/Obstruction during Disarming of Destruction Device
BAC8	13A-10-200	Possession/Transfer of Destructive Device Intended to Cause Injury
BACA	13A-10-197	Attempt to Commit Biological Weapons Crime
BACC	13A-10-198	Conspiracy to Commit Biological Device
BIGA	13A-13-1	Bigamy
BUR1	13A-7-5	Burglary 1st Degree
BUR2	13A-7-6	Burglary 2nd Degree
CHAB	26-15-3	Child Abuse - Torture of a Child
CM01	13A-5-40(a)(1)	Capital Murder - Kidnap
CM02	13A-5-40(a)(2)	Capital Murder - Robbery
CM03	13A-5-40(a)(3)	Capital Murder - Rape/Sodomy
CM04	13A-5-40(a)(4)	Capital Murder - Burglary
CM05	13A-5-40(a)(5)	Capital Murder - Law Officer/Guard

CM06	13A-5-40(a)(6)	Capital Murder - Life Sentence
CM07	13A-5-40(a)(7)	Capital Murder - For Hire
CM08	13A-5-40(a)(8)	Capital Murder - Sexual Abuse
CM09	13A-5-40(a)(9)	Capital Murder - Arson
CM10	13A-5-40(a)(10)	Capital Murder - Two or more persons
CM11	13A-5-40(a)(11)	Capital Murder - Public Official
CM12	13A-5-40(a)(12)	Capital Murder - Airplane Hijack
CM13	13A-5-40(a)(13)	Capital Murder - 20YR Prior Conviction
CM14	13A-5-40(a)(14)	Capital Murder - Witness
CM15	13A-5-40(a)(15)	Capital Murder - Under 14 years
CM16	13A-5-40(a)(16)	Capital Murder - Dwelling from Outside
CM17	13A-5-40(a)(17)	Capital Murder - Vehicle from Outside
CM18	13A-5-40(a)(18)	Capital Murder - Fired from Vehicle
CM19	13A-5-40(a)(19)	Capital Murder - Protective Court Order for Victim
CM 20	13A-5-40(a)(20)	Capital Murder – Parent in Presence of Child
CM 21	13A-5-40(a)(21)	Capital Murder – First Responder
CMUR	13A-5-40(a)	Capital Murder
CSSC	13A-6-121	Facilitating Solicitation of Unlawful Sexual Conduct with Child - Computer
ECHI	13A-6-69	Enticing Child to Enter Vehicle
EGUA	8-6-17	Securities - Prohibited Acts - Operator Fraud/Deceit Sale of securities
ESOC	13A-6-122	Electronic Solicitation of child ( <i>SCBC - Solicitation of Child by Computer - repealed 5-22-2009 -also moral turpitude</i> )
FMUR	13A-6-2	Murder (non-capital, reckless, felony murder, etc.)
FOLS	13A-6-123	Facilitating On-line Solicitation of Child
FOR1	13A-9-2	Forgery 1st Degree
FOR2	13A-9-3	Forgery 2nd Degree
FR2D	13A-9-3	Forgery 2nd Degree
FRT1	8-6-17	Securities - Prohibited Acts/Fraud Securities Transaction - 1st Degree
FRT2	8-6-17	Securities - Prohibited Acts/Fraud Securities Transaction - 2nd Degree
FSUA	8-6-17	Securities - Prohibited Acts - Fraud in Sale of Securities

FTCS	13A-6-125	Facilitating Travel of Child for Unlawful Sex Act
HOMI	13A-6-2	Murder (non-capital, reckless, felony murder, etc.)
HPT1	13A-10-154	Hindering prosecution of Terrorism 1st Degree
HPT2	13A-10-154	Hindering prosecution of Terrorism 2nd Degree
HUT1	13A-6-152	Human Trafficking 1st Degree
HUT2	13A-6-153	Human Trafficking 2nd Degree
INCE	13A-13-3	Incest
JJJ1	13A-6-20	Assault 1st Degree
KID1	13A-6-43	Kidnapping 1st Degree
KID2	13A-6-44	Kidnapping 2nd Degree
MAN1	13A-6-3	Manslaughter (Reckless) 1st Degree
MAN2	13A-6-3	Manslaughter (Intent - Passion) 2nd Degree
MANS	13A-6-3	Manslaughter
MIOB	13A-12-191	Dissemination of Obscene Visual Depictions of Persons Under 17
MIPR	13A-12-196	Parents Permitting Children to Engage in Production of Obscene Matter
MMUR	13A-5-40	Murder - Remanded Capital Case
MRDI	13A-6-2	Murder - Intentional
MURD	13A-6-2	Murder (non-capital, reckless, felony murder, etc.)
MURR	13A-6-2	Murder (non-capital, reckless, felony murder, etc.)
OSUA	8-6-17	Securities - Prohibited Acts (Omission/Misrepresentation Sale of Securities)
PISF	13A-12-200.2	Distribution/Possession of Obscene Material
PISP	13A-12-200.2	Production/Distribution of Obscene Material
PMIO	13A-12-192	Possession of Obscene Visual Depictions of Persons under 17
POBM	13A-12-192	Possession of Obscene Visual Depictions of Persons Under 17 - Intent to Distribute
POMA	13A-12-197	Production of Obscene Matter of Persons Under 17

PSMF	13A-12-200.2	Possession/Distribution of Obscene Material
RAP1	13A-6-61	Rape 1st Degree
RAP2	13A-6-62	Rape 2nd Degree
ROB1	13A-8-41	Robbery 1st Degree
ROB2	13A-8-42	Robbery 2nd Degree
ROB3	13A-8-43	Robbery 3rd Degree
SLT1	13A-10-153	Soliciting Support for Act of Terrorism 1st Degree
SLT2	13A-10-153	Soliciting Support for Act of Terrorism 2nd Degree
SOD1	13A-6-63	Sodomy 1st Degree
SOD2	13A-6-64	Sodomy 2nd Degree
SSUA	8-6-17	Sale of Securities - Prohibited Acts
STSA	13A-6-65.1	Sexual Torture/Abuse
SX12	13A-6-69.1	Sexual Abuse of Child Less than 12 Years of Age
SXA1	13A-6-66	Sexual Abuse 1st Degree
SX2F	13A-6-67	Sexual Abuse 2nd Degree
TER1	13A-10-152	Terrorism 1st Degree
TER2	13A-10-152	Terrorism 2nd Degree
TER3	13A-10-152	Terrorism 3rd Degree
TET2	13A-8-4	Theft of Property 2nd Degree
TFT1	13A-8-3	Theft of Property - Shop Lifting 1st Degree - Charitable Org.
TFT2	13A-8-4	Theft of Property - Shop Lifting 2nd Degree - Charitable Org.
TLP1	13A-8-7	Theft of Lost Property 1st Degree
TLP2	13A-8-8	Theft of Lost Property 2nd Degree
TLT2	13A-8-8	Theft of Lost Property 2nd degree
TMCS	13A-6-124	Traveling to Meet Child for Unlawful Sex Act
TOD1	13A-8-3	Theft of Property - By Deception 1st Degree
TOD2	13A-8-4	Theft of Property - By Deception 2nd Degree
TOP1	13A-8-3	Theft of Property 1st Degree
TOP2	13A-8-4	Theft of Property 2nd Degree
TP2D	13A-8-4	Theft of Property 2nd Degree
TP2G	13A-8-4	Theft of Property 2nd Degree - Firearm

TPC1	13A-8-3	Theft of Property 1st Degree - Charitable Org.
TPC2	13A-8-4	Theft of Property 2nd Degree - Charitable Org.
TRA	13A-12-231	Trafficking in Illegal Drugs/Controlled Substance
TRAC	13A-12-231	Trafficking in Illegal Drugs - Firearms
TRAG	13A-12-231	Trafficking in Illegal Drugs - Cannabis - Synthetic Drugs
TRAJ	13A-12-231	Trafficking in Illegal Drugs - Amphetamine
TRAK	13A-12-231	Trafficking - Methamphetamine
TRAO	13A-12-231	Trafficking in Illegal Drugs - Heroin
TRAP	13A-12-231	Trafficking in Illegal Drugs - Phencyclidine
TRAQ	13A-12-231	Trafficking in Illegal Drugs - LSD
TRAT	13A-12-231	Trafficking in Illegal Drugs - 3,4 Methyl Amphetamine
TRAX	13A-12-231	Trafficking in Illegal Drugs - 5 Methoxy Amphetamine
TRAY	13A-12-231	Trafficking in Illegal Drugs - Hydromorphone
TREA	13A-11-2	Treason
TRMA	13A-12-231	Trafficking in Illegal Drugs - Conspiracy - Traffic Marijuana
TRMF	13A-12-231	Trafficking in Illegal Drugs - Cannabis w/Possession of Firearm
TROP	13A-12-231	Trafficking in Illegal Drugs - Opium
TTTS	13A-8-10.4	Theft of trademarks or Trade Secrets
UNCC	8-6-17	Securities - Prohibited Acts - Unlawful Solicitation
VDRU	13A-12-231	Trafficking in Illegal Drugs - Morphine
VDRY	13A-12-231	Trafficking in Illegal Drugs - Conspiracy - Cocaine
VIDE	13A-8-10.4	Theft of Trademarks or Trade Secrets
WABC	26-15-3	Torture of a Child Under 18
WTER	13A-10-171	Endangering Water Supply

## **6.10 Judicial Review**

Registration is at the discretion of the board of registrars. § 17-3-54. Persons denied registration may appeal to the probate court to have their qualifications for voting judicially determined. One may appeal from the probate court to the circuit court and from there to the Alabama Supreme Court. § 17-3-55.

## **6.11 Official List of Registered Voters**

No person may be registered to vote within 14 days prior to any election. § 17-3-50. From the state voter registration list, the judge of probate prepares and prints alphabetical lists of all registered voters by precincts and districts. The lists certified by the judge of probate contain the names of the county's qualified voters. An electronic archive in the database for the state voter registration list is recorded simultaneously with the printing of each county's lists of qualified voters. The judge of probate is required by law to publish the official list of qualified voters provided by the board of registrars on or before the 20th day preceding the regularly scheduled primary election in a newspaper of general circulation in the county. A supplemental list is published seven days before the primary election. §§ 17-4-1 and 17-4-2.

The statewide voter registration list contains all information deemed necessary by the Voter Registration Advisory Board. §§ 17-4-33(a)(2) and 17-4-34. Local boards of registrars shall provide to the Secretary of State the required information for each voter to establish and maintain the statewide list. § 17-4-36.

## **6.12 Computerized Statewide Voter Registration List**

The Statewide Voter Registration File Act provides for a statewide, computerized voter file maintenance system. §§ 17-4-33 through 17-4-37. Registration must be in compliance with the federal Help America Vote Act of 2002 and the National Voter Registration Act of 1993. Every four years each county's board of registrars conducts voter list maintenance activities involving a postcard notification system. The most recent voter list maintenance activity was in 2021 and the next will be in 2025. § 17-4-30(b).

In 2025, the voter list maintenance activity will begin by obtaining information from the United States Postal Services' National Change of Address system. Each board of registrars will then review this information to confirm whether the voter has moved in the board's jurisdiction, to the jurisdiction of a different board in Alabama, or out of state. More information will be available on this new procedure approaching the implementation date of February 2025. § 17-4-30. Additional voter list maintenance is conducted by the boards of registrars using information provided by the Electronic Registration Information Center (ERIC). This information includes the names of deceased voters, potential duplicate voters and out of state voter Crosschecks. Each board of registrars will then review this information to make any necessary changes to maintain the accuracy of their voter rolls.

The re-identification of voters is continuous; therefore, re-identification information should be used to update voter registration information between the primary and the primary runoff election in order to place voters in the appropriate precincts. AG AO 98-00148.

### **6.13 Continuous Purging of the Voter Registration List**

Registration in Alabama historically has been of a "permanent" type such as once persons are registered their names were removed from the list only for cause. Obviously, one of the major problems involved in the use of the permanent system of registration is that of keeping the registration lists current. The county board of registrars continually purges the voter list when it receives information that the voter is no longer qualified to be an elector. Provision is made for removing the name of a person who has died, become a non-resident, been declared mentally incompetent, been convicted of a disqualifying felony, or who has otherwise become disqualified, so that the registration lists will always constitute an accurate reflection of the county electorate. The Alabama registration law attempts to accomplish this by a removal process known as "purgation of the voter registration list." *See also Chapter 16.*

Whenever the board proposes to strike any person's name from the registration list, it must give notice and allow the person an opportunity to confirm whether the registration information the board received is correct. If following the hearing, the board does strike the person's name from the registration list, they may appeal to the probate court of the county to determine the matter. § 17-4-3.

To perform the voter purging activities properly, the boards of registrars must receive notification of events affecting a person's qualifications as a voter. Therefore, state law requires state and county officials having knowledge of such events to report them to the boards of registrars. Thus, the Bureau of Vital Statistics of the State Department of Public Health is required to submit reports on the deaths of persons of voting age; the judges of probate are required to report the names of those declared mentally incompetent; and the circuit and district court clerks must submit reports concerning persons convicted of disqualifying felonies. § 17-4-4.

With implementation of the Help America Vote Act, registrars also receive notifications of deaths and felony convictions through the statewide voter registration system. §§ 17-4-4 and 17-4-33. The Alabama Department of Public Health and Administrative Office of Courts transmit data on deaths and disqualifying felony convictions, respectively, to the Alabama Voter Registration System for cross-checking against records of registered voters as well as new applicants.

The boards of registrars are required to question applicants for registration as to whether they have been registered previously in another county. If any registrant has been previously registered, the board registering the person must notify the board in the county of previous registration. The board receiving the notification must then strike the name of the person from the list of qualified voters of that county. § 17-4-5.

## **6.14 List of Municipal Voters**

The mayor or other chief executive officer of each municipality sees to the preparation of a list of the qualified voters who reside within the corporate limits of the municipality. The municipal list is based on the county registration list and is also divided alphabetically by wards and voting places. A copy of the list must be filed with the municipal clerk on or before the third Tuesday in July before each municipal election. The clerk is responsible for publishing the list of municipal voters in the manner prescribed by law, at least five days before the ensuing election, and, also, for furnishing the list to the election officials staffing the polls on election day. §§ 11-46-36.

Although publishing the list of municipal voters is expensive, doing so helps eliminate the problem of people trying to vote at the wrong voting place. This is an especially acute problem in those municipalities which

provide for election of councilmen by wards and in those instances where redistricting or precinct changes have recently occurred. However, according to the statutes, cities are not required to publish in a newspaper. The Code of Alabama only requires the municipal clerk to publish the list of voters in three public places. § 11-46-36(a). This allowance is appropriate for smaller cities where publication is not feasible.

