

1 HB218
2 135616-3
3 By Representatives Nordgren, Hill, Collins and McClurkin
4 RFD: Constitution, Campaigns and Elections
5 First Read: 07-FEB-13

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8 SYNOPSIS: Under existing law, a computerized statewide
9 voter registration list is maintained by the
10 Secretary of State.

11 This bill would require, upon written
12 affidavit, the omission of the residential and
13 mailing address of any registered voter who is a
14 victim of domestic violence or who is the custodian
15 of a minor victim of domestic violence.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 To amend Sections 11-46-36, 11-46-107, 17-4-33,
22 17-9-15, and 17-11-5, Code of Alabama 1975, relating to the
23 computerized statewide voter registration list, to provide for
24 the omission of the residential and mailing address of any
25 registered voter who is a victim of domestic violence or who
26 is the custodian of a minor victim of domestic violence upon
27 written affidavit of the registered voter.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 11-46-36, 11-46-107, 17-4-33,
3 17-9-15, and 17-11-5 of the Code of Alabama 1975, are amended
4 to read as follows:

5 "§11-46-36.

6 "(a) The mayor or other chief executive officer of
7 the city or town shall cause to be made a list of the
8 qualified voters who reside within the corporate limits of
9 such city or town and who are registered to vote regular
10 ballots, dividing the same into separate alphabetical lists of
11 the qualified voters of each ward where such city or town has
12 been divided into wards and all qualified voters thereof vote
13 at one box or voting machine, or dividing such list into
14 separate alphabetical lists of voters authorized to vote at
15 each respective box or voting machine if the list of qualified
16 voters has been divided alphabetically and each alphabetical
17 group assigned a box or machine at which to vote. He or she
18 shall have such lists compared with the official list of
19 electors qualified to vote during the current year on file in
20 the probate office of the county in which the municipality is
21 situated and shall certify on each list prepared pursuant to
22 this section that it is a correct list of the voters who are
23 qualified to vote regular ballots in the municipality, ward,
24 ballot box, or voting machine to which it appertains. He or
25 she shall have full access to all registration lists of the
26 county for this purpose. A copy of each list so prepared shall
27 be filed with the municipal clerk, who shall file and retain

1 each such list as a public record in his or her office, on or
2 before the third Tuesday in July before a regular municipal
3 election. The clerk shall prepare a copy of the list of
4 qualified voters authorized to vote at each of the respective
5 polling places in the municipality, and, prior to the opening
6 of the polls on election day, he or she shall furnish to the
7 inspectors, or one of them, of each ballot box or voting
8 machine at each polling place a copy of the list of qualified
9 voters authorized to vote at the box or voting machine for
10 which he or she was appointed an inspector. The clerk shall
11 also publish the list of qualified voters authorized to vote
12 at the ensuing election at least five days prior to the
13 election by posting copies thereof in at least three public
14 places in the municipality.

15 ~~"(b) Repealed by Acts 1982, No. 82-458, §7,~~
16 ~~effective May 4, 1982.~~

17 "(b) Following each election, the municipal clerk
18 shall make a copy of that portion of the poll list to be made
19 a public record and shall maintain the original in his or her
20 office. The clerk shall redact any information required to be
21 redacted pursuant to Section 17-4-33 from the copy to be made
22 a public record. This subsection shall not affect poll lists
23 used at local precincts.

24 "§11-46-107.

25 "(a) The mayor or other chief executive officer of
26 the city or town shall cause to be made a list of the
27 qualified voters who reside within the corporate limits of

1 such city or town and who are registered to vote regular
2 ballots, dividing the same into separate alphabetical lists of
3 the qualified voters of each ward where such city or town has
4 been divided into wards and all qualified voters thereof vote
5 at one box or voting machine or dividing such list into
6 separate alphabetical lists of voters authorized to vote at
7 each respective box or voting machine if the list of qualified
8 voters has been divided alphabetically and each alphabetical
9 group assigned a box or machine at which to vote. He or she
10 shall have such lists compared with the official list of
11 electors qualified to vote during the current year on file in
12 the probate office of the county in which the municipality is
13 situated, and shall certify on each list prepared pursuant to
14 this section that it is a correct list of the voters who are
15 qualified to vote regular ballots in the municipality, ward,
16 ballot box, or voting machine to which it appertains. He or
17 she shall have full access to all registration lists of the
18 county for this purpose. A copy of each list so prepared shall
19 be filed with the municipal clerk, who shall file and retain
20 each such list as a public record in his or her office, on or
21 before the third Tuesday in July preceding a regular municipal
22 election. The clerk shall prepare a copy of the list of
23 qualified voters authorized to vote at each of the respective
24 polling places in the municipality and, prior to the opening
25 of the polls on election day, he or she shall furnish to the
26 inspectors, or one of them, of each ballot box or voting
27 machine at each polling place a copy of the list of qualified

1 voters authorized to vote at the box or voting machine for
2 which he or she was appointed an inspector. The clerk shall
3 also publish the list of qualified voters authorized to vote
4 at the ensuing election at least five days prior to the
5 election, either by publication in a newspaper of general
6 circulation in the municipality or by posting copies thereof
7 in at least three public places in the municipality, as
8 directed by the municipal governing body.

9 (b) Following each election, the municipal clerk
10 shall make a copy of that portion of the poll list to be made
11 a public record and shall maintain the original in his or her
12 office. The clerk shall redact any information required to be
13 redacted pursuant to Section 17-4-33 from the copy to be made
14 a public record. This subsection shall not affect poll lists
15 used at local precincts.

16 "§17-4-33.

17 "(a) The State of Alabama shall provide, through the
18 Secretary of State, a nondiscriminatory, single, uniform,
19 official, centralized, interactive computerized statewide
20 voter registration list defined, maintained, and administered
21 by the Secretary of State, with advice from the Voter
22 Registration Advisory Board and the President of the Alabama
23 Probate Judges Association, which contains the name and
24 registration information of every legally registered voter in
25 the state. The computerized list shall comply with the
26 following requirements:

1 "(1) It shall serve as the single system for storing
2 and managing the official list of registered voters throughout
3 the state.

4 "(2) It shall contain the name, address, and voting
5 location, as well as other information deemed necessary by the
6 Voter Registration Advisory Board or the Secretary of State,
7 of every legally registered voter in the state.

8 "(3) A unique identifier shall be assigned to each
9 legally registered voter in the state.

10 "(4) It shall contain the voting history of each
11 registered voter.

12 "(5) It shall be coordinated with the driver's
13 license database of the Department of Public Safety and the
14 appropriate state agency to assist in the removal of deceased
15 voters.

16 "(6) Any election official in the state, including
17 any local election official, may obtain immediate electronic
18 access to the information contained in the computerized list.

19 "(7) All voter registration information obtained by
20 any registrar in the state shall be electronically entered
21 into the computerized list on an expedited basis at the time
22 information is provided to the registrar.

23 "(8) The Secretary of State shall provide such
24 support as may be required so that registrars are able to
25 enter voter registration information.

26 "(9) It shall serve as the official voter
27 registration list for the conduct of all elections.

1 "(10) Following each state and county election, the
2 Secretary of State shall provide one electronic copy of the
3 computerized voter list free of charge to each political party
4 that satisfied the ballot access requirements for that
5 election. The electronic copy of the computerized voter list
6 shall be provided within 30 days of the certification of the
7 election or upon the completion of the election vote history
8 update following the election, whichever comes first. In
9 addition, upon written request from the chair of a political
10 party, the Secretary of State shall furnish up to two
11 additional electronic copies of the computerized voter file
12 during each calendar year to each political party that
13 satisfied the ballot access requirements during the last
14 statewide election held prior to that calendar year. The
15 electronic copies provided pursuant to this section shall
16 contain the full, editable data as it exists in the
17 computerized voter list maintained by the Secretary of State.

18 "(11) The list shall be maintained so that it is
19 technologically secure.

20 "(b) The Secretary of State, or judge of probate, or
21 absentee election manager, or municipal clerk, or registrar
22 shall include the name and omit the residential and mailing
23 address of a registered voter on any generally available list
24 of registered voters, except for those lists provided to
25 federal and state agencies, upon the written signed affidavit
26 of the registered voter affirming either of the following:

1 "(1) That the registered voter, or a minor who is in
2 the legal custody of the registered voter, is or has been the
3 victim of domestic violence as provided in Article 7,
4 commencing with Section 13A-6-130, of Chapter 6 of Title 13A.

5 "(2) That a domestic violence order is or has been
6 issued by a judge or magistrate pursuant to the Domestic
7 Violence Protection Order Enforcement Act, to restrain access
8 to the registered voter or a minor who is in the legal custody
9 of the registered voter.

10 "§17-9-15.

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

15 "(1) The list of registered voters, the affirmations
16 of provisional voters, the statements of election officials
17 challenging provisional voters, and the voter reidentification
18 forms shall be sealed in an envelope addressed to the board of
19 registrars and the inspectors and any poll watchers present
20 shall sign across the seal. The board of registrars shall hold
21 the list of registered voters ~~as a public record~~ while using
22 it to update their voter histories in accordance with Article
23 2 of Chapter 4. A copy of the list of registered voters shall
24 be made a public record after the information specified in
25 subdivision (1) of subsection (b) of Section 17-4-33 has been
26 redacted by the board of registrars. The original and copies
27 of the list shall then be returned to the city clerk in

1 municipal elections and the judge of probate in all other
2 elections.

3 "(2) The signed voters' poll list shall be sealed in
4 an envelope and the inspectors and any poll watchers present
5 shall sign across the seal. The envelope shall be delivered to
6 the judge of probate in general and special elections and to
7 the party chairs in primary elections. The "clerk's poll list"
8 shall be sealed in an envelope labeled "records of election"
9 and the inspector and any poll watchers present shall sign
10 across the seal and the envelope shall be placed in a "records
11 of election" container and remain there during the period of
12 time for the initiation of an election contest or recount as
13 provided by law. The "records of election" container shall be
14 delivered to the city clerk in municipal elections and the
15 sheriff in all other elections to be retained in accordance
16 with state and federal law.

17 "§17-11-5.

18 "(a) Upon receipt of an application for an absentee
19 ballot as provided in Section 17-11-3, if the applicant's name
20 appears on the list of qualified voters produced from the
21 state voter registration list in the election to be held, or
22 if the voter makes an affidavit for a challenged vote or
23 provisional ballot, the absentee election manager shall
24 furnish the absentee ballot to the applicant by: (1)
25 Forwarding it by United States mail to the applicant's or
26 voter's residence address, or upon written request of the
27 voter, to the address where the voter regularly receives mail

1 or (2) by handing the absentee ballot to the voter in person
2 or, in the case of emergency voting, his or her designee in
3 person. If the absentee election manager has reasonable cause
4 to believe that the applicant has given a fraudulent address
5 on the application for the absentee ballot, the absentee
6 election manager shall turn over the ballot application to the
7 district attorney for any action which may be necessary under
8 this chapter. The absentee election manager may require
9 additional proof of a voter's eligibility to vote absentee
10 when there is evidence of continuous absentee voting. The
11 absentee election manager shall mail any absentee ballot
12 requested to be mailed as provided in Section 17-11-3 no later
13 than the next business day after an application has been
14 received unless the absentee ballots have not been delivered
15 to the absentee election manager. If the absentee ballots have
16 not been so delivered, the absentee election manager shall
17 hold all requests until the ballots are delivered and shall
18 then respond by placing ballots in the mail no later than the
19 next business day.

20 "(b) The official list of qualified voters shall be
21 furnished to the absentee election manager by the judge of
22 probate using a printout from the state voter registration
23 list of registered voters for that county containing ~~vote~~
24 voter registration information useful in the identification of
25 absentee voters. The information provided in this report shall
26 be established by rules adopted by the Secretary of State with
27 the advice of the Alabama Circuit Court Clerks Association or

1 its members and shall indicate whether the individual is
2 obligated to produce identification in accordance with
3 Sections 17-9-30 and 17-10-1. The Secretary of State may
4 further provide by administrative rule for electronic access
5 to this list for optional use by the absentee election
6 manager. This list shall be made available beginning at least
7 45 days before the election. In municipal elections, the
8 official list of qualified voters shall be furnished to the
9 absentee election manager at least 35 days before the
10 election. Any supplemental list of qualified electors shall
11 also be provided to the absentee election manager as soon as
12 the list becomes available. The absentee election manager
13 shall underscore on the list the name of each voter who has
14 applied for an absentee ballot and shall write immediately
15 beside his or her name the word "absentee." The Secretary of
16 State by rule may provide for electronic access to the
17 absentee election manager's county list of registered voters
18 and for the method of identifying applicants for absentee
19 ballots in conjunction with the state voter registration list.

20 "(c) (1) The absentee election manager shall enroll
21 the name, residence, and voting place of the applicant, and
22 the date the application was received on a list of absentee
23 voters. Each day the absentee election manager shall enter on
24 the list the names, addresses, and voting places of each voter
25 who has that day applied for an absentee ballot and shall, for
26 all elections other than municipal elections, post a copy of
27 the list of applications received each day on the regular

1 bulletin board or other public place in the county courthouse.
2 In municipal elections, the absentee election manager shall
3 post a copy of the list of applications received each day on
4 the regular bulletin board or other public place in the city
5 hall. The absentee election manager in all elections shall
6 deliver to the board of registrars the day following the
7 election, a copy of the list of all absentee voters. The list
8 shall be maintained in the office of the circuit clerk for 60
9 days after the election, at which time it shall be delivered
10 to the judge of probate. Before the polls open at any election
11 on election day, the absentee election manager shall
12 effectuate the delivery to the election officers of each
13 voting place a list showing the name and address of every
14 person whose name appears on the official list of qualified
15 electors for the voting place who applied for an absentee
16 ballot in the election. The name of the person who applied for
17 an absentee ballot shall be identified as an absentee voter on
18 the list of qualified electors kept at the voting place, and
19 the person shall not vote again, except that in county, state,
20 and federal elections the person may vote a provisional
21 ballot. Applications for absentee ballots are required for
22 elections which are more than 30 days apart, except as to
23 individuals voting pursuant to the federal Uniformed and
24 Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

25 "(2) The absentee election manager shall redact any
26 information required to be redacted pursuant to Section
27 17-4-33 from any copy of an absentee voter list to be posted

1 or otherwise made a public record. This subdivision shall not
2 affect poll lists used at local precincts.

3 "(d) For individuals voting pursuant to the federal
4 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
5 the Secretary of State shall by rule prescribe use of
6 standardized military and overseas voter registration
7 applications and applications for absentee ballots adopted by
8 the United States government for such use. The Secretary of
9 State shall also prescribe by rule provisions within the
10 standard state application form for absentee voting which
11 permit the voter to identify himself or herself as a military
12 or overseas voter. Unless otherwise indicated by the military
13 or overseas voter, an application for an absentee ballot by
14 such a voter shall remain valid through the next two regularly
15 scheduled general election cycles for federal office. The
16 circuit clerk shall confirm by January 1 of each election year
17 the address of the military and overseas voters prior to
18 mailing the ballots during each election cycle, and the
19 absentee election manager shall provide an absentee ballot to
20 the military and overseas voters for each such subsequent
21 election. The absentee election manager, within seven days
22 after each regularly scheduled general election for federal
23 office, shall report the number of military and overseas
24 ballots mailed out and the number of ballots received to the
25 Secretary of State who shall report this information to the
26 Federal Election Assistance Commission within 90 days of each
27 regularly scheduled general election for federal office."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.