

1 HB230  
2 135616-1  
3 By Representative Hill  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 08-FEB-12

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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 partner or family member assault, stalking,  
4 custodial interference, or other domestic violence offense  
5 involving bodily harm or threat of bodily harm to the  
6 registered voter or minor.

7           "(2) That a temporary restraining order or  
8 injunction is or has been issued by a judge or magistrate to  
9 restrain access to the registered voter or a minor who is in  
10 the legal custody of the registered voter.

11           "§17-9-15.

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

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

1 of the list shall then be returned to the city clerk in  
2 municipal elections and the judge of probate in all other  
3 elections.

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

18 "§17-11-5.

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

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

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

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

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

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

26 "(2) The absentee election manager shall redact any  
27 information required to be redacted pursuant to Section

1 17-4-33 from any copy of an absentee voter list to be posted  
2 or otherwise made a public record. This subdivision shall not  
3 affect poll lists used at local precincts.

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

1 Federal Election Assistance Commission within 90 days of each  
2 regularly scheduled general election for federal office."

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