

1 SB212  
2 134639-2  
3 By Senator Sanford  
4 RFD: Veterans and Military Affairs  
5 First Read: 07-FEB-12

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a person may not  
9 register to vote or engage in a business  
10 transaction, as defined, with the state or a  
11 political subdivision of the state unless he or she  
12 presents certain documentation of United States  
13 citizenship.

14 This bill would add valid United States  
15 military identification to the list of acceptable  
16 documentation to prove United States citizenship.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 To amend Section 29 of Act 2011-535, 2011 Regular  
23 Session, now appearing as Section 31-13-28, Code of Alabama  
24 1975, to add United States military identification to the list  
25 of acceptable documentation to prove United States citizenship

1 when registering to vote or engaging in certain business  
2 transactions.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 29 of Act 2011-535, 2011 Regular  
5 Session, now appearing as Section 31-13-28, Code of Alabama  
6 1975, is amended to read as follows:

7 "§31-13-28.

8 "(a) Applications for voter registration shall  
9 contain voter eligibility requirements and such information as  
10 is necessary to prevent duplicative voter registrations and  
11 enable the relevant election officer to assess the eligibility  
12 of the applicant and to administer voter registration,  
13 identify the applicant and to determine the qualifications of  
14 the applicant as an elector and the facts authorizing such  
15 person to be registered. Applications shall contain a  
16 statement that the applicant shall be required to provide  
17 qualifying identification when voting.

18 "(b) The Secretary of State shall create a process  
19 for the county election officer to check to indicate whether  
20 an applicant has provided with the application the information  
21 necessary to assess the eligibility of the applicant,  
22 including the applicant's United States citizenship. This  
23 section shall be interpreted and applied in accordance with  
24 federal law. No eligible applicant whose qualifications have  
25 been assessed shall be denied registration.

1           "(c) The county election officer or Secretary of  
2 State's office shall accept any completed application for  
3 registration, but an applicant shall not be registered until  
4 the applicant has provided satisfactory evidence of United  
5 States citizenship. Satisfactory evidence of United States  
6 citizenship shall be provided in person at the time of filing  
7 the application for registration or by including, with a  
8 mailed registration application, a photocopy of one of the  
9 documents listed as evidence of United States citizenship in  
10 subsection (k). After a person has submitted satisfactory  
11 evidence of citizenship, the county election officer shall  
12 indicate this information in the person's permanent voter  
13 file.

14           "(d) Any person who is registered in this state on  
15 September 1, 2011, is deemed to have provided satisfactory  
16 evidence of United States citizenship and shall not be  
17 required to submit evidence of citizenship.

18           "(e) For purposes of this section, proof of voter  
19 registration from another state is not satisfactory evidence  
20 of United States citizenship.

21           "(f) A registered voter who moves from one residence  
22 to another within the state or who modifies his or her voter  
23 registration records for any other reason shall not be  
24 required to submit evidence of United States citizenship.

25           "(g) If evidence of United States citizenship is  
26 deemed to be unsatisfactory due to an inconsistency between

1 the document submitted as evidence and the name or sex  
2 provided on the application for registration, such applicant  
3 may sign an affidavit containing both of the following:

4 "(1) Stating the inconsistency or inconsistencies  
5 related to the name or sex, and the reason therefor.

6 "(2) Swearing under oath that, despite the  
7 inconsistency, the applicant is the individual reflected in  
8 the document provided as evidence of citizenship.

9 "(h) There shall be no inconsistency between the  
10 date of birth on the document provided as evidence of  
11 citizenship and the date of birth provided on the application  
12 for registration. If such an affidavit is submitted by the  
13 applicant, the county election officer or Secretary of State  
14 shall assess the eligibility of the applicant without regard  
15 to any inconsistency stated in the affidavit.

16 "(i) All documents submitted as evidence of United  
17 States citizenship shall be kept confidential by the county  
18 election officer or the Secretary of State and maintained as  
19 provided by record retention laws.

20 "(j) Nothing in this section shall prohibit an  
21 applicant from providing, or the Secretary of State or county  
22 election officer from obtaining, satisfactory evidence of  
23 United States citizenship, as described in this section, at a  
24 different time or in a different manner than an application  
25 for registration is provided, as long as the applicant's

1 eligibility can be adequately assessed by the Secretary of  
2 State or county election officer as required by this section.

3 "(k) Evidence of United States citizenship shall be  
4 demonstrated by one of the following documents, or a legible  
5 photocopy of one of the following documents:

6 "(1) The applicant's driver's license or nondriver's  
7 identification card issued by the division of motor vehicles  
8 or the equivalent governmental agency of another state within  
9 the United States if the agency indicates on the applicant's  
10 driver's license or nondriver's identification card that the  
11 person has provided satisfactory proof of United States  
12 citizenship.

13 "(2) The applicant's birth certificate that verifies  
14 United States citizenship to the satisfaction of the county  
15 election officer or Secretary of State.

16 "(3) Pertinent pages of the applicant's United  
17 States valid or expired passport identifying the applicant and  
18 the applicant's passport number, or presentation to the county  
19 election officer of the applicant's United States passport.

20 "(4) The applicant's United States naturalization  
21 documents or the number of the certificate of naturalization.  
22 If only the number of the certificate of naturalization is  
23 provided, the applicant shall not be included in the  
24 registration rolls until the number of the certificate of  
25 naturalization is verified with the United States Bureau of  
26 Citizenship and Immigration Services by the county election

1 officer or the Secretary of State, pursuant to 8 U.S.C. §  
2 1373(c).

3 "(5) Other documents or methods of proof of United  
4 States citizenship issued by the federal government pursuant  
5 to the Immigration and Nationality Act of 1952, and amendments  
6 thereto.

7 "(6) The applicant's Bureau of Indian Affairs card  
8 number, tribal treaty card number, or tribal enrollment  
9 number.

10 "(7) The applicant's consular report of birth abroad  
11 of a citizen of the United States of America.

12 "(8) The applicant's certificate of citizenship  
13 issued by the United States Citizenship and Immigration  
14 Services.

15 "(9) The applicant's certification of report of  
16 birth issued by the United States Department of State.

17 "(10) The applicant's American Indian card, with KIC  
18 classification, issued by the United States Department of  
19 Homeland Security.

20 "(11) The applicant's final adoption decree showing  
21 the applicant's name and United States birthplace.

22 "(12) The applicant's official United States  
23 military record of service showing the applicant's place of  
24 birth in the United States.

25 "(13) An extract from a United States hospital  
26 record of birth created at the time of the applicant's birth

1 indicating the applicant's place of birth in the United  
2 States.

3 "(14) An unexpired United States military ID card  
4 for active duty, reserve, or retired personnel with  
5 identifiable photo.

6 "(1) There is hereby established the State Election  
7 Board, consisting of the Secretary of State, the Attorney  
8 General, and the Lieutenant Governor. The State Election Board  
9 shall meet on the call of the Secretary of State. The State  
10 Election Board shall do both of the following:

11 "(1) Assess information provided by any applicant  
12 for voter registration as evidence of citizenship pursuant to  
13 subsection (m).

14 "(2) Adopt rules to implement subsection (m).

15 "(m) (1) If an applicant is a United States citizen  
16 but does not have any of the documentation listed in this  
17 section as satisfactory evidence of United States citizenship,  
18 the applicant may submit any evidence that the applicant  
19 believes demonstrates the applicant's United States  
20 citizenship.

21 "(2) Any applicant seeking an assessment of evidence  
22 under this section may directly contact the office of the  
23 Secretary of State by submitting a voter registration  
24 application or the national voter registration form and any  
25 supporting evidence of United States citizenship. Upon receipt



1 of this information, the Secretary of State shall notify the  
2 State Election Board that such application is pending.

3 "(3) The State Election Board shall give the  
4 applicant an opportunity for a hearing, upon the applicant's  
5 request in writing, and an opportunity to present any  
6 additional evidence to the State Election Board. Notice of  
7 such hearing shall be given to the applicant at least five  
8 days prior to the hearing date. An applicant shall have the  
9 opportunity to be represented by counsel at such hearing.

10 "(4) The State Election Board shall assess the  
11 evidence provided by the applicant to determine whether the  
12 applicant has provided satisfactory evidence of United States  
13 citizenship. A decision of the State Election Board shall be  
14 determined by a majority vote of the board.

15 "(5) If an applicant submits an application and any  
16 supporting evidence prior to the close of registration for an  
17 election cycle, a determination by the State Election Board  
18 shall be issued at least five days before such election date.

19 "(6) If the State Election Board finds that the  
20 evidence presented by the applicant constitutes satisfactory  
21 evidence of United States citizenship, the applicant shall  
22 meet the requirements under this section to provide  
23 satisfactory evidence of United States citizenship.

24 "(7) If the State Election Board finds that the  
25 evidence presented by an applicant does not constitute  
26 satisfactory evidence of United States citizenship, the

1 applicant shall have the right to appeal such determination by  
2 the State Election Board by instituting an action under 8  
3 U.S.C. § 1503. Any negative assessment of an applicant's  
4 eligibility by the State Election Board shall be reversed if  
5 the applicant obtains a declaratory judgment pursuant to 8  
6 U.S.C. § 1503, demonstrating that the applicant is a national  
7 of the United States.

8 "(n) (1) The Department of Public Health shall not  
9 charge or accept any fee for a certified copy of a birth  
10 certificate if the certificate is requested by any person who  
11 is 17 years of age or older for purposes of meeting the voter  
12 registration requirements of this chapter. The person  
13 requesting a certified copy of a birth certificate shall swear  
14 under oath to both of the following:

15 "a. That the person plans to register to vote in  
16 this state.

17 "b. That the person does not possess any of the  
18 documents that constitute evidence of United States  
19 citizenship as defined in this chapter.

20 "(2) The affidavit shall specifically list the  
21 documents that constitute evidence of United States  
22 citizenship as defined in this chapter."

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