

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency Secretary of State

Rule No. 820-2-2-.13

Rule Title: Procedures for Voters Who Have Moved From Address in Area Covered by One Precinct or Polling Place to Address Covered by Second Precinct or Polling Place within Same Board of Registrars' Jurisdiction and Have Not Updated Voter Registration Record Prior to an Election.

X New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John Beall
Date 7/1/14

APA-2
07/04

Office of the Secretary of State
Administrative Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State

RULE NO. & TITLE: 820-2-2-.13 Procedures for Voters Who Have Moved From Address in Area Covered by One Precinct or Polling Place to Address Covered by Second Precinct or Polling Place within Same Board of Registrars' Jurisdiction and Have Not Updated Voter Registration Record Prior to an Election.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION: Provide voting procedures to ensure voters who have moved within the same Board of Registrars' jurisdiction without updating their voter registration record are able to cast ballots in the new precinct and at the new polling place.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

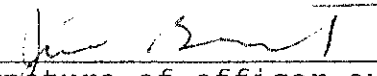
Views may be presented orally or in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103; 334-242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 4, 2014

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol, 600 Dexter Avenue, Suite S-205, Montgomery, Alabama 36104; 334-242-7202


(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

APA-2
07/04

NEW

STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE
ELECTIONS DIVISION
ADMINISTRATIVE CODE

820-2-2-.13

Procedures for Voters Who Have Moved
From Address in Area Covered by One
Precinct or Polling Place to Address
Covered by Second Precinct or Polling
Place within Same Board of Registrars'
Jurisdiction and Have Not Updated Voter
Registration Record Prior to an
Election.

- 1) A voter who has changed his or her domicile from an address in the area covered by one precinct or polling place to an address covered by a second precinct or polling place within the same Board of Registrars' jurisdiction and who has failed to notify the Board of Registrars of the change of address prior to the date of an election shall not be allowed to cast a ballot at the former polling place. In such cases the poll workers shall obtain the voter's new precinct or polling place information from either the Board of Registrars or the Judge of Probate and instruct the voter to go to the new precinct or polling place to vote.
 - a. Because in such instances the voter's name will not appear on the poll list at the new precinct or polling place, an inspector at the new polling place shall notify the voter that he or she may cast a provisional ballot in the election.
 - b. If the inspector has knowledge and belief that a voter has changed his or her domicile but the voter refutes the inspector's allegation and asserts that he or she is eligible to vote at the polling place where he or she has presented himself or herself to vote, the inspector shall require the voter to cast a provisional ballot based on the inspector's knowledge that the voter

is not qualified to vote in the precinct in which he or she is seeking to vote. The inspector shall complete a challenge statement setting forth the facts which the inspector believes to support his or her contention that the voter is not qualified to vote in the precinct in which he or she is seeking to vote.

c. Any provisional ballot issued pursuant to this rule shall be governed by the procedures set forth in Section 17-10-2, Code of Alabama, and Chapter 820-2-6, Alabama Administrative Code.

d. The voter shall cast the provisional ballot and place it into a sealed ballot box separately identified and utilized for containing provisional ballots.

2) For absentee ballot applicants required to reidentify because they do not appear in the new voting place for which they seek to vote but do appear within the state voter registration list in another voting place at a former address covered by a second precinct or polling place within the same Board of Registrars' jurisdiction, the absentee election manager shall provide to the voter a provisional ballot along with a voter reidentification form in accordance with Code of Alabama 1975, sections 17-11-9 and 17-10-2.

a. The term "Provisional" shall be marked on the second or affidavit envelope prior to transmitting the ballot to the voter.

b. The absentee election manager shall provide as a provisional ballot the ballot style for the new voting place in which the applicant is seeking to vote. In such cases the absentee election manager shall obtain the applicant's ballot style for the new voting place from either the Board of Registrars or the Judge of Probate.

c. Any provisional ballot issued pursuant to this rule shall be governed by the procedures set forth in Section 17-10-2, Code of Alabama, and Chapter 820-2-6, Alabama Administrative Code.

Authors: Edward Packard, Jean Brown, William Sutton.
Statutory Authority: Code of Ala. 1975, section 7-4-63
(2007), 17-6-5 (2007), 17-9-10 (2007), and 17-10-3 (2007).
History: New Rule: Filed July 1, 2014.