

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Secretary of State

Rule No. 820-2-4-.05.

Rule Title: Petition Requirements.

\_\_\_\_\_ New      X 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

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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.

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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 Jim Bennett

Date 11-18-14

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07/04

Office of the Secretary of State  
Administrative Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State.

RULE NO. & TITLE: 820-2-4-.05 Petition Requirements.

INTENDED ACTION: Amend Rule.

SUBSTANCE OF PROPOSED ACTION: This proposed amendment to the rule is necessary to clarify the petition requirements for ballot access in a special election.

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:

January 2, 2014.

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol, 600 Dexter Avenue, Suite E-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

AMENDED

OFFICE OF THE SECRETARY OF STATE  
ADMINISTRATIVE CODE

820-2-4-.05

**Petition Requirements.**

(1) Petitions for the establishment of independent candidacy shall include at the top of each page of said petition pagination and a statement that includes the name of the prospective independent candidate, the date of the general election for which ballot access is sought, and the name of the office sought, including district number, if applicable. Petitions for the establishment of independent candidacy in a special election shall not be required to include the date of the special election at the top of each page.

(2) Petitions for the establishment of ballot access for a political party shall include at the top of each page pagination and a statement that includes the name of the political party seeking ballot access, the date of the general election for which ballot access is sought, and the name of the political subdivision for which ballot access is sought, if the petition is not for statewide ballot access. Petitions for the establishment of ballot access for a political party in a special election shall not be required to include the date of the special election at the top of each page.

(3) An election petition shall request the following information for each person signing said petition: name, residential address, county of residence, city of residence (if applicable), voting place, date of birth, and signature. A signature shall not be deemed invalid for lacking any portion of the requested information if the disclosed information is sufficient for determining the validity of a signature.

**Authors:** Edward P. Packard, Charles E. Grainger, Jr.

**Statutory Authority:** Code of Ala. 1975, §§ 17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099.  
**History: New Rule:** Filed January 10, 2001; effective February 14, 2001. **Amended:** Filed November 18, 2014.

**Ed. Note:** Formerly Rule 820-X-11-.05, as per certification Filed January 10, 2001; effective February 14, 2001.

AMENDED

OFFICE OF THE SECRETARY OF STATE  
ADMINISTRATIVE CODE

820-2-4-.05

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