

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. \_\_\_\_\_ Department or Agency: Secretary of State

Rule No. 820-2-2-.17

Rule Title: Voter Registration Instructions for Voter Registrars to Assess Eligibility of Voter Registration Applicant

New \_\_\_\_\_ Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

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 office Beth Chapman  
Date 9-24-12

Office of the Secretary of State  
Elections Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State

RULE NO. & TITLE: 820-2-2-.17 Voter Registration Instructions for  
Voter Registrars to Assess  
Eligibility of Voter Registration  
Applicant  
820-2-2-.18 Affidavit and Application for  
Certification of Free Alabama Birth  
Record for Voter Registration Use  
820-2-2-.19 Citizenship Document Inconsistency  
Affidavit Form  
820-2-2-.20 Form for Notification of  
Insufficiency of Proof of  
Citizenship  
820-2-2-.21 Procedure for County Boards of  
Registrars to Determine Applicant's  
Citizenship for Voting Purposes  
820-2-2-.22 Application Form to the Board of  
registrars for Hearing on  
Eligibility to Register to Vote  
820-2-2-.23 Agency-Based Voter Registration  
Form  
820-2-2-.24 Mail-In Voter Registration Form

INTENDED ACTION: New rules.

SUBSTANCE OF PROPOSED ACTION:

Adopt voter registration rules to comply with the Beeson-Hammon  
Alabama Taxpayer and Citizen Protection Act, as amended, pursuant to  
§31-13-28, Code of Alabama (2012).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

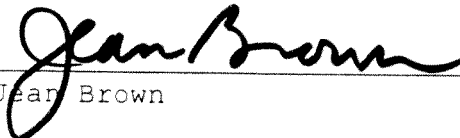
Views may be presented in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103.

FINAL DATE FOR COMMENT AND COMPLETION OF THE NOTICE:

November 2, 2012

CONTACT PERSON AT AGENCY:

Adam Thompson, Office of the Secretary of State, State Capitol, 600 Dexter Avenue, Suite S-105, Montgomery, Alabama 36104; 334-353-7818.

  
\_\_\_\_\_  
Jean Brown

**820-2-2-.17      Voter Registration Instructions for  
Voter Registrars to Assess Eligibility of Voter  
Registration Applicant.**

(a) The following instructions and checklist form ("Form C-1") shall be the instructions and checklist used by the county boards of registrars to assess the eligibility of voter registration applicants in this state. Form C-1 shall be used by county boards of registrars to list which document an applicant for voter registration has provided to the board of registrars to allow the registrars to assess the eligibility of the applicant to register to vote, including the applicant's United States citizenship.

(b) Instructions for Registrars:

## INSTRUCTIONS TO REGISTRARS

ALL COMPLETED VOTER REGISTRATION APPLICATIONS MUST BE ACCEPTED AND FILED BY THE BOARD OF REGISTRARS; HOWEVER, NO APPLICANT SHALL BE REGISTERED UNTIL HE/SHE HAS PROVIDED SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP AS SET OUT BELOW.

AN ALABAMA REGISTERED VOTER WHO CHANGES HIS/HER PLACE OF RESIDENCE OR WHO MODIFIES HIS/HER VOTER REGISTRATION RECORDS FOR ANY OTHER REASON, SUCH AS LEGAL CHANGE OF NAME, SHALL NOT BE REQUIRED TO SUBMIT EVIDENCE OF U.S. CITIZENSHIP.

PROOF OF VOTER REGISTRATION FROM ANOTHER STATE CANNOT BE USED AS PROOF OF U.S. CITIZENSHIP.

ONLY DOCUMENTS LISTED IN PARAGRAPH 3 CAN BE USED TO SHOW PROOF OF U.S. CITIZENSHIP.

### VOTER REGISTRATION REQUIREMENTS:

1. The applicant must either be 18 years old, or if he /she is 17, they must be 18 years old on or before the date of the next election.
2. The applicant must have satisfactory evidence of U.S. citizenship. If the voter registration application is filed in person, satisfactory evidence of U.S. citizenship SHALL be provided in person at the time of filing the application by providing ONE of the documents listed below. If the applicant is trying to register in person and lacks satisfactory citizenship documentation, the application shall be accepted and filed. A record shall be created in the statewide voter registration database with the applicant's records placed in a status of "suspense" with a reason of "insufficient citizenship documentation." The applicant shall be given Form C-3 notifying the applicant that the submitted documentation is insufficient and to bring or mail satisfactory documentation to the Board of Registrars.

For voter registration applications that are mailed to the office of the Board of Registrars, the mailed application MUST include ONE of the documents listed below. If the mailed application lacks satisfactory citizenship documentation, the application shall be accepted and filed. A record shall be created in the statewide voter registration database with the applicant's records placed in a status of "suspense" with a reason of "insufficient citizenship documentation." The applicant shall be mailed Form C-3 notifying the applicant that the submitted documentation is insufficient and to bring or mail satisfactory documentation to the Board of Registrars.

3. Proof of U.S. citizenship is established by providing an original or legible photocopy or a copy in digital or other electronic format of ONE of the following documents:
  - a. Driver's license or nondriver's ID card issued by division of motor vehicles or equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence (i.e., U.S. citizenship) in the U.S. as a condition of issuance of the driver's license or nondriver's ID card and that the driver's license or nondriver's ID card contains appropriate indicia showing proof of U.S. citizenship. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**
  - b. Birth certificate indicating birth in the U.S. or one of its territories.
  - c. Pertinent pages of applicant's valid or expired U.S. passport identifying applicant and applicant's passport number, or presentation of U.S. passport to Board of Registrars.
  - d. U.S. naturalization documents or the number of certificate of naturalization. If only number of certificate of naturalization is provided, applicant shall not be registered until number of certificate of naturalization is verified with U.S. Bureau of Citizenship and Immigration Services by Board of Registrars pursuant to 8 U.S.C. §1373(c).
  - e. Other documents or methods of proof of U.S. citizenship issued by federal government pursuant to Immigration and Nationality Act of 1952 and amendments thereto.
  - f. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
  - g. Consular report of birth abroad of U.S. citizen.
  - h. Certificate of citizenship issued by U.S. Citizenship and Immigration Services.
  - i. Birth certificate issued by U.S. State Department.
  - j. American Indian card with KIC classification issued by U.S. Dept. of Homeland Security.
  - k. Final adoption decree showing applicant's name and U.S. birthplace.
  - l. Official U.S. military record of service showing applicant's place of birth in the U.S.
  - m. Extract from U.S. hospital birth record created at time of birth showing applicant's U.S. place of birth
  - n. Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.

IF YOU HAVE QUESTIONS CONCERNING WHETHER AN APPLICANT HAS PROVIDED SUFFICIENT PROOF OF CITIZENSHIP, PLEASE CONTACT THE SECRETARY OF STATE'S OFFICE AT 800-274-8683.

IF EVIDENCE OF U.S. CITIZENSHIP IS DEEMED BY THE REGISTRARS TO BE UNSATISFACTORY DUE TO AN INCONSISTENCY BETWEEN THE DOCUMENT SUBMITTED AS EVIDENCE AND THE NAME OR SEX PROVIDED ON THE REGISTRATION APPLICATION, THE APPLICANT MAY SIGN AN AFFIDAVIT CONTAINING BOTH OF THE FOLLOWING:

1. Stating the inconsistency or inconsistencies related to the name or sex, and the reason therefor and
2. Swearing under oath that despite the inconsistency, the applicant is the same individual reflected in the document provided as proof of citizenship.

There shall be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the registration application. If the applicant submits an affidavit, the Board of Registrars shall assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.

A Sample Inconsistency Affidavit is attached as Form C-2.

(c) Form C-1

#### REGISTRAR'S CHECKLIST (Form C-1)

Applicant has supplied the following documents showing proof of citizenship:  
(Check applicable document)

- a. \_\_\_ Driver's license or nondriver's ID card issued by division of motor vehicles or equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence (i.e., U.S. citizenship) in the U.S. as a condition of issuance of the driver's license or nondriver's ID. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**
- b. \_\_\_ Birth certificate indicating birth in the U.S. or one of its territories.
- c. \_\_\_ Pertinent pages of applicant's valid or expired U.S. passport identifying applicant and applicant's passport number, or presentation of U.S. passport to Board of Registrars.
- d. \_\_\_ U.S. naturalization documents or the number of certificate of naturalization. If only number of certificate of naturalization is provided, applicant shall not be registered until number of certificate of naturalization is verified with U.S. Bureau of Citizenship and Immigration Services by Board of Registrars pursuant to 8 U.S.C. §1373(c).
- e. \_\_\_ Other documents or methods of proof of U.S. citizenship issued by federal government pursuant to Immigration and Nationality Act of 1952 and amendments thereto.
- f. \_\_\_ Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
- g. \_\_\_ Consular report of birth abroad of U.S. citizen.
- h. \_\_\_ Certificate of citizenship issued by U.S. Citizenship and Immigration Services.
- i. \_\_\_ Birth certificate issued by U.S. State Department.
- j. \_\_\_ American Indian card with KIC classification issued by U.S. Dept. of Homeland Security.
- k. \_\_\_ Final adoption decree showing applicant's name and U.S. birthplace.
- l. \_\_\_ Official U.S. military record of service showing applicant's place of birth in the U.S.

- m. \_\_\_ Extract from U.S. hospital birth record created at time of birth showing applicant's U.S. place of birth.
- n. \_\_\_ Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.

PHOTOCOPY ANY SUPPLIED ORIGINAL DOCUMENTATION AND RETURN ORIGINAL DOCUMENTATION TO VOTER (except for Inconsistency Affidavit; in those cases retain original and return copy to applicant).

ATTACH THIS FORM, COPY OF PROOF OF CITIZENSHIP DOCUMENTATION, INCONSISTENCY AFFIDAVIT (IF APPLICABLE) TO VOTER REGISTRATION APPLICATION AND PLACE IN PERMANENT VOTER FILE.

IF AN APPLICANT HAS BEEN DENIED REGISTRATION, PLACE APPLICATION AND COPY OF FORM C-3 IN PERMANENT VOTER FILE.

**Authors:** Jean Brown; Edward Packard; Julie Sinclair  
**Statutory Authority:** Code of Alabama, section 31-13-28 (2012); Code of Alabama, section 17-3-1 (2006)  
**History: New Rule:** Filed September 28, 2012; effective November 2, 2012.