

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

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

Rule No. 820-2-2-.20

Rule Title: Form for Notification of Insufficiency of Proof of Citizenship

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 Chapin  
Date 9-21-12

(DATE FILED)

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:

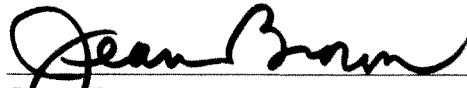
Views may be presented in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103.

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-.20 Form for Notification of Insufficiency  
of Proof of Citizenship.**

(a) The following form ("Form C-3") shall be used by boards of registrars to notify an applicant that he/she has provided insufficient proof of citizenship of U.S. citizenship as required by Code of Alabama, section 31-13-28 (2011).

**NOTIFICATION OF INSUFFICIENCY OF PROOF OF CITIZENSHIP (Form C-3)**

TO:

FROM: \_\_\_\_\_ COUNTY BOARD OF REGISTRARS

Thank you for applying to register to vote in Alabama. We cannot register you at this time because you have not provided sufficient proof of United States citizenship as required by Alabama law. We have filed your application and will register you when you supply us by mail or in person 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. **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 your 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 your name and U.S. birthplace.
- l. Official U.S. military record of service showing your place of birth in the U.S.
- m. Extract from U.S. hospital birth record created at time of birth showing your U.S. place of birth
- n. Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.

If you do not have one of the above documents, you may submit any evidence that you believe demonstrates your U.S. citizenship directly to the county board of registrars. You may request a hearing at which you may present any additional evidence and be represented by an attorney (application form attached).

(b) The board of registrars shall create a record in the statewide voter registration database for an applicant who has submitted insufficient proof of citizenship and shall place the applicant in a status of "suspense" with a reason of "insufficient citizenship documentation." The board of registrars shall scan the completed "Notification of Insufficiency of Proof of Citizenship" (Form C-3) into the statewide voter registration database and attach it to the applicant's record.

**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.