

1 HB65
2 125616-1
3 By Representative Hill
4 RFD: Constitution, Campaigns and Elections
5 First Read: 01-MAR-11
6 PFD: 02/25/2011

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8 SYNOPSIS: Under existing law, a computerized statewide
9 voter registration list is maintained by the
10 Secretary of State.

11 This bill would require, upon written
12 affidavit, the omission of the residential and
13 mailing address of any registered voter who is a
14 victim of domestic violence or who is the custodian
15 of a minor victim of domestic violence.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

21 To amend Sections 11-46-36 and 11-46-107, Section
22 17-4-33, as amended by Act 2010-537 of the 2010 Regular
23 Session (Acts 2010, p. 918), and Section 17-9-15, Code of
24 Alabama 1975, relating to the computerized statewide voter
25 registration list, to provide for the omission of the
26 residential and mailing address of any registered voter who is
27 a victim of domestic violence or who is the custodian of a

1 minor victim of domestic violence upon written affidavit of
2 the registered voter.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 11-46-36 and 11-46-107, Section
5 17-4-33, as amended by Act 2010-537 of the 2010 Regular
6 Session (Acts 2010, p. 918), and Section 17-9-15 of the Code
7 of Alabama 1975, are amended to read as follows:

8 "§11-46-36.

9 "(a) The mayor or other chief executive officer of
10 the city or town shall cause to be made a list of the
11 qualified voters who reside within the corporate limits of
12 such city or town and who are registered to vote regular
13 ballots, dividing the same into separate alphabetical lists of
14 the qualified voters of each ward where such city or town has
15 been divided into wards and all qualified voters thereof vote
16 at one box or voting machine, or dividing such list into
17 separate alphabetical lists of voters authorized to vote at
18 each respective box or voting machine if the list of qualified
19 voters has been divided alphabetically and each alphabetical
20 group assigned a box or machine at which to vote. He or she
21 shall have such lists compared with the official list of
22 electors qualified to vote during the current year on file in
23 the probate office of the county in which the municipality is
24 situated and shall certify on each list prepared pursuant to
25 this section that it is a correct list of the voters who are
26 qualified to vote regular ballots in the municipality, ward,
27 ballot box, or voting machine to which it appertains. He or

1 she shall have full access to all registration lists of the
2 county for this purpose. A copy of each list so prepared shall
3 be filed with the municipal clerk, who shall file and retain
4 each such list as a public record in his or her office, on or
5 before the third Tuesday in July before a regular municipal
6 election. The clerk shall prepare a copy of the list of
7 qualified voters authorized to vote at each of the respective
8 polling places in the municipality, and, prior to the opening
9 of the polls on election day, he or she shall furnish to the
10 inspectors, or one of them, of each ballot box or voting
11 machine at each polling place a copy of the list of qualified
12 voters authorized to vote at the box or voting machine for
13 which he or she was appointed an inspector. The clerk shall
14 also publish the list of qualified voters authorized to vote
15 at the ensuing election at least five days prior to the
16 election by posting copies thereof in at least three public
17 places in the municipality.

18 ~~"(b) Repealed by Acts 1982, No. 82-458, §7,
19 effective May 4, 1982.~~

20 "(b) Following each election, the municipal clerk
21 shall make a copy of that portion of the poll list to be made
22 a public record and shall maintain the original in his or her
23 office. The clerk shall redact any information required to be
24 redacted pursuant to Section 17-4-33 from the copy to be made
25 a public record. This subsection shall not affect poll lists
26 used at local precincts.

27 "§11-46-107.

1 "a) The mayor or other chief executive officer of
2 the city or town shall cause to be made a list of the
3 qualified voters who reside within the corporate limits of
4 such city or town and who are registered to vote regular
5 ballots, dividing the same into separate alphabetical lists of
6 the qualified voters of each ward where such city or town has
7 been divided into wards and all qualified voters thereof vote
8 at one box or voting machine or dividing such list into
9 separate alphabetical lists of voters authorized to vote at
10 each respective box or voting machine if the list of qualified
11 voters has been divided alphabetically and each alphabetical
12 group assigned a box or machine at which to vote. He or she
13 shall have such lists compared with the official list of
14 electors qualified to vote during the current year on file in
15 the probate office of the county in which the municipality is
16 situated, and shall certify on each list prepared pursuant to
17 this section that it is a correct list of the voters who are
18 qualified to vote regular ballots in the municipality, ward,
19 ballot box, or voting machine to which it appertains. He or
20 she shall have full access to all registration lists of the
21 county for this purpose. A copy of each list so prepared shall
22 be filed with the municipal clerk, who shall file and retain
23 each such list as a public record in his or her office, on or
24 before the third Tuesday in July preceding a regular municipal
25 election. The clerk shall prepare a copy of the list of
26 qualified voters authorized to vote at each of the respective
27 polling places in the municipality and, prior to the opening

1 of the polls on election day, he or she shall furnish to the
2 inspectors, or one of them, of each ballot box or voting
3 machine at each polling place a copy of the list of qualified
4 voters authorized to vote at the box or voting machine for
5 which he or she was appointed an inspector. The clerk shall
6 also publish the list of qualified voters authorized to vote
7 at the ensuing election at least five days prior to the
8 election, either by publication in a newspaper of general
9 circulation in the municipality or by posting copies thereof
10 in at least three public places in the municipality, as
11 directed by the municipal governing body.

12 "(b) Following each election, the municipal clerk
13 shall make a copy of that portion of the poll list to be made
14 a public record and shall maintain the original in his or her
15 office. The clerk shall redact any information required to be
16 redacted pursuant to Section 17-4-33 from the copy to be made
17 a public record. This subsection shall not affect poll lists
18 used at local precincts.

19 "§17-4-33.

20 "(a) The State of Alabama shall provide, through the
21 Secretary of State, a nondiscriminatory, single, uniform,
22 official, centralized, interactive computerized statewide
23 voter registration list defined, maintained, and administered
24 by the Secretary of State, with advice from the Voter
25 Registration Advisory Board and the President of the Alabama
26 Probate Judges Association, which contains the name and
27 registration information of every legally registered voter in

1 the state. The computerized list shall comply with the
2 following requirements:

3 "(1) It shall serve as the single system for storing
4 and managing the official list of registered voters throughout
5 the state.

6 "(2) It shall contain the name, address, and voting
7 location, as well as other information deemed necessary by the
8 Voter Registration Advisory Board or the Secretary of State,
9 of every legally registered voter in the state.

10 "(3) A unique identifier shall be assigned to each
11 legally registered voter in the state.

12 "(4) It shall contain the voting history of each
13 registered voter.

14 "(5) It shall be coordinated with the driver's
15 license database of the Department of Public Safety and the
16 appropriate state agency to assist in the removal of deceased
17 voters.

18 "(6) Any election official in the state, including
19 any local election official, may obtain immediate electronic
20 access to the information contained in the computerized list.

21 "(7) All voter registration information obtained by
22 any registrar in the state shall be electronically entered
23 into the computerized list on an expedited basis at the time
24 information is provided to the registrar.

25 "(8) The Secretary of State shall provide such
26 support as may be required so that registrars are able to
27 enter voter registration information.

1 "(9) It shall serve as the official voter
2 registration list for the conduct of all elections.

3 "(10) Following each state and county election, the
4 Secretary of State shall provide one electronic copy of the
5 computerized voter list free of charge to each political party
6 that satisfied the ballot access requirements for that
7 election. The electronic copy of the computerized voter list
8 shall be provided within 30 days of the certification of the
9 election or upon the completion of the election vote history
10 update following the election, whichever comes first. In
11 addition, upon written request from the chair of a political
12 party, the Secretary of State shall furnish up to two
13 additional electronic copies of the computerized voter file
14 during each calendar year to each political party that
15 satisfied the ballot access requirements during the last
16 statewide election held prior to that calendar year. The
17 electronic copies provided pursuant to this section shall
18 contain the full, editable data as it exists in the
19 computerized voter list maintained by the Secretary of State.

20 "(11) The list shall be maintained so that it is
21 technologically secure.

22 "(b) The Secretary of State, or judge of probate, or
23 municipal clerk, or registrar shall include the name and omit
24 the residential and mailing address of a registered voter on
25 any generally available list of registered voters, except for
26 those lists provided to federal and state agencies, upon the

1 written signed affidavit of the registered voter affirming
2 either of the following:

3 "(1) That the registered voter, or a minor who is in
4 the legal custody of the registered voter, is or has been the
5 victim of partner or family member assault, stalking,
6 custodial interference, or other domestic violence offense
7 involving bodily harm or threat of bodily harm to the
8 registered voter or minor.

9 "(2) That a temporary restraining order or
10 injunction is or has been issued by a judge or magistrate to
11 restrain access to the registered voter or a minor who is in
12 the legal custody of the registered voter.

13 "§17-9-15.

14 "After the close of the polls in all primary,
15 special, general, and municipal elections held in the state,
16 the records and forms produced at the polling places shall be
17 returned as follows:

18 "(1) The list of registered voters, the affirmations
19 of provisional voters, the statements of election officials
20 challenging provisional voters, and the voter reidentification
21 forms shall be sealed in an envelope addressed to the board of
22 registrars and the inspectors and any poll watchers present
23 shall sign across the seal. The board of registrars shall hold
24 the list of registered voters ~~as a public record~~ while using
25 it to update their voter histories in accordance with Article
26 2 of Chapter 4. A copy of the list of registered voters shall
27 be made a public record after the information specified in

1 subdivision (1) of subsection (b) of Section 17-4-33 has been
2 redacted by the board of registrars. The original and copies
3 of the list shall then be returned to the city clerk in
4 municipal elections and the judge of probate in all other
5 elections.

6 "(2) The signed voters' poll list shall be sealed in
7 an envelope and the inspectors and any poll watchers present
8 shall sign across the seal. The envelope shall be delivered to
9 the judge of probate in general and special elections and to
10 the party chairs in primary elections. The "clerk's poll list"
11 shall be sealed in an envelope labeled "records of election"
12 and the inspector and any poll watchers present shall sign
13 across the seal and the envelope shall be placed in a "records
14 of election" container and remain there during the period of
15 time for the initiation of an election contest or recount as
16 provided by law. The "records of election" container shall be
17 delivered to the city clerk in municipal elections and the
18 sheriff in all other elections to be retained in accordance
19 with state and federal law."

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