

1 SB62
2 134639-1
3 By Senator Sanford
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 07-FEB-12
6 PFD: 11/17/2011

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8 SYNOPSIS: Under existing law, a person may not
9 register to vote unless he or she presents certain
10 documentation of United States citizenship.

11 This bill would add valid United States
12 military identification to the list of acceptable
13 documentation to prove United States citizenship.
14

15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 29 of Act 2011-535, 2011 Regular
20 Session, now appearing as Section 31-13-28, Code of Alabama
21 1975, to add United States military identification to the list
22 of acceptable documentation to prove United States citizenship
23 when registering to vote.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 29 of Act 2011-535, 2011 Regular
26 Session, now appearing as Section 31-13-28, Code of Alabama
27 1975, is amended to read as follows:

1 "§31-13-28.

2 "(a) Applications for voter registration shall
3 contain voter eligibility requirements and such information as
4 is necessary to prevent duplicative voter registrations and
5 enable the relevant election officer to assess the eligibility
6 of the applicant and to administer voter registration,
7 identify the applicant and to determine the qualifications of
8 the applicant as an elector and the facts authorizing such
9 person to be registered. Applications shall contain a
10 statement that the applicant shall be required to provide
11 qualifying identification when voting.

12 "(b) The Secretary of State shall create a process
13 for the county election officer to check to indicate whether
14 an applicant has provided with the application the information
15 necessary to assess the eligibility of the applicant,
16 including the applicant's United States citizenship. This
17 section shall be interpreted and applied in accordance with
18 federal law. No eligible applicant whose qualifications have
19 been assessed shall be denied registration.

20 "(c) The county election officer or Secretary of
21 State's office shall accept any completed application for
22 registration, but an applicant shall not be registered until
23 the applicant has provided satisfactory evidence of United
24 States citizenship. Satisfactory evidence of United States
25 citizenship shall be provided in person at the time of filing
26 the application for registration or by including, with a
27 mailed registration application, a photocopy of one of the

1 documents listed as evidence of United States citizenship in
2 subsection (k). After a person has submitted satisfactory
3 evidence of citizenship, the county election officer shall
4 indicate this information in the person's permanent voter
5 file.

6 "(d) Any person who is registered in this state on
7 September 1, 2011, is deemed to have provided satisfactory
8 evidence of United States citizenship and shall not be
9 required to submit evidence of citizenship.

10 "(e) For purposes of this section, proof of voter
11 registration from another state is not satisfactory evidence
12 of United States citizenship.

13 "(f) A registered voter who moves from one residence
14 to another within the state or who modifies his or her voter
15 registration records for any other reason shall not be
16 required to submit evidence of United States citizenship.

17 "(g) If evidence of United States citizenship is
18 deemed to be unsatisfactory due to an inconsistency between
19 the document submitted as evidence and the name or sex
20 provided on the application for registration, such applicant
21 may sign an affidavit containing both of the following:

22 "(1) Stating the inconsistency or inconsistencies
23 related to the name or sex, and the reason therefor.

24 "(2) Swearing under oath that, despite the
25 inconsistency, the applicant is the individual reflected in
26 the document provided as evidence of citizenship.

1 "(h) There shall be no inconsistency between the
2 date of birth on the document provided as evidence of
3 citizenship and the date of birth provided on the application
4 for registration. If such an affidavit is submitted by the
5 applicant, the county election officer or Secretary of State
6 shall assess the eligibility of the applicant without regard
7 to any inconsistency stated in the affidavit.

8 "(i) All documents submitted as evidence of United
9 States citizenship shall be kept confidential by the county
10 election officer or the Secretary of State and maintained as
11 provided by record retention laws.

12 "(j) Nothing in this section shall prohibit an
13 applicant from providing, or the Secretary of State or county
14 election officer from obtaining, satisfactory evidence of
15 United States citizenship, as described in this section, at a
16 different time or in a different manner than an application
17 for registration is provided, as long as the applicant's
18 eligibility can be adequately assessed by the Secretary of
19 State or county election officer as required by this section.

20 "(k) Evidence of United States citizenship shall be
21 demonstrated by one of the following documents, or a legible
22 photocopy of one of the following documents:

23 "(1) The applicant's driver's license or nondriver's
24 identification card issued by the division of motor vehicles
25 or the equivalent governmental agency of another state within
26 the United States if the agency indicates on the applicant's
27 driver's license or nondriver's identification card that the

1 person has provided satisfactory proof of United States
2 citizenship.

3 "(2) The applicant's birth certificate that verifies
4 United States citizenship to the satisfaction of the county
5 election officer or Secretary of State.

6 "(3) Pertinent pages of the applicant's United
7 States valid or expired passport identifying the applicant and
8 the applicant's passport number, or presentation to the county
9 election officer of the applicant's United States passport.

10 "(4) The applicant's United States naturalization
11 documents or the number of the certificate of naturalization.
12 If only the number of the certificate of naturalization is
13 provided, the applicant shall not be included in the
14 registration rolls until the number of the certificate of
15 naturalization is verified with the United States Bureau of
16 Citizenship and Immigration Services by the county election
17 officer or the Secretary of State, pursuant to 8 U.S.C. §
18 1373(c).

19 "(5) Other documents or methods of proof of United
20 States citizenship issued by the federal government pursuant
21 to the Immigration and Nationality Act of 1952, and amendments
22 thereto.

23 "(6) The applicant's Bureau of Indian Affairs card
24 number, tribal treaty card number, or tribal enrollment
25 number.

26 "(7) The applicant's consular report of birth abroad
27 of a citizen of the United States of America.

1 "(8) The applicant's certificate of citizenship
2 issued by the United States Citizenship and Immigration
3 Services.

4 "(9) The applicant's certification of report of
5 birth issued by the United States Department of State.

6 "(10) The applicant's American Indian card, with KIC
7 classification, issued by the United States Department of
8 Homeland Security.

9 "(11) The applicant's final adoption decree showing
10 the applicant's name and United States birthplace.

11 "(12) The applicant's official United States
12 military record of service showing the applicant's place of
13 birth in the United States.

14 "(13) An extract from a United States hospital
15 record of birth created at the time of the applicant's birth
16 indicating the applicant's place of birth in the United
17 States.

18 "(14) An unexpired United States military ID card
19 for active duty, reserve, or retired personnel with
20 identifiable photo.

21 "(1) There is hereby established the State Election
22 Board, consisting of the Secretary of State, the Attorney
23 General, and the Lieutenant Governor. The State Election Board
24 shall meet on the call of the Secretary of State. The State
25 Election Board shall do both of the following:

1 "(1) Assess information provided by any applicant
2 for voter registration as evidence of citizenship pursuant to
3 subsection (m).

4 "(2) Adopt rules to implement subsection (m).

5 "(m) (1) If an applicant is a United States citizen
6 but does not have any of the documentation listed in this
7 section as satisfactory evidence of United States citizenship,
8 the applicant may submit any evidence that the applicant
9 believes demonstrates the applicant's United States
10 citizenship.

11 "(2) Any applicant seeking an assessment of evidence
12 under this section may directly contact the office of the
13 Secretary of State by submitting a voter registration
14 application or the national voter registration form and any
15 supporting evidence of United States citizenship. Upon receipt
16 of this information, the Secretary of State shall notify the
17 State Election Board that such application is pending.

18 "(3) The State Election Board shall give the
19 applicant an opportunity for a hearing, upon the applicant's
20 request in writing, and an opportunity to present any
21 additional evidence to the State Election Board. Notice of
22 such hearing shall be given to the applicant at least five
23 days prior to the hearing date. An applicant shall have the
24 opportunity to be represented by counsel at such hearing.

25 "(4) The State Election Board shall assess the
26 evidence provided by the applicant to determine whether the
27 applicant has provided satisfactory evidence of United States

1 citizenship. A decision of the State Election Board shall be
2 determined by a majority vote of the board.

3 "(5) If an applicant submits an application and any
4 supporting evidence prior to the close of registration for an
5 election cycle, a determination by the State Election Board
6 shall be issued at least five days before such election date.

7 "(6) If the State Election Board finds that the
8 evidence presented by the applicant constitutes satisfactory
9 evidence of United States citizenship, the applicant shall
10 meet the requirements under this section to provide
11 satisfactory evidence of United States citizenship.

12 "(7) If the State Election Board finds that the
13 evidence presented by an applicant does not constitute
14 satisfactory evidence of United States citizenship, the
15 applicant shall have the right to appeal such determination by
16 the State Election Board by instituting an action under 8
17 U.S.C. § 1503. Any negative assessment of an applicant's
18 eligibility by the State Election Board shall be reversed if
19 the applicant obtains a declaratory judgment pursuant to 8
20 U.S.C. § 1503, demonstrating that the applicant is a national
21 of the United States.

22 "(n) (1) The Department of Public Health shall not
23 charge or accept any fee for a certified copy of a birth
24 certificate if the certificate is requested by any person who
25 is 17 years of age or older for purposes of meeting the voter
26 registration requirements of this chapter. The person

1 requesting a certified copy of a birth certificate shall swear
2 under oath to both of the following:

3 "a. That the person plans to register to vote in
4 this state.

5 "b. That the person does not possess any of the
6 documents that constitute evidence of United States
7 citizenship as defined in this chapter.

8 "(2) The affidavit shall specifically list the
9 documents that constitute evidence of United States
10 citizenship as defined in this chapter."

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