

**SB246 INTRODUCED**



1 XDT2ZE-1

2 By Senators Singleton, Smitherman

3 RFD: Fiscal Responsibility and Economic Development

4 First Read: 25-Apr-23

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6 2023 Regular Session



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SYNOPSIS:

Under existing law, a member of the board of registrars must meet certain qualifications.

Also under existing law, a registrar may be removed from the board of registrars for cause and the Governor, Auditor, Commissioner of Agriculture and Industries, or a majority of them acting as a state board of appointment must fill any vacancies on the board.

This bill would further provide for the qualifications and member of the board of registrars and establish hours of operation.

This bill would also provide for eligibility for reappointment to the board after removal and for temporary appointments to the board under certain circumstances.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to boards of registrars; to amend Sections 17-3-2, 17-3-3, 17-3-4, 17-3-5, Code of Alabama 1975, and 17-3-8, Code of Alabama 1975, as last amended by Act 2022-112



## SB246 INTRODUCED

29 of the 2022 Regular Session, to further provide for the  
30 qualifications and membership of the board of registrars and  
31 establish hours of operation; and to provide for eligibility  
32 for reappointment to the board after removal and for temporary  
33 appointments to the board under certain circumstances.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Sections 17-3-2, 17-3-3, 17-3-4, 17-3-5,  
36 Code of Alabama 1975, and 17-3-8, Code of Alabama 1975, as  
37 last amended by Act 2022-112 of the 2022 Regular Session, are  
38 amended to read as follows:

39 "§17-3-2

40 (a) Registration shall be conducted in each county by a  
41 board of three reputable and suitable persons to be appointed,  
42 unless otherwise provided by law, by the Governor, Auditor,  
43 and Commissioner of Agriculture and Industries, or by a  
44 majority of them acting as a state board of appointment. Each  
45 member of the board of registrars shall serve at the pleasure  
46 of the appointing authority. The state board of appointment  
47 shall ensure that membership of the boards of registrars are  
48 reflective of the gender, race, and geographical makeup of the  
49 state. The registrars shall be qualified electors, residents  
50 of the county, shall have a high school diploma or equivalent,  
51 ~~and~~ possess the minimum computer and map reading skills  
52 necessary to function in the office, and meet all other  
53 minimum qualifications provided in the job description. The  
54 Secretary of State, with the unanimous written consent of the  
55 state board of appointment, shall prescribe guidelines,  
56 including a detailed job description containing minimum



## SB246 INTRODUCED

57 qualifications, to assist the state board of appointment in  
58 determining the qualifications of registrars. The registrars  
59 shall not hold an elective office during their term. One of  
60 the members shall be designated by the state board of  
61 appointment as chair of the board of registrars for each  
62 county. The chair of the board of registrars for each county  
63 shall have management authority over the board.

64 (b) Notwithstanding the provisions of subsection (a),  
65 the Legislature may provide by local law for the appointment  
66 of additional members to the board of registrars for a county  
67 that has two courthouses.

68 (c) The provisions of this section shall not apply in  
69 any county having a population of not less than 600,000  
70 inhabitants according to the 1970 or any succeeding federal  
71 decennial census, and any currently effective local law or  
72 general law of local application providing for the appointment  
73 of any member of the board of registrars in the county shall  
74 remain in full force and effect and shall not be repealed by  
75 operation of this chapter."

76 "§17-3-3

77 ~~The registrars~~ Notwithstanding subsection 17-3-2(a), a  
78 registrar appointed under this article may be removed for  
79 cause by the Secretary of State at any time before the end of  
80 ~~their~~ his or her term of office, upon submitting written  
81 reasons ~~therefor~~ for removal to the registrar removed and to  
82 the members of the state board of appointment. A registrar  
83 removed for cause shall be ineligible for reappointment to the  
84 board of registrars for the duration of the term of office in



## SB246 INTRODUCED

85 which the removal occurred. If not so removed, the registrar  
86 may hold office for four years from the date of appointment  
87 and until a successor is appointed."

88 "§17-3-4

89 If one or more of the persons appointed ~~on such~~ to the  
90 board of registrars shall refuse, neglect, or be unable to  
91 qualify to serve, or if a vacancy or vacancies occur in the  
92 membership of the board of registrars, from any cause, the  
93 Governor, Auditor, and Commissioner of Agriculture and  
94 Industries, or a majority of them acting as a state board of  
95 appointment, shall make other appointments to fill ~~such~~ the  
96 vacancies. If a vacancy remains for more than 30 days, the  
97 Secretary of State may make a temporary appointment to fill  
98 the vacancy until a permanent appointment is made by the  
99 appointing authority."

100 "§17-3-5

101 (a) Each registrar shall receive a salary in the amount  
102 of eighty dollars (\$80) per working day for each working day's  
103 attendance upon business of the board, to be paid by the state  
104 and disbursed to the county commissions and disbursed by the  
105 county commissions to each registrar on order of a quorum of  
106 the board of registrars of the county. The state Comptroller  
107 shall issue to each county commission on a monthly basis an  
108 amount sufficient to fund these payments plus the employer  
109 share of the Social Security or Federal Insurance Corporation  
110 Act tax. The county commission will provide to the state  
111 Comptroller an invoice itemized to reflect payments made. If a  
112 legal holiday falls on a day the board is to be in session,



## SB246 INTRODUCED

113 and the courthouse of the county is closed for the holiday,  
114 the board of registrars shall be compensated for the holiday.  
115 Each registrar shall receive a mileage allowance equal to the  
116 amount allowed state employees or employees of the county,  
117 whichever is greater, for official travel in the course of  
118 attending the business of the board, including attending  
119 continuing education programs. Travel and other expenses shall  
120 be paid by the county commissions to the boards of registrars  
121 and the state shall reimburse the county commissions based on  
122 a written request submitted by the county commissions to the  
123 state Comptroller.

124 (b) The provisions of this section regarding travel  
125 mileage shall not apply in any county having a population of  
126 600,000 or more inhabitants according to the 1970 or any  
127 succeeding federal decennial census, and any currently  
128 effective local law or general law of local application  
129 regarding travel mileage for registrars in the county shall  
130 remain in full force and effect and shall not be repealed by  
131 operation of this chapter.

132 (c) Members of the boards of registrars of this state  
133 are hereby declared to be state employees for the purposes of  
134 Chapter 28 of Title 36.

135 (d) Members of the boards of registrars of this state  
136 shall be treated as equals with other state and county  
137 employees in regard to Social Security protection and  
138 benefits.

139 (e) All payments by a county to any member of a county  
140 board of registrars (except for mileage or reimbursement for



## SB246 INTRODUCED

141 expenses) shall be treated for Social Security purposes  
142 equally with payments by that county to other county employees  
143 of the county.

144 (f) The state office for Social Security and the state  
145 Comptroller and each county commission are directed to take  
146 all necessary action to ~~insure~~ ensure that members of the  
147 boards of registrars of this state are treated as other state  
148 and county employees in regard to Social Security protection  
149 and benefits as provided in Chapter 28 of Title 36, including,  
150 if necessary, amending the federal-state agreement referred to  
151 in Chapter 28 of Title 36, to implement the intent of the  
152 Legislature as expressed herein.

153 (g) No county commission may reduce the current county  
154 supplement upon the effect of this section by implementation  
155 of Act 94-693.

156 (h) A county commission may allow the chair or any  
157 member of the county board of registrars who has served at  
158 least 16 years in that position to participate in any health  
159 insurance program provided by the county upon the same terms,  
160 conditions, and employee contributions as required for county  
161 employees. This subsection shall not apply to any health  
162 insurance plans administered by the State of Alabama as  
163 described in Chapter 29 of Title 36 and Chapter 91A of Title  
164 11.

165 (i) Members of the boards of registrars are not county  
166 employees and no member of the board of registrars shall be  
167 considered a county employee.

168 ~~This subsection shall not apply to any health insurance~~



## SB246 INTRODUCED

169 ~~plans administered by the State of Alabama as described in~~  
170 ~~Title 36, Chapter 29 and Title 11, Chapter 91A."~~

171 "§17-3-8

172 (a) Each member of the board of registrars in the  
173 Counties of Clay, Cleburne, Coosa, Dallas, Escambia, Geneva,  
174 Lowndes, Perry, Sumter, and Wilcox may meet a maximum of 120  
175 working days each fiscal year; each member of the board of  
176 registrars in the Counties of Barbour, Blount, Butler,  
177 Fayette, Greene, Marengo, Pickens, Pike, Randolph, and Winston  
178 may meet a maximum of 168 working days each fiscal year,  
179 except in Pike County each board of registrars may meet up to  
180 an additional 30 session days each fiscal year, at the  
181 discretion of the chair of the county commission, and such  
182 days shall be paid from the respective county funds; each  
183 member of the board of registrars in the Counties of Coffee,  
184 Talladega, and Tallapoosa may meet a maximum of 220 working  
185 days each fiscal year, except that in Talladega County the  
186 board of registrars may meet up to an additional 30 session  
187 days each fiscal year, at the discretion of the chair of the  
188 county commission; each member of the board of registrars in  
189 the Counties of Dale, Franklin, Houston, Marion, Marshall,  
190 Bullock, Macon, and Tuscaloosa may meet a maximum of 216  
191 working days each fiscal year; each member of the board of  
192 registrars in the Counties of Limestone and Shelby may meet a  
193 maximum of 167 working days each fiscal year; and each member  
194 of the board of registrars in Russell County may meet a  
195 maximum of 177 working days each fiscal year.

196 (b) In the Counties of Choctaw, Colbert, Cullman,





## SB246 INTRODUCED

197 Lauderdale, and Monroe, each member of the board of registrars  
198 may meet a maximum of 199 working days each fiscal year.

199 (c) Each member of the Board of Registrars of Autauga,  
200 Elmore, and Bibb Counties may meet a maximum of 187 working  
201 days each fiscal year. Each member of the Board of Registrars  
202 of Walker County may meet a maximum of 200 days each fiscal  
203 year, and each member of the Board of Registrars of Lamar,  
204 Cherokee, Clarke, Conecuh, Crenshaw, Hale, and Washington  
205 Counties may meet a maximum of 140 days each fiscal year. Each  
206 member of the board of registrars in the following counties  
207 may meet the following maximum number of working days each  
208 fiscal year: Henry - 140 working days; Covington - 188 working  
209 days; DeKalb - 207 working days; Jackson - 207 working days;  
210 Chambers - 180 working days; and Lawrence - 140 working days.

211 (d) Each member of the board of registrars in the  
212 Counties of Baldwin, Calhoun, Chilton, Etowah, Lee, Madison,  
213 Mobile, Montgomery, St. Clair, and Morgan are authorized to  
214 meet not more than five days each week for the purpose of  
215 carrying out their official duties. Jefferson County, which is  
216 now operating under the provisions of local laws, shall be  
217 exempted from this section. Provided, however, that where the  
218 term each year is used in the local laws the term means each  
219 fiscal year.

220 (e) The actual number of working days to be used as  
221 session days shall be determined by a quorum of the board of  
222 registrars according to the needs of the county.

223 (f) As many as 25 of the allotted working days may be  
224 used for special registration sessions (i.e., those sessions



## SB246 INTRODUCED

225 held away from the courthouse in the several precincts of the  
226 county or sessions held on Saturday or between the hours of  
227 5:00 p.m. and 9:00 p.m.). Notice of any special session  
228 scheduled by the board shall be given at least 10 days prior  
229 to the special session by: (1) Bills posted at three or more  
230 public places in each election precinct affected, if the  
231 session involves precinct visits; and (2) advertisement once a  
232 week for two successive weeks in a newspaper published in the  
233 county, or by radio or television announcements on a local  
234 station, or both by newspaper or announcement.

235 (g) On working days, the board of registrars shall do  
236 both of the following:

237 (1) Be open the same hours as the courthouse of the  
238 county, or alternatively, establish regular hours and make  
239 those hours available to the public.

240 (2) Have a registrar present during those hours.

241 (h) The Secretary of the State by rule shall establish  
242 a procedure for members of the boards of registrars to track  
243 and report hours worked."

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