Alabama Election Handbook

Twenty-Second Edition

2025-2026

ALABAMA LAW INSTITUTE

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WES ALLEN
SECRETARY OF STATE

Dear Fellow Alabamians,

Thank you to all of the local election officials throughout our great state that work extremely hard to administer elections in Alabama. In addition, I want thank the Alabama Law Institute and every person who helped prepare this publication.

This publication, which is a combination of the original *Alabama Election Handbook* and Dr. Robert Montjoy's *Alabama Election Official's Handbook,* has served as a helpful resource in our state for over 50 years, and we hope to improve the quality and content of the work with each new edition.

For additional information and resources regarding elections, visit our websites at www.sos.alabama.gov and www.alabamavotes.gov. If you have any questions, please call our Elections Division at 334-242-7210, or you may call toll free at 1-800-274-8683.

Sincerely,

Wes Allen
Secretary of State

FOREWORD

It is with great pride that we publish the Twenty-Second Edition of the *Alabama Election Handbook.* The *Alabama Election Handbook*, first published by the Institute in 1977, was the successor to the 1952 *Election Officer's Handbook* by University of Alabama Professor Donald Strong. Beginning with the Sixth Edition, the *Alabama Election Handbook* also incorporated the Secretary of State's *Election Official's Handbook* produced first by Dr. Robert Montjoy of Auburn University in 1982. From 1977 until 2011, each Edition was edited by the Director of the Institute during that time period, Robert L. McCurley, Jr.

In 2015, the Seventeenth Edition underwent a substantial change in approach. Following the publication of the Sixteenth Edition, a committee was formed under the leadership of Greg Butrus to explore the idea of re-drafting this Handbook to organize the material with an easier to use scientific numbering system, increase cross-referencing and indexing within the Handbook, and reflect the expansion of campaign finance legal issues in recent years. Under his leadership and editorial supervision, the Handbook took a significant step forward both in the information contained and presentation format. This Twenty-Second Edition continues to build on that work.

Again with this Edition, this Handbook is the product of a proud partnership with the Alabama Secretary of State. Secretary Wes Allen and his office were invaluable resources.

This publication is not an authoritative statement of the law, nor is it a substitute for the Code or other legal materials. This publication seeks to serve only as a general guide to the specific mandates of Alabama's laws regulating electoral processes. Users of this publication who need authoritative legal statements should seek assistance from the appropriate legal sources. The Alabama Secretary of State's office, local Judge of Probate offices, the Alabama Ethics Commission, the Alabama Attorney General's office and the Federal Election Commission are good sources to receive specific answers. Candidates for office should also find their party organizations and the state associations of local officials useful sources of assistance.

Relevant statutes and case law have been updated from the previous Edition. However, any findings and conclusions of the book remain those of the editors who present this Handbook as a ready source of election information.

Honorable Jim Naftel
Deputy Director
Alabama Law Institute
October 2025

ACKNOWLEDGEMENTS

The Twenty-Second Edition brings this Handbook current with changes since 2023.

As with the prior editions, Greg Butrus served as primary editor. Jim Naftel and Jackson Colburn served as Associate Editors. Also contributing to this edition were the following:

Tom Albritton, Michael Armistead, Sheila Barbuck, Elizabeth Bern, Sheriff Derrick Cunningham, Honorable Patrick Davenport, Sydney Dean, Honorable Harry D'Olive, Jimmy Entrekin, Honorable Mark Erwin, Suzanne Johnson, Honorable Andrea LeCroy, John Lackey, Sheriff Anthony Lowery, Leigh Reed, Beatrice Reichert, Pam Rogers, Sheriff John Samaniego, Warren Sarrell, III, Wes Shaw, Lita Waggoner, Judith Wofford, and Haley Wyatt.

Other valuable editorial assistance in researching, reformatting, reviewing, and/or preparing the Handbook were provided by Lindsey Yerby.

The preparation of this Edition would not have been possible without the cooperation of the Office of the Secretary of State. Secretary Allen and his entire staff have provided tremendous support in the preparation of this book. Specific thanks are due to Jeff Elrod, Mike Jones, Clay Helms, and Meridith Blackburn.

The **initial** *Election Officer's Handbook*, 1952, was written by Donald S. Strong, a member of the University of Alabama's Department of Political Science. The University of Alabama asked the Alabama Law Institute to assume this publication in 1976.

The editors for the **First Edition** *Election Handbook*, 1977, and the **Second Edition** of the *Alabama Election Handbook,* 1977, were Robert L. McCurley, Jr., Director of the Alabama Law Institute, and Dr. James D. Thomas, a member of the Bureau of Public Administration, University of Alabama. They were assisted in the preparation of the First and Second Editions of the Handbook by Carl Johnson, Tim McAbee, Joseph T. McNellage, Penny Davis and Helen Roane, then law students at the University of Alabama. We express our gratitude to the late Herbert N. Nation of Montgomery who provided valuable assistance in the preparation of the First Edition.

The **Third Edition** published in 1980, was entitled *Alabama Election Handbook* and contained virtually all the provisions of the earlier two

editions of the *Election Handbook*. However, the Third Edition completely rewrote chapters by placing them into sections more functional for those who are a part of the election process. The Third Edition not only reorganized and revised previous Handbooks, but it also allowed those who are interested in only one segment of the election process to have ready access to the law and procedure that relates to their work or interest. In 1982, a **supplement** was published to the Third Edition. Chief Research Assistant for the *Alabama Election Handbook*, Third Edition and Supplement, was Keith Norman, Legal Research Assistant at the Alabama Law Institute.

The **Fourth Edition** revised the work of these earlier editors. Mary Ellen Lamar, then a law student at the University of Alabama, was the chief Research Assistant for the Fourth Edition.

The **Fifth Edition** was revised primarily by Jean Powers, a law student at the University of Alabama. We are extremely grateful to these students for their assistance.

The *Election Official's Handbook*, edited by Dr. Robert Montjoy, Auburn University, was published in 1982, through the Secretary of State's office.

The **Sixth Edition** was a combination of the *Election Handbook* and the *Election Official's Handbook*. Stephen Scott was principal Research Assistant for revising this Sixth Edition, Chapters 2 through 9. Steve Prince and Brenda Carr in the Secretary of State's Office edited new sections in Chapters 8 and 9 and provided Chapter 1 and Chapters 10 through 16.

The **Seventh Edition** was a revision of the Sixth Edition. Leigh Haney, a law student at the University of Alabama School of Law, was the principal Research Assistant with Steve Prince and Brenda Carr of the Secretary of State's Office joining in the overall revisions.

The **Eighth Edition** brought current the latest in statutory, case law and Attorney General's opinions affecting the election law in Alabama. Steve Prince, Chuck Grainger and Brenda Carr of the Secretary of State's Office were principal editors of the revisions. We wish to thank Chris Pankey, a law student at the University of Alabama who was principal Research Assistant.

The **Ninth Edition** brought up to date the *Election Handbook* through an exhaustive review of the election law. We thank Othni Lathram, a law student at the University of Alabama School of Law, who was principal Research Assistant, along with the Election Staff of the Secretary of State's Office.

The **Tenth Edition** was a cumulative work that brought current the previous edition.

The **Eleventh Edition** had the assistance of Nancy Worley, Secretary of State; Vicki Balogh and Ed Packard, Election Division of the Secretary of State's Office; Trey Granger, Counsel to the Secretary of State; and Bryan Paul, a law student at the University of Alabama who was principal research assistant.

For the **Twelfth Edition**, in addition to thanking Judge Rip Proctor, Janice McDonald and Ed Packard; we wish to specifically thank the following officials for their contributions: LaVeeda Morgan Battle; Adam Bourne; Judge Rip Proctor; Corine Hurst; Robert Bates; Sheriff James Hayes; Bobby Timmons; Mary Pons; Peck Fox; Al Agricola; and Ken Smith.

For the **Thirteenth Edition** Judge Richard "Rip" Proctor, retired Judge of Probate, Lawrence County who also serves as Chair of the State Help America Vote Committee was the key to revising and incorporating the reorganized election law and gave excellent practical advice. We wish to thank, in addition to Janice McDonald and Ed Packard, Mr. Bobby Timmons, Executive Director of the Alabama Sheriffs Association for reviewing Chapter 14, "Sheriff"; Robert Bates, Cullman County Circuit Clerk, " Chapter 13 "Circuit Clerks "and Chapter 17 "Absentee Ballots"; Buddy Sharpless, Executive Director of the Association of County Commissions, Chapter 15, "County Commissions". We further want to acknowledge the good work of Nichelle Williams and Brian Stewart, Law Clerks at the University of Alabama for their research.

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It should be noted that the Election Handbook is built upon a very solid foundation provided by Robert L. McCurley, Jr., retired Director of the Alabama Law Institute, over his more than 35 years of work with this publication. Also noted is Linda Wilson, retired office manager of the Alabama Law Institute for her work on editions during her tenure.

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Finally, we thank and acknowledge the exceptional skill and tireless efforts of Jill Kjar, Coordinator of Conferences and Publications, of the Alabama Law Institute while working on this and past editions.

Honorable Jim Naftel
Deputy Director
Alabama Law Institute
October 2025

INTRODUCTION

This handbook provides election information in a user-friendly format that explains how the election process works from start to finish and what the duties of election officials are. It seeks to foster coordination among election officials. Chapters cover the election process as well as how election officials interact with each other. We encourage you to discuss with us, your local judge of probate, or the Elections Division of the Secretary of State's Office any issue about style, structure or content of this handbook. Alabama's election system is a partnership, and this handbook is no exception.

This handbook can also be found at the Legislative Services Agency's webpage lsa.state.al.us under "Publications" from the Law Institute tab.

Alabama reorganized its election laws found in Title 17 of the Code of Alabama in 2006, effective in 2007. Administrative rules, court decisions, attorney general opinions, and finally the Federal Help America Vote Act have all been reduced to one code of election law. This handbook is not intended to be a substitute for specific requirements found in Title 17 of the Code of Alabama.

In this handbook, you will find references to the Code of Alabama, 1975, such as "§ 17-1-4". Citations in this form refer to the Code of Alabama, 1975. The first number indicates the title; the second, the chapter; and the third, the section or sections involved in the reference. The full text of the Code of Alabama 1975 is located at alison.legislature.state.al.us under the heading "Legal Resources".

Included also are references to court cases, such as Kendrick v. State ex rel. Shoemaker, 256 Ala. 206, 54 So. 2d 442 (1951); and attorney general's opinions, such as Alabama Attorney General Opinion 2016-048. This is to give you an idea of whether a section of the handbook is based on state law, case law or an attorney general's opinion. The full text of attorney general's opinions are located at www.ago.state.al.us, under the heading "Opinions".

TABLE OF CONTENTS

Page

Foreword v
Acknowledgements vii
Introduction xiii

Chapter 1 Election Calendars 1
1.1 2026 Administrative Election Calendar 2
1.2 2026 Fair Campaign Practices Act Filing Calendar 14
1.3 Offices Up For Election in 2026 and Thereafter 21

Chapter 2 Alabama Elections Generally 23
2.1 Introduction to Alabama Elections 23
2.2 Primary Elections 24
2.2.1 Political Party Definition 24
2.2.2 Election Expense Compensation 25
2.2.3 Primary Election Dates 25
2.2.4 Political Party Privileges Preserved in Primary Election Statutes 26
2.3 Second (Runoff) Primary 26
2.4 Presidential Preference Primary 27
2.5 Nomination by Political Party Meeting 27
2.6 General Elections 28
2.6.1 General Election Dates 28
2.6.2 Terms Served and Reelection Standards 28
2.7 Municipal Elections 29
2.8 Special Elections 30

Chapter 3 Voter's Section 33
3.1 The Right to Vote 33
3.2 Qualifications for Voting 33
3.3 Registration to Vote 34
3.4 Identification Required When Voting 35
3.5 Voting Place 36
3.6 Voting Assistance and Time Limits 37
3.7 Voting in a Primary Election 37
3.8 Write-in Votes 38
3.9 Voting a Provisional Ballot 38
3.10 Absentee Voting 39
3.11 Military and Overseas Absentee Voters 42

Page

Chapter 4 Candidate Requirements 45
4.1 Table of Minimum Qualifications for Public Office 45
4.2 Qualifications for Specific Offices 49
4.2.1 Legislators 49
4.2.2 Governor and Lieutenant Governor 49
4.2.3 Attorney General and Other Constitutional Offices 49
4.2.4 The Commissioner of Agriculture and Industries 49
4.2.5 Judicial Offices 50
4.2.6 Judge of Probate 51
4.2.7 County Commissioner 51
4.2.8 Sheriff 51
4.2.9 Tax Assessor, Tax Collector and Revenue Commissioner 52
4.2.10 License Commissioner 52
4.3 Political Party Requirements 52
4.4 Party Qualifying Filing Procedures 52
4.4.1 Unopposed Candidates 54
4.5 Independent and Minor Party Candidates 54
4.6 General Qualifications for Primary Candidacy 55
4.6.1 Qualifying Fees of Candidates for Party Nomination 55
4.6.2 Runoff 56
4.6.3 Party Disqualification 56
4.7 Disqualifications from Running for Office 56
4.8 Effects of a Criminal Conviction on Candidate or Voter Eligibility 58
4.9 Political Activities of State, County and City Employees 58
4.10 Time of General Election and Terms of Office 59
4.10.1 Commissions 61
4.10.2 Bonds 61
4.10.3 Oaths 61
4.11 Federal Election Candidate Requirements 62
4.11.1 Registering as a Federal Candidate 62
4.12 Principal Campaign Committees 63
4.13 General Presidential Election 65
4.14 Municipal Elections 66
4.14.1 Statement of Candidacy and Residency Requirements 66
4.14.2 FCPA Applicability to Municipal Elections 67
4.14.3 Qualification Fee 67
4.14.4 When Only One Person Qualifies 67
4.14.5 Election Dates and Taking Office 67
4.14.6 Composition of City Council 68

Page

4.14.7 Political Activity of Municipal Employees 69

Chapter 5 Election Preparation 71
5.1 Election Precincts and Districts 71
5.1.1 Polling Places 72
5.2 Ballots and Other Supplies 72
5.2.1 Arrangement of Offices on Primary Ballot 73
5.2.2 Separate Ballots, etc. for Each Party Holding a Primary 73
5.2.3 Special Features of Primary Ballot 74
5.2.4 General Election Ballots 74
5.3 Appointment of Election Officers 75
5.3.1 Appointing Board 75
5.3.2 Poll Workers 75
5.3.2.1 Nominations for Poll Workers 76
5.3.2.2 Time of Appointment of Poll Workers 77
5.3.2.3 Number and Types of Poll Workers 77
5.3.2.4 Supplementing the Nominations 77
5.3.2.5 Alternate Poll Workers 77
5.3.2.6 Replacing Poll Workers 77
5.3.2.7 Student Interns 78
5.3.3 Instruction for Poll Workers 78
5.3.4 Election Officials Neglect of Duty 79
5.3.5 Election Officials in Municipal Elections 79
5.3.6 Notification of Election Officials 80
5.4 Notice of Election 80
5.5 Poll Watchers 81
5.5.1 Poll Watchers' Nominations 81
5.5.2 Poll Watchers' Rights 81
5.5.3 Poll Watchers' Restrictions 81

Chapter 6 Voter Registration 83
6.1 Board of Registrars 83
6.2 Personal Registration 84
6.3 The National Voter Registration Act of 1993 84
6.4 Agency-Based and "Motor Voter" Registration 84
6.5 Mail-in Voter Registration and Electronic Voter Registration 85
6.6 Meeting of the Board of Registrars 87
6.7 Qualification for Registration of a Voter 87
6.8 Protection of Personal Information for Certain Classes of Registered Voters 88

Page

6.9 Restoration of Voting Rights of a Convicted Felon 89
6.9.1 Process for Issuing a Certificate of Eligibility 89
6.9.2 Eligibility Requirements for Restoration of Voting Rights Using a Certificate of Eligibility to Register to Vote 90
6.9.3 Actions That Do Not Result in A Loss of Voting Rights 92
6.9.4 Disqualifying Felony Convictions 92
6.10 Judicial Review 92
6.11 Official List of Registered Voters 92
6.12 Computerized Statewide Voter Registration List 93
6.13 Continuous Purging of the Voter Registration List 94
6.14 List of Municipal Voters 95

Chapter 7 Absentee Voting Qualifications 97
7.1 Qualifications for an Absentee Ballot 97
7.2 Application for an Absentee Ballot 98
7.3 Emergency Absentee Ballots 99
7.4 Military and Overseas Ballots 100
7.5 Permanent Disability Absentee Voter List 102
7.6 Voter List 102
7.7 Delivering, Counting, and Reporting Absentee Ballots 103
7.8 Absentee Provisional Ballots 106
7.9 Ballots and Supplies 107
7.10 Disqualification of Circuit Clerk 107
7.11 Municipal Elections 107
7.12 Criminal Offenses and Penalties 108

Chapter 8 Conduct of Elections 111
8.1 General Provisions 111
8.2 Precinct Election Officials 112
8.2.1 Qualifications 112
8.2.2 Compensation 112
8.2.3 Failure to Serve 113
8.2.4 Additional Poll Workers 113
8.2.5 Alternate Poll Workers 113
8.3 Voting Systems 114
8.4 Voting Place Administration 114
8.4.1 Polling Place Materials 115
8.4.2 Precinct Election Officials Reporting for Duty 115
8.4.3 Absent Officials 116
8.4.4 Oath 116

Page

8.4.5 Absentee Voters....116
8.4.6 Physical Arrangement....117
8.4.7 Voting Equipment....117
8.4.8 Voting Hours....118
8.5 General Rules of Polling Place....118
8.5.1 Keeping Order....119
8.5.2 No Loitering Around Polls....119
8.5.3 Penalties Applicable to Election Officials....119
8.5.4 Secrecy of the Ballot....120
8.5.5 Integrity of the Process....120
8.5.6 Accessibility....121
8.5.7 Photographs and Video....121
8.5.8 Model and Diagrams....121
8.6 Voting Procedures....122
8.6.1 List of Qualified Voters....122
8.6.2 List of Registered Voters....122
8.6.3 Only Party Members May Vote in Primaries....123
8.6.4 Voters May Not Change Political Parties from Primary to Primary Runoff....123
8.6.5 Checking Registration....124
8.6.5.1 Check List of Registered Voters....124
8.6.5.2 Check Inactive Voter List....124
8.6.5.3 Written Proof of Registration....124
8.6.5.4 Checking Other Poll Lists....125
8.6.5.5 Voting by Provisional Ballot....125
8.6.5.6 Voter Update Forms....125
8.6.6 Voter Identification....125
8.6.7 Completing the Poll List....127
8.6.8 Voter Receiving the Ballot....128
8.6.9 The Act of Voting....128
8.6.10 Straight and Split Ticket Voting....128
8.6.11 Voter Assistance....129
8.6.12 Time to Vote....130
8.6.13 Submitting the Ballot....130
8.6.14 Spoiled Ballots....131
8.6.15 Curbside Voting Prohibited....131
8.7 Write-in Votes....131
8.8 Poll Watchers....132
8.8.1 Number....132
8.8.2 Appointment....132

Page

8.8.3 Time....133
8.8.4 Oath....133
8.8.5 Permissible Activities....133
8.9 No Counting of Votes During Polling Hours....134
8.10 Closing the Polls....134
8.10.1 Clearing the Polling Place....134
8.10.2 Voting Officials May Not Adjourn....134
8.11 Sealing Records....135
8.11.1 General Elections....135
8.11.2 Primaries....135
8.12 Certificates of Result....135
8.12.1 Creating Certificates of Result....135
8.12.2 Dispatching Certificates of Result....136
8.12.3 Ballot Accounting Certificate....137
8.13 Return of the Ballots and Other Election Supplies....137
8.13.1 Primaries....137
8.13.2 General Elections....138
8.14 Candidate Examination of Ballots....139
8.15 System of Canvassing the Ballots....139
8.16 Penalties for Violation of Election Code....140

Chapter 9 Post-Election Activities....141
9.1 Canvassing Board....141
9.2 General Elections....142
9.2.1 Provisional Ballots....142
9.2.2 Canvassing Returns....142
9.2.3 Declaring Results....142
9.2.4 Election Certificates....143
9.3 Primary Elections....143
9.4 Municipal Elections....144
9.5 Ballots and Other Records and Supplies....144
9.6 Election Costs....145
9.7 Challenge to Candidate's Qualifications....146
9.8 Contested Elections....146
9.9 Recount....147
9.9.1 General Recount Provisions....147
9.9.2 Automatic Recount in General Elections....148
9.9.3 Automatic Recounts for Primary....149
9.9.4 Recount in Municipal Elections....149
9.10 Contesting an Election Generally....150

Page

9.11 Primary Election Contests....150
9.11.1 Standing to Contest....150
9.11.2 Grounds....151
9.11.3 Notice of Contest....151
9.11.4 Time and Manner of Contest....151
9.11.5 Filing....152
9.12 General Election Contests....152
9.12.1 Standing to Contest....152
9.12.2 Grounds....153
9.12.3 Notice of Contest....153
9.12.4 Time of Contest....154
9.12.5 Filing of Contest....154
9.12.6 Election Contests of Senators and Representatives in the Alabama Legislature....154
9.12.7 Election Contests of Circuit Judges and District Judges....155
9.12.8 Election Contests of a Judge of Probate, Sheriff, Circuit Court Clerk, and Other County and Municipal Officers....155
9.12.9 Statewide Elections....155
9.12.10 Appeals....156
9.13 Post-Election Audits....156

Chapter 10 Provisional Ballot Requirements....157
10.1 Requirements for Provisional Ballots....157
10.2 Situations Where an Absentee Ballot Becomes a Provisional Ballot....159
10.2.1 Identification....159
10.2.2 Precinct List....160
10.2.3 Inspector Knowledge....160
10.2.4 Objection to Political Party Designation for Primary Runoff....160
10.3 Establishing a Procedure for a Provisional Ballot....160
10.3.1 At the Beginning of Election Day....160
10.3.2 During Election Day....161
10.4 Casting a Provisional Ballot....162
10.4.1 Initial Provisional Ballot Procedures....162
10.4.2 Voter Affirmation....163
10.4.3 Forms....163
10.4.4 Inspector Challenges....163
10.4.5 Submitting Provisional Ballot....164
10.4.6 Voting by Provisional Ballot at New Precinct....164

Page

10.5 Procedures for the Provisional Ballot Officer (PBO) 164
10.5.1 Preparing the Provisional Ballot (PB) Materials 164
10.5.2 Confirming Provisional Voters.....165
10.5.3 Provisional Ballot Roster.....165
10.5.4 Verification Statement and Identification Update Form ...165
10.5.5 Casting the Provisional Ballot 166
10.5.6 After the Polls Close.....167
10.5.7 Duties If No Provisional Ballots are Cast in Precinct 167
10.6 Extension of Voting Hours by Court 167
10.7 Duties of Elected and Appointed Officials in Provisional Balloting Process 168
10.7.1 Sheriff.....168
10.7.2 Board of Registrars.....168
10.7.3 Canvassing Board: Judge of Probate, Sheriff, and Circuit Clerk 169
10.8 Provisional Voting in Municipal Elections.....169

Chapter 11 Secretary of State 171
11.1 Chief Elections Official.....171
11.2 Rulemaking Authority.....171
11.3 The Help America Vote Act 172
11.3.1 State Voter Registration List and Voter Registration Advisory Board 172
11.3.1.1 Supervisor of Voter Registration and Voter Registration Lists 173
11.3.2 Provisional Voting.....174
11.3.3 Board of Registrars.....175
11.3.4 Voter Re-identification and Updating 175
11.3.5 Absentee Voting for Military and Overseas Voters 176
11.3.6 Certification of Returns 177
11.3.7 State Plan for Elections.....177
11.3.8 Administrative Review of Complaints 178
11.3.9 Funding.....179
11.3.10 Voting System Requirements 179
11.4 Voter Registration 179
11.4.1 Qualification for Registration of a Voter.....180
11.4.2 Denial of Registration and Judicial Review 180
11.4.3 Disqualification by Death or Conviction.....180
11.4.4 Permanent Disability Absentee Voter List 181
11.5 Post-Election Audit of 2022 General Election.....181

Page

Chapter 12 Judge of Probate 183
12.1 The Office of Judge of Probate 183
12.2 Notice of Elections 183
12.2.1 Notice of Election 183
12.2.2 Notice of Special Elections 184
12.3 Candidates 184
12.3.1 Qualifying for the Primary 184
12.3.2 Qualifying for the General Election 186
12.3.3 Minor Parties 187
12.4 Role Under Fair Campaign Practices Act 188
12.5 Poll Workers (Precinct Election Officials) 189
12.5.1 Poll Workers' School 189
12.6 Precincts Boundaries 190
12.7 Ballots 190
12.8 Testing Precinct Ballot Counters 191
12.9 Voting Supplies 191
12.10 Voter Registration 191
12.10.1 Nation Voter Registration Act of 1993 192
12.10.2 Voter File Maintenance 192
12.10.2.1 Notice of Mental Incompetence 192
12.10.2.2 Statement of Residence for Precinct Assignment 193
12.10.2.3 Re-identification Forms from the Polling Place 193
12.10.3 The List of Qualified Electors 193
12.10.3.1 Preparing the List of Qualified Electors 193
12.10.3.2 Clerical Assistance 194
12.10.3.3 Providing the Official List of Qualified Voters to the Absentee Election Manager 195
12.10.3.4 Publishing and Correcting the List 195
12.10.3.5 Sending Copies to the Polling Places 195
12.11 Voting Place Administration 196
12.12 Canvassing Responsibility 196
12.12.1 Resolving Ties 197
12.13 Validation of Election Results 197
12.13.1 Receiving and Maintaining Records 198
12.13.2 Recording the Results of County Elections 198
12.13.3 Hearing Contests 198
12.14 Judge of Probate's Election Day Responsibilities 199
12.14.1 Checklist 199
12.14.2 Common Polling Place Problems 199

Page

Chapter 13 Circuit Clerk 203
13.1 Office of the Circuit Clerk 203
13.2 Precinct Election Officials (Poll Workers) 203
13.3 Voter Registration 204
13.3.1 Notification of Disqualifying Offenses 204
13.3.2 Receiving Appeals 204
13.4 Absentee Election Manager 204
13.5 Canvassing 205
13.6 Election Contests 205

Chapter 14 Sheriff 207
14.1 Office of Sheriff 207
14.2 Appointment of Precinct Election Officials (Poll Workers) 207
14.3 Precincts 208
14.4 Election Material 208
14.4.1 Electronic Voting Equipment Locations 208
14.5 Voting Precinct Security 209
14.6 Canvassing 209
14.6.1 Delivering Returns 210
14.6.2 Provisional Ballots 210
14.6.3 Maintaining Records 211
14.6.4 Serving on the Canvassing Board 211
14.6.5 Unused Materials 211

Chapter 15 County Commission 213
15.1 Office of County Commission 213
15.2 Election Expenses 213
15.2.1 Poll Workers 213
15.2.2 Reimbursement of Election Expenses 214
15.2.2.1 Election Expenses Defined 215
15.3 Precincts 216
15.3.1 Precinct Boundaries 216
15.3.2 When Precinct Boundaries Change 217
15.3.2.1 Population Changes Mandate a Change in Precincts 217
15.3.2.2 Electoral Changes Mandate a Change in Precinct Boundaries 217
15.3.3 How Boundaries Change 218
15.3.4 Selecting Polling Places 218
15.3.5 Voting Districts 219

Page

15.3.6 Voting Centers 219
15.4 Assigning Ballot Boxes and Voting Machines 219
15.5 Voting Equipment 220
15.5.1 Voting Equipment for Disability and Alternative Language 220
15.5.2 Paper Ballots 221
15.5.3 Lever Voting Machines 221
15.5.4 Electronic Vote Counting Systems 221
15.5.4.1 Electronic Vote Counting Systems Requirements 222
15.5.4.2 Electronic Vote Counting Systems Recordkeeping 222
15.5.4.3 Electronic Vote Counting Systems Access 223
15.5.4.4 Electronic Vote Counting Systems Error Rates 223
15.5.4.5 Electronic Vote Counting Systems Additional Requirements 223
15.5.5 Electronic Voting Machine Specialists 224
15.6 Voter Registration Functions 224
15.6.1 Support for the Board of Registrars 224
15.6.2 Support for the Judge of Probate 225
15.7 Voting Hours 226

Chapter 16 Board of Registrars 227
16.1 The Office of Registrar 227
16.1.1 Supervisor of Voter Registration 227
16.1.2 Qualifications of Registrars 228
16.1.3 Appointment and Removal 228
16.1.4 Powers of the Board of Registrars 229
16.1.5 Compensation 229
16.1.6 Working Days and Meetings 230
16.2 Staffing, Space, and Equipment 233
16.3 Precincts and Reapportionment 234
16.4 Voter Registration 234
16.4.1 Taking Applications 235
16.4.2 Deciding on Applications 235
16.4.2.1 Voter Qualifications 235
16.4.2.2 Residence 236
16.4.2.3 Mental Incompetence 237
16.4.2.4 Disqualifying Offenses 237
16.4.3 Board Application Approval/Disapproval 238
16.4.4 Release of Voter Records 238

Page

16.4.5 Voter Affirmations: Domestic Violence; Law Enforcement Officers, Judges, Prosecutors, and Their Families....239
16.5 Voter File Maintenance....239
16.6 Disqualification....240
16.6.1 Death....240
16.6.2 Mental Incompetence....240
16.6.3 Notification of Voter's Move Outside the Jurisdiction....240
16.6.4 Disqualifying Felony Offense....241
16.7 Continuous Purging of the Voter List....241
16.8 Address Verification Program....242
16.8.1 Notice to Voters Under Jurisdiction of Same Board of Registrars....242
16.8.2 Notice to Voters Under Jurisdiction of Different Board of Registrars or Outside the State....242
16.8.3 Voters Placed on Inactive List....243
16.8.4 Board Publishes Names to Be Removed from Voter Lists....244
16.9 Alabama Voter Integrity Database....244
16.10 Voting History Recordation/Maintenance During Elections....245
16.11 Poll List of Registered Voters....246
16.12 Provisional Ballots....247

Chapter 17 Absentee Election Manager....249
17.1 The Office of Absentee Election Manager....249
17.1.1 Office....250
17.1.2 Compensation....250
17.2 Absentee Balloting Process....250
17.2.1 Obtaining Ballots....251
17.2.2 Regular Absentee Ballots....252
17.2.3 Emergency Absentee Ballots....254
17.2.4 Permanent Absentee Voter List....254
17.2.5 Sending Absentee Ballots....255
17.2.6 Receiving Absentee Ballots....257
17.2.7 Delivery of Absentee Ballots....257
17.2.8 List of Qualified Electors....257
17.2.9 List of Absentee Voters....258
17.2.10 Absentee Poll Workers....258
17.2.11 Absentee Provisional Ballots....260
17.3 Military and Overseas Absentee Voting....260

Page

Chapter 18 Party Officials 263
18.1 Political Parties 263
18.2 Notification by Party of Desire to Enter Primary 264
18.2.1 Party Committees 264
18.2.2 Party Emblems 265
18.3 Candidate Qualification 265
18.4 Qualifications for Candidates 265
18.5 Declarations of Candidacy 266
18.5.1 County Offices 267
18.5.2 Other State Offices 267
18.6 Vacancies in Nominations 267
18.7 Presidential Preference Primaries 268
18.8 Selection of Poll Workers and Watchers 269
18.8.1 General Elections 269
18.8.2 Primaries 269
18.9 Primary Election Voting 270
18.10 Primary Election Canvassing 270
18.10.1 Receiving Returns 270
18.10.2 Canvassing and Reporting Votes 271
18.10.2.1 Candidate Receives a Majority of Votes 271
18.10.2.2 No Candidate Receives a Majority of Votes 271
18.10.3 Tie Votes 272
18.11 Storage and Disposal of Records 272
18.12 Primary Election Contests 273
18.13 Grounds for Contesting a Nomination 273
18.13.1 Witnesses 274
18.13.2 Registration Lists 275

Chapter 19 Ethics Commission 277
19.1 Ethics Commission Generally 277
19.2 Ethics Commission Director 278
19.3 Commission Responsibilities for Ethics Act Matters 278
19.4 Commission Responsibilities for Campaign Finance Matters 279
19.5 Civil Penalties for Campaign Finance Filings 280
19.5.1 Penalties for Reporting Violations 281
19.5.2 Review of Civil Penalties 281
19.6 Complaints 281
19.6.1 Content of Complaint 281
19.6.2 Anonymous Complaints 282
19.6.3 Director's Preliminary Inquiry 282

Page

19.6.4 Privacy of Complaints 282
19.6.5 Commission Self-Initiated Complaints.....282
19.7 Investigations 283
19.7.1 Initiation of Investigations.....283
19.7.2 Investigation Timing.....283
19.7.3 Audits.....283
19.7.4 Subpoena Power 283
19.8 Statement of Economic Interests.....284
19.9 Commission Opinions on Elections and Campaigns 285

Chapter 20 Fair Campaign Practices Act 295
20.1 Fair Campaign Practices Act Generally.....295
20.2 Candidate Registration 296
20.2.1 Becoming a Candidate.....296
20.2.2 Appointing a Campaign Committee 296
20.2.3 Where to Register 297
20.3 Political Action Committees (PACs) 297
20.3.1 PAC Definition 297
20.3.2 Political Parties 298
20.3.3 Corporate / Association PACS (separate segregated funds) 298
20.4 Contributions and Expenditures.....298
20.4.1 Definition of Contribution 298
20.4.2 Definition of Expenditure.....300
20.4.3 Date of Contribution and Expenditure.....301
20.4.4 Corporate Contributions 301
20.5 Return or Refund of Contribution 302
20.6 Use of Campaign Funds 302
20.6.1 Use of Principal Campaign Committee (PCC) Funds 302
20.6.2 Timing Restrictions 303
20.6.3 Federal Candidate Contributions 304
20.6.4 Disposal of Campaign Property.....304
20.6.5 Use of PAC Funds 304
20.6.6 PAC-to-PAC Ban.....305
20.7 FCPA Disclosure Reports 305
20.7.1 Reports of Contributions and Expenditures.....305
20.7.2 Monthly Reports 306
20.7.3 Weekly Reports 306
20.7.4 Daily Reports 306
20.7.5 Major Contribution Reports.....306

Page

20.7.6 Annual Report....307
20.7.7 Judicial Reports....307
20.7.8 Filing Locations for Reports – State Candidates, Local Candidates, and PACs....307
20.8 Electronic Filing....307
20.8.1 Electronic Filing Requirements....307
20.8.2 Designated Filing Agent....307
20.9 General Provisions for Campaigning....308
20.9.1 Federal Campaign Filings....308
20.9.2 Misrepresentations....308
20.10 Electioneering Communications....308
20.10.1 Electioneering Communications....308
20.10.2 Campaign Advertisement Disclaimers....309
20.10.3 Exceptions to Disclaimer Requirement....310
20.10.4 Robocalls....311
20.10.5 Express Advocacy vs. Issue Advocacy....311
20.11 Penalties for Violations....311
20.11.1 Unintentional Violations....311
20.11.2 Intentional Violations....312
20.11.3 Violations of Electioneering Communication....312
20.11.4 Contributions from Federal Candidates and Violations....313
20.11.5 Administrative Penalties....313
20.11.6 Distribution of Penalty Funds....313
20.12 Enforcement of FCPA Civil Penalties....313
20.12.1 Prosecution of Violations....313
20.12.2 Late / Inaccurate Reports....313
20.12.3 Voluntary Corrections....313
20.12.4 Administrative Review....314
20.13 Statement of Economic Interests....314
20.14 Ethics Commission Responsibilities under the FCPA....315

Chapter 21 Judicial Elections....317
21.1 Legal Authorities Pertaining to Judicial Campaigns....317
21.2 Judicial Candidate Qualifications....318
21.3 Judicial Canons Applicable to Judicial Candidates....318
21.4 Appellate Court Ballot Placement....319
21.5 Judicial Inquiry Commission Advisory Opinions....319
21.6 Judicial Recusal Issues....353

Page

Chapter 22 Non-Candidate Elections 357
22.1 Constitutional Amendments 357
22.2 Statewide Constitutional Amendments 358
22.2.1 Amendment 358
22.2.1.1 Election 358
22.2.1.2 Notice/Ballots 359
22.2.1.3 Adoption/ratification/proclamation 359
22.2.2 Constitutional Convention 359
22.3 Local Constitutional Amendments 360
22.3.1 Notice 361
22.3.2 Timing & Ballots 361
22.4 Local Bond Elections 361
22.5 Local Sales Tax and School Property Tax Elections 362
22.6 Wet/Dry Elections in Counties 362
22.6.1 General Method 363
22.6.2 Special Election Method 364
22.7 Wet/Dry Elections within Municipalities 366
22.8 The Fair Ballot Commission 368
22.8.1 Membership 368
22.8.2 Ballot Statements 370
22.8.3 Publishing Ballot Statements 371
22.8.4 Website Links 372
22.8.5 Supporting/Opposing Statements 372
22.9 Supporting/Opposing Non-Candidate Elections 372
22.9.1 Public Entities and Ballot Measures 373
22.9.2 Tax Considerations 373

Chapter 23 Vacancy Appointments 375
23.1 Vacancies Generally 375
23.2 Legislative Branch Vacancies 376
23.3 Executive Branch Vacancies 376
23.3.1 Vacancy in the Governor's Office 376
23.3.2 Vacancy in the Lieutenant Governor's Office 376
23.3.3 Vacancy in the Governor's Office and the Lieutenant Governor's Office 377
23.4.4 Vacancy in Any Other Statewide Executive Office 377
23.4 Judicial Branch Vacancies 377
23.4.1 Judicial Vacancies 377
23.4.2 Circuit Court Clerk Vacancies 378
23.5 Vacancies in the State Board of Education 378

Page

23.6 Vacancies in Municipal Offices 378
23.6.1 Vacancies in the Office of Mayor....379
23.6.1.1 Class 1 Municipalities 379
23.6.1.2 Class 2 Municipalities 379
23.6.1.3 Class 3 Municipalities 379
23.6.1.4 Class 4 Municipalities 380
23.6.1.5 Class 5 Municipalities 380
23.6.1.6 Class 6 Municipalities 380
23.6.1.7 Class 7 and 8 Municipalities 380
23.6.2 Vacancies in the City Council 381
23.6.2.1 Class 1 Municipalities 381
23.6.2.2 Class 2 Municipalities 381
23.6.2.3 Class 3 Municipalities 381
23.6.2.4 Class 4 Municipalities 382
23.6.2.5 Class 5 Municipalities 382
23.6.2.6 Class 6 Municipalities 382
23.6.2.7 Class 7 and 8 Municipalities 382
23.6.3 Vacancies in City Boards of Education....383
23.7 Vacancies in County Offices....383
23.7.1 Vacancies in a County Commission....383
23.7.2 Vacancies in a County Board of Education....383
23.7.3 Vacancies in a County Superintendent of Education's Office....383
23.7.4 Vacancies in a Coroner's Office....384
23.7.5 Vacancies in a District Attorney's Office....384
23.7.6 Vacancies in a Constable's Office....384
23.7.7 Vacancies in a Sheriff's Office....384
23.7.8 Vacancies in a County Revenue Commissioner's Office..385
23.8 Vacancies in Miscellaneous Offices 385
23.9 Vacancies in U.S. House Seats 385
23.10 Vacancies in U.S. Senate Seats 385
23.10.1 Election Timeline for U.S. Senate Vacancies....385
23.10.2 Temporary Appointment to U.S. Senate by Governor 386
23.11 Candidate Vacancies 386

Glossary 389

Appendix....395
Appendix A: Important Addresses 397
Appendix B: 2026 Voter Guide....398

Page

Appendix C: Photo ID Guide 2026 417
Appendix D: List of Disqualifying Felony Convictions 432
Appendix E: Minimum Qualifications for Public Office 435
Appendix F: 2026 Candidate Filing Guide 438
Appendix G: Appointment of Principal Campaign Committee 487
Appendix H: Campaign Advertising Guidelines 2024.....488
Appendix I: PAC Filing Guidelines 2024 490
Appendix J: Statement of Organization of Political Action Committee.....495
Appendix K: Update Form for Political Action Committee 496

Appendix L: Candidate & Elected Official Campaign Finance Reports
Appendix L-1: Candidate & Elected Official Campaign Finance Report Monthly & Weekly Summary Form 1.....497
Appendix L-2: Candidate & Elected Official Campaign Finance Report Daily Summary Form 1 498
Appendix L-3: Candidate & Elected Official Campaign Finance Report Annual Summary Form 1A 499
Appendix L-4: Candidate & Elected Official Campaign Finance Report Form 2 500
Appendix L-5: Candidate & Elected Official Campaign Finance Report Form 3 501
Appendix L-6: Candidate & Elected Official Campaign Finance Report Form 4 502
Appendix L-7: Candidate & Elected Official Campaign Finance Report Form 5 503
Appendix L-8: Candidate & Elected Official Campaign Finance Report Form 6 504
Appendix L-9: Candidate & Elected Official Campaign Finance Report Major Contribution Form 505

Appendix M: Political Action Committee Campaign Finance Reports
Appendix M-1: Political Action Committee Campaign Finance Report Monthly & Weekly Summary Form 1.....509
Appendix M-2: Political Action Committee Campaign Finance Report Daily Summary Form 1 510
Appendix M-3: Political Action Committee Campaign Finance Report Annual Summary Form 1A 511
Appendix M-4: Political Action Committee Campaign Finance Report Form 2 512

Page

Appendix M-5: Political Action Committee Campaign Finance Report Form 3 513
Appendix M-6: Political Action Committee Campaign Finance Report Form 4 514
Appendix M-7: Political Action Committee Campaign Finance Report Form 5 515
Appendix M-8: Political Action Committee Campaign Finance Report Form 6 516
Appendix M-9: Political Action Committee Campaign Finance Report Major Contribution Form 517

Appendix N: Statement of Dissolution 518
Appendix O: Online Filing System Guidelines.....519

Appendix P: Absentee Ballot Applications
Appendix P-1: Application for Absentee Ballot.....522
Appendix P-2: Application for Municipal Absentee Ballot 523
Appendix P-3: Application for Permanent Disability Absentee Ballot 524
Appendix P-4: Application for Permanent Disability Municipal Absentee Ballot 525
Appendix P-5: Application for Emergency Absentee Ballot.....526
Appendix P-6: Application for Uniform and Overseas Voters Absentee Ballot 527

Appendix Q: Election Officials' Affidavit for Identifying Qualified Elector 528
Appendix R: Provisional Voting Affirmation.....529

Appendix S: Poll Watcher Authorizations
Appendix S-1: Poll Watcher Authorization for Primary Election 531
Appendix S-2: Poll Watcher Authorization for General Election.....532

Appendix T: Election Official's Instructions 533
(prepared by Election Systems & Software)

Page

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook.....554

Index.....565

CHAPTER 1

ELECTION CALENDARS

Summary of Contents:

1.1 2026 Administrative Election Calendar
1.2 2026 Fair Campaign Practices Act Filing Calendar
1.3 Offices Up For Election in 2026 and Thereafter

The Secretary of State is the chief elections official in the state and has the authority to interpret state law. §§ 17-1-3 and 17-4-60(a). The judge of probate is the chief elections official of the county and serves as chair of the appointing board. § 17-1-3.

This handbook seeks to foster coordination among election officials and explain how election officials interact with each other. To further illustrate the need for this cooperation, an Administrative Calendar for the 2026 statewide elections and the FCPA Filing Calendar have been included in this chapter.

In these calendars, when a deadline falls on the weekend or a legal holiday, Section 1-1-4 provides for the deadline to extend to the next working day. This calendar is for administrative use and may not contain all deadlines prescribed by law. It should only be used as a guide. It is not intended to be a substitute for specific requirements found in Title 17 of the Code of Alabama.

1.1 2026 Administrative Election Calendar

2026 Statewide Election

Revised 5/6/2025

Alabama Statewide Primary Election – May 19, 2026
Primary Runoff Election – June 16, 2026
General Election - November 3, 2026

Activity	Date
Candidates intending to participate in the 2026 primary election may begin soliciting and accepting contributions. [§ 7-5-7(b)(2)]	Monday, May 19, 2025
Candidates intending to participate in the 2026 general election, but not in the primary election, may begin soliciting and accepting contributions. [§ 17-5-7(b)(2)]	Monday, November 3, 2025
State Holiday – Christmas Day	**Thursday, December 25, 2025**
State Holiday – New Year's Day	**Thursday, January 1, 2026**
First day of regular session for Alabama legislature and the first day of the legislative blackout.	Tuesday, January 13, 2026
State Holiday – Martin Luther King Jr. and Robert E. Lee's Birthday	**Monday, January 19, 2026**
Candidates seeking nomination by a party primary must file declaration of candidacy with state party chairman (if seeking federal, state, circuit, district, or legislative office) or county party chairman (if seeking county office) no later than this day by 5:00 PM; 116 days before the election. [§ 17-13-5(a)]	Friday, January 23, 2026
Each political party authorized to hold a primary and wishing to hold such a presidential preference primary shall, not less than 116 days before such primary is to be held, adopt and file with the Secretary of State a resolution stating that intention, the method by which electors are to indicate one or more preferences, the method by which delegates are to be selected, elected, chose and replaced, and the pledge, if any, which by delegates are to be bound. [§ 17-13-105]	Friday, January 23, 2026
State Holiday – George Washington and Thomas Jefferson's Birthday	**Monday, February 16, 2026**
Mardi Gras – Observed in Baldwin and Mobile County only	**Tuesday, February 17, 2026**
State party chairman must certify names of primary election candidates, except for candidates for county offices to Secretary of State no later than this day by 5:00 PM; 82 days prior to the primary. [§ 17-13-5(b)]	Thursday, February 26, 2026

County party chairman must certify names of primary candidates for county office to probate judge no later than this day by 5:00 PM. 82 days prior to the primary. [§ 17-13-5(b)]	Thursday, February 26, 2026
This is the last day for political parties to submit to the probate judge for county offices and the Secretary of State for state and federal offices any amendments or corrections to certifications of candidates for the primary election; 76 days prior to primary election. [§ 17-13-23]	Wednesday, March 4, 2026
The Secretary of State must certify names of opposed candidates for federal and state offices to probate judge no later than 74 days prior to the primary. [§ 17-13-5(b)]	Friday, March 6, 2026
The deadline for persons who do not wish to accept nomination in a primary is 71 days before the date of the election. [§ 17-6-21(c)]	Monday, March 9, 2026
Probate judge must issue public notice in each voting precinct of the requirement for and the availability of registration and voting aids for all handicapped and elderly individuals no later than 60 days before any state election. [§ 21-4-23(b)]	Friday, March 20, 2026
The last day political parties can decline to accept and come under primary election law is 60 days prior to the election. [§ 17-13-42]	Friday, March 20, 2026
Probate judge must furnish list of qualified voters to the absentee election manager; 55 days prior to the primary election. [§ 17-11-5(b)]	Wednesday, March 25, 2026
Absentee ballots and supplies must be delivered to absentee election manager no later than 55 days prior to the primary. [§ 17-11-12]	Wednesday, March 25, 2026
This is the last day to transmit absentee ballots to any UOCAVA voters whose absentee ballot request is received at least 45 days prior to the primary (ballot transmittal 45 days prior to the primary) per 52 U.S.C. § 20302(a)(8).	Saturday, April 4, 2026
This is the last day for candidates to present a list of desired election officers to their county executive committee at least 45 days before the election. [§ 17-13-48]	Saturday, April 4, 2026
Last day of regular session for Alabama legislature and last day of the legislative blackout, unless a special legislative session is called.	Monday, April 20, 2026
Probate judge must issue public notice in each voting precinct of the requirement for and the availability of registration and voting aids for all handicapped and elderly individuals no later than 60 days before any state election. [§ 21-4-23(b)]. **This date is for the statewide primary runoff election.**	Friday, April 17, 2026
State Holiday – Confederate Memorial Day	**Monday, April 27, 2026**
The first day for probate judge, sheriff, and clerk of the circuit court to appoint poll workers is not more than 20 no less than 15 days before the election. [§ 17-8-1(a)]	Wednesday, April 29, 2026

Probate judge must publish an alphabetical list of qualified electors by precinct, district or subdivision in a newspaper of general circulation in county on or before the 20th day prior to the election. [§ 17-4-1]	Wednesday, April 29, 2026
This is the last day to register to vote for the primary election. [§ 17-3-50(a)]	Monday, May 4, 2026
The last day for probate judge, sheriff, and clerk of the circuit court to appoint poll workers no more than 20 days nor less than 15 days before an election. [§ 17-8-1(a)]	Monday, May 4, 2026
Probate judges must notify inspectors, returning officers, and clerks of their appointment and publish a list of these appointments in a county newspaper. [§ 17-8-2]	Monday, May 4, 2026
First day election officials may begin testing automatic tabulating equipment for the primary election to ascertain that equipment will correctly count votes cast. (Adm. Rule 307-X-1-.04)	Tuesday, May 5, 2026
First day probate judge may print poll lists or load registration data into electronic poll books for the primary election. [§§ 17-4-2, 17-4-2.1]	Saturday, May 9, 2026
For any absentee application received on or after the 8th day prior to the election that does not contain a copy of an approved form of identification, the absentee election manager shall issue a provisional ballot to that voter. [§ 17-10-2(c)(1)]	Monday, May 11, 2026
Absentee applications returned by mail must be received not less than 7 days prior to the election. [§ 17-11-3(a)]	Tuesday, May 12, 2026
Probate judge must publish a supplemental list of qualified electors by precinct, district or subdivision in a newspaper of general circulation in the county on or before the 7th day before the election. [§ 17-4-1]	Tuesday, May 12, 2026
An application for a voter who requires emergency treatment by a licensed physician within 5 days before an election may be forwarded to the absentee election manager by the applicant or by his or her designee. [§ 17-11-3(d)]	Thursday, May 14, 2026
This is the last day for the authority charged to hold a school of instruction for poll workers. Probate judge must notify these election officials of time and place of instruction school and must publish notice at least 48 hours before instruction school takes place; no less than 5 days prior to the election. [§ 17-8-9(a)]	Thursday, May 14, 2026
Absentee applications returned by hand must be received not less than 5 days prior to the election. [§ 17-11-3(a)]	Thursday, May 14, 2026
The last day probate judges can deliver election supplies to sheriffs is no less than 3 days before the election. [§ 17-13-9]	Saturday, May 16, 2026
Absentee ballots being returned by hand to the absentee election manager must be received no later than the close of business on the day prior to the election. [§ 17-11-18]	Monday, May 18, 2026
Primary Election	**Tuesday, May 19, 2026**

Absentee ballots being returned by mail to the absentee election manager must be received no later than noon on this day. [§ 17-11-18(a)]	Tuesday, May 19, 2026
This is the last day for military and other UOCAVA voters in the primary to postmark an absentee ballot returned by mail to the absentee election manager. [§ 17-11-18(b)]	Tuesday, May 19, 2026
The medical emergency designee must deliver absentee ballot to absentee election manager no later than noon on this day. [§ 17-11-18(a)]	Tuesday, May 19, 2026
The inspector or returning officer must deliver the ballots and returns to the sheriff. [§§ 17-12-8, 17-13-12]	Tuesday, May 19, 2026
The last day to file petitions with probate judge for county offices and with Secretary of State for other offices to obtain ballot access as an independent candidate is no later than 5:00 PM on the day of the primary election. [§ 17-9-3(a)(3)]	Tuesday, May 19, 2026
The last day to file petitions with the Secretary of State for minor/third parties to gain ballot access as a political party no later than 5:00 PM on the day of the primary election. [§ 17-6-22(a)(1)]	Tuesday, May 19, 2026
The sheriff must deliver certificate of returns to chairman of county executive committee of each political party participating in primary election by 10:00 AM on the Wednesday following the election. [§ 17-13-14(a)]	Wednesday, May 20, 2026
The written affirmations of provisional voters, inspector challenge statements, and voter reidentification forms must be delivered by the sheriff to the board of registrars by noon on the day following the election. [§ 17-10-2(d)]	Wednesday, May 20, 2026
This is the last day candidates who would be eligible to be placed on primary runoff ballot can decline to have his/her name placed on the ballot. [§ 17-13-19]	Friday, May 22, 2026
Deadline for voters whose ballot became provisional due to lack of identification to provide identification (or provisional ballot and identification) including the address and telephone number of the voter to the board of registrars no later than 5:00 PM [§ 17-10-2(a)(3)].	Friday, May 22, 2026
State Holiday – National Memorial Day	**Monday, May 25, 2026**
Absentee ballots submitted by UOCAVA voters must be accepted until noon this day. The ballot must have been postmarked no later than election day and meet other absentee ballot requirements to be counted. [§ 17-11-18(b)]	Tuesday, May 26, 2026
County executive committee must meet no later than noon and receive, canvass, and tabulate returns by precinct and publicly declare results the Tuesday following the primary. [§ 17-13-17]	Tuesday, May 26, 2026
The board of registrars must deliver the provisional voter affirmations and inspector challenge statements, with the certified findings attached, to the probate judge no later than noon, 7 days after the election. [§ 17-10-2(e)]	Tuesday, May 26, 2026
At noon, the canvassing board shall tabulate provisional ballots which have been certified by the board of registrars. The canvassing board must certify the results of the provisional votes cast and must post one copy in the courthouse and must seal one copy into a container designated for each political party, 7 days after the election. [§ 17-10-2(f)]	Tuesday, May 26, 2026

The chairman of county executive committee must certify to chairman of state executive committee a statement and tabulation by precinct of results of the primary no later than 7 days after the election. [§ 17-13-17]	Tuesday, May 26, 2026
State executive committee must meet and receive, canvass, and tabulate returns and provide Secretary of State with state primary election returns by precinct no later than noon, 8 days following the primary election. [§ 17-13-17]	Wednesday, May 27, 2026
The first day for probate judge, sheriff, and clerk of the circuit court to appoint poll workers is no more than 20 nor less than 15 days before the election. [§ 17-8-1(a)]	Wednesday, May 27, 2026
Chairman of state executive committee must meet no later than noon on this day to certify to Secretary of State and chairman of county executive committee must certify to probate judge names of candidates to be placed on primary run-off ballot. [§ 17-13-18(b)]	Wednesday, May 27, 2026
The Secretary of State shall, within two business days from the date the certification is received from the chair of the state executive committee, certify to the probate judge of any county where a second primary election is to be held the name or names of the candidates certified. [§ 17-13-18(b)]	Friday, May 29, 2026
This is the last day to hand-deliver a voter registration form to the board of registrars for the primary runoff election. [§§ 17-3-50(a), 1-1-4]	Friday, May 29, 2026
State Holiday – Jefferson Davis' Birthday	**Monday, June 1, 2026**
This is the last day to register to vote electronically until midnight for the primary runoff election; 15th day before the election. [§§ 17-3-50(a), 1-1-4]	Monday, June 1, 2026
This is the last day to postmark a voter registration form for the primary runoff election; 15th day before the election. [§§ 17-3-50(a), 1-1-4]	Monday, June 1, 2026
The last day for probate judge, sheriff, and clerk of the circuit court to appoint poll workers is no more than 20 days nor less than 15 days before an election. [§ 17-8-1(a)]	Monday, June 1, 2026
Probate judge must notify inspectors, returning officers, and clerks of their appointment and publish a list of these appointments in a county newspaper. [§ 17-8-2]	Monday, June 1, 2026
Absentee ballots and supplies for primary runoff must be delivered to absentee election manager, 14 days after the primary. [§ 17-11-12]	Tuesday, June 2, 2026
No later than this day, the probate judge must give notice of this date for the primary runoff election, consisting of date of election and officers and subjects to be voted for and on at least 14 days before each election. [§ 17-9-5]	Tuesday, June 2, 2026
First day election officials may begin testing automatic tabulating equipment for the primary runoff election to ascertain that equipment will correctly count votes cast. [Adm. Rule 307-X-1-.04]	Tuesday, June 2, 2026
First day judge of probate may print poll lists or load registration data into electronic poll books for the primary runoff election. [§§ 17-4-2, 17-4-2.1]	Saturday, June 6, 2026
For any absentee application received on or after the 8th day prior to the election that does not contain a copy of an approved form of identification, the absentee election manager shall issue a provisional ballot to that voter. [§ 17-10-2(c)(1)]	Monday, June 8, 2026

Absentee applications returned by mail must be received not less than 7 days prior to the election. [§ 17-11-3(a)]	Tuesday, June 9, 2026
Governor, Secretary of State, and Attorney General must canvass election returns required by law to be sent to Secretary of State within 22 days of the election. [§ 17-12-17]	Wednesday, June 10, 2026
This is the last for the authority charged to hold a school of instruction for poll workers. Probate judge must notify these election officials of time and place of instruction school and must publish notice at least 48 hours before instruction school takes place; no less than 5 days prior to the election. [§ 17-8-9(a)]	Thursday, June 11, 2026
Absentee applications returned by hand must be received not less than 5 days prior to the election. [§ 17-11-3(a)]	Thursday, June 11, 2026
An application for a voter who requires emergency treatment by a licensed physician within 5 days before an election may be forwarded to the absentee election manager by the applicant or by his or her designee. [§ 17-11-3(d)(2)]	Thursday, June 11, 2026
The last day probate judges can deliver election supplies to sheriffs is no less than 3 days before the election. [§ 17-13-9]	Saturday, June 13, 2026
Absentee ballots being returned by hand to the absentee election manager must be received no later than the close of business on the day prior to the election. [§ 17-11-18]	Monday, June 15, 2026
Primary Runoff Election	**Tuesday, June 16, 2026**
Absentee ballots being returned by mail to the absentee election manager must be received no later than noon on this day. [§ 17-11-18(a)]	Tuesday, June 16, 2026
The inspector or returning officer must deliver the ballots and returns to the sheriff. [§§ 17-12-8; 17-13-12]	Tuesday, June 16, 2026
This is the last day for military and other UOCAVA voters in the primary runoff to postmark an absentee ballot returned by mail to the absentee election manager. [§ 17-11-18(b)]	Tuesday, June 16, 2026
The medical emergency designee must deliver absentee ballot to absentee election manager no later than noon on this day. [§ 17-11-18(a)]	Tuesday, June 16, 2026
Sheriff must deliver certificate of returns to chairman of county executive committee of each political party participating in primary runoff election by 10:00 AM on the Wednesday following the primary runoff election. [§ 17-13-14(a)]	Wednesday, June 17, 2026
The written affirmations of provisional voters, inspector challenge statements, and voter reidentification forms must be delivered by the sheriff to the board of registrars by noon on the day following the election. [§ 17-10-2(d)]	Wednesday, June 17, 2026
Deadline for voters whose ballot became provisional due to lack of identification to provide identification (or provisional ballot and identification) including the address and telephone number of the voter to the board of registrars no later than 5:00 PM. [§ 17-10-2(a)(3)]	Thursday, June 18, 2026
State Holiday – Juneteenth	**Friday, June 19, 2026**
Absentee ballots submitted by UOCAVA voters must be accepted until noon on this day. The ballot must have been postmarked no later than election day and meet other absentee ballot requirements to be counted. [§ 17-11-18(b)]	Tuesday, June 23, 2026

The board of registrars must deliver the provisional voter affirmations and inspector challenge statements, with the certified findings attached, to the probate judge no later than noon; 7 days after the election. [§ 17-10-2(e)]	Tuesday, June 23, 2026
At noon, the canvassing board shall tabulate provisional ballots which have been certified by the board of registrars. The canvassing board must certify the results of the provisional votes cast and must post one copy in the courthouse and must seal one copy into a container designated for each political party 7 days after the election. [§ 17-10-2(f)]	Tuesday, June 23, 2026
Last day for county executive committee to meet and receive, canvass, and tabulate returns by precinct and publicly declare results of primary runoff election no later than second Friday following the runoff election. [§ 17-13-18(d)]	Friday, June 26, 2026
Last day for chairman of county executive committee to meet and certify to chairman of state executive committee a statement and tabulation by precincts of results of primary runoff no later than noon, second Monday following the runoff. [§ 17-13-18(d)]	Monday, June 29, 2026
State executive committee must meet at state capitol and receive, canvass, and tabulate returns and provide Secretary of State with state primary runoff election returns by precinct on the third Wednesday following the primary runoff election. [§ 17-13-18(d)]	Wednesday, July 1, 2026
Chairman of state executive committee must certify names of those who have been nominated in first or second primary election as candidates of his/her party for state offices to Secretary of State. Chairman of county executive committee must certify names of those who have been nominated in first or second primary election as candidates of his/her party for county offices to probate judge not later than noon, the third Wednesday following the primary runoff election. [§ 17-13-18(d)]	Wednesday, July 1, 2026
The state executive committee shall provide the Secretary of State with the runoff primary returns by precincts according to county on a form authorized by the Secretary of State on the third Wednesday following the primary runoff election. [§ 17-13-18(e)]	Wednesday, July 1, 2026
State Holiday – Independence Day Observed	**Friday, July 3, 2026**
Governor, Secretary of State, and Attorney General must canvass election returns required by law to be sent to Secretary of State after the election within 22 days after the election. [§ 17-12-17]	Wednesday, July 8, 2026
Absentee election manager must file list of applications for absentee ballots from primary election with probate judge 60 days after the primary. [§ 17-11-5(c)]	Saturday, July 18, 2026
The deadline for state or county executive committees to decide contests for county offices is 90 days prior to general election. [§ 17-13-86]	Wednesday, August 5, 2026
The deadline for state executive committee to decide contests for state offices is 83 days prior to general election. [§ 17-13-86]	Wednesday, August 12, 2026

The last day for political parties to submit to the probate judge for county offices and the Secretary of State for state and federal offices any amendments or corrections to certifications of candidates for the primary election is 71 days prior to general election. [§ 17-6-21(b)]	Monday, August 24, 2026
The last day candidates can withdraw their name from ballot is 71 days before the date of the election. [§ 17-6-21(c)]	Monday, August 24, 2026
The Secretary of State must certify names of opposed candidates for federal and state offices and for each candidate for office who has requested to be an independent candidate and has filed a written petition, in accordance with Ala. Code Sections 17-9-3(b) and 17-13-22, to the probate judge; 69 days prior to the general election.	Wednesday, August 26, 2026
Probate just must issue public notice in each voting precinct of the requirement for and the availability of registration and voting aids for all handicapped and elderly individuals no later than 60 days before any state election. [§ 21-4-23(b)]. **This date for the general election.**	Friday, September 4, 2026
State Holiday - Labor Day	**Monday, September 7, 2026**
The last day for probate judge to furnish list of qualified voters to absentee election managers is 55 days prior to the general election. [§ 17-11-5(b)]	Wednesday, September 9, 2026
The last day for absentee ballots and supplies to be delivered to the absentee election manager is 55 days prior to the general election. [§ 17-11-12]	Wednesday, September 9, 2026
The last day candidates in primary election can accept contributions to retire a campaign debt is 120 days after the primary election. [§ 17-5-7(b)(3)]	Wednesday, September 16, 2026
This is the last day to transmit absentee ballots to any UOCAVA voters whose absentee ballot request is received at least 45 days prior to the general (ballot transmittal 45 days prior to the general) per 52 U.S.C. § 20302(a)(8).	Saturday, September 19, 2026
State Holiday - Columbus Day	**Monday, October 12, 2026**
The first day for probate judge, sheriff, and clerk of the circuit court to appoint poll workers is no more than 20 nor less than 15 days before the election. [§ 17-8-1(a)]	Wednesday, October 14, 2026
The last day candidates in the primary runoff election can accept contributions to retire a campaign debt is 120 days after the primary runoff election. [§ 17-5-7(b)(2)]	Wednesday, October 14, 2026
This is the last day for probate judge, sheriff, and clerk of the circuit court to appoint poll workers is no more than 20 nor less than 15 days before the election. [§ 17-8-1(a)]	Monday, October 19, 2026
The probate judge must notify inspectors and returning officers of their appointment and publish a list of these appointments in a county newspaper not more than 20, nor less than 15 days before the election. [§ 17-8-2]	Monday, October 19, 2026
This is the last day to register to vote for general election. [§ 17-3-50(a)]	Tuesday, October 20, 2026

The last day for probate judge to give notice of general election, consisting of date of election and officers and subjects to be voted for and on is 14 days before each election. [§ 17-9-5]	Tuesday, October 20, 2026
First day election officials may begin testing automatic tabulating equipment for the general election to ascertain that equipment will correctly count votes cast. [Adm. Rule 307-X-1.-04]	Tuesday, October 20, 2026
First day probate judge may print poll lists or load registration data into electronic poll books for the general election. [§§ 17-4-2; 17-4-2.1]	Saturday, October 24, 2026
For any absentee application received on or after the 8th day prior to the election that does not contain a copy of an approved form of identification, the absentee election manager shall issue a provisional ballot to that voter. [§ 17-10-2(c)(1)]	Monday, October 26, 2026
Absentee applications being returned by mail must be received not less than 7 days prior to the election. [§ 17-11-3]	Tuesday, October 27, 2026
An application for a voter who requires emergency treatment by a licensed physician within 5 days before an election may be forwarded to the absentee election manager by the applicant or by his or her designee. [§ 17-11-3(d)]	Thursday, October 29, 2026
This is the last day for authority charged to hold a school of instruction for poll workers. The probate judge must notify these election officials of time and place of instruction school and must publish notice at least 48 hours before instruction school takes place not less than 5 days before an election. [§ 17-8-9(a)]	Thursday, October 29, 2026
Absentee applications returned by hand must be received not less than 5 days prior to the election. [§ 17-11-3(a)]	Thursday, October 29, 2026
The last day probate judges can deliver election supplies to sheriffs is not less than 3 days before the election. [§ 17-13-9]	Saturday, October 31, 2026
Absentee ballots being returned by hand to the absentee election manager must be received no later than the close of business on the day prior to the election. [§ 17-11-18(a)]	Monday, November 2, 2026
The chair of each local political party as defined in Section 17-13-40, any person whose name is on the ballot as an independent, and any announced or known write-in candidates shall be given a minimum of 24 hours notice of the time and place where the canvassing board will meet to determine the number of write-in votes cast for each office on the ballot, ballot image, results tape, or other media prescribed by the Secretary of State by administrative rule and shall be permitted to be present when the determination is made. [§ 17-6-28(c)]	Monday, November 2, 2026
General Election	**Tuesday, November 3, 2026**
Absentee ballots being returned by mail to the absentee election manager must be received no later than noon on this day. [§ 17-11-18(a)]	Tuesday, November 3, 2026
This is the last day for military and other UOCAVA voters in the general election to postmark an absentee ballot returned by mail to the absentee election manager. [§ 17-11-18(b)]	Tuesday, November 3, 2026
The medical emergency designee must deliver absentee ballot to absentee election manager no later than noon on this day. [§ 17-11-18(a)]	Tuesday, November 3, 2026

The inspectors or returning officer must deliver ballots and returns to sheriff. [§§ 17-12-8, 17-12-12]	Tuesday, November 3, 2026
Upon the closing of the polls, all write-in votes, which may be in the form of a ballot or, if an electronic voting system is utilized in the polling place, a ballot image, results tape, or other media as prescribed by the Secretary of State by administrative rule, from each polling place in the county shall be returned to a central location in the county as determined by the judge of probate where the canvassing board shall determine the number of write-in votes cast for each office on the ballot, ballot image, results tape, or other media as prescribed by the Secretary of State by administrative rule. [§ 17-6-28(c)]	Tuesday, November 3, 2026
The written affirmations of provisional voters, inspector challenge statements, and voter reidentification forms must be delivered by the sheriff to the board of registrars by noon on the day following the election. [§ 17-10-2(d)]	Wednesday, November 4, 2026
The county canvassing board must prepare and transmit to the Secretary of State a written report itemizing the number of write-in votes cast for each separate federal or state office and the total votes cast for each of the candidates (top two) receiving the greatest number of votes for that office. [§ 17-6-28(c)]	Friday, November 6, 2026
Deadline for voters whose ballot became provisional due to lack of identification to provide identification (or provisional ballot and identification) including the address and telephone number of the voter to the board of registrars no later than 5:00 PM. [§ 17-10-2(a)(3)]	Friday, November 6, 2026
The county canvassing board must post a notice stating the number of write-in votes cast in each office on the ballot and, for each specific county office on the ballot, stating whether the number of write-in votes cast for the office is greater than or equal to the difference in votes between the candidates receiving the greatest number of votes for the specific county office. The notice shall be posted on the door of the courthouse and any other place deemed appropriate by the canvassing board including, but not limited to, a county website. [§ 17-6-28(c)]	Monday, November 9, 2026
The county canvassing board must determine whether the number of write-in votes cast is greater than or equal to the difference in votes between the candidates receiving the greatest number of votes for the specific county office. [§ 17-6-28(c)]	Monday, November 9, 2026
Upon receipt of all county reports setting out the number of write-in votes for each federal or state office, the Secretary of State shall determine whether the number of write-in votes cast statewide for any specific federal or state office is greater than or equal to the difference in votes between the candidates receiving the greatest number of votes for that office. In the event the Secretary of State determines that the number of write-in votes cast statewide for any federal or state office is greater than or equal to the difference in votes between the candidates receiving the greatest number of votes for that office, not later than noon on the first Monday following the election, the Secretary of State shall notify each judge of probate from a county where write-in votes for that office were cast that the write-in votes for that office shall be counted and reported as provided in this section. [§ 17-6-28(c)]	Monday, November 9, 2026

Upon determining the number of write-in votes as required, all ballots, ballot images, or results tapes with write-in votes shall be delivered to the sheriff who shall securely keep them in the same manner as provisional ballots are kept. [§ 17-10-2(d)]	Tuesday, November 10, 2026
When the number of write-in votes for any specific office is greater than or equal to the difference in votes between the candidates receiving the greatest number of votes for that office write-in votes shall be counted at the same time and in the same manner as provisional ballots are counted. [§ 17-10-2(f)]	Tuesday, November 10, 2026
Absentee ballots submitted by UOCAVA voters must be accepted until noon this day. The ballot must have been postmarked no later than election day and meet other absentee ballot requirement to be counted. [§ 17-11-18(b)]	Tuesday, November 10, 2026
The absentee election manager must report, for the general election, the number of military and overseas ballots mailed out and the number of ballots received to the Secretary of State within 7 days after the election. [§ 17-11-5(d)]	Tuesday, November 10, 2026
The board of registrars must deliver the provisional voter affirmations and inspector challenge statements, with the certified findings attached, to the probate judge no later than noon 7 days after the election. [§ 17-10-2(e)]	Tuesday, November 10, 2026
At noon, the canvassing board for poll workers shall tabulate provisional ballots which have been certified by the board of registrars. The canvassing board must certify the results of the provisional votes cast and must post one copy in the courthouse and must seal one copy into a container designated for each political party 7 days after the election. [§ 17-10-2(f)]	Tuesday, November 10, 2026
State Holiday – Veterans Day	**Wednesday, November 11, 2026**
The county canvassing board must make in writing a public declaration of the results by noon on the second Friday after the election. (§ 17-12-15)	Friday, November 13, 2026
The county canvassing board must file the original canvass of returns for county offices, including state House and state Senate, in the probate office, post a copy of the returns at the courthouse door, and immediately transmit a copy of the returns by fax to the Secretary of State. [§ 17-12-16]	Friday, November 13, 2026
The county canvassing board must file the county certificate of results for constitutional officers with the judge of probate. The judge of probate must immediately forward the certificate of results to the Secretary of State. [§ 17-12-16]	Friday, November 13, 2026
The Secretary of State must furnish certificates of election to members of the legislature and members of Congress within 10 days of receiving returns from the probate judge of each county. [§ 17-12-21]	Monday, November 23, 2026
The last day for the Governor, Secretary of State, and Attorney General to canvass election returns required by law to be sent to Secretary of State is within 22 days after the election. [§ 17-12-17]	Wednesday, November 25, 2026
State Holiday - Thanksgiving	**Thursday, November 26, 2026**

State Holiday - Christmas Day	**Friday, December 25, 2026**
State Holiday - New Year's Day	**Friday, January 1, 2027**
Absentee election manager must file list of applications for absentee ballots from the general election with probate judge 60 days after the election. [§ 17-11-5(c)]	Saturday, January 2, 2027
Inauguration Day for certain non-federal offices is on the first Monday after the second Tuesday in January after the election. [§§ 36-3-1, 36-3-2, 36-3-3]	Monday, January 18, 2027
State Holiday – Robert E. Lee/Martin Luther King Birthday	**Monday, January 18, 2027**
The last day for Secretary of State to report information on the number of military and overseas ballots mailed out and the number of ballots received to the Federal Election Assistance Commission; within 90 days of each regularly scheduled general election for federal office. [§ 17-11-5(d)]	Monday, February 1, 2027
The last day candidates in the general election can accept contributions to retire a campaign debt is 120 days after the general election. [§ 17-5-7(b)(3)]	Wednesday, March 3, 2027
The sheriff can destroy ballots 22 months after general election unless there is notification that election has been contested (52 USC § 20701).	Sunday, September 3, 2028

1.2 2026 Fair Campaign Practices Act Filing Calendar

2026 Election Cycle

Statewide Primary Election	**Tuesday, May 19, 2026**
Primary Runoff Election	**Tuesday, June 16, 2026**
General Election	**Tuesday, November 3, 2026**

Light Gray lines indicate deadlines involving monthly reports. Monthly reports are due on the second business day of the subsequent month beginning twelve (12) months before the election date upon crossing the $1,000 raising/spending threshold OR upon qualifying with a political party. [§ 17-5-8(b)(1)] Monthly reports are not due if filing weekly reports. [§ 17-5-8(i)]

Darker Gray lines indicate deadlines involving weekly reports. Beginning four weeks before the election date, weekly reports covering the period Saturday through Friday are due on the Monday of the subsequent week. [§ 17-5-8(b)(2)] The last weekly report is not due if filing daily reports. [§ 17-5-8(i)]

Dark lines indicate deadlines involving daily reports. Beginning on the 8th day prior to the election, daily reports are due for candidates and PACs that receive or spend $5,000 or more on that day with a view toward influencing the election. Daily reports are only due on those days that the $5,000 threshold is met. Daily reports apply only to legislative, state school board, and statewide candidates. Circuit, district, county, and municipal candidates are not required to file daily reports. [§ 17-5-8(b)(3)]

Principal campaign committees and PACs must file a report disclosing the receipt of any single contribution of $20,000 or more within two (2) business days of receiving the contribution if the contribution has not already been reported in a scheduled finance disclosure report. [§ 17-5-8.1(c)]

Black lines indicate the legislative blackout beginning and ending dates. The FCPA prohibits candidates for legislative and statewide offices from raising money while the Alabama Legislature is in session, except within 120 days of a primary, primary runoff, or general election. [§ 17-5-7(b)(2)]

Electioneering communication is defined as any communication disseminated through any federally regulated broadcast media, any mailing, or the distribution, electronic communication, phone bank, or publication in which the advertisement: (1) contains the name or image of a candidate; (2) is made within 120 days of an election in which the candidate will appear on the ballot; (3) the only reasonable conclusion to be drawn from the presentation and content of the communication is that is intended to influence the outcome of the election; and (4) entails an expenditure in excess of one thousand dollars ($1,000.00). [§ 17-5-2(a)(6)]

Party candidates intending to participate in the 2026 primary election may not begin soliciting or accepting contributions until May 19, 2025. Candidates may loan funds to their campaigns prior to May 19, 2025.

Independent candidates intending to participate in the 2026 general election may not begin soliciting or accepting contributions until November 3, 2025. Independent candidates may loan funds to their campaigns prior to November 3, 2025.

Date	Activity
March 5, 2025	Last day to raise funds to retire campaign debt for the 2024 general election (120 days after the election) [§17-5-7(b)(3)].
March 31, 2025	Deadline to close books for the March monthly report
April 2, 2025	***Deadline to file the March monthly report***
April 28, 2025	**State Holiday – Confederate Memorial Day**
April 30, 2025	Deadline to close books for April monthly report
May 2, 2025	***Deadline to file the April monthly report***
May 20, 2025	**Last day of regular session for the Alabama legislature and last day of the legislative blackout, unless a special legislative session is called.**
May 19, 2025	Major party candidates intending to participate in the 2026 primary election may begin soliciting and accepting contributions.
May 26, 2025	**State Holiday – Memorial Day**
May 31, 2025	Deadline to close books for the May monthly report
June 2, 2025	**State Holiday - Jefferson Davis's Birthday**
June 3, 2025	***Deadline to file the May monthly report***
June 30, 2025	Deadline to close books for the June monthly report
July 2, 2025	***Deadline to file the June monthly report***
July 4, 2025	**State Holiday - Independence Day Recognized**
July 31, 2025	Deadline to close books for the July monthly report
August 4, 2025	***Deadline to file the July monthly report***
August 31, 2025	Deadline to close books for the August monthly report
September 1, 2025	**State Holiday – Labor Day**
September 3, 2025	***Deadline to file the August monthly report***
September 30, 2025	Deadline to close books for the September monthly report
October 2, 2025	***Deadline to file the September monthly report***
October 13, 2025	**State Holiday – Columbus Day**
October 31, 2025	Deadline to close books for the October monthly report
November 3, 2025	Independent & minor party candidates may begin soliciting and accepting contributions
November 4, 2025	***Deadline to file the October monthly report***
November 11, 2025	**State Holiday – Veterans' Day**

November 27, 2025	**State Holiday - Thanksgiving Day**
November 30, 2025	Deadline to close books for the November monthly report
December 2, 2025	***Deadline to file the November monthly report***
December 25, 2025	**State Holiday - Christmas Day**
December 31, 2025	Deadline to close books for the monthly report
January 1, 2026	**State Holiday - New Year's Day**
January 5, 2026	***Deadline to file the December monthly report***
January 13, 2026	**First day of regular session for the Alabama legislature and first day of the legislative blackout.**
January 19, 2026	**State Holiday – Robert E. Lee/Martin Luther King, Jr. Birthday**
January 19, 2026	**Last day of regular session for the Alabama legislature and last day of the legislative blackout, unless a special legislative session is called.**
January 23, 2026	Last day candidates may qualify with major political parties to participate in primary election [§ 17-13-5(a)].
January 31, 2026	Deadline to close books for the January monthly report
January 31, 2026	***Annual Report Due Only for PACs and elected officials not already filing monthly reports in the 2026 election cycle. Also applies to PACs and Principal Campaign Committees not participating in the 2026 election cycle. [§ 17-5-8(b)]***
February 3, 2026	***Deadline to file the January monthly report***
February 16, 2026	**State Holiday – George Washington/Thomas Jefferson Birthday**
February 17, 2026	**Mardi Gras – Observed in Baldwin and Mobile Counties**
February 28, 2026	Deadline to close books for the February monthly report
March 3, 2026	***Deadline to file the February monthly report***
March 31, 2026	Deadline to close books for the March monthly report
April 2, 2026	***Deadline to file the March monthly report***
April 24, 2026	Deadline to close books for the 1st weekly report for the primary election
April 27, 2026	**State Holiday – Confederate Memorial Day**
April 27, 2026	***Deadline to file the 1st weekly report for the primary election *1st Weekly will cover 4/1/26-4/24/26***
April 30, 2026	Deadline to close books for the April monthly report; **only** for candidates **not** participating in primary election.

May 1, 2026	Deadline to close books for the 2nd weekly report for the primary election
May 4, 2026	***Deadline to file the April monthly report; only for candidates not participating in a primary runoff election***
May 4, 2026	***Deadline to file the 2nd weekly report for the primary election***
May 8, 2026	Deadline to close books for the 3rd weekly report for the primary election
May 11, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
May 11, 2026	***Deadline to file the 3rd weekly report for the primary election***
May 12, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
May 13, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
May 14, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
May 15, 2026	Deadline to close books for the 4th weekly report for the primary election
May 15, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
May 16, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
May 17, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
May 18, 2026	***Deadline to file the 4th weekly report for the primary election.***
May 18, 2026	***Daily report due by 12:01 p.m. Please refer to the instructions on the top of the calendar page.***
May 19, 2026	**Primary Elections**
May 22, 2026	Deadline to close books for the 1st weekly report for the primary runoff election
May 25, 2026	**State Holiday – Memorial Day**
May 26, 2026	***Deadline to file the 1st weekly report for the primary runoff election***
May 29, 2026	Deadline to close books for the 2nd weekly report for the primary runoff election

May 31, 2026	Deadline to close books for the May monthly report; only for candidates not participating in primary runoff election
June 1, 2026	**State Holiday – Jefferson Davis's Birthday**
June 1, 2026	***Deadline to file the 2nd weekly report for the primary runoff election***
June 2, 2026	***Deadline to file the May monthly report; only for candidates not participating in primary runoff election***
June 5, 2026	Deadline to close books for the 3rd weekly report for the primary runoff election
June 8, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
June 8, 2026	***Deadline to file the 3rd weekly report for the primary runoff election.***
June 9, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
June 10, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
June 11, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
June 12, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
June 12, 2026	Deadline to close books for the 4th weekly report for the primary runoff election
June 13, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
June 14, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
June 15, 2026	***Deadline to file the 4th weekly report for the primary runoff election***
June 15, 2026	***Daily report due by 12:01 p.m. Please refer to the instructions on the top of the calendar page.***
June 16, 2026	**Primary Runoff Elections**
June 30, 2026	Deadline to close books for the June monthly report
July 2, 2026	***Deadline to file the June monthly report***
July 3, 2026	**State Holiday – Independence Day Recognized**

July 31, 2026	Deadline to close books for the July monthly report
August 4, 2026	***Deadline to file the July monthly report***
August 31, 2026	Deadline to close books for the August monthly report
September 2, 2026	***Deadline to file the August monthly report***
September 7, 2026	**State Holiday – Labor Day**
September 16, 2026	The last day to raise funds to retire campaign debt for the 2026 primary election (120 days after the election). [§ 17-5-7(b)(3)]
September 30, 2026	Deadline to close books for the September monthly report
October 2, 2026	***Deadline to file the September monthly report***
October 9, 2026	Deadline to close books for the 1st weekly report for the general election
October 12, 2026	**State Holiday – Columbus Day**
October 13, 2026	***Deadline to file the 1st weekly report for the general election***
October 14, 2026	The last day to raise funds to retire campaign debt for the 2026 primary runoff election (120 days after the election). [§ 17-5-7(b)(3)]
October 16, 2026	Deadline to close books for the 2nd weekly report for the general election
October 19, 2026	***Deadline to file the 2nd weekly report for the general election***
October 23, 2026	Deadline to close books for the 3rd weekly report for the general election
October 26, 2026	***Deadline to file the 3rd weekly report for the general election***
October 26, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
October 27, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
October 28, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
October 29, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
October 30, 2026	Deadline to close books for the 4th weekly report for the general election

October 30, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
October 31, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
November 1, 2026	***Daily report due. Please refer to the instructions on the top of the calendar page.***
November 2, 2026	***Deadline to file the 4th weekly report for the general election***
November 2, 2026	***Daily report due by 12:01 p.m. Please refer to the instructions on the top of the calendar page.***
November 3, 2026	**General Election**
January 31, 2027	***2026 Annual Report Due [§17-5-8(b)]***
March 3, 2027	Last day to raise funds to retire campaign debt for the 2026 general election (120 days after the election) [§17-5-7(b)(3)].

1.3 Offices up for Election in 2026 and Thereafter

Office	Term	2026	2028	2030
FEDERAL OFFICES				
President/Vice President	4		X	
Delegates to National Convention			X	
U.S. Senator – Class 2 (Tommy Tuberville)	6	X		
U.S. Senator – Class 3 (Katie Britt)	6		X	
U.S. Representative	2	X	X	X
STATE OFFICES				
Governor	4	X		X
Lt. Governor	4	X		X
Attorney General	4	X		X
Secretary of State	4	X		X
State Treasurer	4	X		X
State Auditor	4	X		X
Commissioner of Agriculture & Industries	4	X		X
State Senator	4	X		X
State Representative	4	X		X
State Board of Education				
Odd Districts (1,3,5,7)	4		X	
Even Districts (2,4,6,8)	4	X		X
Justices of the Supreme Court*				
Chief Justice (Sarah Stewart)	6			X
Place 1 (Chris McCool)	6			X
Place 2 (Tommy Bryan)	6			X
Place 3 (Will Sellers)	6			X
Place 4 (Bill Lewis)	6		X	
Place 5 (Greg Cook)	6		X	
Place 6 (Kelli Wise)	6		X	
Place 7 (Brad Mendheim)	6	X		
Place 8 (Greg Shaw)	6	X		
Court of Criminal Appeals Judge*				
Place 1 (Richard Minor)	6			X
Place 2 (Rich Anderson)	6			X
Place 3 (Bill Cole)	6			X
Place 4 (Mary Becker Windom)	6	X		
Place 5 (Beth Kellum)	6	X		
Court of Civil Appeals Judge*				
Place 1 (Christy Edwards)	6			X
Place 2 (Chad Hanson)	6			X
Place 3 (Terry A. Moore)	6			X
Place 4 (Ben Bowden)	6	X		
Place 5 (Matt Fridy)	6	X		

** Judges appointed to fill a vacancy shall serve an initial term lasting until the 1st Monday after the 2nd Tuesday in January following the next general election held after he/she has completed two years in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term. Therefore, future election years cannot be given as it is not known if or when a judge may resign, retire, or otherwise leave office during a term.*

Office	Term	2026	2028	2030
Circuit & District Courts				
Circuit Court Judge	6	*For Circuit & District Judge information, contact Administrative Office of Courts*		
District Court Judge	6			
District Attorney	6		X	
Circuit Clerk	6			X
Public Service Commission				
President	4		X	
Commissioner Place 1	4	X		
Commissioner Place 2	4	X		
COUNTY OFFICES				
Judge of Probate	6			X
Sheriff	4	X		
Revenue Commissioner	6	X		
Tax Assessor	6	X		
Tax Collector	6	X		
License Commissioner*	6			X
*Mobile County License Commissioner serves a 4 year term				
For further details of which offices are up for election in which years, contact individual counties				
County Commission*	4			
* Barbour, Bullock, & Perry Counties are elected to 6 year terms				
For details on which districts are up for elections in which years contact individual counties				
County Board of Education	6			
For details of which districts are up for election in which years contact individual counties				
County School Board Superintendent				
For details of length of terms and which year elected contact individual counties				
Coroner	4	X		
Constable	4		X	

FEDERAL, STATE, AND COUNTY ELECTION DATES

The Primary Election is held the 4th Tuesday in May unless it is a Presidential Primary, then it is held the 1st Tuesday in March. The Runoff is held the 4th Tuesday after the Primary. The General Election is held the 1st Tuesday after the 1st Monday in November.

	2026	2028	2030
Primary	5/19/2026	3/7/2028	5/21/2030
Runoff	6/16/2026	4/4/2028	6/18/2030
General	11/3/2026	11/7/2028	11/5/2030

MUNICIPAL OFFICES

For additional information concerning municipal elections, contact the city clerk's office

CHAPTER 2

ALABAMA ELECTIONS GENERALLY

Summary of Contents:

2.1 Introduction to Alabama Elections
2.2 Primary Elections
2.3 Second (Runoff) Primary
2.4 Presidential Preference Primary
2.5 Nomination by Political Party Meeting
2.6 General Elections
2.7 Municipal Elections
2.8 Special Elections

2.1 Introduction to Alabama Elections

Alabama's written Constitution has provided for popular election of the State's legislature, Governor, and certain other officials since Alabama become one of the United States in 1819. Amendments provided for popular election of judges in the mid-19th century. Under the Constitution, and subsequent amendments, the legislature is directed to provide by law for the administration of elections.

Alabama's Election Code, Title 17, was substantially revised by the Legislature in 2006. Prior to the revision, as each new law passed, the existing law remained on the books. The revised Election Code reorganized and eliminated many ambiguities in the election law of Alabama.

There are essentially four basic types of elections: primary, general, municipal, and special.

In a primary election, a political organization nominates its candidates for a general election. In a general election, voters choose office holders from among primary election candidate nominees or independently nominated candidates for office. Municipal elections are elections held by cities and towns for the selection of municipal officers.

Special elections are held in extraordinary situations such as the necessity to fill a vacancy that occurs during the term for which a person was elected, or when a referendum is held on some particular question or proposition, such as the issuance of bonds or the wet-dry question. Voting on a constitutional amendment is also considered a form of special election.

2.2 Primary Elections

Primary elections are regulated, for the most part, in Chapter 13 of Title 17. §§ 17-13-1 to 17-13-105. Except as modified by Chapter 13, they are conducted in the same manner as regular state elections.

2.2.1 Political Party Definition

For a political group to be eligible to nominate its candidates by primary election, its candidates must receive a threshold level of popular support at the preceding election. A political party is defined as an assemblage or organization of electors which, at the preceding general election for state and county offices, cast more than 20 percent of the entire votes cast in any county or more than 20 percent of the entire votes cast in the state. § 17-13-40.

This means that, in order for any political group to be considered a political party in any county or in the state, it is only necessary that one candidate of the party obtain the required 20 percent in a general election in the particular county or in the state at large.

A political party that meets the legal definition may, by action of its state executive committee, elect whether it will come under the primary election law. A political party meeting the requirements is presumed to have accepted and come under the provisions of the primary law, but any party may signify its election not to accept and come under the primary law by filing a statement to that effect with the Secretary of State at least 60 days before the election. § 17-13-42.

However, an eligible political party is not required to nominate its candidates by primary election. It may instead opt to nominate candidates at a party meeting. § 17-13-50.

2.2.2 Election Expense Compensation

The expense of primary elections is paid by the state or county in the same manner as general elections. § 17-13-4. *See also* §§ 17-16-2 to 17-16-7. These expenses will be paid as follows: (a) the state reimburses half the election expenses when there are candidates for both federal or state and county offices or constitutional amendments affecting a county (§§ 17-16-3 and 17-16-5); or (b) the state reimburses a county for all election costs where there are only federal or state offices nominated or constitutional amendments affecting only the state at large. § 17-16-4. Some reimbursements of election expenses are defined in Section 17-16-2. Section 17-16-2.1 establishes an Election Expense Reimbursement Committee to identify any election expense not covered in § 17-16-2. The committee has established a list of approved reimbursable expenses for elections. § 17-16-2.1.

The Election Expense Reimbursement Committee is comprised of:

(a) The President Pro Tempore of the Alabama Senate;

(b) The Speaker of the Alabama House of Representatives;

(c) The Secretary of State or his or her designee;

(d) The Director of Finance or his or her designee;

(e) The Chair of the Senate Constitution, Campaign Finance, Ethics and Elections Committee;

(f) The Chair of the House Constitution, Campaign and Elections Committee;

(g) The Chair of the Senate Finance and Taxation General Fund Committee; and

(h) The Chair of the House Ways and Means General Fund Committee. § 17-16-2.1.

2.2.3 Primary Election Dates

In presidential election years, presidential preference primaries and regular primaries are held the first Tuesday in March. § 17-13-100. In non-presidential election years, regular primary elections are held on the Tuesday in May preceding Memorial Day. § 17-13-3.

2.2.4 Political Party Privileges Preserved in Primary Election Statutes

The use of the State's primary election processes does not restrict how a political party governs itself. A political party subject to the primary law may establish governing committees for the state and any political subdivision of the state, including counties, but general authority is vested in the state executive committee. The state committee, however, may delegate to county committees the power to regulate party affairs within their respective counties. § 17-13-44.

A political party may use the State's primary election process to choose its members. State and county executive committees may, by resolution, require that their members be elected. When these committee members are elected, the election is held on the same ballot as the gubernatorial primary election. Candidates for the party committees must file their declarations of candidacy in the same manner and within the same time as candidates for nomination to public office. § 17-13-45.

Also, political parties may provide for the election of delegates to national party conventions by holding presidential preferential primaries, by popular election of delegates at that primary election, or otherwise. The names of candidates for convention delegates appear on the ballots with the name of the presidential candidate to whom each delegate candidate is pledged opposite the delegate candidate's name. If the delegate candidates are not pledged, their names are followed by the word "uncommitted." § 17-13-43.

The state committee of each political party may fix the political or other qualifications of its own members and may determine who is qualified to be a candidate or to vote in the primary. § 17-13-7(a). Prescribed qualifying fees may be established by each party to be paid by candidates for nomination who are able to pay. § 17-13-47. It is important to note that a person may seek nomination for office in only one primary election. No person may simultaneously be a candidate for the same office on both the Democratic and Republican tickets.

2.3 Second (Runoff) Primary

If, in the first primary of any particular race, no candidate seeking the party's nomination receives a majority of the votes cast, a second primary (or runoff) must be held between the two candidates with the largest number of votes in the first primary. § 17-13-18(b).

The second or runoff primary elections are held on the fourth Tuesday following the primary election. §§ 17-13-3 and 17-13-18.

2.4 Presidential Preference Primary

In order for a presidential candidate to appear on the ballot, a petition must be filed with the state party chair of the appropriate political party 116 days prior to the Presidential Preference Primary Election. § 17-13-102. The petition must be signed by at least 500 qualified voters of the state, or a series of petitions must be signed by at least 50 qualified voters in each congressional district of the state. All people signing the petition must indicate in which county they reside. Should there be any question regarding the signatures on the petitions, the state party chair must decide the regularity of all the petition signatures. § 17-13-102. Upon filing the required petitions, the candidate must pay a fee as the party may prescribe. § 17-13-103. *See* Administrative Election Calendar in Chapter 1.

Presidential candidates desiring to withdraw their names from the ballot of the preference election must do so no later than 76 days before the primary. Otherwise, the candidate's name will appear on the party's primary election ballot. § 17-13-104.

2.5 Nomination by Political Party Meeting

Alabama law explicitly provides for and officially recognizes individuals nominated or selected by a political party or faction in a mass meeting or other meeting of the party's voters. These meetings may be utilized by a political party for the purpose of nominating candidates for public office to be voted on in the general election, for the purpose of selecting representatives to any convention which may select candidates for public office, or for the purpose of selecting party officials. These meetings shall be held before the first primary election. §§ 17-13-50 and 17-13-52.

Notice of the meeting, including reference to time and place, must be filed at least five days prior to the meeting date with the judge of probate of the county in which the meeting is scheduled. Notice must also be published in a newspaper of general publication. Although the general public may attend the meeting, the public may not participate. The judge of probate shall forward a certified copy of mass meeting notices to the Secretary of State. § 17-13-50.

The provisions of § 17-13-50(b) do not apply to "minor" political parties, which gain ballot access by obtaining signatures under Section 17-6-22. Therefore, a "minor" political party is not required to give notice of the meeting at which it selects candidates. Alabama Attorney General Opinion 2016-048.

2.6 General Elections

2.6.1 General Election Dates

General elections are held on the first Tuesday after the first Monday in November every other year in the even-numbered years. See §§ 17-14-3 *et seq.* The candidates receiving the highest number of votes are elected to office. There is no runoff election following general elections.

The following state and county officers are elected every four years, at every other general election, with the next election scheduled for 2026: Governor, Lieutenant Governor, Attorney General, Auditor, Secretary of State, Treasurer, Commissioner of Agriculture and Industries, senators and representatives in the Legislature, sheriffs, coroners, and two associate public service commissioners. § 17-14-3.

2.6.2 Terms Served and Reelection Standards

Judges, district attorneys, circuit clerks, and members of county boards of education serve for terms of six years. §§ 36-3-2 to 36-3-4; § 16-8-2. Judges are all elected at the same time unless there is a vacancy created by the death, resignation, retirement, or removal of an incumbent. § 17-14-6. Except as provided by local law, members of county boards of education are elected to six-year terms, with elections for one or more members occurring biennially. § 17-14-5. All eight members of the State Board of Education are elected for staggered four-year terms. All even-numbered districts run the year of the governor election cycle while odd-numbered districts run in the presidential election cycle. Sahag v. Mitchell, 96-AR-307-10 (N.D. Ala. 1996) (unpublished opinion).

District attorneys will be subject to election in 2028. Except as provided by local law, tax assessing officials, tax collecting officials, and revenue commissioners are subject to election in 2026.

Except as provided by law, the president of the Public Service Commission, county commissioners, county treasurers (where the office exists), and constables are elected every four years, following the sequence 2028, 2032, and so forth. §§ 17-14-3 and 17-14-4. Members of county commissions and county boards of education who serve for overlapping terms, as well as a number of elective county superintendents of education, are selected at each general election.

Federal elections are held for President and Vice-President every four years, following the sequence 2028, 2032, and so forth. Congressmen are elected at every general election, by district, to serve for two-year terms in the United States House of Representatives. United States Senators are elected from the state at large for overlapping six-year terms, with senatorial elections in Alabama scheduled for 2026 and 2028. *See* §§ 17-14-10 and 17-14-11.

2.7 Municipal Elections

Municipal elections are regulated mostly by §§ 11-46-1 to 11-46-145, a completely different area of the Alabama Code. In municipal elections, a majority vote is required for election, and, except when there are only two candidates standing for election, runoff elections are used if no candidate receives a majority. § 11-46-55(d). There are no political party primary elections to nominate persons for municipal office. § 11-46-3.

Under the general municipal election law, regular municipal elections are held on the fourth Tuesday in August 2025, and every four years thereafter; and, when necessary, a runoff election will be held on the fourth Tuesday following the regular election. §§ 11-46-21(a) and 11-46-55(d); see also Ala. Act 2021-164. Some municipalities deviate from the general municipal election schedule due to general or local act providing for different times and dates for election; accordingly, it is advisable to check with a municipality to determine the election schedule for that particular municipality.

The last day for filing a statement of candidacy is 5:00 p.m. on the fourth Tuesday in June preceding the date set for the election. § 11-46-25(g). The successful candidates assume office on the first Monday in November following their election. § 11-46-21(c).

However, candidates for mayor in Class 5 cities must file their affidavit for candidacy by the fourth Tuesday in June preceding the election. §§ 11-44E-41 and 11-44E-71.

Additionally, for municipal election purposes, code language which refers to the "last preceding general election of municipality," as a gauge or reference point for future election related issues, is interpreted to mean that the proper reference date is the fourth Tuesday in August. Use of the phrase "regular municipal elections" in the Code is to be subsumed by the language "general municipal elections," thus avoiding possible confusion or conflict between the Code sections. Alabama Attorney General Opinion 91-00007; *see, e.g.,* §§ 28-2A-1(b), 11-46-20, 11-46-21, and 11-43-2.

A special municipal election is held to incorporate a community. The judge of probate of the county in which the community is located supervises incorporation elections. These elections are regulated by statutory provisions codified in Sections 11-41-1 to 11-41-8.

Alabama law provides that, where practicable, the statutes and procedures implemented by the Secretary of State pursuant to Chapter 7 of Title 17 on electronic voting machines would apply to all municipal elections, with duties of state and county officials being performed by corresponding municipal officials. § 17-7-25.

2.8 Special Elections

Special elections held to fill vacancies in state or federal legislative bodies or for state or county offices filled by election are held on a day specified by the Governor. §§ 17-15-1 and 17-15-2. The Governor also gives notice by proclamation of any special election for representatives in Congress or state officers. § 17-15-4.

The Governor notifies the judges of probate of the counties in which the special election is to be held. The judges of probate are to give notice in their respective counties by proclamation of the time, place, and purpose of the election. §§ 17-15-3, 17-15-5, and 17-17-31. The judge of probate must also notify the sheriff and the circuit clerk that a special election has been called. §§ 17-15-6 and 17-17-32.

Under the general municipal election laws, special elections may be held on the second or fourth Tuesday of any month, as ordered by the municipal governing body, provided proper notice is given. § 11-46-21.

Constitutional amendments may be voted upon, as the legislature directs, either at the next general election or at a special election held not less than three months after the final adjournment of the legislative session at which the amendments were proposed. Ala. Const. Art. XVIII, § 284.

Special elections to fill a vacancy in the state legislative body are conducted in same manner as general elections, with a special party primary election followed by, if necessary, a special party primary runoff election and then a special general election. If only one party nominates a candidate to fill the vacancy that is the subject of the special election, then, following the certification of the special primary election results (or special primary runoff election results, if applicable), the winner of the party primary election is certified as the winner of the election and there is no general election held. Ala. Const. Art. IV, § 46. Unless otherwise provided by law, special elections are conducted in the same way as general elections. § 17-15-7. Special election runoffs are now held four weeks after the special primary election. § 17-13-3(d)

CHAPTER 3

VOTER'S SECTION

***Summary of Contents**:*

3.1 The Right to Vote
3.2 Qualifications for Voting
3.3 Registration to Vote
3.4 Identification Required When Voting
3.5 Voting Place
3.6 Voting Assistance and Time Limits
3.7 Voting in a Primary Election
3.8 Write-in Votes
3.9 Voting a Provisional Ballot
3.10 Absentee Voting
3.11 Military and Overseas Absentee Voters

3.1 The Right to Vote

The Alabama Constitution confers the right to vote on residents of the State, if registered as provided by law. The legislature shall by law provide for registration, a procedure for registration, and may set nondiscriminatory requirements for registration. The legislature is required to provide for registration of voters, nomination of candidates, secrecy in voting, absentee voting, and the administration of elections. Ala. Const. Art. VIII, § 177.

The United States Constitution secures the right to vote in several provisions barring discrimination. It also authorizes the U.S. Congress to adopt appropriate legislation to protect against discrimination in voting, for the election of Senators and members of Congress, and to set the time for choosing Presidential electors.

3.2 Qualifications for Voting

In addition to being a resident of the State, there are several minimum qualifications for a person to be eligible to vote:

(a) The person must be 18 years old and a citizen of the United States.

(b) The person must not be mentally incompetent.

(c) The person must not have been convicted of a felony involving moral turpitude.

(d) The person must be duly registered in Alabama to vote in Alabama elections. Ala. Const. Art. VIII, § 177.

A person who has been convicted of a disqualifying felony or is mentally incompetent is qualified to vote if there is a restoration of civil and political rights or removal of disability. Ala. Const. Art. VIII, § 177(b).

To be eligible to vote for municipal officeholders, or in municipal referenda, a person must have resided in the municipality at least 30 days prior to the election. § 11-46-38(b).

3.3 Registration to Vote

Any person possessing the qualifications of an elector is entitled to register to vote. All such persons may register to vote with the board of registrars in their county of residence. § 17-3-30. The board of registrars is normally located and meets at the courthouse of the county it serves, but it is authorized to meet in special session for registrations away from the courthouse. § 17-3-8(f). The board of registrars may refuse registration if the application fails to establish the qualifications to register. § 17-3-54. No board of registrars may register any person as a qualified elector within 14 days prior to an election. § 17-3-50.

Citizens who possess an Alabama driver's license or Alabama non-driver's identification card may submit their voter registration application electronically through the Secretary of State's election website at www.alabamavotes.gov. Furthermore, mail-in registration forms are available at a wide number of locations. Mail-in voter registration forms are also available online at the Secretary of State's election website www.alabamavotes.gov.

Limited registration is also conducted on college or university campuses. Each board of registrars is required by law to visit every public or private college or university located within its county that has 500 students or more. The county board of registrars must meet at least one full working day of every school year to register voters on each campus. Public notice of date,

time, and location is required at least 12 days in advance of these on-campus registration days. § 17-3-11.

In the National Voter Registration Act of 1993 ("NVRA"), Congress established that citizens may also register to vote in federal elections when applying for or renewing state driver's licenses or state identification cards, or while receiving services from certain state and local government offices. More information about NVRA registration opportunities can be found in Chapter 6.

Each registrant is furnished with a written or electronic application that is submitted to the board of registrars directly, electronically, or through the various methods permitted by the NVRA. This application for voter registration contains voter eligibility requirements and information necessary to aid the relevant election officer to pass upon the qualifications of each applicant, including the applicant's U.S. citizenship. The application for voter registration must also contain a statement that the applicant will be required to provide identification when voting. § 31-13-28.

3.4 Identification Required When Voting

With few exceptions, each voter, prior to voting, must present to the appropriate election official current valid photo identification. Valid photo identification includes, in addition to governmentally produced photo identifications, Native American tribal photo identification cards, governmental employee photo identification cards, and identification cards containing the photo of the elector produced by a public or private college, university, or postgraduate technical or professional school located within Alabama. § 17-9-30(a). Act 2025-307 amended Section 32-6-10.1 to provide explicitly that a driver license, non-driver identification card, or vessel license issued to a foreign national (an individual who is not a United States citizen) may not be used for purposes of complying with the voter photo identification requirement of Section 17-9-30.

A registered voter who does not have a valid form of photo identification for voting may obtain an Alabama Photo Voter Identification card that is valid only for purposes of voting. Such identification is available at a local board of registrar's office, the office of the Secretary of State, or a mobile voting service location in your county. More information is available at alabamavotes.gov. *See also* Alabama Code § 17-9-30; Ala. Admin. Code

r. 820-2-9 *et seq.*

A voter who is unable to meet the identification requirements is permitted to vote by a provisional ballot. In such cases, the identification, including the address and telephone number of the voter, must be provided to the board of registrars no later than 5:00 p.m. on the Friday following the election. If the voter fails to provide identification to the board of registrars by this deadline, the voter's ballot shall not be counted. § 17-10-2.

A few exceptions exist to the identification requirement. Notably, a voter who does not have identification in his or her possession at the polls is permitted to vote if the voter is positively identified as a voter on the poll list who is eligible to vote by two election officials who sign a sworn affidavit to that effect. § 17-9-30(f). Additionally, those who are entitled to vote by absentee ballot under federal law, such as the Voting Accessibility for the Elderly and Handicapped Act or the Federal Uniformed and Overseas Absentee Voting Act, are not required to present photo identification. 52 U.S.C. §§ 20101 *et seq.* and 20301 *et seq.*; Ala. Code § 17-9-30(d).

3.5 Voting Place

Unless voting absentee, a voter casts a ballot on election day only in the county and voting place where the voter is domiciled and registered. § 17-9-10. A voter's domicile is the voter's "residence at a particular place accompanied by an intention to remain there permanently or for an indefinite length of time." Mitchell v. Kinney, 5 So.2d 788 (Ala. 1942). Voters do not lose their domicile by temporary absence or being absent due to military service. § 17-3-32.

The voting place assigned to each voter is published by each county on a list before the primary election. § 17-4-1. Voters should pay special attention to these published voting lists for several reasons. Often, precinct boundaries are changed for one reason or another prior to elections, usually to keep all precincts roughly equal in number of voters. Hence, voters who have voted in a particular location for many years may find themselves assigned to an entirely new polling place. Another reason for checking the voters' list is that the voting locations may vary as the type of election changes. For instance, voting precincts for municipal elections may be entirely different from those for county or state elections. Also, checking the voters' lists when they are published allows voters to correct any

discrepancies in their listings.

Voters who have been designated inactive (who have a letter "I" beside their name) have not been removed from the voter list and are entitled to vote on election day after completing a voter reidentification form at the polling place. § 17-4-9. *See also* Chapter 16.

3.6 Voting Assistance and Time Limits

Any voter who is either mobility disabled or over the age of 70 may move to the front of the line at the polling place, upon request. § 17-9-13(c). A public notice must be posted at each polling place explaining that this accommodation is available to any voter who requests it and is either mobility disabled or over the age of 70. § 17-9-13(e). This accommodation and public notice requirement should be available in general, primary, and special elections. § 17-9-13(d).

Any voter who wishes can receive assistance, and the voter is not required to state the reason for requesting assistance. The assistant cannot be the voter's employer, an agent of the employer, or an officer or agent of the voter's union. § 17-9-13(a).

Any voter remaining in the voting booth more than four minutes may be asked by a poll official if the voter requires assistance. If the voter does not desire assistance, they will be allotted one additional minute. At the end of the additional minute, where voters are waiting in line, the voter will be told it is time to leave. If there is no line, the voter may take any time necessary. § 17-9-13(b). However, if the voter requests assistance, the person will be permitted to freely select the person of his or her choosing, as otherwise permitted by the Section, who is in the polling place and may have an additional five minutes to vote. § 17-9-13(b).

3.7 Voting in a Primary Election

In primary elections, a voter chooses candidates from only one political party to be its nominee in a general election. Each political party has a separate ballot. The voter must request a ballot for the party primary election in which the voter wishes to vote. Voting a "split ticket" is only allowed in a general election.

If a voter participates in a political party's primary election, then that voter may not vote in another political party's primary runoff election. § 17-13-7.1

In voting for municipal office holders, there are no primary elections.

3.8 Write-in Votes

Write-in votes may be cast in general elections for state and county offices but not in primaries or municipal elections. *See also* Chapter 8.

3.9 Voting a Provisional Ballot

A voter is required to cast a provisional ballot in any of the following situations listed in Section 17-10-2(a):

(a) The voter's name does not appear on the list of eligible voters for the precinct in which they are seeking to vote.

(b) An inspector has knowledge that the individual is not entitled to vote and challenges the individual.

(c) The voter is required to present valid photo ID but is unable to do so.

(d) A court extends the time for closing polls beyond the statutorily prescribed time and the voter casts a ballot during this extended time period.

(e) The voter has requested an absentee ballot, but the ballot has not been voted (returned to the absentee election manager) as of the date of the election.

Additionally, a voter is required to cast a provisional ballot if the registration list clerk cannot determine their eligibility to vote in a primary election or if the voter objects to the political party reference on the list of registered voters for a primary runoff election. Ala. Admin. Code r. 820-2-6.1-.01(4).

Any voter who casts a provisional ballot may ascertain from the board of registrars whether the vote was counted and the reason. § 17-10-2(g). *See also* Chapter 10.

3.10 Absentee Voting

In Alabama, a registered voter "may apply for and vote an absentee ballot" as an accommodation for being unable to vote in-person on election day for one or more of 8 statutory reasons. Ala. Code § 17-11-13(a)(1)-(8). These are:

(a) The voter expects to be out of the county or the state on election day;

(b) The voter has any physical illness or infirmity which prevents his or her attendance at the polls, whether or not he or she is within the county on election day;

(c) The voter expects to work a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place;

(d) The voter is enrolled as a student in an educational institution located outside the county of his or her personal residence, which prevents his or her presence at the polls;

(e) The voter is a member of, or spouse or dependent of a member of, the armed forces of the United States or is similarly qualified to vote absentee pursuant to the Federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301-20311;

(f) The voter has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular polling place;

(g) The voter is a caregiver for a family member to the second degree of kinship who is confined to their home; or

(h) The voter is incarcerated in prison or jail but has not been disqualified by conviction of a felony involving moral turpitude as defined by Section 17-3-30.1.

However, absentee voting is not offered as a general vote-by-mail alternative. Any qualified voter falling within these categories must file an application for a regular absentee ballot in writing and, if returning the application by hand, must submit it not less than five days prior to the election. If the qualified voter returns the application for a regular absentee ballot by mail, the application must be received by the absentee election manager not less than seven days prior to the election. However, in the event of a business or medical emergency one may cast an emergency absentee ballot. § 17-11-3.

Another category of absentee ballots exists for qualified voters who respond to a government-declared "state of emergency," and for whom substantial compliance with the other voting rules is impossible or unreasonable. The Secretary of State establishes emergency rules to allow affected voters to vote by absentee ballot in this type of situation. *See also* "Absentee Voting" in Chapter 7.

An application to vote absentee can be obtained from the circuit clerk or person designated as the absentee election manager. The application must include the applicant's name, address, and other information necessary to verify the applicant as a registered voter. The application must also include the list of disqualifying felonies involving moral turpitude in Section 17-3-30.1. § 17-11-4.

Where the absentee ballot application identifies the voter as requesting an absentee ballot in a voting place other than the one where he or she is registered to vote, the absentee election manager marks the affidavit envelope with the word "Provisional" and provides the voter with the ballot and other materials and instructions to vote a provisional ballot. § 17-10-2(c)(2). Individuals applying for an absentee ballot who do not appear on the state voter registration list should not be given an absentee ballot, not even a provisional ballot. § 17-11-9.

An applicant may request assistance in completing the application but must actually sign the form. If the applicant signs by a mark, then the name of a witness to the signature must be included as well. The completed application can then be mailed, sent by commercial carrier, or delivered by the voter (or by the voter's designee for medical emergency absentee voting) to the absentee election manager. § 17-11-4.

Alabama law prohibits absentee ballot application buying and makes it illegal to pay or to be paid by a third-party to prefill and/or collect absentee ballot applications. Applications must be submitted by the applicant. Prefilling an application is prohibited to cut down on potential fraud (*e.g.*, through mass applications) and confusion (*e.g.*, when voters receive misaddressed or unsolicited forms). § 17-11-4.

Absentee ballot applications must be accompanied by a copy of current, valid photo identification, unless the voter is otherwise exempt from the identification requirement. If an absentee ballot application arrives on or after the eighth day before the election without identification, the ballot must be issued as a provisional ballot. §§ 17-9-30(c) and 17-10-2. However,

the law does not provide for what the absentee election manager (AEM) should do if an application lacking identification arrives *before* the eighth day prior to the election.

The absentee law does not explicitly require that any notice be sent to these applicants. However, the Secretary of State, as authorized by Section 17-1-3, has provided uniform guidance for AEMs to notify applicants that their application has been denied for lack of identification. This guidance does not specify how applicants may be notified, but the Secretary of State recommends sending notice via U.S. mail.

When the absentee election manager mails a provisional absentee ballot to the voter, it should include:

(a) Information on why the ballot is a provisional ballot;

(b) A written explanation that photo identification must be provided to the board of registrars by the Friday after the election at 5:00 p.m.;

(c) A written explanation that if photo identification is not provided by the deadline, the vote will not be counted;

(d) A voter reidentification form and an affirmation of provisional voter form;

(e) An explanation of how the voter can later determine if their ballot was counted, and if it was not counted, why; and

(f) A third envelope for identification as specified by Section 17-11-9. §§ 17-10-2 and 17-11-9.

Photo identification is not required for those entitled to vote by absentee ballot pursuant to the Voting Accessibility for the Elderly and Handicapped Act. 52 U.S.C. §§ 20101 *et seq*. A voter assigned a voting place that is not accessible to the handicapped and elderly voters may vote absentee without producing identification prior to voting. Persons entitled to vote by absentee ballot pursuant to any other federal law also are not required to produce identification prior to voting. § 17-9-30(c).

Absentee ballots are submitted in an envelope that also functions as an affidavit signed by the voter indicating that the qualifications to vote absentee are satisfied. The voter's signature on the affidavit must be either notarized or witnessed by two individuals in order to validate the ballot. An absentee ballot cannot be counted unless it is returned with the affidavit witnessed by the signatures of two witnesses or a notary public. § 17-11-

10(b). Remote notarization may not be used to notarize an absentee ballot application, an absentee ballot affidavit, or for any purpose related to voting. § 36-20-73.1. Absentee ballots voted by members of the military, their spouses and dependents, and U.S. citizens residing overseas must be witnessed by two individuals in order to validate the ballot.

The act of willfully aiding any person to unlawfully vote an absentee ballot, knowingly and unlawfully voting an absentee ballot, as well as any voter who votes both an absentee and a regular ballot at any election is a Class C felony under existing Alabama law. Ala. Code § 17-17-24(a).

3.11 Military and Overseas Absentee Voters

There are special rules for members of the armed services, their spouses and dependents and U.S. citizens voting pursuant to the Federal Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"). 52 U.S.C. §§ 20301 *et seq.* The U.S. Secretary of Defense prescribes standardized military and overseas voter registration applications and applications for absentee ballots. 52 U.S.C. § 20301(b)(2); *see also* Exec. Order No. 12642, 53 Fed. Reg. 21975 (June 8, 1988). These voters may make application for an absentee ballot by filling out the Federal Post Card Application provided by the Federal Voting Assistance Program. § 17-11-3(c). Their ballot may be mailed to an APO/FPO or other deliverable address, delivered by fax, delivered through an electronic mail address, or through other secure electronic means. § 17-11-43. Unlike other voters, persons entitled to vote by absentee ballot pursuant to UOCAVA are not required to produce voter identification prior to voting. § 17-9-30(d).

These persons are eligible to vote just like others at the voting place of their domicile. They do not lose their domicile by temporary absence or being absent due to military service. § 17-3-32. However, if a UOCAVA voter no longer requires an absentee ballot during a year in which they have applied for one, they should notify the circuit clerk's office to avoid being required to vote by provisional ballot at the voting place.

An application for an absentee ballot from a military or overseas voter shall remain valid for all elections through the end of the calendar year in which the application is filed unless the applicant indicates otherwise. The absentee election manager shall provide an absentee ballot to the military and overseas voters for each subsequent election through the end of the calendar year in which the application is filed. If an election cycle begins one year and continues into the subsequent year, the application shall be

valid for the whole election cycle. § 17-11-5(d).

All UOCAVA voters have the option of having their blank absentee ballot transmitted to them electronically by their respective absentee election manager.

UOCAVA voters located outside the territorial limits of the United States also have the additional option of returning their voted absentee ballot electronically if they requested electronic delivery of their blank absentee ballot pursuant to the Military and Overseas Voter Empowerment Act. §§ 17-11-40 *et. seq*.

CHAPTER 4

CANDIDATE REQUIREMENTS

***Summary of Contents**:*

4.1 Table of Minimum Qualifications for Public Office
4.2 Qualification for Specific Offices
4.3 Political Party Requirements
4.4 Party Qualifying Filing Procedures
4.5 Independent and Minor Party Candidates
4.6 General Qualifications for Primary Candidacy
4.7 Disqualifications from Running for Office
4.8 Effects of a Criminal Conviction on Candidate or Voter Eligibility
4.9 Political Activities of State, County and City Employees
4.10 Time of General Election and Terms of Office
4.11 Federal Election Candidate Requirements
4.12 Principal Campaign Committees
4.13 General Presidential Election
4.14 Municipal Elections

4.1 Table of Minimum Qualifications for Public Office

Office[1]	Minimum Age	State Resident	US Citizen	Term of Office	Number of Terms
US Senate[2]	30	1 day	9 years	6	no limit
US House of Representatives[3]	25	1 day	7 years	2	no limit
Governor[4, 6]	30	7 years	10 years	4	2
Lt. Governor [4, 6]	30	7 years	10 years	4	2
Secretary of State[5, 6]	25	5 years	7 years	4	2
Attorney General[5, 6]	25	5 years	7 years	4	2
State Auditor[5, 6]	25	5 years	7 years	4	2

Office[1]	Minimum Age	State Resident	US Citizen	Term of Office	Number of Terms
State Treasurer[5, 6]	25	5 years	7 years	4	2
Commissioner of Agriculture and Industry[5, 6]	25	5 years	7 years	4	2
Public Service Commission[7, 8]	18	1 day	1 day	4	no limit
Supreme Court Justice[7, 9, 25]	18	1 day	1 day	6	no limit
	Must be licensed to practice law in Alabama. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been licensed by the Alabama State Bar a combined total of 10 years or more, or by any other state bar association for a combined total of 10 years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
Court of Criminal Appeals[7, 9, 26]	18	1 day	1 day	6	no limit
	Must be licensed to practice law in Alabama. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been licensed by the Alabama State Bar a combined total of 10 years or more, or by any other state bar association for a combined total of 10 years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
Court of Civil Appeals[7, 9, 26]	18	1 day	1 day	6	no limit
	Must be licensed to practice law in Alabama. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been licensed by the Alabama State Bar a combined total of 10 years or more, or by any other state bar association for a combined total of 10 years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
State Board of Education[7, 9, 10]	18	1 day	1 day	4	no limit
State Senate[7, 11]	25	3 years	1 day	4	no limit
	Must be a resident of the district for one year prior to the election				
State House of Representatives[7, 11]	21	3 years	1 day	4	no limit
	Must be a resident of the district for one year prior to the election.				

Office[1]	Minimum Age	State Resident	US Citizen	Term of Office	Number of Terms
Circuit Judge[7, 9, 12, 27]	18	1 year	1 day	6	no limit
	Must be licensed to practice law in Alabama. Must have resided in the circuit in which candidate seeks to hold office one year prior to election. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been admitted by the Alabama State Bar a combined total of seven years or more, or by any other state bar association for a combined total of seven years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
District Judge[7, 9, 13, 28]	18	1 year	1 day	6	no limit
	Must be licensed to practice law in Alabama. Must have resided in the circuit in which candidate seeks to hold office for one year prior to election. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been admitted by the Alabama State Bar a combined total of four years or more, or by any other state bar association for a combined total of four years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
District Attorney[7, 14]	18	1 year	1 day	6	no limit
	Must be licensed to practice law in Alabama. Must have resided in the district in which candidate seeks to hold office for one year prior to election.				
Judge of Probate[7, 9, 15, 30, 31]	18	1 year	1 day	6	no limit
	Must have resided in the county in which candidate seeks to hold office for one year prior to election. No one may be elected or appointed to a judicial office after reaching the age of 70.				
Circuit Clerk[7, 16]	18	1 day	1 day	6	no limit
Sheriff[7, 17, 29]	18	1 day	1 day	4	no limit
Coroner[7, 18, 24]	25	1 day	1 day	4	varies
County Superintendent of Education[7, 19]	18	1 day	1 day	varies	varies
	See Section 16-9-2 for qualifications.				
County Board of Education[7, 20]	18	1 day	1 day	4 & 6	no limit
	Must be a resident of the county which the candidate seeks to represent one year prior to election.				
County Commission[7, 21]	18	1 year	1 day	4 & 6	no limit
	Must be a resident of the county for at least one year prior to the date of taking office. If representing a specific district, must be a resident of the district for at least one year prior to the date of taking office.				

Office[1]	Minimum Age	State Resident	US Citizen	Term of Office	Number of Terms
Mayor[7, 22]	18	90 days	1 day	4	no limit
	Must be a resident of the city for 90 days prior to election.				
City Council[7, 23]	18	90 days	1 day	4	no limit
	Must be a resident of the city or district for 90 days prior to election.				

Footnotes

1. All candidates participating in party primary elections must be registered voters. § 17-13-6.
2. U.S. Constitution, Art. I, § 3.
3. U.S. Constitution, Art. I, § 2.
4. Ala. Const. Art. V, § 117.
5. Ala. Const. Art. V, § 132.
6. Ala. Const. Art. V, § 116.
7. §§ 17-3-30 and 36-2-1.
8. § 37-1-3.
9. Ala. Const. Art. VI, §§ 146, 154, and 155
10. §§ 16-3-1 and 16-3-3.
11. Ala. Const. Art. IV, § 47.
12. § 12-17-22.
13. §§ 12-17-63 and 12-17-64 .
14. §§ 12-17-180 and 12-17-183.
15. §§ 12-13-30 and 12-13-31.
16. Ala. Const. Art. VI, § 160.
17. Ala. Const. Art. V, § 138.
18. § 11-5-1.
19. §§ 16-9-1 and 16-9-2.
20. §§ 16-8-1 and 16-8-2.
21. §§ 11-3-1 and 36-3-4.
22. §§ 11-43-1, 11-43-2, and 11-46-25.
23. §§ 11-43-63 and 11-46-25.
24. § 11-5-33.
25. § 12-2-1(b).
26. § 12-3-1.
27. § 12-11-1.
28. § 12-12-1.
29. Some counties, such as Hale County, St. Clair County, and Shelby County, provide for additional minimum qualifications for sheriff.
30. Some counties require the probate judge to be an attorney (variously described as “learned in the law,” “member in good standing of the state bar,” etc.).
31. Some counties have, by local amendment, provided for a different age limit for the judge of probate.

4.2 Qualifications for Specific Offices

Certain elective offices have qualifications mandated by the Alabama Constitution.

4.2.1 Legislators

State senators must be at least 25 years of age and state representatives must be at least 21 years of age at the time of their election. They must have been citizens and residents of Alabama for at least three years and residents of their respective districts for one year before their election. Following their election, both senators and representatives must continue to reside in their respective districts. Ala. Const. Art. IV, § 47.

4.2.2 Governor and Lieutenant Governor

The Governor and Lieutenant Governor are required by the Constitution to be at least 30 years of age when elected, citizens of the United States for 10 years, and residents of the state for seven years prior to the date of election. Ala. Const. Art. V, § 117. Furthermore, the Governor is to remain a resident of the city of Montgomery for the term of office (except during epidemics). Ala. Const. Art. V, § 118.

4.2.3 Attorney General and Other Constitutional Offices

Any candidate for the office of Attorney General, State Auditor, Secretary of State, State Treasurer, or Commissioner of Agriculture and Industries must be at least 25 years of age when elected, citizens of the United States for at least seven years, and residents of the state at least five years prior to the election. Ala. Const. Art. V, § 132. Additionally, each officer listed above must reside in the city of Montgomery for the term of office. Ala. Const. Art. V, § 118.

4.2.4 The Commissioner of Agriculture and Industries

The commissioner is required by statute to be a person of good moral character, recognized for executive ability, and trained in the practice and science of agriculture. § 2-2-2.

4.2.5 Judicial Offices

In 1973, Constitutional Amendment No. 328, the "Judicial Article," was adopted, repealing and replacing Article VI of the Constitution of Alabama of 1901. It authorized the establishment of an entirely new judicial department—the Unified Judicial System. Under the provisions of this article, changes in a number of qualifications for officers of the judicial branch were enacted.

The judicial article specifies that judges of the state Supreme Court, courts of appeals, circuit courts and district courts must be licensed to practice law and meet other qualifications as the law provides. Ala. Const. Art. VI, § 146. However, no one may be elected or appointed to a judicial office after reaching the age of 70. Ala. Const. Art. VI, § 155. Judges serve six-year terms. In the event of a vacancy, a replacement is appointed by the governor. After serving two years in office, the replacement stands at the next general election. Ala. Const. Art. VI, § 153. However, no appointee may serve a term lasting beyond the ordinary term of office of his or her predecessor. Hooper v. Siegelman, 386 So.2d 207 (Ala. 1980). Thus, if a vacancy is filled less than one year before a general election, the election for the seat proceeds as scheduled. Additionally, some counties have local amendments establishing a different process of appointment via nominating commission for circuit or district court vacancies.

Justices of the Supreme Court and judges of the courts of appeals must have been licensed by the Alabama State Bar or another state bar a total of 10 years or more prior to beginning their term in office. §§ 12-2-1 and 12-3-1. Each seat on these courts is assigned a permanent place number. § 17-6-48.1.

Circuit court and district court judges are required by the Alabama Code to have resided in the circuit or district for at least 12 months prior to election or appointment. A circuit court judge must have been a licensed attorney for at least seven years prior to the election thereto. § 12-11-1. A district court judge must have been a licensed attorney for at least four years prior to their election. § 12-12-1. Additionally, the judge is to reside within the bounds of the circuit or district for the length of the term. § 12-17-22.

Under the Judicial Article, circuit clerks are to be elected for six-year terms. Should a vacancy occur, the judges of the circuit are empowered to select a suitable replacement. Ala. Const. Art. VI, § 160.

Constables, elected to assist the court, may receive remuneration for the performance of official duties while holding any other elected or appointed office. Ala. Const. Art. XVII, § 280. Most counties have abolished the office of constable.

4.2.6 Judge of Probate

A candidate for the office of judge of probate must be a citizen of the state who has resided in the county for which they seek the office for at least one year prior to the election. § 12-13-31. Judges of probate are elected for a term of office of six years with the next elections in 2030. § 12-13-30.

4.2.7 County Commissioner

In addition to other qualifications prescribed in Sections 36-2-1 through 36-2-10 for public officers generally, candidates for county commissioner must be qualified electors of the county. § 36-2-1(a)(1). All candidates for county commission must reside in the district they seek to represent. § 11-3-1(a). There is an exception for the first year following county redistricting. § 11-3-1(a).

Candidates for the office of commissioner should make certain that they are familiar with both the general and local qualifications and other requirements prescribed for the position that they are seeking. Qualifications include:

(a) The filing of a bond of an authorized surety company in the proper amount, either under Section 11-2-20 or under local law applicable to the specific county, within 40 days after the declaration of election. §§ 11-2-1, 11-2-2, 11-2-3, 36-2-10, 36-5-2, and 36-5-3;
(b) Taking and filing an official oath of office. §§ 36-2-10, 36-4-1, and 36-4-4; and
(c) Not holding another office while serving as commissioner. §§ 11-3-2 and 36-2-1(b).

4.2.8 Sheriff

Except for the term of office, Alabama law does not expressly provide qualifications for the office of sheriff. § 36-3-4. The law does, however, place limitations on the eligibility of an individual to hold public office. Since the office of sheriff is a constitutional office, they are subject to the general disqualifications of office under Section 36-2-1. See Ala. Const.

Art. V, § 138.

A deputy sheriff may be required by the sheriff to take an unpaid leave of absence or resign his or her position if the deputy sheriff seeks election for the office of sheriff. § 17-1-4.

4.2.9 Tax Assessor, Tax Collector and Revenue Commissioner

In order to be qualified to hold the office of tax assessor, tax collector, or revenue commissioner, a person must be a qualified voter of the county but must not come within any of the categories of ineligibility provided by law. As with other offices, Section 36-2-1(a) prescribes general disqualifications.

4.2.10 License Commissioner

The office of license commissioner (or an office with a similar title) has been legislatively created in 11 Alabama counties. Depending upon the county, the office may be filled by election or appointment.

4.3 Political Party Requirements

Alabama law grants the governing body of a political party wide discretion in determining who may vote in its primaries as well as establishing qualifications for those seeking the party nomination. Indeed, the qualifications of electors entitled to vote in a party's primary do not as a matter of necessity have to be the same as the qualifications for electors to become candidates. § 17-13-7. Consequently, candidates for office must be mindful that a political party may impose specific requirements on its party's candidates.

4.4 Party Qualifying Filing Procedures

Anyone desiring to become a party's candidate for a federal, state, or county office is required to file a declaration of candidacy no later than 5:00 p.m. 116 days prior to the date of the primary. For offices other than county offices (i.e., federal, state, district, circuit, the state senate, and the state house) a person must file a statement of candidacy with the state party chair. All party candidates for county offices must file the statement with the county party chair. § 17-13-5(a). Declaration of candidacy forms may be

obtained from either the county party chair or by writing the parties' state headquarters.

Candidates at every level of government must file a statement of economic interests for the previous calendar year with the state Ethics Commission within five days of the deadline to file declarations of candidacy with their political party as provided in Section 17-13-5, or, in the case of an independent candidate, within five days after the date of the first primary election for the position sought. Municipal candidates must file within five days after the deadline for filing the candidate's qualifying paperwork with the appropriate election official. §§ 36-25-14(a)(3) and 36-25-15, as amended by Ala. Act 2025-282. If a candidate has a current statement on file with the Ethics Commission (for example, by virtue of holding an office currently), the candidate must provide proof to the commission of the current statement on file or file a new or amended statement, either of which must be done by the applicable filing deadline. § 36-25-15(a), as amended by Ala. Act 2025-282. Failure to comply with this requirement shall cause the candidates to be deemed not qualified and their names shall not appear on the ballot. § 36-25-15(c). *See also* Ethics Advisory Opinion 2024-01, which provides that a party may not re-nominate a candidate for any office who has been disqualified for failing to file a statement of economic interests.

Each election official who receives a declaration of candidacy will notify the commission of the candidate's name and the date upon which they became a candidate within five days of receipt. The commission will notify the election official within five business days of receipt of notification whether the candidate has complied with all requirements to become a candidate. § 36-25-15(b).

The names of all primary candidates must be certified to the Secretary of State or the respective judge of probate depending on the office sought. The party chair must certify to the Secretary of State the names of all primary candidates except those for county offices no later than 5:00 p.m., 82 days prior to the election. The Secretary of State then must certify to the judge of probate of every county in which an election is to be held the names of all the candidates except those for county offices. This must be accomplished not less than 74 days prior to the date of the primary election. § 17-13-5(b). The county party chair certifies to the judge of probate all the names of candidates for county office. The judge of probate is then responsible for seeing that the names of all legally qualified candidates appear on the ballot. § 17-13-5(c).

4.4.1 Unopposed Candidates

If a legally qualified candidate for election to a public or party office is unopposed after the last qualifying date, the candidate's name will not appear on the primary ballot. The unopposed candidate for a public office shall be declared the nominee of the party. § 17-13-5(c).

4.5 Independent and Minor Party Candidates

Independent candidates and candidates nominated by caucuses or mass meetings follow a different procedure from candidates nominated by primary election for having their names printed on the general election ballot.

A candidate is entitled to be on the ballot when a political party has placed the candidate in nomination by caucus, convention, mass meeting, or other assembly of any political party or faction (meeting the definition of a political party under state law, pursuant to Section 17-13-40) and the nomination has been certified in writing by the chair and secretary of the group and filed with the judge of probate if seeking county office or filed with the Secretary of State in all other cases. Filing of the candidate certification must be on or before 5:00 p.m. on the date of the first primary election. §§ 17-9-3(a)(2) and 17-13-52.

Political parties that do not reach the statutory thresholds for ballot access can reach the ballot through the petition process. The number of qualified electors required to sign the petition must equal or exceed three percent of the total number of registered voters who voted for the office of Governor during the last general election for the state, county, or other political subdivision in which the office seeks to qualify candidates. The ballot access petition and the certified list of candidates must be filed on or before 5:00 p.m. on the date of the first primary election. §§ 17-6-22 and 17-9-3(a)(2).

Those not qualifying through a political party may obtain ballot access as an independent candidate through the petition process as well. The petition signatures required for ballot access for an independent candidate are the same as those of a minor political party. The number of signatures on the petition must equal or exceed three percent of the qualified electors who cast ballots for the office of Governor in the last general election in the county, district, or other political subdivision for which he or she is seeking

ballot access. The ballot access petition must be submitted on or before 5:00 p.m. on the date of the first primary election. § 17-9-3(a)(3). *See* Admin. Code r. 820-2-4.

In federal elections, an independent congressional candidate must submit a petition with enough signatures to meet or to exceed three percent of the qualified electors who cast ballots for the office of Governor in the last general election for the district in which the candidate is running. However, an independent U.S. Senate candidate requires the number of signatures for statewide candidacy.

The Secretary of State must certify to the judge of probate of each county the names of statewide, district, or circuit candidates who have qualified to have their names printed on the ballot no later than 69 days before the general election. § 17-9-3(b). The judge of probate then has the responsibility of preparing the ballots for the printing of candidates' names on the ballot for the general election. § 17-9-3(b).

The Secretary of State is obligated to review the qualifications based on facts within the Secretary's official knowledge but no duty to investigate facts not within the Secretary's official knowledge. *See* Alabama Attorney General Opinion 98-00200.

4.6 General Qualifications for Primary Candidacy

A person must meet three basic eligibility requirements to be a candidate in a party primary election:

(a) The person must be legally qualified for the office. This means a person must fulfill both statutory and state constitutional requirements for the office.
(b) The person must be eligible to vote in the primary election in which the person is a candidate. Thus, a person must be a registered voter in the state. § 17-13-6.
(c) The person must also possess the political qualifications prescribed by their political party.

4.6.1 Qualifying Fees of Candidates for Party Nomination

The governing body of a political party determines the amount of the qualifying fee and any other qualifications for persons desiring to become

candidates. Such fees cannot exceed two percent of one year's salary for the office sought. If the office being sought by the candidate is a non-paying political party position, candidates cannot be assessed more than $50 for a county office or more than $150 for a state party office. § 17-13-47.

Imposition of an excessive fee upon a candidate is a violation, which, in the event of conviction, can result in a fine on the assessor. § 17-17-47. Case law indicates that parties should also provide an option for any candidate who can demonstrate an inability to pay the qualifying fee.

4.6.2 Runoff

In order to become a party's nominee for office, the candidate must receive a majority of the votes in the first primary. If a candidate fails to obtain a majority vote, a second primary (or runoff) becomes necessary between the two candidates who received the highest number of votes in the first primary. § 17-13-18.

Should a candidate decide not to enter the runoff, that candidate must notify either the state party chair or the county party chair, depending on the office sought, within three days after the first primary. The party official will then declare the remaining candidate the nominee and certify his or her name to the Secretary of State or the judge of probate, whichever is appropriate. § 17-13-19.

4.6.3 Party Disqualification

A political party may amend its certification of a candidate to the Secretary of State. However, if the amendment is filed after the 71st day before an election, then the candidate's name will remain on the ballot as originally certified. If the amendment seeks to withdraw or disqualify a party candidate, no replacement candidate will appear on the ballot and no votes will be certified for the withdrawn or disqualified candidate. § 17-6-21.

4.7 Disqualifications from Running for Office

Alabama law provides general restrictions that disqualify persons from becoming public officers:

(a) Persons who are not qualified electors, except as otherwise expressly provided;

(b) Persons who have not been inhabitants of the state, county, district, or circuit for the period required;

(c) Persons who have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, or any other crime punishable by imprisonment in the state or federal penitentiary, and persons who are mentally incompetent;

(d) Persons against whom there is a judgment unpaid for any moneys received by them in any official capacity due to the United States, this state, or any county or municipality thereof; and

(e) Soldiers, seamen, or marines in the regular army or navy of the United States. § 36-2-1(a).

Moreover, a person may not simultaneously hold an office of profit under the United States and the State of Alabama, nor may a person hold two offices of profit at the same time under this state, except for constables, notaries public, and commissioners of deeds. § 36-2-1(b). *See also* Ala. Const. Art. XVII, § 280.

The provision requiring one to have the right to vote to be eligible for the office of judge of probate was upheld in Mitchell v. Kinney, 5 So. 2d 788 (1942). The word "ineligible" as used in the code section, means unelectable—not capable of being chosen—and hence, the qualifications enumerated relate not merely to the date of actual induction into the office. Finklea v. Fasish, 49 So. 366 (Ala. 1909).

Eligibility to public office is of a continuing nature. One must be eligible at the commencement of the term and continuously remain eligible during the term of office. State ex rel. Graddick v. Rampey, 407 So. 2d 823 (Ala. 1981). The conviction of a public official of a felony is basis for removing an official from office under Alabama law. § 36-9-2. "Public officer" is defined as one who performs a public function and whose authority is derived directly from a state legislative enactment, and the law prescribes their duties, powers, and authority. Montgomery v. State ex rel. Enslen, 18 So. 157 (Ala. 1895). The word "office," in its broad terms, means that the individual must be invested with a portion of the sovereign power of the state. Alexander v. State ex rel. Carver, 150 So.2d 204 (Ala. 1963).

4.8 Effects of a Criminal Conviction on Candidate or Voter Eligibility

Ala. Const. Art. IV, Section 60 states that "no person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the legislature, or capable of holding any office of trust or profit in this state." In conjunction with § 36-2-1(a)(3), this prohibition means that no one convicted of one of these felonies can hold public office. This prohibition does not totally deny the right to hold office forever, as convicted persons may become eligible through a pardon and restoration of their voting rights.

A pardon relieves the convicted person from the legal consequences of a specific crime. Ala. Const. Art. V, Section 124 grants to the Governor the power to authorize pardons, and Section 15-22-36 allows the Board of Pardons and Paroles to grant pardons in all cases except treason and impeachment and cases in which a sentence of death is imposed and not commuted. A pardon to relieve one from civil and political disabilities must specifically express the relief in the pardon. § 15-22-36(c).

Ala. Const. Art. VIII, § 177(b) provides "no person convicted of a felony involving moral turpitude . . . shall be qualified to vote until restoration of civil and political rights or removal of disability." Those convicted of certain felonies may have their voting rights restored once they have completed their sentence and made restitution. §§ 15-22-36.1, 17-3-30.1, 17-4-3, and 17-4-4; *see also* Chapter 6.

4.9 Political Activities of State, County and City Employees

Alabama law provides in part that:

> No employee in the classified service shall be a member of any national, state or local committee of a political party or an officer of a partisan political club, a candidate for nomination or election to any public office nor shall take any part in the management or affairs of any political party or in any political campaign, except on his personal time and to exercise his right as a citizen privately to express his opinion and to cast his vote; … Any employee in the classified service may engage in political action or political activities on personal time before and after work, holidays and

during approved leave. § 36-26-38.

However, this statute is modified by Sections 17-1-4, 17-17-4, and 17-17-5, which provide that no person in the employment of any city, county, or the State of Alabama shall be denied the right to participate in political activities to the same extent as any other citizens, including endorsing candidates and contributing to campaigns of their choosing. Regardless, however, any person within the classified service of the state must comply with Section 36-26-38.

Further, all employees have the right to join local state or national political organizations and support issues of public welfare of their choosing. State employees in state agencies receiving federal funds should ensure that they are complying with the requirements of the federal Hatch Act.

Prior to the passage of the Equality of Citizenship Act (Section 36-26-38), the general belief was that a state employee could not run for state office unless the employee resigned or took a leave of absence. Alabama Attorney General Opinion 82-00422. Since the passage of the Equality of Citizenship Act, state employees may seek public office on their own time without being required to take a leave of absence from their employment so long as they comply with Sections 17-1-4, 17-17-4, 17-17-5, and 36-26-38. *See* Alabama Attorney General Opinion 85-00349.

Members of the legislature may not, during their term in office, be an employee of any other branch of state government, any department, agency, board, or commission of the state, or any public education institution. § 29-1-26.

4.10 Time of General Election and Terms of Office

The Governor, Lieutenant Governor, Attorney General, Auditor, Secretary of State, Treasurer, Commissioner of Agriculture and Industries, senators and representatives in the Legislature, a sheriff in each county, and a coroner in all counties having an elected coroner, and any other officers not otherwise provided will be elected in November of 2026 and will be elected every fourth year thereafter. §§ 17-14-3 and 36-3-1. The offices listed above, except senators and representatives in the legislature, assume the responsibilities of office on the first Monday after the second Tuesday in January following their elections.

The terms of office of senators and representatives in the legislature begin on the day after the general election at which they are elected and expire on the day after the general election held in the fourth year after their election. Ala. Const. Art. IV, § 46.

County tax collectors and tax assessors will be elected in the general election in November 2026 to serve six-year terms. Unlike many other elected officials, who assume the responsibilities of office on the first Monday after the second Tuesday in January following their elections, the tax assessor and tax collector take office on the following October 1. §§ 36-3-5 and 36-3-6.

The president of the Public Service Commission was elected in 2024 for a four-year term. Two positions for associate public service commissioners will be elected in the November 2026 general election for four-year terms. §§ 17-14-3 and 36-3-1. Public service commissioners take office on the day after the general election at which they are elected. § 37-1-3(b).

In most counties, members of the county commission and the county treasurer in those counties having a treasurer were elected in 2024. § 17-14-4. Except as otherwise provided by law, the term of each county commissioner begins at 12:00 a.m. of the second Wednesday following the general election and expires at 11:59 p.m. on the first Tuesday following the general election. §§ 11-3-1 and 36-3-4. All members shall hold office until their successors have been elected and qualified. § 17-14-5.

Members of county boards of education serve staggered six-year terms. Elections occur every two years to replace those members whose terms of office expire at that time.

On the Supreme Court, the chief justice and four associate justice positions were elected in 2024, two associate justices were elected in 2022, and two associate justices will be elected in 2026. On the courts of appeals, three judges on each court were elected in 2024, while two judges on each court will be elected in 2026. The seats will rotate on this six-year cycle unless there is a vacancy, in which case vacancy procedures may alter the alignment. Several circuit and district judges were also elected in 2020 for six-year terms. Ala. Const. Art. VI, § 153; Ala. Code §§ 17-14-6, 17-14-9, and 36-3-2.

4.10.1 Commissions

Commissions are issued in the name of the State of Alabama and sealed with the state seal. The Governor signs all commissions, with the Secretary of State countersigning them (only the Governor signs the Secretary of State's commission). § 36-2-7. The judges of the various courts, the attorney general, district attorneys, the auditor, the Secretary of State, the treasurer, the public service commissioners, circuit clerks, the sheriffs, the tax collecting officials, the tax assessing officials, county commissioners, constables, county treasurers, and other officers when specifically required by law must obtain a commission prior to assuming office or be subject to a fine. §§ 36-2-6 and 36-2-9.

4.10.2 Bonds

Before any state elected official can obtain a commission, a bond must be filed with the Secretary of State. The Secretary of State files a bond with the Auditor. § 36-5-1. County officials file a bond with the judge of probate, and the judge of probate files a bond with the clerk of the circuit court. Further, duplicate copies of the bonds of the judge of probate, tax assessing official, and tax collecting official must be filed with the comptroller. § 11-2-3. State elected officials are now covered under a state blanket bond (for information, contact the Division of Risk Management). Tax collecting officials and tax assessing officials are permitted to file their bonds on or before September 1, following their election or appointment. § 36-5-2. Any official who fails to file a required bond on time vacates their office. § 36-5-15.

4.10.3 Oaths

Official oaths may be administered by any officer authorized to administer an oath. The oath must be in writing and subscribed by the person taking it and accompanied with the certificate of the officer administering the oath. The certificate must specify the day and year on which the oath was taken. § 36-4-1.

The oaths taken by the Governor, Supreme Court justices, judges on the Courts of Appeals, judges of the circuit court, Auditor, Treasurer, Attorney General, district attorney, or any officer whose general duties are not limited to one county, must be filed with the Secretary of State. The Secretary of State files an oath with the Auditor. § 36-4-2. Judges of probate file their official oaths in the circuit clerk's office of their respective counties. § 36-

4-3. Judges of other inferior courts and other officers whose duties are confined to a single county file their oaths in the office of the judge of probate of their respective counties. § 36-4-4.

4.11 Federal Election Candidate Requirements

An individual is considered a candidate for federal office upon the occurrence of one of the following events:

(a) The individual has received contributions aggregating in excess of $5,000 or made expenditures aggregating in excess of $5,000;

(b) The individual has given his or her consent to another person to receive contributions or make expenditures on behalf of that individual and such person has received contributions aggregating in excess of $5,000 or made expenditures aggregating in excess of $5,000;

(c) After written notification by the commission that any other person has received contributions aggregating in excess of $5,000 or made expenditures aggregating in excess of $5,000 on the individual's behalf, the individual fails to disavow such activity within 30 days of receipt of notification; or

(d) The aggregate contributions or expenditures by any combination of a, b or c exceeds $5,000. 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

4.11.1 Registering as a Federal Candidate

An individual, within 15 days after becoming a candidate for federal office, except for the office of Vice President, must designate a "principal campaign committee" by filing a "statement of candidacy" on Federal Election Commission Form 2 or by submitting a letter containing the individual's name and address, party affiliation, and office sought, as well as the name and address of the principal campaign committee to the Federal Election Commission. 52 U.S.C. § 30101; 11 C.F.R. § 101.1(a).

Within 10 days after the candidate files their "statement of candidacy," the principal campaign committee must file a "statement of organization" on Federal Election Commission Form 1. 11 C.F.R. § 102.1(a). The statement must include: the name, address, and type of committee; name and address

of any other authorized committee, which may be formed for the candidate; the name, address and committee position of the custodian of the books and accounts of the committee; the name and address of the committee treasurer; if the committee is authorized by a candidate, the candidate's name, committee name, office sought, party affiliation, and address to which correspondence should be sent; and a listing of banks, safe deposit boxes or other depositories used by the committee, the internet address of the committee's official website, or its electronic mail address if the committee is required to file electronically under 11 C.F.R. 104.18 or is a principal campaign committee of a candidate for the Senate of the House of Representatives. 11 C.F.R. § 102.2(a).

Each "authorized committee" must file a separate "statement of organization" within 10 days after designation. The "statement of organization" made by the authorized committee shall be submitted to the principal campaign committee, which, in turn, must report it to the appropriate persons by amendment. 11 C.F.R. §§ 102.1(a) and 102.1(b) and 102.2(b).

Upon receipt of the "statement of organization," the Federal Election Commission assigns an identification number to the committee. This number must be used in correspondence, subsequent reports, and amendments to the Federal Election Commission. 11 C.F.R. § 102.2(c).

For federal campaign requirements regarding registration, conducting a campaign, keeping records, filing periodic reports and other federal campaign requirements. See 11 C.F.R. §§ 100 et seq. All necessary forms and further information may be obtained through the Federal Election Commission via mail (1050 First Street NE, Washington, D.C. 20463), online (www.fec.gov), or telephone call (1-800-424-9530).

4.12 Principal Campaign Committees

The principal campaign committee is the committee designated by the candidate to support him or her under Section 17-5-4. A political action committee established primarily to benefit an individual candidate or an individual elected official shall be considered a principal campaign committee. § 17-5-2(a)(15). Principal campaign committees are governed by the Fair Campaign Practices Act, which is discussed in detail in Chapter 20.

Within five days after any person becomes a candidate, the person must file a statement showing the names of not less than two nor more than five persons chosen to serve as the principal campaign committee for such candidate. § 17-5-4. This statement is otherwise known as the Appointment of Principal Campaign Committee form. A candidate may instead serve as their own committee. If a candidate serves as their own principal campaign committee, they shall designate a person responsible for dissolving that principal campaign committee in the event of death or incapacity by filing a statement of dissolution and filing a termination report. If the designated person is unable to serve in this capacity at the time of death or incapacity, the principal campaign committee shall be dissolved by the candidate's personal representative as appointed by the judge of probate. § 17-5-4(c). In accordance with Section 17-5-7, the principal campaign committee, or its treasurer, has exclusive custody of all moneys contributed, donated, subscribed, or in any manner furnished to or for the candidate, and must account for and disburse the same. No candidate may expend any money on their nomination or election except by contributing such money to the principal campaign committee. § 17-5-4.

Money received by the principal campaign committee may only be used for the following purposes:

(a) Necessary and ordinary expenditures of the campaign;
(b) Expenditures that are reasonably related to the duties of the office, but do not include personal or legislative living expenses;
(c) Donations to the State General Fund, the Education Trust Fund, or equivalent county or municipal funds;
(d) Donations to an organization to which a federal income tax deduction is permitted or to any other charitable, educational, or eleemosynary cause to a Section 501 non-profit organization;
(e) Inaugural or transitional expenses;
(f) Donations to a legislative caucus; and
(g) Legal fees and costs associated with any civil action, criminal prosecution, or investigation related to conduct reasonably related to performing the duties of the office held. § 17-5-7.

A principal campaign committee after election for office may pay qualifying fees to a political party and may expend up to $5,000 cumulatively for tickets to political dinners or party dues every two years. § 17-5-7(d).

One way candidates fund their principal campaign committee is by making personal loans to the committee. Loans are debts of the committee. These debts may be paid from excess campaign funds and contributions received at a later date by the same campaign committee. Alabama Attorney General Opinion 2001-056.

It is recommended that candidates maintain a note or other evidence of the loan in order to distinguish the loan from an outright contribution. The listing for debt on the Annual Report is another location where candidates can show their debt.

A candidate may appoint a designated filing agent on a form prescribed by the Secretary of State (Appointment of Principal Campaign Committee). The Secretary of State shall enable the designated filing agent to electronically submit any report or other filing on behalf of the principal. The submission of a timely, complete, and correct report or other filing required by this chapter by a designated filing agent shall satisfy the filing or reporting requirement of the designated filing agent's principal. The submission of a report or other filing required by this chapter by a designated filing agent creates a rebuttable presumption that the submission was approved and intended by the candidate or their principal campaign committee. § 17-5-20.

4.13 General Presidential Election

The number of presidential and vice-presidential electors is equal to the number of United States Senators and Representatives in Congress that Alabama is entitled to at the time of the election. U.S. Const. Art. II, § 1.

All candidates for President and Vice-President who are nominated either by a national convention or other like assembly of any political party or by written petition signed by at least 5,000 qualified Alabama voters shall have their names placed on the general election ballot. § 17-14-31(a). The electors' names do not appear on the ballot; a vote for a president and vice-president is a vote for their electors. § 17-14-32.

4.14 Municipal Elections

4.14.1 Statement of Candidacy and Residency Requirements

All candidates seeking office in municipalities are required to complete a statement of candidacy, which is found in Section 11-46-25(g) and is substantially as follows:

> "State of Alabama, _____ County.
> I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of _____, in said county, and reside at _____ in said city (or town); that I have been or will have been on the date of the municipal election a resident of said city (or town) for a period of not less than 90 days; that I desire to become a candidate for the office of _____ in said city (or town) for the term of _____ years at the election of such office to be held on the _____ day of _____, 20___; that I am a qualified elector of the city (or town) of_____; and I hereby request that my name be printed upon the official ballot at said election. (signed) _____
> Subscribed and sworn to before me by said _____ on this the _____ day of _____, 20_____(Style of officer)."

The general municipal election law states that candidates may qualify after notice of the election is given by the mayor, published on the first Tuesday in July preceding the election or on the first business day thereafter. § 11-46-22(a).

The candidate is responsible for submitting, in addition to a statement of candidacy, an affidavit certifying that they are a duly qualified elector. § 11-46-25. For instance, a person who seeks the office of mayor must be at least 18 years old and a registered voter and must have resided within the municipality for at least 90 days prior to the election. Ala. Const. Art. VIII, § 177; Ala. Code §§ 11-46-22 and 11-46-25; Ala. Code §§ 17-3-30 *et seq*. Upon election the officer must continue to reside within the town or city limits for the term of the office. Similarly, an individual seeking the position of councilman is required to reside within the established boundaries of the ward from which they are elected and remain in that ward until the term of office expires. § 11-43-1. In Alabama, residency requires actual physical residence with the intention to remain permanently or at least for an

unlimited time. Osborn v. O'Barr, 401 So.2d 773 (Ala. 1981).

4.14.2 FCPA Applicability to Municipal Elections

Municipal candidates are subject to the Fair Campaign Practices Act. For further discussion of the Fair Campaign Practices Act, *see* Chapter 20.

4.14.3 Qualification Fee

A qualifying fee may be required of all candidates by an ordinance adopted by the municipal governing body. The fee, if established, must not be less than $10 nor more than $50 for any office. The ordinance setting the qualifying fee must be adopted by the governing body at least five days prior to the first day upon which the candidate seeking election must qualify. § 11-46-2.

A municipality may require such a fee *only* if the ordinance establishing the fee contains a provision enabling the indigent to become candidates. 152 Alabama Attorney General Opinion 17 (Opinion to Hon. Roy H. Phillips, 1973). This requirement is based upon the language of Thomas v. Mims, 317 F.Supp. 179 (S.D. Ala. 1970), which held that one may not be disqualified as a candidate when he or she is indigent.

4.14.4 When Only One Person Qualifies

When only one person has filed a statement of candidacy by 5:00 p.m. on the fourth Tuesday in June preceding the set election date, that person is considered elected and is issued a certificate of election by the council at its next meeting. § 11-46-26.

4.14.5 Election Dates and Taking Office

Generally, elections in mayor-council municipalities are held every four years on the fourth Tuesday in August. § 11-46-21. Most municipal elections historically occurred in Presidential election years but that is no longer the case. Under Ala. Act 2021-157, municipal officers elected in 2020 had one year added to their four-year term, and the next election for those municipal offices was held in 2025 (and then will be held every four years thereafter).

In addition, there are exceptions for municipalities which operate under local acts of the Legislature permitting or requiring elections at other times. § 11-46-74.

When a candidate fails to receive a majority of the votes cast in the election, unless it is a tie vote between an election only consisting of two candidates, a runoff is held on the fourth Tuesday following the regular election. When necessary, special elections are held on either the second or fourth Tuesday of any month as ordered by the municipal governing body so long as public notice has been given on and before the corresponding Tuesday of the second month preceding the month in which the special election is to be held. § 11-46-21(b).

Municipal officials elected at regular elections assume the duties of their respective offices on the first Monday in November following the election. § 11-46-21(c).

4.14.6 Composition of City Council

The primary statute dealing with the composition of city councils is Section 11-43-40. Under this section, cities having a population of 20,000 or more and seven or fewer wards may provide that the president of the city council must be elected from the municipality at large, while two aldermen are to be elected by the voters of each individual ward. In cities having a population of less than 20,000, the two aldermen representing each ward must be elected at large. § 11-43-40(a)(1).

In cities having more than seven wards, only one aldermen may be elected from each ward, with a sufficient number elected by the voters at large to make the total number of alderman equal 14, exclusive of the president of the council. However, the statute provides that in cities with a population of 50,000 or more, the city council may create up to, but not more than, 20 wards. § 11-43-40(a)(2).

Cities which have a population greater than 30,000 and only five wards can allow the president and one alderman from each ward to be elected by the voters of the entire city, provided the council, at least six months prior to a municipal general election, adopts such a plan by a two-thirds vote. Each alderman must reside in his or her respective district, regardless of the fact that he or she is elected by the voters at large. § 11-43-40(a)(3).

Notwithstanding the above provisions, the city council of a municipality

with a population of 12,000 or more may, by an ordinance or a resolution, reduce the number of aldermen to five to be elected at large. This ordinance or resolution must be adopted by a two-thirds vote of the governing body more than six months prior to any general municipal election. § 11-43-40(a)(4).

Alabama law further provides that, notwithstanding any of the previous subsections, any city having a population of 12,000 or more which either now elects council members from single-member districts or cities presently operating with five single-member districts as established by federal court order may, by ordinance or regulation, provide that the city council of that city shall consist of eight aldermen to be elected from single-member districts (wards) with the city council president to be elected by the city at large. Again, this ordinance or resolution must be adopted by a two-thirds vote of the governing body more than six months prior to any general municipal elections. § 11-43-40(a)(5).

Different provisions apply when cities implement the single-member district election system. This law provides that any city not holding elections under the single-member district plan may implement such a plan upon passage of a municipal ordinance at least six months prior to the regular municipal election. The law further provides for the size of the council, residency requirements for candidates, and elector requirements. § 11-43-63.

The usual residency requirement for all other cities is a 90-day period of residency. § 11-43-63. There is a reduced residency requirement for Class 3 Cities (Huntsville and Montgomery) under certain conditions. When one of these cities expands its council to more than seven members, the residency requirement is reduced to 30 days. § 11-43-64.

Candidates may withdraw their statements of candidacy for one place prior to the filing deadline and may then file another statement of candidacy for a different place on the council provided they re-file before the filing deadline. 160 Alabama Attorney General Opinion 41 (Opinion to Hon. Walker Hobbie Jr., 1975).

4.14.7 Political Activity of Municipal Employees

Any city employee may participate actively in county and state politics to the same extent as any other Alabama citizen. Such activities include endorsing candidates, making campaign contributions, and joining parties

or political organizations on the local, state, or national level. § 17-1-4(a). Furthermore, city employees may publicly support state and national issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of their choosing. § 17-1-4(a)(5). However, Alabama law makes it illegal for anyone to use their official authority to influence the vote or political action of any person. §§ 17-17-4 and 17-17-5.

Where a municipal or county employee seeks a political office with the city or county with which the person is employed, then the employee is required to take an unpaid leave of absence from their employment, use accrued overtime leave, or use accrued vacation time from the date the employee qualifies to run for office until the date on which the election results are certified. This unpaid leave of absence will continue until the employee is no longer a candidate or until there are no other candidates on the ballot. Employees who violate this subsection forfeit their employment positions. This section also applies to off-duty, out of uniform firefighters and police officers as long as they are in compliance with this section. §§ 17-1-4(b), 17-1-4(c), 17-17-4, and 17-17-5; see also Alabama Education Association v. Bentley, 788 F.Supp.2d 1283 (N.D. Ala. 2011).

CHAPTER 5

ELECTION PREPARATION

Summary of Contents:

5.1 Election Precincts and Districts
5.2 Ballots and Other Supplies
5.3 Appointment of Election Officers
5.4 Notice of Election
5.5 Poll Watchers

5.1 Election Precincts and Districts

The counties of Alabama are divided into election units known as precincts, sometimes referred to as "beats." §§ 17-1-2(4) and 17-1-2(19). The county commission has authority at its first regular meeting in March in even-numbered years to establish or alter the boundaries of election precincts. § 17-6-3(a). There must be at least one precinct ballot counter for each 2,400 qualified voters. If it is anticipated in any election precinct that more than 2,400 qualified electors will be casting votes, the county commission should immediately provide additional electronic voting machines and authorize the judge of probate to alphabetically separate the list of qualified voters so that no group will cause a single electronic voting machine to record more than 2,400 votes. § 17-6-3(b).

Boundary lines of municipal wards are established by the municipal governing bodies and may be altered or subdivided into voting districts provided that no adjustment is made within three months of any election. Notice of these adjustments is filed by the municipal clerk with the county's judge of probate and is also published within the municipality. § 11-46-23.

Where voting centers have been established by special legislation, election procedures differ in some respect from those required by the general statutory provisions explained in this handbook. For information on the requirements for voting centers in municipal elections, *see* Chapter 8.

5.1.1 Polling Places

Whenever the county commission alters the boundaries of election districts to ensure the districts contain no more than the prescribed number of voters, the commission must designate at least one polling place within each district. It may, however, designate more than one polling place in each district. § 11-46-24. The boundaries of the election districts and the locations of the polling places are filed in the office of the judge of probate, and the judge of probate gives notice of any change in district boundaries or polling places by publishing the notice in a county newspaper and by having the sheriff post the notice at the courthouse door and at two other public places in the district. §§ 17-6-3(d) and 17-6-4(b).

A county may change a polling place within three months of an election if an emergency exists that necessitates changing the polling place. Alabama Attorney General Opinion 99-00273.

In municipal elections, polling places for wards and voting districts are designated by the municipal governing body. § 11-46-24. Voters are allowed to cast their ballots only in the district in which they are registered. §§ 11-46-38(a) and 17-6-4(c).

For the purpose of a municipal election, when verifying a provisional ballot based upon the fact that the individual's name does not appear on the official list of eligible voters for the polling place in which the individual seeks to vote, the board of registrars shall verify that the voter is a qualified elector and registered at an address located within the municipal corporate limits or district within which he or she seeks to vote. § 17-10-2(e).

5.2 Ballots and Other Supplies

The preparation of ballots and other supplies necessary to conduct all state, county, and federal elections is the responsibility of the judge of probate as chief elections official for the county. § 17-6-47. The mayor or other chief executive officer of each municipality has the responsibility for the performance of these duties in municipal elections. § 11-46-32.

5.2.1 Arrangement of Offices on Primary Ballot

In primary elections, the names of the candidates must be listed on the ballot in alphabetical order by surname and the offices must be arranged in the following order under Section 17-6-25:

(a) President (if preferential primary)
(b) Governor
(c) Lt. Governor
(d) U.S. Senator
(e) U.S. Representative
(f) Attorney General
(g) State Senator
(h) State Representative
(i) Supreme Court Justice
(j) Court of Civil Appeals Judge
(k) Court of Criminal Appeals Judge
(l) Secretary of State
(m) State Treasurer
(n) State Auditor
(o) Commissioner of Agriculture and Industries
(p) Public Service Commissioner
(q) State Board of Education Member
(r) Circuit Court Judge
(s) District Attorney
(t) District Court Judge
(u) Circuit Clerk
(v) Other public officers (to be listed in the order prescribed by the judge of probate)
(w) Delegate to National Convention
(x) Other party officers (to be listed in the order prescribed by the judge of probate)

5.2.2 Separate Ballots, etc. for Each Party Holding a Primary

Separate ballots and other election supplies must be furnished for each party participating in the primary. These materials must be of a different color for

each party. All ballots for the same political party must be alike in each district. § 17-13-8. The county commission must furnish separate distinctly marked ballots for each party. §§ 17-6-24, 17-6-26, and 17-6-42.

5.2.3 Special Features of Primary Ballot

The party emblem and the words "Official Primary Election Ballot" must be printed across the top of the ballot. The names of the candidates are then grouped by offices in the manner noted previously and instructions as to the number of candidates to be elected to each office.

If the party so chooses, after the name of the last candidate, Alabama law allows the following to be printed at the bottom of the ballot: "By casting this ballot I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election." § 17-13-8. Originally, this oath was mandatory for all primary ballots. However, the Alabama Republican Party obtained a federal court injunction prohibiting the printing of this pledge on their ballot material. Alabama Republican Party v. State of Alabama, No. 90-0267-BH (S.D. Ala. Feb. 7, 1991). If the pledge is on the ballot, and a voter changes or attempts to mark the affidavit from his ballot, that ballot must be treated as a spoiled ballot and shall not be counted. § 17-13-8.

5.2.4 General Election Ballots

The lists of party candidates in general elections are placed in parallel columns across the face of the ballot, in alphabetical order beginning at the left, with each party column of candidates headed by the party's designation and emblem. In the event of independent candidates, their names are placed in a column to the right of the last column of party nominees. A blank column is provided to the right for possible write-in candidates. § 17-6-24(a).

Since 1976, the names of the presidential and vice-presidential candidates have appeared on the ballot, and a vote for these candidates will be counted as a vote for the presidential electors of the party's candidate. §§ 17-6-23 and 17-14-32.

5.3 Appointment of Election Officers

5.3.1 Appointing Board

The judge of probate, sheriff, and circuit clerk of the circuit court, or a majority of them, act as the appointing board for the county. § 17-8-1. The appointing board has additional responsibilities for provisional balloting. *See also* Secretary of State Administrative Procedures Rules for provisional balloting.

If any member of the appointing board (judge of probate, sheriff, or circuit clerk) is a candidate and has opposition named on the ballot, he or she may not serve on the appointing board. §§ 17-8-3 and 17-17-10. However, if any one of the three officials is a candidate, but unopposed, and will therefore not appear on the ballot, that official can serve on the appointing board. § 17-8-3; Alabama Attorney General Opinion 82-00529. No appointing board member is disqualified from service because a family member is running for office. Alabama Attorney General Opinion 90-00256.

Upon disqualification of a judge of probate, sheriff, or circuit clerk, the remaining members of the appointing board will then appoint a qualified elector to take the place of each member of the appointing board who is a candidate for election. § 17-8-4. If the remaining members cannot agree or if all members of the appointing board are unable to serve, the presiding circuit court judge then appoints a qualified elector to act in the place of each appointing board member who is a candidate for election. § 17-8-4.

5.3.2 Poll Workers

The function of the appointing board is the appointment of poll workers. § 17-8-1. The board receives nominations from political parties and makes appointments from members of opposing political parties, if practical. If the lists are insufficient, the board may have to supplement the nomination lists from qualified electors of the county who are members of opposing parties. § 17-8-5. If appointed workers do not report on Election Day, the workers who do report may make appointments from qualified voters at the polling place to fill the vacancies. §§ 17-8-6 and 17-17-11. Qualifications for poll workers are found in Chapter 8.

Any person who is compensated for working at the polls during any returning election, other than an inspector appointed under Section 17-8-1(a), may work on a split shift schedule if determined necessary by the judge

of probate. Each portion of a split shift shall consist of not less than six consecutive hours of work and the worker shall be paid one-half of the per day compensation provided for by general or local law in the county. § 17-8-1(c).

5.3.2.1 Nominations for Poll Workers. In general elections, each political party or organization having made nominations for an election may furnish the appointing board with a list of recommended poll workers from qualified electors for each county. Lists may be filed by either the state or county party chair or by nominees for office. § 17-8-5.

The appointing board is required to select poll workers from the names appearing on these lists, unless the number of appointments to be made at a particular voting place exceeds the number of names on the lists which have been submitted. If more than two parties file a list of electors, appointment should be made from the lists presented by the two political parties having received the highest number of votes in the state in the most recent regular election. § 17-8-5.

If no lists are furnished by political parties, the appointing board must appoint poll workers from qualified electors of the county from members of opposing political parties, if practical. § 17-8-5.

In primaries, candidates for nomination may, at least 45 days before the primary, present to the county executive committee of their party a list of electors from which poll workers may later be selected by the appointing board. § 17-13-48.

Lists submitted by candidates to their party may include electors from one or more of the applicable districts, wards, or precincts. From the lists submitted by the candidates, the county committee should make a list of election officials in each district, ward, or precinct. The county committee should then present the composite list to the appointing board for the board to select poll workers to conduct the primary election. § 17-13-48.

Precinct officials who are registered to vote in a given county may serve in any precinct in that county. § 17-8-1.

Members of a candidate's immediate family to the second degree of kinship and any member of a candidate's principal campaign committee are not eligible for appointment. § 17-8-1(a).

5.3.2.2 Time of Appointment of Poll Workers. The appointing board must meet 15 to 20 days before an election to appoint the poll workers for each polling place. § 17-8-1. Because of this requirement, lists of electors compiled by the political parties should be submitted to the appointing board at least 20 days before an election.

If the board has already made its appointment before a party list is received, the board is prohibited from making any subsequent selection from the party list. Ex parte Register, 60 So.2d 41, 47 (Ala. 1952).

5.3.2.3 Number and Types of Poll Workers. The number and type of poll workers required at each precinct shall include one inspector and at least three clerks. §§ 11-46-24 and 17-8-5. The appointing board may appoint additional workers as may be necessary but may not exceed the total number of precinct election officials paid by the county in the November 2004 election without the consent of the county commission. § 17-8-1.

5.3.2.4 Supplementing the Nominations. The appointing board may need to make more appointments at certain polling places than there are available names of electors on the lists submitted to them by the parties. When a party fails to supply a sufficient number of names for a particular polling place prior to a primary election, the appointing board must supply the deficiency from electors of that party. § 17-13-48. If no lists are furnished prior to an election, the appointing board shall appoint inspectors and clerks from opposing political parties if it is practicable. § 17-8-5.

5.3.2.5 Alternate Poll Workers. The judge of probate or other appropriate election officials in a county may provide for the appointment of alternate inspectors and clerks from within the county at-large to serve in the event an appointed inspector or clerk is unable to perform his or her duties. First priority for the appointment is to be given to an alternate poll worker who resides in the precinct where a vacancy exists. § 17-8-1.

5.3.2.6 Replacing Poll Workers. Often, there is a problem with appointed poll officials who either do not show up at their assigned polling place or wait until the last minute to notify officials of their inability to fulfill their obligations as election officers. Vacancies created by excuses or disqualified poll workers should be filled in the original manner. However, if the vacancy occurs on Election Day, the precinct election officials present may complete the number. If the inspector is not present, the other precinct election officials present appoint one of the number as the inspector. Replacement precinct workers must be qualified electors entitled to vote at

that polling place. §§ 17-8-6 and 17-13-48. Precinct officials who are registered to vote in a given county may serve in any precinct in that county. § 17-8-1. Precinct election officials should consult with county election officials prior to taking this action, if possible.

5.3.2.7 Student Interns. Section 17-8-14 provides for the appointment by the judge of probate of student interns to work on election day. The judge of probate may appoint up two high school or college students to work as unpaid interns at each polling place. The student interns are to be supervised by the poll managers at all times while performing their duties. Duties of the student interns are to be determined by the officials in charge of the election. However, the duties may not include determining the qualifications of a voter in the event a voter is challenged or the operation and maintenance of any voting equipment. The student interns are to attend all required training for poll workers of the county or municipality and any additional training considered necessary by the officials in charge of the election in the county or municipality. A student intern who works four or more hours in a day during school hours on the day of an election or any day of training shall be entitled to an excused absence from school. § 17-8-14.

5.3.3 Instruction for Poll Workers

Not less than five days before an election, poll workers are required to attend a school of instruction on how to conduct an election. No election official shall serve in any election in which an electronic voting machine is used unless the official has received instruction within 60 days prior to the election, is fully qualified to perform the duties connected with the electronic voting machine and has received a certificate from an authorized instructor. However, an uninstructed person may fill a vacancy among election officials. The judge of probate notifies the persons who have been appointed as to the time and place of the school of instruction for voting-machine officials and publishes the notice at least 48 hours in advance of the school. The city clerk performs these duties in the case of municipal elections. §§ 11-46-30 and 17-8-9.

The Code does not prescribe when all schools of instruction must be held. However, a school of instruction for voting machine election poll officials must be held not less than five days before an election or primary election. § 17-8-9. The school must be held both before primary elections and again before the general election. Alabama Attorney General Opinion 2001-006. Suggestions as to the format and who is to conduct the school vary as well.

The basic format should include a practical demonstration and explanation of operating an electronic voting machine and a discussion of applicable election laws. An electronic vote counting machine should be set up to facilitate the demonstration.

Under Harris v. Siegelman, 700 F.Supp. 1083 (M.D. Ala. 1988), the court ordered the state to also administer a training and certification program for poll workers in general. Although this court order has expired, the Secretary of State's Office provides, at the request of the judges of probate, training aids and technical assistance to counties.

5.3.4 Election Officials Neglect of Duty

Once any election official is appointed and has taken the oath or begun the performance of their duties, willfully neglecting to perform the required duties is a Class C misdemeanor. § 17-17-3.

Any sheriff or deputy commits a Class C felony by willfully or corruptly failing to preserve order at elections. § 17-17-2. Any precinct election official who fails to serve at a polling place, unless the person has been previously excused by the appointing board, is guilty of a violation. § 17-17-11. When an official is excused, the appointing board fills the vacancy. If the appointing board is unable to appoint a person who has attended a previous school of instruction, it is permissible to appoint an uninstructed person from the polling place to fill a vacancy. § 17-8-9(b).

5.3.5 Election Officials in Municipal Elections

Officials for municipal elections include a returning officer for each ward and three inspectors and two clerks for each box when paper ballots are used. When machines are used, each machine must have an inspector, a chief clerk, and first and second assistant clerks. In a Class 6, 7, or 8 municipality, election officials must reside within the municipality and may serve at any polling place within the municipality. The election officials are appointed by the municipal governing body, not less than 15 days before a municipal election. § 11-46-27(a).

No officer or employee of a municipality may serve as an election official. In addition, no relation of a candidate or spouse to the second degree is eligible to be an election official. § 11-46-27(b).

Like other elections, instruction for voting officials is required. The

municipal governing body has the responsibility for providing the school of instruction. The city clerk has a duty to notify the workers of the school. §§ 11-46-30.

In cities having a population of 10,000 or more, one or more sets of officials are appointed to count and return absentee ballots. § 17-11-11; *see also* § 11-46-27(c). In every city or town having less than 10,000 inhabitants, the municipal governing body may adopt an ordinance at least six months prior to the date of the election to provide that, at the time other election officials are appointed, the governing body shall appoint additional election officials who shall meet on the day of the election at the place and hour that the municipal governing body may designate for the purpose of receiving, counting, and returning the absentee ballots cast at the elections. The ordinance may allow three or more such officials to be appointed. These absentee election officials shall be in addition to other election officials required by law and shall be appointed at the same time and in the same manner as other election officials. § 11-46-27(d).

5.3.6 Notification of Election Officials

The judge of probate must notify election officials of their appointment by mail and see that a newspaper of general circulation published in the county carries the lists of names. § 17-8-2. In municipal elections, the mayor or other chief executive officer notifies election officials of their appointment and then either publishes the list in a local newspaper of general circulation or posts the list in three public places. § 11-46-27.

5.4 Notice of Election

Public notice of state and county elections is given by the judge of probate at least 14 days prior to the election and must contain the date of the election and any offices and issues on the ballot. Ordinarily, notice is given by publication in a newspaper published in the county. § 17-9-5. The mayor or other chief executive officer gives notice of municipal elections. § 11-46-22.

5.5 Poll Watchers

5.5.1 Poll Watchers' Nominations

A poll watcher represents the interest of one candidate or party at a voting place and looks for any irregularities that might be harmful to the candidate or party. Each party entering candidates in a general election and each candidate at a primary is entitled to appoint a watcher for each voting place. The watcher must be a resident and qualified elector of Alabama. § 17-8-7. In general elections, a watcher may be nominated by each party by a writing submitted to the inspector by the chair of the appropriate local executive committee or nominee for office or beat committee member. A candidate may have a single watcher in the polling place that the candidate appoints and then files that appointment with the inspector. § 17-13-11. In elections where there are no candidates, each political party may nominate watchers. The nominating party must appoint a watcher in writing. The watcher then presents the signed paper to the election inspectors at the polling place where the watcher is to observe. §§ 11-46-35, 17-8-7, and 17-13-11.

5.5.2 Poll Watchers' Rights

According to Section 17-8-7(b), poll watchers have the right to:

(a) Observe the conduct of the election;
(b) Monitor the preliminaries of opening the polls;
(c) Remain at the polling place throughout the election until the results have been posted and the voting machines sealed, as provided by law;
(d) Observe the ballots as they are counted;
(e) Observe absentee ballots and affidavits when they are called during the count; and
(f) See all oaths administered and signed, the record of assisted voters, the list of qualified voters, the poll lists, and any and all records made in connection with the election.

5.5.3 Poll Watchers' Restrictions

A poll watcher may not:

(a) Disturb voters;
(b) Attempt to influence voters;

(c) Campaign; or

(d) Display or wear any campaign material or buttons while in the polling place. § 17-8-7(d).

Any person who obstructs, intimidates, threatens, or coerces a voter or any other person to interfere with his or her right to vote or disturbs or prevents or attempts to prevent an elector from voting may be charged with a Class A misdemeanor. §§ 17-17-33 and 17-17-43.

CHAPTER 6

VOTER REGISTRATION

***Summary of Contents**:*

6.1 Board of Registrars
6.2 Personal Registration
6.3 The National Voter Registration Act of 1993
6.4 Agency-Based and "Motor Voter" Registration
6.5 Mail-in Voter Registration and Electronic Voter Registration
6.6 Meeting of the Board of Registrars
6.7 Qualification for Registration of a Voter
6.8 Protection of Personal Information for Certain Classes of Registered Voters
6.9 Restoration of Voting Rights of a Convicted Felon
6.10 Judicial Review
6.11 Official List of Registered Voters
6.12 Computerized Statewide Voter Registration List
6.13 Continuous Purging of the Voter Registration List
6.14 List of Municipal Voters

6.1 Board of Registrars

Voter registration is administered by county boards of registrars. The board of registrars in each county consists of three "reputable and suitable" electors of the county, appointed by a state board of appointment composed of the Governor, the State Auditor, and the Commissioner of Agriculture and Industries, unless a local act provides a different mechanism for appointment. § 17-3-2.

Registrars serve for a period of four years from the date of appointment unless removed for cause. Registrars may be removed for cause by the Secretary of State, but written reasons for the removal are required to be shown. § 17-3-3. These provisions do not apply in any county having a population of 600,000 or more where there is a local law which provides for the appointment of the board of registrars. § 17-3-2(c).

6.2 Personal Registration

Personal registration at the board of registrars was long the norm in Alabama. Though this form of registration is still available, legal and technological developments now allow for a broad array of registration options, including registration at government offices, registration by mail, and, most recently, electronic registration via the Internet.

6.3 The National Voter Registration Act of 1993

The National Voter Registration Act of 1993 establishes simple, convenient, and cost-effective methods for all American citizens to register to vote in federal elections. This Act (commonly called "Motor Voter") applies to state and local elections and, thus, ensures a uniform system of voter registration for all elections conducted in Alabama. § 17-4-60.

Further, administrative rules were developed to clarify the responsibilities of those state and local agencies and officials covered by the federal and state laws. Copies of the National Voter Registration Act, the state's compliance legislation, and the administrative rules may be obtained from the Office of the Secretary of State.

In Alabama, the Secretary of State is the principal election official for federal contact for the state and, therefore, is named the chief election officer to head Alabama's efforts to implement the National Voter Registration Act. § 17-4-60. The Secretary of State also seeks comments and guidance from other election officials and agency officials to ensure a coordinated effort that addresses the needs and concerns of all participants while effectively meeting the mandates of the law. §§ 17-4-60 and 17-4-63.

6.4 Agency-Based and "Motor Voter" Registration

Under the National Voter Registration Act, Alabama has established two voter registration programs conducted by state and local agencies or offices. Agency-based registration is conducted by various agencies or offices at the state and local level: Department of Human Resources; Medicaid Agency; Rehabilitation Services; the WIC Division in the Department of Public Health; armed forces recruiting stations; and public libraries. §§ 17-4-60(d) to 17-4-60(f); Ala. Admin. Code r. 820-2-2-.03. "Motor Voter" registration is conducted by driver's licensing offices: Alabama Law Enforcement

Agency offices for new licenses and the judges of probate or license commissioner's offices for renewals. § 17-4-60(b); Ala. Admin. Code r. 820-2-2-.03.

In each of these programs, voter registration services are to be offered sometime during the application, re-application, re-certification, or change-of-address process for the agency's or office's services. Additionally, any change of address submitted for a driver's license is to automatically serve as an address update for a person's voter registration unless the person specifically says the address change is not valid for voting purposes. Further, the agency is required to offer the applicant the same level of assistance that it would provide the applicant for its own services.

Individuals may accept or decline the offer of voter registration services based upon their own needs and circumstances without their decision having any impact on the delivery of other services or benefits provided by the agency or office. Individuals may not be rewarded or penalized for their decision to register to vote or not to register to vote through this program. 52 U.S.C. § 20504.

Agency officials do not make any determination of a person's eligibility to register to vote. Determination of eligibility is the jurisdiction of the board of registrars. Under Alabama's implementation plan, agencies are required to collect the completed voter registration forms and transmit them to the appropriate board of registrars within five days of completion by the applicant. Ala. Admin. Code r. 820-2-2-.09. By receiving applications transmitted within this time frame, the boards of registrars are better equipped to review all applications and inform individuals of their eligibility (or ineligibility) to vote in a timely manner. This deadline grows increasingly important the closer in time to an election, especially during the weeks prior to the fourteen-day close of voter registration.

6.5 Mail-in Voter Registration and Electronic Voter Registration

Boards of registrars now accept two distinct mail-in voter registration forms. As required by state law, the Office of the Secretary of State has designed a mail-in version of the state's voter registration form. As provided by the National Voter Registration Act, the Election Assistance Commission has designed a national mail-in application that may be used to register to vote in all states covered by the Act. 52 U.S.C. § 20504; Ala.

Code §§ 17-4-60(c) and 17-4-63.

Both of these applications are made available to the public at a variety of locations throughout the state: agencies and offices participating in agency-based and "Motor Voter" registration (see the previous section for a list of these offices); unemployment offices; public libraries; public schools; and public and private four-year colleges. Ala. Admin Code r. 820-2-2-.11(1). These mail-in voter registration forms are also available for use in voter registration drives conducted by citizens, civic groups, political parties, businesses, and others interested in promoting voter registration. Ala. Admin. Code r. 820-2-2-.11(2) and 820-2-2-.11(3). The national mail-in form can be downloaded in electronic format from the Election Assistance Commission's website: www.eac.gov. For other information and state forms, consult the Secretary of State's website: www.alabamavotes.gov.

For an applicant to be eligible to vote in a pending election, the mail-in voter registration form must be postmarked prior to the fourteenth day before an election and the applicant must be otherwise qualified to register to vote. § 17-3-50.

The State of Alabama's mail-in voter registration form is designed to be mailed directly to the appropriate board of registrars. The national mail-in voter registration form is designed to be mailed to the Elections Division of the Office of the Secretary of State. Elections Division staff then forward the forms to the appropriate county board of registrars for review and a determination of the applicant's eligibility. The design of these applications does not anticipate or provide for the delivery of these forms by the U.S. Postal Service to individuals or organizations other than the boards of registrars or the Secretary of State. Delivery of the form by the U.S. Postal Service directly to election officials promotes transmittal of the form in the most expeditious and secure manner.

Boards of registrars accept and process electronic voter registration applications submitted through the Office of the Secretary of State and the Alabama Law Enforcement Agency. The Office of the Secretary of State offers electronic voter registration online through its elections website: www.alabamavotes.gov. The Alabama Law Enforcement Agency offers electronic voter registration during the application, re-application, re-certification, or change-of-address process. For an applicant to be eligible to vote in a pending election, the electronic voter registration application must be submitted prior to the fourteenth day before an election and the applicant must be otherwise qualified to register to vote.

6.6 Meeting of the Board of Registrars

The working sessions of the county boards of registrars are limited with various maximum operating day limits of different county boards. The list of counties in Chapter 16 indicates the working day limit in each county as stated in Section 17-3-8.

The board of registrars in each county is required to visit each college or university, either public or private, having an enrollment of 500 or more during the school year. § 17-3-11(a).

Although a quorum of the board may determine the actual number of working days as the needs of the county may dictate within the maximum limit set by the Legislature, no more than 25 session days may be used for special registration sessions. Special registration days are defined as those sessions held away from the courthouse or sessions held on Saturday or between the hours of 5:00 p.m. and 9:00 p.m. Notice of any special session must be given at least 10 days before the session by bills posted at three or more public places in each precinct affected, if the session involves precinct visits, and advertisement once a week for two successive weeks in a newspaper published within the county or on local radio or television, or on both. § 17-3-8(f).

The chairperson of the board of registrars has the authority to preside over the meetings of the board. Neither the judge of probate, the Secretary of State, nor the supervisor of voter registration has the power to supervise the board or the individual members of the board. Alabama Attorney General Opinions 98-00006 and 2004-124.

6.7 Qualification for Registration of a Voter

As in other states, a person must meet certain requirements of age and citizenship to qualify as a voter. No persons are entitled to vote unless they are 18 years of age and a citizen of the United States. U.S. Const. Amend. XXVI; Ala. Const. Art. VIII, § 177.

In 1970, a federal court ruled that Alabama's constitutional residence requirement pertaining to counties and precincts was unconstitutional. Hadnott v. Amos, 320 F.Supp. 107 (M.D. Ala. 1970), aff'd 401 U.S. 968 (1971) and aff'd Amos v. Hadnott, 405 U.S. 1035 (1972). This effectively

repealed Amendment 207 to the Alabama Constitution, which imposed a residency requirement of one year in the state, six months in the county, and three months in the precinct or ward. The state no longer has a durational residence requirement for state, county, or federal elections. However, municipal election laws require a 30-day period of residence as a qualification for voting in municipal elections. The voter in a municipal election, like all voters, is required to register more than 14 days prior to the election. §§ 11-46-38 and 17-3-50.

Persons seeking to register to vote are required to fill out an application or a form promulgated by rule by the Secretary of State. § 17-3-52; Ala. Const. Art. VIII, § 177; see also Alabama Attorney General Opinion 2005-092. The application for voter registration must contain a statement that the applicant will be required to provide required identification when voting. § 31-13-28.

Individuals declared mentally incompetent by a court of proper jurisdiction and persons convicted of felony offenses involving moral turpitude are disqualified from registering and voting. Ala. Const. Art. VIII, § 177(b).

6.8 Protection of Personal Information for Certain Classes of Registered Voters

In general, all of the data on voters in the statewide voter registration database is available for purchase. However, the Legislature has, in recent years, passed legislation that protects the personal information for certain classes of voters. §§ 11-46-36, 17-4-33, and 17-11-5. These classes include individuals who are registered to vote or who intend to register to vote and who affirm one of the following:

- That the registered voter, or a minor who is the legal custody of a registered voter, is or has been the victim of domestic violence;

- That a domestic violence order is or has been issued by a judge or magistrate, pursuant to the Domestic Violence Protection Order Enforcement Act, to restrain access to the registered voter or a minor who is in the legal custody of the registered voter; or

- That the registered voter is a federal or state prosecutor, federal, state, probate, or municipal judge, legislator, or law enforcement officer as defined in Chapter 21 of Title 36 or the spouse of a federal

or state prosecutor, federal, state, probate, or municipal judge, legislator, or law enforcement officer as defined in Chapter 21 of Title 36.

The Secretary of State shall develop and provide to each county the affidavit to be completed under Section 17-4-33(b) for the covered individuals to have their personal information protected on any voter list that is sold to the general public.

6.9 Restoration of Voting Rights of a Convicted Felon

The law governing the restoration of voting rights was amended in 2003 and again in 2016. Persons convicted of a felony offense involving moral turpitude may have their voting rights restored by making application to the State Board of Pardons and Paroles. § 15-22-36.1.

6.9.1 Process for Issuing a Certificate of Eligibility

(a) A person may apply by one of the following four methods: Going to the State Pardons and Paroles office nearest to where he or she lives, calling the Pardon Unit, contacting the Board of Pardons and Paroles via e-mail, pardons@paroles.alabama.gov, or writing the Board at 301 S. Ripley St., Montgomery, AL 36104. The request should include all of the following information:

(1) Name under which convicted;
(2) True name;
(3) Sex and race;
(4) Date of birth;
(5) Social Security number;
(6) AIS# (Alabama Prison number), if applicable;
(7) Current physical address including county;
(8) Current mailing address, if different;
(9) Indicate if the conviction was a State or Federal Conviction;
(10) Home telephone number, including area code;
(11) Work or alternate telephone number, including area code; and

(12) Complete list of charges, county and year of conviction.

Applications are available online through the official website of the Board of Pardons and Paroles.

(b) Once the application is received, the investigation is assigned to a Probation and Parole Officer or Specialist who determines disqualifying convictions through the applicant's criminal history, records of the Board, court records, and records of the Department of Corrections; verifies the applicant meets the eligibility requirements; and completes a report of investigation within 30 days of the initial application.

(c) If the applicant meets the requirements, the Executive Director of the Board of Pardons and Paroles or his or her designee attests that the report has been submitted properly and accurately and provides it to the Board of Pardons and Paroles to issue a Certificate of Eligibility to Register to Vote to the applicant within 14 days.

(d) If the investigation determines the eligibility requirements have not been met, the Executive Director or his or her designee attests that the report has been submitted properly and accurately and the Board of Pardons and Paroles does not issue a Certificate of Eligibility to Register to Vote, but notifies the applicant of the reason(s) for the decision within 14 days. An applicant may submit a new application at any time if he or she has met the statutory certification criteria.

NOTE: The total time frame for processing an application for a certificate of eligibility is 44 days.

6.9.2 Eligibility Requirements for Restoration of Voting Rights using a Certificate of Eligibility to Register to Vote

Section 15-22-36.1 prescribes the eligibility requirements for restoration of voting rights. The Board of Pardons and Paroles shall grant a "Certificate of Eligibility to Register to Vote" to any convicted felon who:

(1) has lost his or her right to vote by reason of conviction in a state or federal court of a crime of moral turpitude;
(2) has no criminal felony charges pending against him or her in any

state or federal court;

(3) has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on disqualifying cases; and

(4) Any of the following are true:

a. The person has been released upon completion of sentence.

b. The person has been pardoned.

c. The person has successfully completed probation or parole and has been released from compliance by the ordering entity.

However, a person convicted of any one of fifteen crimes listed in Subsection (g) of Section 15-22-36.1 is not eligible to apply for a Certificate of Eligibility to Register to Vote:

- impeachment,
- murder,
- rape in any degree,
- sodomy in any degree,
- sexual abuse in any degree,
- incest,
- sexual torture,
- enticing a child to enter a vehicle for immoral purposes,
- soliciting a child by computer,
- production of obscene matter involving a minor,
- production of obscene matter,
- parents or guardians permitting children to engage in obscene matter,
- possession of obscene matter,
- possession with intent to distribute child pornography, or
- treason.

NOTE: The board can issue a certificate for Alabama residents with state convictions from Alabama or federal convictions from Alabama or other states as long as the requirements are met and verified.

6.9.3 Actions That Do Not Result in a Loss of Voting Rights

(a) People who only have youthful offender adjudications;

(b) People who only have misdemeanor convictions;

(c) People who were charged with a felony that was nolle prossed or dismissed;

(d) People who only have juvenile convictions; or

(e) People who have a felony conviction that did not involve moral turpitude (*see* Appendix of this handbook for the list of disqualifying offenses).

6.9.4 Disqualifying Felony Convictions

Ala. Const. Art. VIII, Section 177 provides that no person convicted of a felony involving moral turpitude shall be qualified to vote until restoration of civil and political rights.

The Felony Voter Disqualification Act was enacted in 2017 to establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising the right to vote. § 17-3-30.1. The list prescribed in Section 17-3-30.1 was amended in 2019 and again in 2024. Sections 17-4-3 and 17-4-4, relating to voter registration lists, also provide procedures for the board of registrars and the Secretary of State to purge certain disqualified voters from voter registration lists.

The current list of crimes of moral turpitude has been compiled by the Secretary of State and is provided in the Appendix of this handbook.

6.10 Judicial Review

Registration is at the discretion of the board of registrars. § 17-3-54. Persons denied registration may appeal to the probate court to have their qualifications for voting judicially determined. One may appeal from the probate court to the circuit court and, from there, to the Alabama Supreme Court. § 17-3-55.

6.11 Official List of Registered Voters

No person may be registered to vote within 14 days prior to any election.

§ 17-3-50. From the state voter registration list, the judge of probate prepares and prints alphabetical lists of all registered voters by precincts and districts. The lists certified by the judge of probate contain the names of the county's qualified voters. An electronic archive in the database for the state voter registration list is recorded simultaneously with the printing of each county's lists of qualified voters. The judge of probate is required by law to publish the official list of qualified voters provided by the board of registrars on or before the 20th day preceding the regularly scheduled primary election in a newspaper of general circulation in the county. A supplemental list is published seven days before the primary election. §§ 17-4-1 and 17-4-2.

The statewide voter registration list contains all information deemed necessary by the Voter Registration Advisory Board. §§ 17-4-33(a)(2) and 17-4-34. Local boards of registrars shall provide to the Secretary of State the required information for each voter to establish and maintain the statewide list. § 17-4-36.

6.12 Computerized Statewide Voter Registration List

The Statewide Voter Registration File Act provides for a statewide, computerized voter file maintenance system and shall serve as the single system for storing and managing the official list of registered voters throughout the state. §§ 17-4-30 to 17-4-39. Registration must comply with the federal Help America Vote Act of 2002 and the National Voter Registration Act of 1993.

Every four years, each county's board of registrars conducts voter list maintenance activities involving a postcard notification system. Pursuant to Section 17-4-30, as amended by Ala. Act 2025-432, the most recent postcard process was conducted beginning in February 2025 by the Secretary of State obtaining information from the United States Postal Services' National Change of Address database and at least one other National Voter Registration Act designated agency database. Each board of registrars then reviewed this information to confirm whether voters had moved to a new address within the board's jurisdiction, moved to the jurisdiction of a different board in Alabama (another county), or moved out of state. § 17-4-30.

The Secretary of State oversees a statewide voter registration list maintenance program through the Alabama Voter Integrity Database (AVID). AVID obtains and consolidates information from (1) cooperative

agreements with other states, (2) a cooperative interagency agreement with the Alabama Law Enforcement Agency, (3) analysis of the Social Security Death Index, (4) the USPS National Change of Address File, and (5) SAVE data from the Department of Homeland Security's United States Citizenship and Immigration Services (DHS-USCIS).

The re-identification of voters is continuous; therefore, re-identification information should be used to update voter registration information between the primary and the primary runoff election to place voters in the appropriate precincts. Alabama Attorney General Opinion 98-00148.

6.13 Continuous Purging of the Voter Registration List

Registration in Alabama historically has been of a "permanent" type such as once persons are registered their names were removed from the list only for cause. Obviously, one of the major problems involved in the use of the permanent system of registration is that of keeping the registration lists current. The county board of registrars continually purges the voter list when it receives information that the voter is no longer qualified to be an elector. Provision is made for removing the name of a person who has died, become a non-resident, been declared mentally incompetent, been convicted of a disqualifying felony, or who has otherwise become disqualified, so that the registration lists will always constitute an accurate reflection of the county electorate. The Alabama registration law attempts to accomplish this by a removal process known as "purgation of the voter registration list." *See also* Chapter 16.

Whenever the board proposes to strike any person's name from the registration list, it must give notice and allow the person an opportunity to confirm whether the registration information the board received is correct. If, following the hearing, the board does strike the person's name from the registration list, they may appeal to the probate court of the county to determine the matter. § 17-4-3.

To perform the voter purging activities properly, the boards of registrars must receive notification of events affecting a person's qualifications as a voter. Therefore, state law requires state and county officials having knowledge of such events to report them to the boards of registrars. Thus, the Bureau of Vital Statistics of the State Department of Public Health is required to submit reports on the deaths of persons of voting age; the judges of probate are required to report the names of those declared mentally

incompetent; and the circuit and district court clerks must submit reports concerning persons convicted of disqualifying felonies. § 17-4-4.

With implementation of the Help America Vote Act, registrars also receive notifications of deaths and felony convictions through the statewide voter registration system. §§ 17-4-4 and 17-4-33. The Alabama Department of Public Health and Administrative Office of Courts transmit data on deaths and disqualifying felony convictions, respectively, to the Alabama Voter Registration System for cross-checking against records of registered voters as well as new applicants.

The boards of registrars are required to question applicants for registration as to whether they have been registered previously in another county. If any registrant has been previously registered, the board registering the person must notify the board in the county of previous registration. The board receiving the notification must then strike the name of the person from the list of qualified voters of that county. § 17-4-5.

6.14 List of Municipal Voters

The mayor or other chief executive officer of each municipality sees to the preparation of a list of the qualified voters who reside within the corporate limits of the municipality. The municipal list is based on the county registration list and is also divided alphabetically by wards and voting places. A copy of the list must be filed with the municipal clerk on or before the third Tuesday in July before each municipal election. The clerk is responsible for publishing the list of municipal voters in the manner prescribed by law, at least five days before the ensuing election, and, also, for furnishing the list to the election officials staffing the polls on election day. § 11-46-36.

Although publishing the list of municipal voters is expensive, doing so helps eliminate the problem of people trying to vote at the wrong voting place. This is an especially acute problem in those municipalities which provide for election of councilmen by wards and in those instances where redistricting or precinct changes have recently occurred. However, according to the statutes, cities are not required to publish in a newspaper. The Code of Alabama only requires the municipal clerk to publish the list of voters in three public places. § 11-46-36(a). This allowance is appropriate for smaller cities where publication is not feasible.

CHAPTER 7

ABSENTEE VOTING

Summary of Contents:

7.1 Qualifications for an Absentee Ballot
7.2 Application for an Absentee Ballot
7.3 Emergency Absentee Ballots
7.4 Military and Overseas Ballots
7.5 Permanent Disability Absentee Voter List
7.6 Voter List
7.7 Delivering, Counting, and Reporting Absentee Ballots
7.8 Absentee Provisional Ballots
7.9 Ballots and Supplies
7.10 Disqualification of Circuit Clerk
7.11 Municipal Elections
7.12 Criminal Offenses and Penalties

7.1 Qualifications for an Absentee Ballot

Qualified voters can apply for an absentee ballot if they meet one of the following conditions set forth in Section 17-11-3:

(a) The voter expects to be out of the county or the state on election day;

(b) The voter has any physical illness or infirmity which prevents his or her attendance at the polls whether or not he or she is within the county on election day;

(c) The voter expects to work a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place;

(d) The voter is enrolled as a student in an educational institution located outside the county of his or her personal residence, which prevents his or her presence at the polls;

(e) The voter is a member of the armed forces of the United States or the spouse or dependent of a member of the armed forces of the United States or similarly qualified to vote absentee pursuant to the

Federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C §§ 20301 to 20311;

(f) The voter has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular polling place;

(g) The voter is a caregiver for a family member to the second degree of kinship by affinity or consanguinity, if the family member is confined to his or her home; or

(h) The voter is incarcerated in prison or jail and has not been convicted of a felony crime of moral turpitude.

Such absentee ballots may be cast by mail, commercial carrier, or hand delivery by the voter.

Additionally, if a group of people respond to a state of emergency in this state, another state, or by the federal government and the timing of that emergency makes substantial compliance with Chapter 11 of Title 17 of the Code, the Secretary of State may, pursuant to Section 41-22-5 of the Alabama Administrative Procedure Act, promulgate an emergency rule to allow those qualified voters to vote by absentee ballot. §§ 17-11-3 and 17-11-7.

7.2 Application for an Absentee Ballot

Prospective absentee voters must apply to the absentee election manager ("AEM") for an absentee ballot by mail or commercial carrier or by hand delivering an application in person. Hand-delivered applications must be received at least five days before the election in which they desire to vote, and mailed applications must be received at least seven days prior to the election. § 17-11-3(b). Generally, the circuit clerk of the county is the AEM. When the circuit clerk declines, an AEM is appointed by the appointing board. § 17-11-2.

The form for absentee ballot application is prescribed and designed by the Secretary of State. Handwritten applications are no longer permitted pursuant to Ala. Act 2024-33, which amended Section 17-11-4. All applications must contain sufficient information to identify the applicant as a registered voter.

Absentee ballot applications must be accompanied by a copy of current,

valid photo identification, unless the voter is otherwise exempt from the identification requirement. If an absentee ballot application arrives on or after the eighth day before the election without identification, the ballot must be issued as a provisional ballot. §§ 17-9-30(c) and 17-10-2. However, the law does not provide for what the AEM should do if an application lacking identification arrives *before* the eighth day prior to the election. The absentee law does not explicitly require that any notice be sent to these applicants. However, the Secretary of State, as authorized by Section 17-1-3, has provided uniform guidance for AEMs to notify applicants that their application has been denied for lack of identification, in order to allow an opportunity to correct their applications. This guidance does not specify how applicants may be notified, but the Secretary of State recommends sending notice via U.S. mail.

A person who requests an absentee ballot and signs an affidavit stating they never received the ballot is entitled to a replacement absentee ballot. Proper affidavit and documentation should be attached to the voter's application. Voters who did not receive their requested absentee ballot may alternately vote a provisional ballot at the polling place. Alabama Attorney General Opinion 2000-244.

Applicants who need assistance with completing the form must manually sign the application. If the applicant signs with a mark, a witness to the signature must also sign. *See* Taylor v. Cox, 710 So.2d 406 (Ala. 1998) (holding that trial court erred by counting absentee ballots that had been signed by designated agents and not the voters themselves). Separate applications for absentee ballots are required for elections more than 42 days apart except for military and overseas ballots and for voters on the permanent disability absentee voting list established pursuant to Section 17-11-3.1. § 17-11-5.

7.3 Emergency Absentee Ballots

In the case of certain personal emergencies arising within five (5) days of the election, separate procedures exist for voting by emergency absentee ballot.

Any registered elector who requires emergency treatment of a licensed physician within the five-day deadline for absentee ballots may apply for an emergency ballot for the election. The elector, or his or her designee, must return the ballot to the absentee election manager no later than noon on the

day the election is held. The attendant physician shall describe the circumstances of the emergency on a form provided by the Secretary of State. The form shall be attached to the application. § 17-11-3(d).

Any registered elector may also vote by an emergency absentee ballot if any of the following situations arise:

(a) The elector is required by his or her employer under unforeseen circumstances within five days before an election to be unavailable at the polls on election day.

(b) The elector is a caregiver of a person who requires emergency treatment by a licensed physician within five days before an election.

(c) A family member to the second degree of kinship by affinity or consanguinity of an elector dies within five days before an election.

In the case of an emergency absentee ballot, the elector must sign an affidavit swearing that the elector was not aware of the situation constituting an emergency prior to five days before the election (i.e., the regular absentee application deadline). The ballot must still be signed by the voter. *See* Taylor v. Cox, 710 So.2d 406 (Ala. 1998) (holding that trial court erred by counting absentee ballots that had been signed by designated agents and not the voters themselves). After voting the ballot, the elector shall hand the ballot to the absentee election manager. § 17-11-3(e).

7.4 Military and Overseas Ballots

In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. §§ 20301 *et seq*., repealing both the Federal Voting Assistance Act of 1955 and the Overseas Citizens Voting Rights Act of 1975. This Act provides voting protections for members of the military, their spouses and dependents, and U.S. citizens residing overseas. These voters are commonly referred to as UOCAVA voters.

This Act, as amended by the federal Military and Overseas Voter Empowerment Act, requires absentee election managers to issue UOCAVA voters an absentee ballot no later than the 45th day prior to an election for federal office if the UOCAVA voter's absentee ballot application was received no later than the 45th day prior to the election. Under this Act,

UOCAVA voters also have the option of receiving their blank absentee ballot electronically or by mail.

This Act provides that UOCAVA voters will be given a federal write-in ballot for federal general elections if the voter (1) is absent from the U.S., (2) is eligible to vote in his or her last U.S. domicile, and (3) sends an application for a local absentee ballot received by the local officials at least 30 days prior to the election. The federal write-in ballot is only a back-up to the regular ballot, and the federal ballot is not to be counted if the regular ballot is received in time to be legally counted by the local officials.

For Alabama voters voting pursuant to the UOCAVA, the Secretary of State standardizes military and overseas voter registration applications and applications for absentee ballots adopted by the United States government. § 17-4-35. Normally, an individual is required to present identification with the ballot when voting by mail. However, voters entitled to vote by absentee ballot pursuant to the Act, are not required to produce identification prior to voting. §§ 17-9-30(d) and 17-17-28.

Unless otherwise indicated by the military or overseas voter, an application for an absentee ballot by such a voter shall remain valid for any election for a federal, state, or county office or for any proposed constitutional amendment or a state or county referendum held through the end of the calendar year in which the application is filed. The absentee election manager should provide an absentee ballot to the military and overseas voters for each subsequent election. If an election cycle begins in one calendar year and continues into the subsequent calendar year, the absentee application will be valid for all elections within that election cycle. § 17-11-5(d). As with any absentee voter, if a change in circumstances makes an absentee ballot unnecessary for a military or overseas voter, the voter should notify the clerk's office to avoid being required to vote by provisional ballot at their polling place.

Following its creation by the Legislature in 2011, the Alabama Electronic Overseas Voting Advisory Committee determined that secure electronic absentee voting for military and overseas voters is feasible. This committee and the Secretary of State are charged with the adoption of rules for conducting overseas absentee electronic voting, including the requirements for the request, receipt, voting, returning and processing an overseas absentee ballot. §§ 17-11-40 et seq. Through these procedures, UOCAVA voters located outside the territorial limits of the United States also have the option of requesting electronic delivery of their blank absentee ballot

pursuant to the Military and Overseas Voter Empowerment Act in order to return their voted absentee ballots electronically.

7.5 Permanent Disability Absentee Voter List

The Secretary of State maintains a permanent absentee voter list for voters who have a permanent disability which prevents his or her attendance at the polls on election day. Any voter placed on this list will have an absentee ballot mailed to them before each election held during the calendar year. § 17-11-3.1.

To be placed on the permanent disability absentee voter list, the voter must submit an absentee ballot application for the list. The application must be signed and notarized by the primary physician for the person with the disability.

These voters must apply for the permanent disability absentee voter list on an annual basis. However, for an election cycle that begins in one year and continues into the subsequent year, the application shall be valid for the whole election cycle.

Applications for the list for federal, state, and county elections are submitted to the county absentee election manager. Applications for the list for municipal election are submitted to the absentee election manager for the town or city.

The Secretary of State has adopted rules to implement the provisions of Section 17-11-3.1. *See* Ala. Admin. Code r. 820-2-12.01 to 810-2-12-.06.

7.6 Voter List

In order to assist the absentee election manager in determining the names of qualified voters, the official list of qualified voters of the county is furnished to the AEM by the judge of probate at least 55 days before the election. In municipal elections, the list must be furnished at least 35 days before the election. § 17-11-5(b). When the AEM determines that an applicant is a qualified voter, the AEM furnishes the absentee ballot to the applicant either by handing it to the applicant or mailing it to their residence. § 17-11-4. The ballot is mailed to the voter's residence address shown on the voter list or, if requested by the voter, to an address where the voter regularly receives

mail. Alabama Attorney General Opinions 2000-156 and 2000-193. Where the absentee ballot application shows a residential address on the application which is different from the residential address on the voter list, the voter is issued a provisional absentee ballot.

The AEM then designates the absentee voters on the official voter list. This list is not a public record until the day after the election, when the list is provided to the board of registrars. § 17-11-5(c)(1).

If an applicant for an absentee ballot is not registered to vote in the jurisdiction, then the AEM does not issue any ballot to the applicant.

In all elections, the AEM also supplies each polling place in the county with a list of the persons from that polling place who have applied for absentee ballots. The names of these persons are stricken from the list of qualified voters at the polling place because once they have voted by absentee ballot they may not vote again. § 17-11-5. Moreover, the list is to be maintained in the office of the clerk for 60 days following the election, at which time it must be filed with the judge of probate.

The AEM has a responsibility to report any suspected fraudulent activity. If he or she has reasonable cause to believe that an applicant has given a fraudulent address on the application, then the AEM must turn that ballot application over to the district attorney for appropriate action. When there is evidence of continuous absentee voting by a voter, the AEM may require further additional proof of a voter's eligibility to vote absentee. § 17-11-5(a).

7.7 Delivering, Counting, and Reporting Absentee Ballots

Each prospective absentee voter who meets the legal requirements is furnished an absentee ballot and envelopes for returning the marked ballot by mail. One envelope is a plain envelope in which the voter’s marked ballot is sealed. The second envelope must have the voter’s affidavit printed on the back and be large enough to seal the plain envelope inside. This second envelope also serves as a return mail envelope except where a provisional ballot is issued due to lack of photo identification, as described below in Section 7.8. § 17-11-9.

Absentee ballots are to be printed with a designation specific to its ballot style and a pre-printed serial number unique within that ballot style. The list

of qualified ballots shall identify the correct ballot style designations for each voter. The administrative rules on the printing of designations and serial numbers on absentee ballots are available from the Secretary of State.

Upon receipt of the absentee ballot, the AEM must record such on the absentee list and safely keep the ballots without breaking the seal of the affidavit envelope until election day. Beginning at 7:00 a.m. on election day, the AEM must deliver the sealed affidavit envelopes to the election officials designated for counting absentee ballots. § 17-11-10. The elections officials then follow this procedure:

(a) The election officials call the name of each voter casting an absentee ballot with poll watchers present. § 17-11-10.

(b) The election officials review the affidavits to certify that each applicant has a place of residence, reason for voting absentee and signature. Williams v. Lide, 628 So.2d 531 (Ala. 1993). In addition, the affidavit must be either notarized or witnessed by two witnesses. A candidate may not witness or notarize any absentee ballot unless the candidate is running unopposed in the election. Remote notarization may not be used to notarize an absentee ballot application or an absentee ballot affidavit or for any purpose related to voting. §§ 17-11-10 and 36-20-73.1. No poll worker or election official shall open an affidavit envelope if the voter's affidavit printed thereon is unsigned by the voter (and unmarked) or lacks the voter's address, lacks the reason for voting absentee, or if the ballot is not properly witnessed or notarized as provided on the form prescribed in Section 17-11-7. Absentee ballots that are not witnessed or notarized should not be opened or counted even where the election officers and poll watchers all agree the votes "summarily" witnessed will be counted. Alabama Attorney General Opinion 2000-180.

(c) The election officials separate the ballot envelopes from affidavit envelopes. The plain envelope is deposited into the sealed ballot box.

(d) The election officials then remove the ballots from the blank ballot envelopes and count per normal procedures.

No absentee ballot may be opened or counted if received by the AEM by mail or commercial carrier, unless received by mail or commercial carrier by noon on election day. An absentee ballot submitted by hand delivery to the AEM must be received in person from the voter no later than the close of the last business day before the day of election, or, in the case of a voter

under the emergency voting procedure, delivered by the medical emergency designee to and received by the absentee election manager no later than noon on the day of the election. However, ballots submitted by military and overseas voters in a primary, primary runoff, general, or special election for federal, state, or county office, or for proposed constitutional amendments or other referenda are to be accepted up to seven days after the election date provided that they are postmarked no later than election day. § 17-11-18.

If the applicant signs by a mark, the name of the witness to the signature must be included. The completed application can then be mailed or delivered to the AEM. §§ 17-11-3 and 17-11-4. The above provisions apply to both municipal and county elections. § 17-1-1.

Absentee ballots may be either notarized or witnessed by two individuals of at least 18 years of age to validate the ballot. Unless a candidate is running unopposed, the candidate cannot notarize or witness an absentee ballot. §§ 17-11-6 to 17-11-8. Remote notarization may not be used to notarize an absentee ballot application or an absentee ballot affidavit, or for any purpose related to voting. § 36-20-73.1. Pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), members of the military, their spouses or dependents, and U.S. citizens residing overseas cannot be required to have their absentee ballots notarized. 52 U.S.C. § 20302(i). Their ballots must be witnessed by two individuals of at least 18 years of age.

Absentee election officials are named in the same manner as regular election officials. The appointing board may appoint an inspector and at least three clerks as are necessary to process and canvass absentee ballots. § 17-11-11(a). In practice, the AEM often serves as the chief inspector absentee election official on election day for the purpose of counting the absentee ballots.

In municipal elections held at a time other than the primary or in a general election in municipalities having a population of less than 10,000, absentee ballots are delivered to the regular election officials of the precincts of the respective voters. However, a municipality may establish a procedure for appointment of absentee election officials pursuant to Section 11-46-27 by permanent ordinance adopted six months prior to the municipal election.

7.8 Absentee Provisional Ballots

On or after the eighth day prior to an election, if a voter who is not exempt from the photo identification requirement has not provided valid photo identification with the absentee ballot application, the absentee ballot is issued as a provisional absentee ballot. The AEM will mark the word "provisional" on the affidavit envelope prior to sending the ballot. The AEM should also enclose the information listed in Section 17-10-2(c)(1)(b), which states in part that the provisional ballot will not be counted unless the voter provides identification with the voted ballot or provides identification to the board of registrars by 5:00 p.m. on the Friday following the election. §§ 17-10-2(a)(3) and 17-10-2(c)(1).

If a voter applies for an absentee ballot for a precinct in which the voter does not appear on the voter list, the AEM will mark the word "provisional" on the affidavit envelope prior to sending the ballot. § 17-10-2(c)(2).

An absentee ballot that is challenged by the absentee precinct inspector or clerk due to the official having knowledge the voter is not entitled to vote a particular ballot becomes a provisional ballot. § 17-10-2(c)(3).

When the AEM mails a provisional absentee ballot to the voter, it should include:

(a) Information on why the ballot is a provisional ballot;

(b) A written explanation that photo identification must be provided by the Friday after the election at 5:00 p.m.;

(c) A written explanation that if photo identification is not provided by the deadline, the vote will not be counted;

(d) A voter reidentification form and an affirmation of provisional voter form;

(e) An explanation of how the voter can later determine if their ballot was counted and why it may not be counted; and

(f) A third envelope for identification as specified by Section 17-11-9 (which requires that the third envelope must be of a different color than the other two envelopes and large enough to contain them both). §§ 17-10-2 and 17-11-9.

7.9 Ballots and Supplies

At least fifty-five (55) days before an election and at most 14 days after the first primary, the officer charged with printing and distributing the official ballots and election supplies must deliver to the AEM an adequate number of absentee ballots, envelopes, and other necessary supplies. § 17-11-12. Except for municipal elections, the judge of probate must direct the delivery of ballots and voting materials to the AEM. § 17-11-12. Any person or entity supplying any county or municipality with election supplies must provide the county or municipality and the Secretary of State with an itemized and signed statement showing a description and quantity of each item so shipped or delivered.

All unused absentee election materials must be returned by the AEM to the sheriff of the respective county along with an itemized, signed statement showing the description and quantity of each item of absentee election material not utilized by the county or municipality in the election. § 17-11-19.

Absentee ballots are to be printed with a designation specific to its ballot style and a pre-printed serial number unique within that ballot style. The list of qualified ballots shall identify the correct ballot style designations for each voter. The administrative rules on the printing of designations and serial numbers on absentee ballots are available from the Secretary of State.

7.10 Disqualification of Circuit Clerk

When the circuit clerk is a candidate for any office and has opposition, the circuit clerk is disqualified from performing the AEM duties required by law. The circuit clerk must certify to the appointing board at least 55 days before election that he or she has opposition. The appointing board will then appoint a person to serve as AEM. § 17-11-13.

7.11 Municipal Elections

In a municipal election held at a different time from a primary or general election, the duties required by law of the AEM with respect to absentee voting are performed by the municipal clerk. If the clerk is a candidate in the election, the clerk is disqualified and the municipal governing body

appoints a qualified voter to perform these duties. § 17-11-15. *See also* §§ 11-46-56 to 11-46-58.

Ordinarily, in municipal elections, the mayor or other chief executive officer of a municipality performs the duties with respect to preparation and delivery of ballots, other election supplies, and lists of registered voters. These duties are required of the judge of probate in other elections. §§ 11-46-25, 11-46-32, and 11-46-36; see also § 11-46-37.

7.12 Criminal Offenses and Penalties

The penalty for changing or falsifying an absentee ballot is a Class C felony. § 17-17-24. Any person who knowingly and willfully prepares or assists in preparing an absentee ballot for a person who is comatose or who cannot communicate their voting preference is guilty of a Class C felony. § 17-17-26. The failure by an election official to count a legal vote is a Class C felony. § 17-17-27.

Additionally, willful failure or refusal to perform an absentee election duty required by Chapter 11 of Title 17 of the Code of Alabama is a violation. § 17-17-25.

The Alabama Code prohibits any voter in this state from voting more than once, or attempting to vote more than once, in any election held in this state, or who votes in both this state and another state or territory in the same or equivalent election. § 17-13-24. The Code also prohibits any voter from attempting to vote when they have knowledge that they are not entitled to vote, or to commit any kind of unlawful or fraudulent voting. § 17-17-36.

Act 2024-33 amended Section 17-11-4 to prohibit the practice of "ballot harvesting" or absentee ballot application buying and makes it illegal to pay or to be paid by a third-party to pre-fill and/or collect absentee ballot applications. Applications must be submitted by the applicant. Prefilling an application is prohibited to cut down on potential fraud (*e.g.*, through mass applications) and confusion (*e.g.*, when voters receive misaddressed or unsolicited forms).

More specifically, Alabama Code Section 17-11-4 provides the following absentee voting election offenses:

(a) Prefilled-Application Provision: "[i]t shall be unlawful for any

person to knowingly distribute an absentee ballot application to a voter that is prefilled with the voter's name or any other information required on the application form." §17-11-4(b)(2).

(b) Submission Provision: "it shall be unlawful for an individual to submit a completed absentee ballot application to the absentee election manager other than his or her own application," except in cases where a voter requires emergency medical treatment "within five days of the election." § 17-11-(c)(2).

(c) Compensation Prohibition: criminalizes trafficking absentee ballot applications, specifying different offenses for the two different actors in the transaction:

(1) It is a Class C felony for "a third party to knowingly receive a payment or gift for distributing, ordering, requesting, collecting, prefilling, obtaining, or delivering a voter's absentee ballot application." § 17-11-4(d)(1).

(2) It is a Class B felony "for a person to knowingly pay or provide a gift to a third party to distribute, order, request, collect, prefill, complete, obtain, or deliver a voter's absentee ballot application." § 17-11-4(d)(2).

CHAPTER 8

CONDUCT OF ELECTIONS

Summary of Contents:

8.1 General Provisions
8.2 Precinct Election Officials
8.3 Voting Systems
8.4 Voting Place Administration
8.5 General Rules of Polling Place
8.6 Voting Procedures
8.7 Write-in Votes
8.8 Poll Watchers
8.9 No Counting of Votes During Polling Hours
8.10 Closing the Polls
8.11 Sealing Records
8.12 Certificates of Result
8.13 Return of the Ballots and Other Election Supplies
8.14 Candidate Examination of Ballots
8.15 System of Canvassing the Ballots
8.16 Penalties for Violation of Election Code

8.1 General Provisions

In Alabama, elections are conducted by electronic vote counting systems and in some small municipalities by paper ballot. Aside from this, the use of hand-counted paper ballots has been generally discontinued except in unusual situations.

Procedures employed at voting centers established by special legislation differ somewhat from those required by the general statutory provisions explained in this handbook. Municipal election laws are found in Title 11, Chapter 46, and Title 17. Where these two sources conflict, Title 11, Chapter 46 prevails. Municipal elections are generally held at different times than other elections and are the responsibility of the municipality. The laws for state, county, and federal elections are specified in Title 17 of the Alabama Code.

8.2 Precinct Election Officials

Each county has an appointing board made up of the judge of probate, sheriff, and circuit clerk. The appointing board must appoint at least four precinct election officials for each polling place. Their duties and assignments are as follows:

(a) **Inspector** – In charge of the polling place, serves as official challenger of the votes and as returning officer for the precinct. § 17-8-1(b)(1);

(b) **Registration List Clerk –** Checks off names against the list of registered voters and writes in the names of voters who vote by provisional ballot or after presenting a certificate from the board of registrars. § 17-8-1(b)(2);

(c) **Poll List Clerk** – Ensures that each voter signs the voters' poll list, records each voter's name on the clerk's poll list, and gives ballots to voters. § 17-8-1(b)(3); and,

(d) **Ballot Clerk** – Assists the voter in depositing ballots in the precinct ballot counter. § 17-8-1(b)(4).

For municipal election officials, *see* § 11-46-28.

8.2.1 Qualifications

Precinct election officials must be qualified electors, be qualified to vote in the county where they are to serve, not be members of a candidate's immediate family to the second degree of kinship, and not be a member of a candidate's political committee. §§ 17-8-1(a) and 11-46-27(b).

The appointing board may select poll workers who are registered to vote in the county to serve at any precinct in the county. § 17-8-1.

The appointed officials must attend a precinct election officials' training school organized by the judge of probate. § 17-8-9(a).

8.2.2 Compensation

Precinct election officials are each entitled to a minimum of $50 per day for county elections. However, counties may prescribe a greater amount by local act. § 17-8-12(a). Additionally, in state elections, clerks and inspectors are entitled to additional compensation paid by the state such that clerks

earn at least $125 per day and inspectors earn at least $150 per day. § 17-8-12(b).

Each clerk or inspector who attends a precinct election official training school or is certified as a qualified precinct election official by the judge of probate is entitled to an additional $25 per day in compensation from the state for statewide elections. § 17-8-12(b).

An election official who works a split shift of not less than six (6) consecutive hours of work is paid half of the per day compensation. § 17-8-1(c).

8.2.3 Failure to Serve

A duly appointed poll worker who fails to attend the election without an excuse may be charged with committing a violation. §§ 17-8-6 and 17-17-11.

8.2.4 Additional Poll Workers

The appointing board may authorize the appointment of additional poll workers as necessary to serve at any polling place. The appointing board may appoint the number of precinct election officials necessary for each precinct, however, the county commission must approve any additional precinct election workers beyond the number paid in the November 2004 general elections. In the event of a change in the number of precincts, the appointing board may appoint according to the average number of precinct officials in the November 2004 election. § 17-8-1.

The appointing board may select poll workers who are registered to vote in the county to serve at any precinct in the county. § 17-8-1.

8.2.5 Alternate Poll Workers

The judge of probate or other appropriate county election officials may appoint additional clerks and inspectors from within the county to serve as dedicated alternates. The salaries of these officials are eligible for state reimbursement. Up to four alternate officials may be appointed in counties of less than 100,000 people, with up to 12 alternates in counties of 100,000 to 250,000 and up to 24 alternates in counties of more than 250,000. Priority may be given for the appointment of alternates who are registered voters at the precinct where a vacancy exists. § 17-8-1.

8.3 Voting Systems

Every county and municipality in the State of Alabama uses paper ballots. Alabama does not certify or allow for use any voting machine that has modem technology, and no voting machine in Alabama is capable of communicating by the Internet or cellular network.

An Electronic Vote Counting System is a system in which votes are recorded on a ballot and subsequently counted and tabulated by automatic tabulating equipment at one or more counting locations. § 17-7-20. To become certified for use, an Electronic Vote Counting System must meet the requirements for approval listed in Alabama Code Section 17-7-21.

Electronic Vote Counting Systems must be certified by the Alabama Electronic Voting Committee. The committee consists of five members: a representative appointed by the Secretary of State; a representative appointed by the Attorney General; and one judge of probate who shall be recommended by the Alabama Probate Judges Association and appointed by the Chief Justice of the Supreme Court and shall serve without pay or reimbursement for expenses; one member from the House of Representatives and one member from the Senate, to be appointed by the presiding officer of each house. The judge of probate shall be the chair. § 17-7-22.

The Secretary of State maintains the listing of certified Electronic Vote Counting Systems and provides the same to all county governing bodies of the counties in the state. There are currently two vendors with certified equipment for use.

The governing body of a county or municipality is authorized to adopt and direct the use of electronic vote counting systems and is authorized to determine which type of equipment to utilize, as long as it has been certified by the Alabama Electronic Voting Committee.

8.4 Voting Place Administration

Precinct election officials are responsible for the administration of the polling place on election day. Precinct election officials are responsible for opening, closing, and operating the polls. §§ 11-46-28 and 11-46-52. Poll watchers, who represent the interests of candidates or parties, may be present during the operation and closing of the polls. § 17-8-7.

8.4.1 Polling Place Materials

At the county's expense, the judge of probate must have printed all ballots, forms, and other supplies necessary for the conduct of any state or county election. § 17-6-47. When two parties participate in a primary election, ballots and other election stationery must be printed on a different color paper for each party. § 17-13-8. The judge of probate furnishes these supplies to the sheriff.

It is the duty of the sheriff to deliver the supplies, together with boxes containing the ballots, to each polling place not later than one hour before the polls are scheduled to open on election day. §§ 17-6-47 and 17-13-9. Poll workers should receive a packet of supplies as follows:

(a) Ballots (at least one ballot for each registered voter at that place) (§ 17-6-44);
(b) The list of qualified voters for the precinct (§ 17-6-5);
(c) Printed form on which precinct election officials may swear their oaths;
(d) Provisional ballot supplies;
(e) Poll lists—blank, numbered forms provided for the names of those individuals who vote in the election;
(f) At least three instructional posters to be posted in each precinct (§ 17-6-46);
(g) Precinct ballot counters (§ 17-6-4);
(h) Other stationery or blank forms (§ 17-6-47);
(i) Sample ballot (§ 17-6-46); and
(j) Voter update forms and voter registration forms (Ala. Admin. Code r. 820-2-2-.13).

8.4.2 Precinct Election Officials Reporting for Duty

Precinct election officials report to the polling place no later than 30 minutes before the polls open to organize themselves and prepare for voters. § 17-9-7. The necessary supplies and equipment will be delivered to the polling place. The list of registered voters will also be delivered, which as a practical matter is now accomplished by use of electronic poll books in most counties. Names of persons who have obtained absentee ballots will be identified as absentee voters; again, in most counties, this status is indicated on the electronic poll books used at the precinct. § 17-11-5. Precinct election officials should check the physical arrangement of the polling place before

the voters arrive. At the appointed time, an inspector announces that the polls are open. § 17-9-9.

8.4.3 Absent Officials

The polls open at 7:00 a.m. § 17-9-6. If any election officials have not arrived at the polling place by that time, the remaining officials may fill the vacancies with qualified electors who are eligible to vote in that county. If the inspector is not present, the remaining officials may choose one of their number to serve as inspector and appoint a replacement clerk. §§ 17-8-6 and 17-17-11.

However, before taking such a step, it is wise to contact the appointing board for advice. The missing officials may simply be late or trained alternates may be available. Precinct election officials should be told which official they should call in case of problems.

8.4.4 Oath

Before beginning their duties, the inspectors and clerks must take an oath to uphold the law, perform their duties, and affirm that they will not discriminate in any manner against any voter because of race, sex, religion, disability, or political affiliation. This oath may be administered by any person authorized by law to administer oaths or by the inspector. §§ 17-8-8, 17-13-48, and 11-46-28; Harris v. Siegelman, 700 F.Supp. 1083 (M.D. Ala. 1988).

Poll watchers are also sworn to faithfully observe the law for the conduct of elections. §§ 17-8-7 and 11-46-35(b).

8.4.5 Absentee Voters

Before the polls open, the absentee election manager will underscore on the list of qualified voters the names of those who have applied for an absentee ballot and mark beside the name the word "absentee." The Secretary of State may also provide for electronic access to the absentee election manager's county list of voters. The absentee election manager furnishes to each voting place a list of the voters registered there who have applied for absentee ballots. In practice, this is now done by indicating on electronic poll books that the voter has applied for an absentee ballot. § 17-11-5. In municipal elections, the city clerk prepares and distributes this list. §§ 11-46-28(e) and 11-46-57. Any voter who is indicated to have applied for an absentee ballot

must cast a provisional ballot if the voter attempts to vote at his or her precinct on election day, as there is no way for a precinct official to determine whether or not the voter has actually cast an absentee ballot or not.

8.4.6 Physical Arrangement

There are certain legal and practical requirements for the physical arrangement of the voting place:

(a) Voters should have a place to stand (or sit in the case of the infirm) while waiting to have their registration checked.

(b) A sample ballot should be posted where voters can examine it before they reach the official's table. Sample ballots will be included in the election supplies. § 17-6-46.

(c) There should be places for voters to prepare their ballots confidentially and with privacy. § 17-6-34; Ala. Admin. Code r. 307-X-1-.09.

(d) Instructions on the procedure to vote including how to cast a vote and how to cast a provisional ballot must be posted. § 17-6-46.

(e) Voter instructions on how to correct the ballot before it is cast and how to correct or change a ballot through the issuance of a replacement ballot. § 17-2-4.

(f) The voting place must be accessible for individuals with disabilities in a manner that assures privacy and confidentiality. § 17-2-4(c).

(g) It is very important to locate the nearest telephone which will be available throughout election day if a polling official does not have a cell phone. Workers may have to contact the sheriff, judge of probate, or board of registrars at any time. Note that some offices may close before the polls do, so be sure to locate a telephone or cell phone that will be available whenever it is needed.

(h) A public notice should be posted to inform voters who are either mobility disabled or over the age of 70 that they may request to move to the front of the voting line. § 17-9-13(c).

8.4.7 Voting Equipment

Where electronic voting is conducted, voting equipment consists of an

electronic voting machine for reading and tabulating votes with an attached receptacle for storing ballots. In municipal elections using paper ballots, there must be one voting booth or compartment for every 100 voters. § 11-46-34.

The judge of probate must have each electronic voting device tested before each election. Ala. Admin. Code r. 307-X-1-.04. Additionally, the inspector is responsible for testing each precinct ballot counter before the polls open on election day. A printout is produced to verify that the registers are set at zero. Procedures for this check will vary by manufacturer, but all equipment certified for use in Alabama must have a procedure to ensure that all votes register and the public counter is set at zero before the polls open. All precinct election officials and at least two watchers of opposing interests (if any are present) sign a certificate indicating that the check has been conducted and that the equipment is in order. Ala. Admin. Code r. 307-X-1-.23.

No voting machine may be installed or operated outside of the interior of the enclosed building designated as a voting place. Additionally, no ballots shall be taken into or out of any voting place, except in performing the authorized pre-election and post-election duties of transporting ballots. § 17-6-4.

Any error must be reported to the custodian and the judge of probate. No vote can be tabulated on the equipment until the equipment is repaired or a substitute is provided. Ala. Admin. Code r. 307-X-1-.11. However, the polls must remain open, and voters may deposit ballots in a ballot box or other suitable container. Once the polls close, these ballots must be either counted by hand or deposited into a working ballot counter. Ala. Admin. Code r. 307-X-1-.17(5).

8.4.8 Voting Hours

Polls open at 7:00 a.m. and close at 7:00 p.m. All polling places in the eastern time zone open and close pursuant to the eastern time except that such polling places in Chambers and Lee Counties may, by resolution of the county commission, open according to central time. § 17-9-6.

8.5 General Rules of Polling Place

The Code provides a number of rules governing election day activities.

These rules cover keeping order in the polling place, the secrecy of the ballot, the integrity of the process, and accessibility.

8.5.1 Keeping Order

Poll workers and watchers are forbidden to drink intoxicating beverages. § 17-17-12. In primaries, it is a violation for anyone to be drunk or intoxicated at the polling place on election day. § 17-17-51.

According to the Attorney General's Office, private property owners that permit their property to be used as a polling place can restrict the use of that property beyond thirty feet of the entrance to the polling place. Unless otherwise permitted by private property owners, the public may use only those portions of the private property open to the public for voting purposes. Alabama Attorney General Opinion 99-00243. This prevents campaigners from assembling or distributing literature at the polling place against the will of the property owner on the portions of the property not generally open for voting purposes.

The sheriff is responsible for the preservation of order in all elections. In municipal elections, this function is performed by the chief law enforcement officer of the municipality. §§ 17-9-1, 17-17-2, and 11-46-28(i).

The Attorney General has issued advisory opinions concerning firearms at polling places. Local governments may not ban firearms at polling places on private property. However, "owners of private property may also choose to forbid firearms on their property, even if the person with the firearm has a permit." Alabama Attorney General Opinion 2014-074. The power to restrict firearms at public polling places may vary.

8.5.2 No Loitering Around Polls

No loitering is permitted within 30 feet of the door of the building of the polling place. A person who has voted must immediately leave the polling place, go beyond the 30-foot limit, and may not enter the polling place again. §§ 17-9-13, 17-9-50, and 17-17-21. The only persons who may remain continuously at the polls are the election officials, the judge of probate, the sheriff or his deputy, and poll watchers. § 17-9-50.

8.5.3 Penalties Applicable to Election Officials

State election laws prescribe penalties for failure of the election officials to

conduct the election in the proper manner. *See generally* §§ 17-17-2, 17-17-12, and 11-46-61 to 11-46-65.

The National Voter Registration Act further provides criminal penalties for wrongful acts committed during voter registration and conduct of the election. 52 U.S.C. § 20511; Ala. Code § 17-4-60.

8.5.4 Secrecy of the Ballot

Every voter has the right to vote a secret ballot, and that ballot should be kept secret and inviolate. §§ 17-6-34 and 17-13-10. It is a Class A misdemeanor for election officials to disclose votes. § 17-17-18.

Except in a contest, it is illegal to break the seal on the voted ballot box or the record of election container to copy a poll list or to compare poll list numbers with ballot numbers. §§ 17-17-7, 17-17-16, and 17-17-29. Provisional ballots will be numbered and sealed. Ala. Admin. Code r. 820-2-6-.01 *et seq*.

8.5.5 Integrity of the Process

It is a violation for electors to interfere with other electors in their ballot preparation. § 17-17-21.

It is also a misdemeanor for an inspector to alter a ballot or substitute a ballot. § 17-17-42.

It is a Class A misdemeanor to vote more than once, to vote illegally, to vote both in this state and another state or territory in the same equivalent election, or to impersonate another voter. Any second or subsequent violation of the aforementioned violations is a Class C felony. §§ 17-17-36, 17-13-24, and 17-13-25. Any person who willfully and intentionally signs on the poll list the name of any person other than himself or herself shall be guilty of a Class C felony. § 17-17-15. In municipal elections, any of these aforementioned violations constitute a Class C felony upon the first offense. § 17-17-37.

It is illegal for anyone to attempt to bribe, influence, or hinder a voter in the exercise of a free vote. §§ 17-17-17, 17-17-33, 17-17-34, 17-17-38, 17-17-39, and 17-17-43.

An employer, an officer, or agent of a corporation may not intimidate

employees to influence their votes. §§ 17-17-44 and 17-17-45. A candidate guilty of bribing or influencing a voter is ineligible for the term of office to which they may be elected. § 17-17-41.

The National Voter Registration Act further provides criminal penalties for wrongful acts during voter registration and conduct of the election. 52 U.S.C. § 20511; Ala. Code § 17-4-60.

8.5.6 Accessibility

Chief election officials are required to post a notice at each polling place to inform voters who are mobility disabled or over the age of 70 that they may request to move to the front of the polling line. § 17-9-13(c).

Under federal law, each political subdivision in every state is charged with making certain that all polling places have a reasonable number of permanent registration facilities, and registration and voting aids are made available to the elderly and the handicapped. 52 U.S.C. §§ 20102 and 20103. Should a state or political subdivision fail to comply with the Act, the United States Attorney General or the person who is personally aggrieved by the non-compliance may bring an action for declaratory or injunctive relief in the appropriate federal district court. 52 U.S.C. § 20105. Polling places must also comply with the Americans with Disabilities Act. *See* 42 U.S.C. §§ 12101 *et seq*.

8.5.7 Photographs and Video

Every voter has the right to vote a secret ballot, and that ballot shall be kept secret and inviolate. § 17-6-34. It is a Class A misdemeanor for a person to reveal or take a photograph or video of another voter's ballot. § 17-9-50.1. However, a person may photograph his or her own ballot and may post such photos on the Internet. § 17-9-50.1.

A person is allowed to photograph general election activities at a polling place as long as they remain 30 feet outside a polling place and do not photograph voters marking ballots. After the polling places close, one member of the news media may enter the polling place and photograph vote tabulation. Alabama Attorney General Opinion 2000-160.

8.5.8 Model and Diagrams

The election officers must post at least three large type posters (sample

ballots) around the voting place. These posters are provided by the judge of probate. One set must be posted near the entrance of the voting place. Another set must be plainly visible near the place where voters are identified. The remaining set may be placed in visible locations according to the layout of the voting facility. § 17-6-46. In counties where five percent of the voting age public has a language other than English, instructions must also appear in the alternative language. § 17-6-46.

8.6 Voting Procedures

When the polls are open, electors will present themselves to the poll workers for the purpose of voting. There are five basic steps for each voter: checking registration; checking identification; signing the poll list; recording the voter's name; and the act of voting. In addition, there are some general rules governing the conduct of the polling place.

8.6.1 List of Qualified Voters

A ballot cast in any election in a precinct, district, ward, or any other subdivision in which the voter's name does not appear on the official list of the precinct, district, or ward is illegal and must be excluded from being counted. § 17-10-3. The list of registered voters must be published in a newspaper of general circulation at least 20 days before the primary election. Any voters whose names were inadvertently omitted from the list have 10 days to satisfy the board of registrars that their names should be on the list. A supplemental printing of these omitted names must be published seven days preceding the election. § 17-4-1.

8.6.2 List of Registered Voters

A list of persons registered to vote in the precinct is provided by the city clerk in municipal elections and the judge of probate in all other elections. § 17-1-2(14). Some individuals whose names appear on the list of registered voters may have applied for absentee ballots. The absentee election manager sends a list of their names to each polling place. These names are to be stricken from the list of registered voters and "absentee" should be written next to the name to indicate why it was stricken. § 17-11-5(c). The purpose of this procedure is to prevent a person from voting an absentee ballot and also casting a "regular vote" at the polling place. Any person whose name does not appear on the official list of voters may cast a provisional ballot. § 17-10-2.

8.6.3 Only Party Members May Vote in Primaries

Although there is no party registration, a person must choose to be a member of the political party whose ballot he or she requests and may vote that party's ballot only. The voter attests to membership in the party by signing the poll list used at primary elections, which contains at its top a statement indicating the voter's preference for that party and when voting in the Democratic Party primary that they will support its nominees in the ensuing general election. The Republicans do not have such a statement. §§ 17-13-7 and 17-13-8. The Alabama Republican Party obtained an injunction preventing this pledge from being placed on its ballot materials. Alabama Republican Party v. State of Alabama, No. 90-0267-BH, (S.D. Ala. 1991).

In 1986, the United States District Court for the Middle District of Alabama held that the Democratic Party rule prohibiting crossover voting in a primary was enforceable and did not violate the United States Constitution or the Alabama Constitution. The Court ruled that the Alabama Attorney General, in 1986, violated Section 5 of the Voting Rights Act when, without pre-clearing his actions with the Justice Department, he encouraged citizens who had voted in the state Republican primary to vote in the Democratic Party runoff election in violation of Democratic Party rules prohibiting crossover voting. Henderson v. Graddick, 641 F.Supp. 1192 (M.D. Ala. 1986).

The lists of qualified voters are not divided according to party, and no designation of party membership follows the voter's name. Hence, there is no convenient method of establishing party membership in case of doubt. But in no event may a voter cast a vote for candidates in different primaries on the same day.

8.6.4 Voters May Not Change Political Parties from Primary to Primary Runoff

If a voter participates in a political party's primary election, the voter may only participate in the primary runoff election of the same party. A voter who does not participate in a primary election may participate in any party's primary runoff election. § 17-13-7.1; *see also* Ala. Admin. Code r. 820-2-6.1-.01.

8.6.5 Checking Registration

Before allowing a person to vote, poll workers must determine that they are a qualified elector in that precinct. Alabama Attorney General Opinion 2004-041. For most voters, the process is quite simple because their names appear on the list of registered voters. Whenever a prospective voter's name does not appear on the list, additional steps are required to determine their eligibility:

8.6.5.1 Check List of Registered Voters. The clerk should attempt to locate the person's name in the list of registered voters. If the name appears, it should be marked through so that the same name may not be voted twice. The voter must then sign his or her name on one of the poll lists before being allowed to vote. § 17-9-11.

8.6.5.2 Check Inactive Voter List. Inactive voters will either be designated as such in the voter list or contained in a separate roster. Inactive voters must update their voter registration record before being permitted to vote. § 17-4-9. Update forms are included in the election supplies. Once the form is completed, the voter may cast a regular ballot. The clerk should place the completed update form in an envelope addressed to the board of registrars. § 17-4-9.

These update forms are a critical part of the voter file maintenance process. Updating inactive voters ensures that the board of registrars has an accurate address for each voter.

8.6.5.3 Written Proof of Registration. If a person's name is not on the list of registered voters, poll workers should ask for a proof of registration certificate from the board of registrars. § 17-10-3.

The board of registrars should be notified of all persons voting by certificate. This is because the certificate issued to voters when they originally register is not collected when people change their residence or otherwise become ineligible. The clerk should take the certificate and keep it with the list of registered voters to prevent it being used twice in a single election and to have it available in the event of a contest. If the person presents acceptable proof, the clerk should add his or her name to the list of registered voters, mark it to indicate that the person has voted, and allow the person to vote.

If the person does not have written proof of registration, the clerk should

call the board of registrars. The registrars may have a record of the individual's registration and, if so, the voter may obtain a certificate by returning to the courthouse.

A person whose name is not on the list of registered voters may be allowed to vote if the board of registrar's office confirms that person is registered to vote and gives authorization over the phone for that person to vote a regular ballot. The individual must complete a voter reidentification/update form. The poll worker who spoke to the registrar must fill out that portion on the back of the voter reidentification/update form indicating the name of the registrar who gave authorization for the individual to vote. The poll worker must also sign the form. Ala. Admin. Code r. 820-2-6-.04.

8.6.5.4 Checking Other Poll Lists. People may vote in the county and precinct of their domicile and nowhere else. § 17-9-10. A poll list is often provided to each polling place with lists of registered voters for all other precincts so that poll workers may check for registration in other precincts without calling the courthouse. Copies of the poll lists and seven-day supplement published in the newspaper should also be provided.

8.6.5.5 Voting by Provisional Ballot. Any qualified voter residing in a precinct or voting district may vote a provisional ballot when his or her name is not on the official list. § 17-10-3. For more information on provisional voting, *see* Chapter 10.

8.6.5.6 Voter Update Forms. Voters who are designated "inactive" are required to complete a voter reidentification/update form prior to voting at the polling place so that their voter registration can be updated. § 17-4-9.

8.6.6 Voter Identification

Prior to voting, each voter must present one of the following forms of valid photo identification to an appropriate election official:

(a) A valid Alabama driver's license or non-driver identification (ID) card (not expired or has been expired less than 60 days);

(b) An Alabama Law Enforcement Agency Digital Driver's License or Digital Non-driver ID;

(c) A valid Alabama Photo Voter ID card;

(d) A valid state issued ID (Alabama or any other state):

i. Valid AL Department of Corrections Release- Temporary ID (Photo Required);

ii. Valid AL Movement/Booking Sheet from Prison/Jail System (Photo Required);

iii. Valid Pistol Permit (Photo Required);

(e) A valid Federal Issued ID;

(f) A valid U.S. passport;

(g) A valid employee photo ID issued by the federal government, State of Alabama, or local county government, municipality, board, authority, or other entity of this state;

(h) A valid student or employee photo ID from a college or university in the State of Alabama (including post-graduate technical or professional schools);

(i) A valid U.S. military photo ID card;

(j) A valid tribal photo identification card; or

(k) Any other valid photo identification card issued by an entity of federal, state, or local government authorized by law to issue personal identification.

The Secretary of State's Office maintains a list of valid forms of identification that can be accessed on their website. *See also* § 17-9-30(a). Ala. Act 2025-307 amended Section 32-6-10.1 to provide that an Alabama driver license, non-driver license, or vessel license issued to a foreign national (i.e., an individual who is not a citizen of the United States) may NOT be presented or accepted for purposes of complying with Alabama's voter photo ID law.

An individual who is unable to present valid photo identification may vote by provisional ballot. § 17-10-2. Alternatively, such an individual may vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and both election officials sign the voters list alongside where the voter signs. §§ 17-9-30(f) and 17-17-28.

Voters entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, Section 3(b)(2)(B)(ii) of the

Voting Accessibility for the Elderly and Handicapped Act, or any other federal law, are not required to produce identification prior to voting. §§ 17-9-30(d) and 17-17-28. See Photo ID Guide 2026 in the Appendix of this book for more information.

8.6.7 Completing the Poll List

All voters must sign a poll list unless they are illiterate or disabled, in which case assistance may be provided. § 17-9-11. Poll lists are provided in the election supplies. The lists have historically been printed in the form of booklets with numbered lines on each page and this practice remains in some counties. However, counties and municipalities increasingly choose to utilize electronic poll books instead of printed lists. *See* § 17-4-2.1. The Secretary of State's regulations governing electronic poll books are provided in Ala. Admin Code r. 820-2-11.

The poll list clerk also records each voter's name on a separate poll list, which is often titled "Names of Voters" but which will be referred to here as the "clerk's poll list." The clerk's poll list must match the voters' poll list in the number and order of names. § 17-8-1. Having a clerk record names ensures that voters can be identified in case of a contest, even if their signatures are illegible. In precincts using electronic poll books, this practice is accomplished at the same time as the voter verification and check-in.

In primary elections, there will be separate lists for each party. The poll list may contain a pledge of support for the party's nominees, and, by signing the poll list, the voter is also signing the pledge.

Electors may vote only in the primary of the party whose poll list they sign. When constitutional amendments are voted on during a primary, there should also be a poll list for persons who wish to vote only on the amendments. § 17-13-7.

Assistance in signing the poll list may be required by voters who are disabled or illiterate. In the case of a physical handicap, a poll worker writes the voter's name on the poll list, and then signs his or her own name on the same line. § 17-9-11.

In the case of illiteracy, the voter makes his or her mark on the list, a poll worker writes the voter's name beside it, then the worker signs his or her own name on the same line as a witness. § 17-9-11.

To obtain assistance, the voter must specifically request assistance by identifying the person from whom assistance is sought including a poll official, and by signing in the appropriate column of the voters' poll list. The person providing assistance signs in the appropriate column on the same line as the assisted voter. By signing, the assistants attest to the statement printed on the form that they are not the voter's employer, an agent of the employer, or an officer or agent of the voter's union. If the voter is unable to sign the poll list, the person giving assistance will write the voter's name in the appropriate column and sign his or her name in the appropriate column. § 17-9-11.

8.6.8 Voter Receiving the Ballot

After the voter's registration has been established and he or she has signed the poll list, the poll list clerk will take a ballot from the ballot package and give it to the voter.

The ballot must be given to the voter inside the confines of the polling place. No election officer or poll worker shall take a ballot into or out of any polling place except in the performance of official duties that include the transporting of ballots to and from the polling place as part of established election procedures. § 17-6-4.

8.6.9 The Act of Voting

The voter goes to a suitable area in the polling place and marks the ballot. Depending upon the type of tabulating equipment used, the voter will either mark a designated space next to the candidate's name or use one of the options listed below. These options may be used in completing the ballot in general elections only. A ballot marking device with touchscreen capability and alternative input methods for persons with disabilities (e.g., "sip and puff" tube) is provided in every polling place to allow voters to electronically record a vote on a ballot that is later fed into the ballot counter. Special operating instructions will also be provided.

8.6.10 Straight and Split Ticket Voting

In general elections, voters may complete their ballots in a variety of ways:

(a) **Split ticket.** The voter may mark by the name of each candidate for which he or she wishes to vote. The "yes" or "no" blocks for constitutional amendments and referenda are marked in similar

fashion. If a voter does not mark any candidate for a particular office, no vote will be counted for that office. § 17-6-38.

(b) **Straight ticket.** The voter may vote a straight ticket by marking the areas immediately under the name of one party. This action will cause votes to be counted for every candidate of that party and no others. § 17-6-35. However, when a ballot is marked for a straight party ticket but does not carry a party candidate for all offices to be filled, the voter may vote for candidates in other parties in the offices omitted or write in the names of candidates in the blank space under the title of the office. § 17-6-39.

(c) **Straight ticket with exceptions.** After marking beneath the party's name, the voter may make exceptions by marking the names of some candidates for other parties. §§ 17-6-36, 17-6-27, and 17-6-39. Additionally, when two or more candidates are to be elected to the same office (for instance, to a county commission) and a voter desires to vote for candidates for this office in different parties, the voter marks before the names of these candidates on his or her ballot. § 17-6-37.

(d) **Write-in votes.** The voter may also write in candidates whose names are not on the ballot. §§ 17-6-40, 17-6-27, and 17-6-28. Write-in procedures vary somewhat by manufacturer. Instructions must be posted in general elections.

In primary elections, of course, there are no separate party lists or "tickets," and a mark must be made by the name of each candidate to cast a vote for them.

8.6.11 Voter Assistance

Any person is allowed voting assistance as long as the registered voter seeking assistance and the person providing assistance sign the proper column on the voting list, and the person assisting is not the employer, agent of the employer, or union agent of the voter. § 17-9-13(a). A poll watcher or candidate may assist a voter at the request of the voter. Earlier statutory assistance provisions that required an oath were found unconstitutional in Harris v. Siegelman, 700 F.Supp. 1083 (M.D. Ala. 1988). The court does provide that "any person who wishes assistance in voting may have that assistance from any person the voter chooses, except as prohibited in the Voting Rights Act of 1965."

In municipal elections, if voters are unable to read or write, or are physically disabled and cannot make their marks on the ballot, the voter may select a

person to provide assistance and if that person is not present the inspector may send for the person. §§ 11-46-40 and 11-46-51.

8.6.12 Time to Vote

Poll workers must make every effort to give each voter adequate time to vote. A previous limit of three (3) minutes was declared unconstitutional in Harris v. Siegelman, 700 F.Supp. 1083 (M.D. Ala. 1988). That court held that a five (5) minute waiting period, when there are other voters in line, was more appropriate. If there is a line waiting, poll workers may use the following procedures to prevent long delays:

(a) After four (4) minutes, ask the voter if he or she needs assistance. Tell the voter that anyone of the voter's choice who is currently in the polling place, including another voter or poll worker, may assist (except for the voter's employer, an agent of the employer, or an officer or agent of the voter's union).
(b) If the voter does not request assistance, allow him or her one (1) more minute. Then, if others are waiting, inform the voter that time is up and ask him or her to leave.
(c) If the voter does request assistance, the poll worker should provide the assistance or get the person requested so long as the person is already in the polling place and does not have a disqualifying interest as provided above. If there is no line, the voter and the assistant have as much time as necessary to finish voting. If there is a line, they may have five (5) minutes after the assistant enters the booth.
(d) When the voter asks for assistance after entering the booth, both the voter and the assistant must sign the poll list as provided under the rules for assistance after voting and before leaving the polling place. If the voter has already signed in the appropriate column, the voter must simply sign again on the same line in the appropriate column. The assistant must sign on the same line in the appropriate column. § 17-9-13(b).

8.6.13 Submitting the Ballot

When the voter has completed the ballot, the voter must deposit the ballot in the electronic voting machine. The ballot clerk observes this process and may assist with this process if necessary, but, in either event, the ballot should be fed into and accepted by the vote tabulating machine in the presence of the voter. § 17-8-1. As long as the machine is functioning

properly, under no circumstances should a ballot clerk collect ballots to be fed into the machine later, even if the precinct is busy and lines are forming at the vote tabulating machines.

8.6.14 Spoiled Ballots

If any voter makes a mistake or otherwise spoils a ballot such that it cannot be used conveniently or safely to vote, the voter may return the ballot and receive a replacement ballot. Spoiled ballots must be retained by election officials in a separate spoiled ballot envelope or other designated container. § 17-9-14. The ballot to be spoiled must be collected from the voter and marked or torn, then deposited into the appropriate spoiled ballot container before a replacement ballot is issued to the voter so that at no point is the voter in possession of two ballots.

8.6.15 Curbside Voting Prohibited

Curbside voting is specifically prohibited by Alabama law. Election officials are prohibited from removing ballots from within a polling place or bringing ballots inside, except as required for the performance of official duties for pre- and post-election procedures. § 17-6-4(a).

8.7 Write-in Votes

Write-in votes may be cast in general elections for state and county officers, but not in primary or municipal elections. If a voter desires to vote for any person whose name does not appear on the general election ballot, the voter writes the name in the proper place in the blank column and fills in the voting space by the name written in. §§ 17-6-27, 17-6-28, 17-6-40, and 11-46-43; see also Ala. Admin. Code r. 307-X-1-.16.

The name of a write-in vote must be physically written on the ballot. It is not valid to use a rubber stamp or stick on label in lieu of actually writing in the name. Alabama Attorney General Opinion 81-00029. Write-in votes should be counted only for living human beings. A write-in vote for a fictitious party such as "Mickey Mouse" will not constitute a vote. Alabama Attorney General Opinion 2000-048.

Write-in votes are counted only upon a determination that the total number of write-in votes for a specific office is greater than or equal to the difference in votes between the two candidates receiving the greatest number of votes

for the specific office. Alternatively, the write-in votes cast for a specific election may be counted upon written request of a voter who participated in the election. The request must be accompanied by a bond or certified check in an amount sufficient to cover the cost of counting the write-in votes. Such requests must be submitted to the judge of probate for county offices or to the Secretary of State for state and federal offices by 5:00 p.m. on the first Friday following the election. § 17-6-28.

8.8 Poll Watchers

State law authorizes poll watchers and prescribes certain rules for them. *See* §§ 17-8-7, 17-13-11, and 11-46-35. Poll watchers are designated by candidates or political parties to watch the voting process inside the precinct on election day. A watcher must be a resident and qualified elector of the state. § 17-8-7. Each watcher should have an appointment letter or "credential" signed by an appropriate person.

8.8.1 Number

In a primary election, any candidate may have one (1) watcher in a polling place. § 17-13-11. In a general election, there may be one (1) watcher in a polling place for each party or organization which has nominated candidates for that election. § 17-8-7.

8.8.2 Appointment

In both primaries and general elections, each poll watcher's appointment must be in writing. § 17-13-11. In general elections, poll watchers may be named by the chair of the county executive committee, by nominees for office, or by beat committee members so long as the limit on one watcher per party or organization per polling place is not exceeded. § 17-8-7.

In a special election in which there are no candidates, each political party, through a writing submitted to the inspector by the chair of the county executive committee, may appoint a watcher for each polling place. § 17-8-7.

A poll watcher must present the appointment letter to the precinct inspector when entering the voting center. The inspector will administer the oath of office to the poll watcher and retain the appointment letter as long as the poll watcher remains in the precinct. When the poll watcher wants to leave,

the poll watcher should retrieve the appointment letter from the inspector so the poll watcher will have it to present to the inspector at the next location.

8.8.3 Time

Poll watchers may be present in the polling place from the time that the preliminaries of opening the polls begin until the results are posted and certificates of the results are signed. § 17-8-7.

8.8.4 Oath

Each watcher must be sworn to faithfully observe the rule of law for the conduct of the election. § 17-8-7. The oath for poll watchers is the same as that taken by poll workers.

8.8.5 Permissible Activities

Poll watchers may observe the conduct of the election. They may be present to observe the preliminaries at the opening of the polls at 7:00 a.m., observe the voters during the day, and see the ballots as they are counted at the end of the day. Poll watchers may also observe absentee ballots and affidavits when they are reviewed during the count in the absentee precinct (on election day, the absentee election manager's office becomes a precinct for purposes of counting ballots). § 17-8-7.

A poll watcher cannot wear any clothing, stickers, hats, etc., that identify the poll watcher with a particular party or candidate. A watcher cannot attempt to influence voters in any way. §17-8-7(d). A watcher is generally allowed to observe all aspects of the voting process at a precinct, but the poll watcher cannot interfere or hinder the voting process. A watcher is allowed to check the number of ballots cast on the ballot counters, as well as to observe the signing of the poll lists and to monitor voter check-in at the registration table.

Poll watchers may not simultaneously serve as election officials. §§ 17-8-7 and 17-13-11. In addition, poll watchers must observe the general rules for the conduct of the polling place. They may not disturb or attempt to influence voters, campaign, or electioneer. §§ 17-17-21, 17-13-11, 17-17-38, and 17-17-43. While inside the polling place, they should refrain from wearing buttons, badges, or ribbons which have a candidate's name printed on them. Alabama Attorney General Opinion 84-00020.

8.9 No Counting of Votes During Polling Hours

Votes are not counted until the polls are closed. §§ 17-12-6 and 11-46-44.

The procedure for counting the absentee ballots in electronic voting equipment is generally the same as for poll workers in precincts and may not be tabulated until the polls close. For absentee voting, ballots may be tabulated beginning at 7:00 a.m. on election day, but the final tape will not be run until the close of polls after 7:00 p.m. §§ 17-11-10 and 17-11-11.

8.10 Closing the Polls

The polls in state and county elections close at 7:00 p.m. §§ 17-9-6 and 11-46-28(a). Anyone who is within the voting room at closing time, that is, who is "in line" to vote at 7:00 p.m. but has not voted, will be permitted to vote. § 17-12-1.

A federal or state court order may extend the time for closing the polls beyond 7:00 p.m. Persons who vote during the extended time period pursuant to such a court order must vote a provisional ballot. § 17-10-2(a)(4).

8.10.1 Clearing the Polling Place

At the time appointed for closing the poll, the poll workers should begin to clear the polling place of voters. Qualified voters who are waiting in the room (or in a line which extends outside the room) must be permitted to vote. § 17-12-1.

Voters are not allowed to leave the line and return after the polls are closed. As soon as the last ballot has been given out, the poll list clerk must record the number of that ballot on a ballot accounting certificate. § 17-12-1.

8.10.2 Voting Officials May Not Adjourn

At the end of the voting day, no recess or adjournment is permitted. The inspectors and clerks proceed immediately to count the votes and continue without interruption until the certificates of results have been signed. § 17-9-8.

8.11 Sealing Records

8.11.1 General Elections

Before the inspectors begin to count ballots, the poll list that was signed by the voters must be sealed in a special envelope included in the election supplies. In precincts that use electronic poll books, this is accomplished by shutting down the poll books. § 17-9-12.

8.11.2 Primaries

Before the ballots are counted, each party's poll list that was signed by the voters must be sealed in an envelope designated to the appropriate political party chair, and the inspector must sign across every fold of the envelope. § 17-13-14. (The envelopes provided for this purpose have the appropriate places for signatures clearly designated). The list of registered voters must be sealed and signed in the same fashion. In precincts that use electronic poll books, this is accomplished by shutting down the poll books. § 17-13-14.

8.12 Certificates of Result

A certificate of result is a printout from the electronic voting machine detailing the election results recorded by that machine. Under Alabama law, several of each of these certificates are necessary as they must be provided to a number of different election officials, as described below.

8.12.1 Creating Certificates of Result

After closing the polls and sealing the required records as prescribed above, the officials are to follow the manufacturer's instructions to lock the equipment against further voting and to obtain a printout of the votes on each office and ballot question. The paper should not be torn from the machine until after the first printout of the results has been made so that all printing during the day, from the initial test before the polls opened through the first complete printout of results, will be on one continuous sheet or roll of paper. § 17-12-1.

All election officials should immediately sign the sheet. This printout, together with any necessary additions as outlined below, is the original certificate of result. Then, at least four more printouts of the results must be

produced and torn out to be distributed as required by statute. § 17-12-1.

The next step is to complete the certificates of results by adding any necessary information that is not automatically printed. This information may include: the name of the precinct, the date, the identifying number (serial number) of the tabulating equipment, the value on the public counter indicating the number of votes cast, the name of each candidate next to the total number of votes for that candidate, the number and short title of each proposition next to the number of votes for and against that proposition, and, in general elections only, the number of write-in votes cast in each race on the ballot. § 17-12-1; Ala. Admin. Code r. 307-X-1-.18.

8.12.2 Dispatching Certificates of Result

In each election, a number of certificates of result are needed.

First, the original certificate of result should be sent to the judge of probate for public inspection and use in an election challenge. § 17-12-16.

Another copy of the certificate of result must be posted in front of the polling place immediately following the count. § 17-12-10. In primary elections, this copy must be posted within two hours after closing the polls. § 17-13-14(b).

In a primary election, the county executive committees act as canvassing boards, and a certificate should be sent to the chairs of each these committees along with the voters poll list for their primary. Also, in primaries, a copy must be sent to the chairs of the state executive committees of the political parties. § 17-13-16.

In any election, one copy of the certificate of result must also be preserved in case the original is lost or destroyed. This copy must be signed by the inspector and sealed in an envelope. The inspector must then write his or her name across the folds of this envelope. This copy must be delivered to the judge of probate. § 17-12-12.

A copy of the certificate of result should also be sealed in the records of election container in both primary and general elections. §§ 17-12-12(1)c and 17-13-14(a)(1).

Placing large numerals (1, 2, 3, 4, etc.) on envelopes and corresponding numerals on the certificate of results sheets can help ensure that each

envelope contains the appropriate sheet and that each county election official receives the appropriate envelope. A simple instruction sheet can be included with the supplies to indicate, by number, which certificate of results is posted, left in the machine, returned to the judge of probate, sent to the sheriff, sent to the county committee chair, etc. Not only does this permit a quicker tabulation of the results but should also prevent confusion.

Within two hours after the polls close, the inspectors of each voting place must post their results in the county courthouse at a place designated by the judge of probate. §§ 17-12-8 and 17-13-13(b).

In municipal elections, a signed "statement of the votes" must be placed in a sealed envelope along with the poll list signed by the voters and the list of registered voters and delivered to the city clerk by the returning officer. Additionally, a separate list of the vote totals must be attached to the outside of ballot box once they have been counted and sealed. § 11-46-45.

8.12.3 Ballot Accounting Certificate

The ballot accounting certificate(s) must also be completed. It must list the number of each ballot style issued to the precinct, the number of voted ballots, the number of signatures on the poll list, the number of spoiled ballots, the number of challenged ballots, and the number of unused ballots. Ala. Admin. Code r. 307-X-1-.18. Any discrepancies from the required totals on these forms must be reported to the judge of probate.

8.13 Return of the Ballots and Other Election Supplies

8.13.1 Primaries

The inspector of the precinct is given the envelope containing the poll list signed by the voters, along with another containing a certificate of results. Municipal elections may also have a tally sheet. These envelopes are addressed to the chair of the county committee of each party participating in the primary, and it is the responsibility of the inspector of the precinct to deliver these envelopes, the voted ballots container, and the records of election container to the sheriff, who is the county returning officer. §§ 17-13-12 and 17-13-14.

The following items are to be placed in a records of election container:

(a) One certificate of result;

(b) The spoiled ballot envelope;

(c) Clerk's poll list;

(d) All partial ballot pads; and,

(e) Stubs of ballot pads. § 17-13-14(a).

After the voted ballot container has been sealed, it is given to the inspector, who must deliver it together with the sealed envelopes to the sheriff. The sheriff must then deliver the envelopes to the county committee chairs at the office of the judge of probate no later than 10:00 a.m. on the Wednesday following the election. §§ 17-13-12 and 17-13-14.

In practice, however, these deliveries are made during the election night after the work at the polls has been completed. In any event, the sheriff retains the voted ballots container, record of election container, and provisional ballot box, and the county chair retains the envelope containing the poll list, unopened except in instances provided by law (such as election contests). § 17-13-10. After the prescribed time, the election records are destroyed by the sheriff. §§ 17-12-7 and 17-16-1.

8.13.2 General Elections

After completing the certificates of result, election officials remove the voted ballots from the vote tabulating machines and then seal the voted ballots in a voted ballot container (box or bag). As with the primaries, a separate records of election container must contain all spoiled ballots, unused ballots, and ballot stubs, as well as the clerk's poll list and a certificate of result. The containers must be sealed and signed by all the election officials. Additionally, the electronic memory packs from the vote tabulating machines must be delivered to the judge of probate. § 17-12-12; *see also* the Administrative Rules for additional regulations concerning electronic voting systems.

The inspectors take ballots, seal them securely, and label the bundle to identify the election and offices that were on the ballot. For cities using paper ballots, the sealed envelope containing the second poll list also goes into the ballot box. § 11-46-45.

Compliance with this provision means sealing the ballots in a container (a box or bag) on which is printed the date and kind of election. Any provisional ballots are labeled as provisional and sealed in a separate

container. The ballot container is then sealed and labeled to show the nature of its contents. In practice, the container is securely fastened by locks and a label is affixed bearing a printed list of the contents of the container. The ballot containers are then turned over to the returning officer of that district or precinct, who must then deliver them (along with the other poll list, certificates of results, and list of registered voters) to the sheriff within two hours of departing the precinct. §§ 17-12-8 and 17-12-14.

In municipal elections, the returning officer takes the election materials and ballot box to the municipal clerk not later than 11:00 a.m. on the day after the polls close. § 11-46-45.

8.14 Candidate Examination of Ballots

In all election contests (other than political party primaries or runoffs), candidates are allowed to examine ballots cast, given, or rejected in the election. § 17-16-45.

8.15 System of Canvassing the Ballots

A system of canvassing is an important aspect of any smooth-running election. The following example is a system that is useful to counties or municipalities that have their own computer facilities.

Each precinct within the county has at least one electronic voting machine, and each machine has a data pack or memory card which is the “brains” of the electronic voting machine and contains all the voting information compiled on that particular machine on election day, including the number of votes each candidate or ballot issued received.

The data packs, or memory cards, are removed from the electronic voting machine at the end of the day, after polls have closed, and placed in an envelope which contains a computer-generated label that lists the precinct (beat) and box number for that precinct. The envelope is then sealed and signed by all the election officials in that precinct and returned by the inspector of the precinct to the sheriff, who immediately delivers to the judge of probate at election central.

The data packs, or memory cards, are then placed in a computer tabulator which immediately transfers the vote totals from the precinct to the

computer. The next data pack or memory card from another precinct is then placed in the tabulator, and the computer will generate cumulative totals. This continues until the results from all precincts have been counted.

Periodic precincts and updates of cumulative totals are distributed to parties, candidates, news media, and posted online. The tabulation of results is unofficial until certified by the official canvass. Some counties project the results of the election from the computer on to a big screen to enable the candidates and the public to view the box-by-box results.

A system similar to the one above will speed up the tabulation and canvassing procedure and increase the credibility of the election process.

8.16 Penalties for Violation of Election Code

Alabama law provides penalties for violations of the election code ranging from violations to felonies. *See* Chapter 17 of Title 17; *see also*, relating to municipal election laws, §§ 11-46-59 to 11-46-68; see also, relating to the Criminal Code, §§ 13A-7-26, 13A-9-2, 13A-9-4, 13A-10-12, 13A-10-102, 13A-10-103, 13A-10-109, and 13A-11-10.

The offense levels range from a violation to a Class C felony. Jail sentences may be for as long as 10 years. In view of this impressive set of penalties, it is obviously to the advantage of individuals involved with elections to become thoroughly familiar with the duties and responsibilities that the election laws place upon them.

Examples of unlawful conduct proscribed by the election laws are failure of officers to perform duties required by the election laws, bribery or wrongfully influencing a voter, fraudulent voting, and violations of ballot secrecy.

The Alabama Code prohibits an Alabama voter from voting more than once, or attempting to vote more than once, in the same election in both this state and another state or territory in the same or equivalent election. § 17-13-24. The Code also prohibits any voter from attempting to vote when they have knowledge that they are not entitled to vote, or to commit any kind of unlawful or fraudulent voting. § 17-17-36.

CHAPTER 9

POST-ELECTION ACTIVITIES

Summary of Contents:

9.1 Canvassing Board
9.2 General Elections
9.3 Primary Elections
9.4 Municipal Elections
9.5 Ballots and Other Records and Supplies
9.6 Election Costs
9.7 Challenge to Candidate's Qualifications
9.8 Contested Elections
9.9 Recount
9.10 Contesting an Election Generally
9.11 Primary Election Contests
9.12 General Election Contests
9.13 Post-Election Audits

9.1 Canvassing Board

In all county, state, and federal elections except primary elections, the judge of probate, sheriff, and circuit clerk serve as members of the canvassing board of their county. In primary elections, the county executive committee of each political party participating in the primary elections serves as the canvassing board. §§ 17-1-2(6) and 17-12-15. The canvassing board is the body responsible for counting provisional ballots for the election. §§ 17-1-2(6) and 17-10-2(f).

For a general election, the sheriff may be represented by a deputy on the canvassing board. If the office of the judge of probate or the clerk of the circuit court is vacant, or if either or both are candidates in the election being canvassed, the appointing board must fill the vacant positions at the time poll workers are appointed. If the appointing board does not fill a vacancy or if any member of the canvassing board fails to attend the canvassing meeting, the sheriff must appoint a qualified elector of the county to fill the vacant position. § 17-12-15.

If all members of the canvassing board belong to the same political party, the sheriff must summon three reputable and qualified electors of the county who are members of the opposite political party to observe the proceedings. § 17-12-15.

9.2 General Elections

9.2.1 Provisional Ballots

The canvassing board commences the canvassing of provisional ballots at noon on the Tuesday seven days after the election by tabulating the provisional ballots which have been certified by the board of registrars. The results must be posted in the courthouse, and one copy shall be sealed with the provisional ballots, provisional voter affirmation challenges, and certification of the board of registrars and delivered with other records of the election. § 17-10-2(f).

9.2.2 Canvassing Returns

After a general election, the sheriff, circuit clerk, and judge of probate assemble at the courthouse at noon on the second Friday after the election and, in the presence of any other persons who may choose to attend, canvass the returns from the various precincts within the county and make a final statement of the election results. The final results are checked and rechecked. § 17-12-15.

9.2.3 Declaring Results

Immediately after determining the outcome of elections for county offices, the canvassing board must make a written declaration of the results, setting out the name of each successful candidate and the office to which he or she was selected. This declaration must be signed by at least two members of the canvassing board. The original declaration is filed for record in the probate office, a copy is posted at the courthouse door, and a copy is immediately transmitted to the Secretary of State by fax or electronic transmission. § 17-12-16. The canvassing board must then make certificates showing the number of votes cast in the county by precincts for each candidate and file them with the judge of probate.

In the case of elections for state legislators and all civil officers commissioned by the Governor, except state executive officers, and for

constitutional amendment elections, the judge of probate forwards the election certificates to the Secretary of State by precincts. §§ 17-12-9 and 17-14-51.

All returns required by law to be sent to the Secretary of State must, within 22 days after the election, be opened, counted, and certified in the presence of the Governor, the Secretary of State, and the Attorney General, or any two of them, or by the Secretary of State in the presence of any one of the other officers in the case of constitutional amendments. The Governor proclaims the results of the election, and the proclamation is published in a newspaper at the state capital. §§ 17-12-17, 17-12-18, and 17-14-50 to 17-14-53.

9.2.4 Election Certificates

Election certificates relating to elections for Governor, Lieutenant Governor, Attorney General, Auditor, Secretary of State, Treasurer, and Commissioner of Agriculture and Industries are forwarded by the judge of probate to the Governor, who delivers them unopened to the Speaker of the House at least 10 days before the time set for a joint session of the Legislature. § 17-12-19. These returns are then canvassed, and the results are proclaimed by the Speaker of the House during the first week of the Legislature's organizational session in January. Ala. Const. Art. V, § 115. The returns are then filed in the office of the Secretary of State. § 17-12-22.

9.3 Primary Elections

The county executive committees of the parties participating in the primary election meet at the courthouse not later than noon on Tuesday following the primary election to receive the returns, tabulate them by precincts, and publicly declare the results. The chair of the county executive committee, not later than the close of business on the seventh day following the primary, shall certify and return to the chair of the state executive committee the voting results.

Not later than noon on the Wednesday, eight days following the primary, the state executive committee will meet and declare the results. The state executive committee will also provide the Secretary of State with the primary election returns on the same Wednesday. § 17-13-17.

When there is a runoff or second primary held due to no candidate receiving a majority of votes, the canvassing procedure following this election is the same as after the initial primary. § 17-13-18(b).

9.4 Municipal Elections

Commencing at noon on the first Tuesday after the municipal election, the statements of results that have been delivered by the election officials to the municipal clerk are canvassed by the municipal governing body. If a candidate has received a majority of the votes cast, the council or commission declares that candidate elected and issues them a certificate of election. If no provisional ballots were cast or if the certification results of provisional ballots cast have been received prior to that time, the municipal governing body may canvas the results prior to the first Tuesday after the election at any special or regular meeting. § 11-46-55(a). A similar procedure is followed with respect to propositions voted on at municipal elections.

When no candidate receives a majority vote, the governing body orders a runoff election, to be held on the fourth Tuesday following the regular election, between the two candidates who received the greatest number of votes in the first election. The second election is held and its results are returned and canvassed in the same manner as was done in the first election, and the candidate receiving the highest number of votes is declared elected. A tie is decided by a majority vote of the entire municipal governing body. §§ 11-46-55(d) and 11-46-55(e).

The municipal clerk files each certificate of election with the judge of probate of the county in which the municipality is located, and the judge of probate records these certificates in the same way he or she records declarations of results for county offices. § 11-46-55(g).

9.5 Ballots and Other Records and Supplies

The voted ballots and other election supplies and records delivered to the sheriff by the precinct returning officers are kept by the sheriff for a period of six (6) months after an election when no federal races are on the ballot and twenty-two (22) months after an election with a federal race on the ballot. They then take the packages containing these materials out of the ballot boxes and destroy the election materials. If an election contest is

instituted, he or she must preserve the ballots and other election materials until the contest is finally determined in the event that they are needed in the settlement of the contest. § 17-12-7.

In municipal elections, these responsibilities belong to the municipal clerk. § 11-46-46.

9.6 Election Costs

The expenses incurred in conducting state and county elections are paid initially by the counties. Primaries, as well as general and special elections, are held at public expense. At a minimum, the state partially reimburses counties for the costs.

In the case of elections in which candidates for both federal or state and county offices are nominated or elected, the state reimburses the counties for one-half the cost of the election. § 17-16-3. If there are only candidates for federal or state offices voted upon, the state reimburses the counties for the entire expense of conducting the election. § 17-16-4.

When constitutional amendments affecting one or more counties and amendments affecting the state as a whole are included in the same election, the state reimburses the counties for one-half of the expenses of the election. § 17-16-5. When amendments affecting only the state as a whole are voted upon at any election, the state reimburses the counties for all costs of the election. § 17-16-6.

Certain election expenses are defined in § 17-16-2. However, the Election Expense Reimbursement Committee identifies other election expenses. The committee established a list of reimbursable expenses before the March 2012 primary. This list continues in effect unless amended by the committee at least 90 days before the primary in a future election cycle. § 17-16-2.1.

Municipal elections are held at the expense of the municipality conducting the election with exceptions for Class 1 municipalities and cities and towns organized under a commission form of government. § 11-46-20.

9.7 Challenge to Candidate's Qualifications

The law makes no provision for challenge other than through a post-election contest. However, a person may wish to challenge the qualifications of a candidate before an election. Generally, political party rules permit challenges to a candidate before primaries. Persons wishing to challenge a primary candidate should contact the county executive committee (for county offices) or the state executive committee (for district or state offices) for general information. Challenges based on such grounds as a lack of residency, eligibility to vote, or political or legal qualifications are normally heard by a party subcommittee with the right of appeal to the full committee. County appeals may be taken to the state executive committees.

The requirements of printing the ballots and other election supplies impose certain natural deadlines on challenges. Challenges involving candidates for state office should be initiated before the Secretary of State certifies candidates to the judges of probate. Challenges based on party rules should be completed before the party certifies its candidates to the Secretary of State (state offices) or the judge of probate (county offices).

The state party chair must certify candidates for state offices to the Secretary of State no later than 5:00 p.m. 82 days before the primary election. The county party chair must certify candidates for county offices to the judge of probate no later than 5:00 p.m. 82 days before the primary election. § 17-13-5(b).

Amendments to candidate certifications must be submitted to the Secretary of State, by the state party, or to the judge of probate, by the county party, no later than 71 days prior to a primary or general election. § 17-6-21(b).

9.8 Contested Elections

The law recognizes that the public, as well as the candidates, has a legitimate interest in fair elections. It provides safeguards during an election as well as grounds for a contest, and it permits individuals to contest the results after the votes are counted. § 17-16-40.

An automatic recount occurs, if not waived by the defeated candidate within 24 hours, when the margin of defeat in a general election is not more than one-half of one percent of the votes cast for the office. § 17-16-20.

Any person with standing to contest the election may petition the canvassing authority for a recount of any or all precinct returns. The time period for requesting a recount begins with the production of the certificate of result and ends 48 hours after the official canvass of county returns. § 17-16-21.

Those contesting the results of a primary must be qualified electors, must belong to the party whose primary they are contesting, and must have legally participated in that primary. § 17-13-71; Alabama Attorney General Opinion 82-00052.

9.9 Recount

9.9.1 General Recount Provisions

An automatic recount occurs when the margin of defeat in a general election is not more than one-half of one percent of the votes cast for the office or the ballot measure. § 17-16-20. Additionally, Section 11-46-55.1 provides a method of petitioning for a recount in municipal elections.

Other than the automatic recount provided for in Section 17-16-20 and the recount in municipal elections under Section 11-46-55.1, the law provides procedures for obtaining a recount in a primary or general election. § 17-16-21(a). Any person with standing to contest may petition the canvassing board for a recount of any or all precincts. A recount request must be made within 48 hours after the official canvas of county returns. Recount requests are to be made before the canvassing board. The recount must be conducted before a precinct election official. § 17-16-21.

The recount statute gives the right to apply for a recount to "any person with standing to contest an election." § 17-16-21. Those contesting the results of a primary must be qualified electors, must belong to the party whose primary they are contesting, and must have legally participated in that primary. § 17-13-71; Alabama Attorney General Opinion 82-00052. The statute grants this authority to "the body which under the general provisions of law, now have charge and control over ballot boxes." Alabama Attorney General Opinion 82-00052. In primary elections, this body is the county committee of the party. § 17-13-15. In general elections, the sheriff is the appropriate authority. §§ 17-12-14 and 17-12-7. When a primary election is contested, the contestant is required to deposit a bond or other security against the costs. § 17-13-84.

The three instances where a recanvassing is necessary and therefore permitted are as follows:

(a) For obtaining the results of an election when the election officials have failed to make a return, but only after receiving an order by the court to break the seals to obtain the results;

(b) For hearing a contest; or

(c) For the purpose of a grand jury investigation.

Other than for an automatic recount, a person with standing to contest an election, who petitions for a recount, must be prepared to pay the costs and should be required to give security to cover the same. If the recounting does not change the announced result, the requesting party should pay the costs. If the recounting changes the results of the election, the cost should be borne by the county unit involved. § 17-16-21(d).

The cost of obtaining a recount is not set by law but is determined on a case-by-case basis, depending on the extent of the recount, the amount of overtime (if any) or employee hours that will be spent in conducting the recount, and the like. The ballot container would have to be opened and the canvassing board or its representative would have to re-run the ballots through the electronic voting machine and compare the new voting results with the old voting results. As in the case of the initial canvass, the parties involved and the press should be allowed to attend to ensure fairness. § 17-12-1.

After the recount, should it appear that the results of an election are incorrect, the sole remedy is to file an election contest. After the contest is heard, the authority charged with hearing the contest can declare a new winner or a new primary. §§ 17-16-59, 17-16-65, 17-13-86, and 17-13-87.

9.9.2 Automatic Recount in General Elections

If the margin of defeat is not more than one-half of one percent of the votes, an automatic recount will be commenced within 72 hours after certification of the results of the election unless, within 24 hours after the certification, a written waiver for a recount is submitted by the defeated candidate. In the case of an election for any federal, state, circuit, or district office, or the state Senate, state House of Representatives, or any other office that is not a county office, the written waiver may be submitted to the Secretary of State. In the case of an election for any county office, the written waiver may be submitted to the judge of probate. § 17-16-20.

The canvassing board shall obtain the polling officials necessary to conduct the automatic recount. The polling officials shall be compensated in the same manner and at the same rate as provided by law for vote tabulation in an election that does not result in a recount. Costs shall be kept to a minimum by using county personnel or volunteer workers whenever possible, under the supervision of a trained and certified poll official. The expenses of an automatic recount shall be a state charge if the recount is held for any federal, state, circuit, or district office, or the state Senate, state House of Representatives, or any other office that is not a county office. Otherwise, the expenses shall be a county charge. § 17-16-20.

The automatic recount shall be conducted as simply as the type of equipment and local conditions permit, provided that certain procedural safeguards are observed. Additionally, representatives of opposing interests shall be given at least 24 hours' notice and shall be invited to participate in the recount. § 17-16-20(g).

After an automatic recount, the appropriate certifying authority shall amend the initial certification of the election to reflect the results of the recount. The time limit for contesting the election shall be suspended until the vote is recertified, reflecting the results of the automatic recount. § 17-16-20. If the results of the automatic recount name as a winner a person other than the person initially certified, the outcome shall constitute grounds for an election contest as prescribed by law.

9.9.3 Automatic Recounts for Primary

The Code does not provide automatic recounts for primary elections.

9.9.4 Recount in Municipal Elections

Any person with standing to contest a municipal election may petition the canvassing authority for a recount of any or all precinct returns within 48 hours after the official canvass of returns. The recount must be conducted under the supervision of a trained and certified poll official and shall be conducted as simply as the type of equipment and local conditions permit, provided that certain procedural safeguards are observed. Representatives of opposing interests must be given at least 24 hours' notice of the recount and shall be invited to participate. § 11-46-55.1.

The petitioner must give security to cover the estimated costs of the recount and must be prepared to pay the actual costs. If the recount produces a

change in precinct totals which alters the result of the election, the outcome shall constitute grounds for an election contest. If the recount of the resulting contest alters the result of the election, the cost of the recount will be borne by the municipality. § 11-46-55.1.

9.10 Contesting an Election Generally

Election contests vary between primaries, where parties may have additional rules, and the general election. One should consult the Alabama Code and party rules. The following is only a general guide for contests.

Different offices may be contested by different procedures, and some have no contest procedures provided by law. An attorney should be consulted to determine the specific procedures for the contest in question. The rules for contesting general elections divide offices into four categories: statewide offices; state legislators (since each house is the final judge of its own members); judges of circuit or district courts (who try contests for county offices and must, therefore, have separate procedures for their own contests); and, offices elected from a single county or its subdivisions. However, several offices are not included in Alabama's law for contesting elections: Lieutenant Governor, U.S. Senator, and U.S. Representative. In addition, the office of public service commissioner is included with others when the grounds for contests are listed but are not included in any section on procedure. The omission of U.S. Senators and Representatives is probably due to the fact that each house of Congress is the final judge of its own members' qualifications.

9.11 Primary Election Contests

9.11.1 Standing to Contest

Candidates may contest an election but not because they were candidates. A contest is not simply a dispute between two people for the possession of an office; there is a public interest in the integrity of the electoral process. Ex parte Hartwell, 188 So. 891 (1939); McGallagher v. Bosarge, 136 So.2d 181 (1961). State law provides that with appropriate grounds any elector can contest a general election. §§ 17-16-40 and 17-16-47. The law is more restrictive for primaries, the principal addition being the requirement that the elector actually voted in the primary. § 17-13-71.

9.11.2 Grounds

Elections may be contested only for reasons prescribed by law, and the person bringing a contest must state his reasons in advance. § 17-13-71.

The grounds for contest are:

(a) Malconduct, fraud, or corruption on the part of any inspector, clerk, returning officer, canvassing board, or other persons;

(b) A person whose nomination is contested was not eligible to the office sought at the time of the declaration of nomination;

(c) Illegal votes;

(d) The rejection of legal votes;

(e) Offers to bribe, bribery, intimidation or other malconduct calculated to prevent a fair, free, and full exercise of the elective franchise; or,

(f) Miscalculation, mistake, or misconduct in counting votes.

The grounds available for contesting an election cover most common election problems. § 17-13-71. However, simple error or miscalculation is legal grounds for a contest only in primary elections for offices beyond the county level. § 17-13-71. Recounts have been held as part of discovery procedures in contests.

9.11.3 Notice of Contest

No testimony is to be received of any illegal votes or of the rejection of any legal votes in a contest unless the party complaining has given the adverse party notice in writing of the number of illegal votes, by whom given, for whom given, and at what precinct or voting place which the person expects to prove at the trial. This notice must be served at least five days before taking testimony. § 17-13-79. The person whose nomination is being contested has five days after notice to file objections. § 17-13-80.

9.11.4 Time and Manner of Contest

Any contest of a county office must be commenced within 24 hours of the results that have been canvassed and their nomination declared by the county executive committee by filing a statement of contest with the chair

of the county committee and a deposit of fifty dollars ($50) in cash to cover expenses of the contest. § 17-13-80.

The chair of the executive committee shall, within five days after the contest is filed, call the committee together in the county seat, and the committee shall meet not more than five calendar days after filing of the contest. § 17-13-81. Contest of elections other than for county office are filed with the state party executive committee. § 17-13-83. The time limit for calling a meeting of the state executive committee is five days after the filing of the contest. § 17-13-85. Each party may prescribe additional rules governing contests. § 17-13-88.

9.11.5 Filing

A person wishing to initiate a contest must make a statement verified by an official in writing setting forth:

(a) The name of the party contesting and that he or she was a qualified voter when the election was held;
(b) The office which the election was held to be filled;
(c) The time of holding election;
(d) The name of the person nominated; and,
(e) The particular grounds on which the contest is filed. § 17-13-78.

A proper filing is the official beginning date of a contest, and other deadlines are determined from that time.

9.12 General Election Contests

The procedure for contests of general elections is generally in the court system, whereas a contest of primaries lies with the party's executive committees.

9.12.1 Standing to Contest

Any person who at the time of the election was a qualified voter may file a contest.

9.12.2 Grounds

Elections may be contested on any of the following grounds:

(a) Malconduct, fraud, or corruption on the part of any inspector, clerk, returning officer, canvassing board, or other person;

(b) That the person whose election to the office is contested was not eligible thereto at the time of such election;

(c) Illegal votes;

(d) The rejection of legal votes;

(e) Offers to bribe, bribery, intimidation, or other malconduct calculated to prevent a fair, free and full exercise of the elective franchise; or,

(f) If the results of a recount conducted under Section 17-16-20 name as a winner a person other than the person initially certified, the outcome shall constitute grounds for an election contest. § 17-16-40.

The statement of grounds gives the contestee (the person against whom a contest is filed) an opportunity to prepare a defense. It serves to screen out nuisance contests and "fishing expeditions." The purpose of a contest is to correct flaws in the election which resulted in the wrong person being declared the winner. Therefore, the statement of grounds must allege that, except for the specified flaws, there would have been a different winner. For example, it is not sufficient to allege that the declared winner received 100 illegal votes if his or her margin of victory is greater than 100 votes. Suspicions of error or wrongdoings which did not affect the outcome of the election must be handled in some way other than a contest. § 17-16-41.

In contests of legislative, judicial, or county offices where illegal votes are the grounds of the contest, it is a sufficient statement of said cause to allege that illegal votes were given to the person whose election is contested, which, if taken from him or her, will reduce the number of legal votes given to him or her to or below the number of legal votes given to some other person for the same office. § 17-16-47.

9.12.3 Notice of Contest

No testimony may be received of any illegal votes or rejection of legal votes unless the complaining party has given the adverse party notice in writing

of the number of illegal votes and by whom given and for whom given, at what precinct or voting place, and what the contesting party expects to prove at trial. The notice must be personally served 10 days before taking testimony. § 17-16-48.

In the filing, the contestant is required to state grounds, but not necessarily to name individual voters who will be examined. If the contest hinges on illegal votes received or legal votes rejected, the contestant will have to provide a list of individuals involved to the person challenged before taking statements from witnesses, but that step comes after filing. Before filing, the contestant does not have access to poll and registration lists from which to obtain names. §§ 17-9-12, 17-17-16, and 17-16-43.

9.12.4 Time of Contest

All contests must be commenced within 20 days after the results of the election are declared. At the time of filing, the contesting party must give security for cost. § 17-16-49.

9.12.5 Filing of Contest

Contest statement in writing must set forth:

(a) The name of the party contesting and that he or she was a qualified voter when the election was held;

(b) The office which the election was held to fill and the time of holding the same; and

(c) The particular grounds of the said contest.

This statement must be verified by the affidavit of such contesting party to the effect that the same is believed to be true. If the reception of illegal votes is alleged as a cause of contest, it is a sufficient statement of cause to allege that illegal votes were given to the person whose election is contested, which, if taken from that person, will reduce the number of legal votes given to the person to or below the number of legal votes given to some other person for the same office. § 17-16-47.

9.12.6 Election Contests of Senators and Representatives in the Alabama Legislature

Contests must be filed in the clerk's office in the county where the election is held. § 17-16-50. Testimony depositions and costs for contests are

provided by state law. §§ 17-16-51, 17-16-52, and 17-16-53.

9.12.7 Election Contests of Circuit Judges and District Judges

Contests must be filed in the office of the judge of probate of the county of residence of the person being elected. § 17-16-54. Testimony must be taken by deposition as in civil cases. The contest must be heard by the probate court without a jury. § 17-16-55.

9.12.8 Election Contests of a Judge of Probate, Sheriff, Circuit Court Clerk, and Other County and Municipal Officers

Contest must be filed in the circuit clerk's office in the county in which the election was held. § 17-16-56. Testimony may be by personal attendance of a witness or depositions. The contest is tried as other civil matters in open court without a jury. §§ 17-16-56 and 17-16-57.

9.12.9 Statewide Elections

Any voter may contest any election for a specified statewide office within 10 days after the speaker of the House of Representatives opens the returns and proclaims the results. The contestant must file with the speaker a written statement of the grounds and give bond.

The written statement of the grounds of contest must set forth specifically the following:

(a) The name of the person contesting and that the person was a qualified voter when the election was held;

(b) The office which the election was held to fill, and the time of holding the same;

(c) The particular grounds of contest;

(d) The name of the counties in which any of the alleged grounds of the contest may have occurred and the names of the election precinct in each of such counties in which the grounds of contest may be alleged to have occurred; and

(e) The grounds on which the declared voter of each of the named election precincts in each county contested. § 17-16-64.

The two houses of the Legislature, in joint convention and presided over by the speaker of the House, will constitute the tribunal. § 17-16-65. A

commission of legislators (comprised of three senators and five representatives) will take testimony. §§ 17-16-66 to 17-16-76.

9.12.10 Appeals

Appeals from contests before the judge of probate lie to the Supreme Court within 14 days after judgment. Appeals of contests of judge of probate, sheriff, circuit clerks, and other county and municipal offices lie to the Supreme Court within 14 days after judgment. § 17-16-61. A bond for security and cost must be filed and approved. § 17-16-62.

9.13 Post-Election Audits

The Alabama Legislature authorized the Secretary of State to conduct a post-election audit of the 2022 General Election. § 17-16-90. The three counties selected were Dallas, Houston, and Marshall Counties. The results can be found on the Secretary of State's website at https://www.sos.alabama.gov/alabama-votes/2022-post-election-audit. At the time of publication of this edition of the Election Handbook, no further post-election audit bill has been enacted.

CHAPTER 10

PROVISIONAL BALLOT REQUIREMENTS

Summary of Contents:

10.1 Requirements for Provisional Ballots
10.2 Situations Where an Absentee Ballot Becomes a Provisional Ballot
10.3 Establishing a Procedure for a Provisional Ballot
10.4 Casting a Provisional Ballot
10.5 Procedures for the Provisional Ballot Officer (PBO)
10.6 Extension of Voting Hours by Court
10.7 Duties of Elected and Appointed Officials in Provisional Balloting Process
10.8 Provisional Voting in Municipal Elections

10.1 Requirements for Provisional Ballots

Alabama Code Section 17-10-2 implements the requirements of the Help America Vote Act (HAVA) of 2002 (Public Law 107-252) and Alabama law mandating provisional voting in federal, state, and local elections. It requires that voters cast a provisional ballot under six circumstances:

(a) **Voter Not On Poll List** – A voter is required to vote by provisional ballot if the individual's name does not appear on the list of eligible voters for the precinct in which they are seeking to vote, and they are unable to present a valid certificate from the board of registrars. §§ 17-10-2(a)(1) and 17-10-3. If a voter is not on the poll list and does not have a certificate, the poll workers may call the board of registrars. If the registrars have a record of the voter's registration, the voter may obtain a certificate from the courthouse. Additionally, the clerk may check a list of voters from all precincts to ensure that the voter is not assigned to a different polling place. This process is simplified by the widespread use of electronic poll books, which provide more timely and accurate information than printed voter lists, make it easier for a poll worker to search by voter name, and provide the

most recent voter information, such as address, precinct, and active/inactive status.

(b) **Voter Issued Absentee Ballot** – A voter is required to vote by provisional ballot at the precinct on election day if the voter has been issued an absentee ballot. § 17-10-2(a)(5). Even if the voter has not voted the absentee ballot, the voter must vote provisionally to ensure that the voter does not cast two ballots.

(c) **Court-Ordered Poll Extensions** – If a precinct remains open after 7:00pm due to a court-ordered extension of the poll closing time, any voter casting a ballot during the extended time period is required to do so by provisional ballot. Alabama Attorney General Opinion 2005-012. These ballots must be segregated from all other ballots and may be counted only under court order. § 17-10-2(a)(4). However, anyone in line at the time of the closing of the polls (regular hours) may still vote by regular ballot or provisional ballot, as normal. § 17-12-1.

(d) **Inspector Challenges** – A voter is required to vote by provisional ballot if an inspector has knowledge that the voter is not entitled to vote (for example, the inspector knows the proposed voter does not reside in the precinct) and challenges the individual. Only the inspector of a poll may challenge a voter. § 17-10-2(a)(2). The challenging inspector must complete a challenge form providing the facts that are the basis for the challenge. § 17-10-2(b)(4).

(e) **No Voter Photo ID** – A voter is required to vote by provisional ballot if the voter is unable to present a valid form of voter identification and the voter cannot be positively identified by at least two election officials. §§ 17-9-30 and 17-10-2(a)(3).

(f) **Voter Ineligible for Primary Runoff** – A voter who previously cast a ballot in one party's primary election is not eligible to vote in a different party's primary runoff election. § 17-13-7.1. If the voter objects to the party in which the voter is listed for runoff purposes, the voter is required to

> vote by provisional ballot. Ala. Admin. Code r. 820-2-6.1-.01(4).

Occasionally, a voter may cast a provisional ballot at the precinct in which the voter's residence is located despite being registered to vote at another precinct in the same county. In such instances, the board of registrars should use that voter's reidentification form, completed at the polling place, to update that voter's registration and should then certify that the provisional ballot be counted. Alabama Attorney General Opinion 2005-051; Alabama Attorney General Opinion 2012-071.

In a municipal election, when the name of an individual voting a provisional ballot does not appear on the official list for the polling place where the individual seeks to vote, the board of registrars shall verify that the individual is registered to vote at an address located within the municipal corporate limits or district within which the individual seeks to vote. § 17-10-2(e). If the individual's name is not on the voter list, the individual may not vote except by provisional ballot. §§ 11-46-39 and 11-46-50.

Any voter who casts a provisional ballot must be able to ascertain whether the vote was counted or the reason why it was not counted. § 17-10-2(g). The voter may contact the board of registrars to obtain this information or may use the online tool provided by the Secretary of State on its website at myinfo.alabamavotes.gov.

10.2 Situations Where an Absentee Ballot Becomes a Provisional Ballot

10.2.1 Identification

Every voter is required to provide an acceptable form of photo identification in order to vote unless they fall into one of two narrowly prescribed exceptions. § 17-9-30. For the absentee voter, a copy of the voter's photo identification card should be submitted when applying for an absentee ballot. If an absentee ballot application is submitted on or after the eighth day prior to the election without the required photo identification, the absentee ballot will be issued as a provisional ballot. A provisional absentee voter must provide valid photo identification when the voter returns the voted ballot, or submit the photo identification to the board of registrars by 5 p.m. on the Friday following the election, in order for the ballot to be counted. § 17-10-2(c)(1).

10.2.2 Precinct List

If the absentee election manager receives an absentee ballot application, and upon review, the absentee election manager determines that the voter is registered to vote but is not identified as appearing in the precinct for which the voter seeks a ballot, the ballot will be issued as a provisional ballot. § 17-10-2(c)(2).

10.2.3 Inspector Knowledge

An absentee ballot will become a provisional ballot when the absentee inspector has knowledge that the individual is not entitled to vote at the voting place applicable to the voter's ballot and challenges the voter's right to vote a particular ballot. The absentee election manager follows the same general procedure used for inspector challenges in polling places, including mailing a copy of the challenge statement to the absentee voter. § 17-10-2(c)(3).

10.2.4 Objection to Political Party Designation for Runoff

An absentee ballot will become a provisional ballot when the absentee voter objects to the political party identified for the voter on the list of registered voters for primary runoff election and the voter insists on being permitted to vote in the primary runoff election of his or her choice. Ala. Admin. Code r. 820-2-6-.07(2).

10.3 Establishing a Procedure for a Provisional Ballot

The procedure for provisional ballots requires the judge of probate in each county to appoint a **Provisional Ballot Officer (PBO)** for each precinct. In some counties, the judges appoint the inspector or chief clerk. In other counties, another election official is appointed to handle this responsibility. The PBO is to be placed under oath as is any other election official. The PBO is responsible for instructing voters on all aspects of provisional voting and is responsible for administering all requirements of provisional voting in the precinct. Ala. Admin. Code r. 820-2-6-.03.

10.3.1 At the Beginning of Election Day

Prior to the opening of the polls, the PBO will take the **Provisional Ballot Supply Box (PB Box)** or Provisional Ballot Supply envelope and remove

all provisional ballot supplies. The PB Box will serve as a ballot box for all provisional ballots cast on election day. The PBO will also need to place an identifying precinct sticker on the PB Box or write on the PB Box the location of the precinct and the precinct box number. Some counties use dedicated Provisional Ballot return bags instead of the PB Box. Provisional Ballot return bags are self-sealing, reuseable, and will be marked with the precinct name and number for that election so that when the Canvassing Board meets to canvas provisional ballots, it can easily identify the precinct at which each provisional ballot was cast. It is the responsibility of the chief for each precinct to seal and return the PB Box/Provisional Ballot bag to the sheriff after closing of the polls.

10.3.2 During Election Day

A voter is required to cast a provisional ballot when:

(a) The voter's name does not appear on the list of registered voters (active or inactive);

(b) The voter's registration status cannot be determined by the poll workers;

(c) The voter disputes the determination that the voter is not registered or eligible or both;

(d) The voter does not have an approved form of identification and two (2) election officials cannot positively identify the voter;

(e) The list of registered voters indicates that the voter requested an absentee ballot;

(f) Inspector has knowledge the voter is not entitled to vote at that precinct and challenges the voter;

(g) A federal or state court extends the time for closing the polls; or

(h) The voter objects to the political party identified for the voter on the list of registered voters for the primary runoff election. § 17-10-2; Ala. Admin Code r. 820-2-6-.07.

When one of the above issues arises regarding a voter, the poll worker should bring this issue to the attention of the PBO. If a voter’s name is not on the poll list (in most counties, this will mean that the voter does not appear on the electronic poll book as a registered voter in that county or municipality, as applicable), the PBO should make reasonable efforts to contact the judge of probate or board of registrars. If the voter's eligibility

and registration are confirmed, then an update form, with "verification" checked, will allow the voter to vote a "regular" ballot. If the eligibility and registration are confirmed, the PBO should fill out the back of the update form and indicate which registrar confirmed the information. The PBO shall write the source of the verification in the designated area. Ala. Admin. Code r. 820-2-6-.04.

If the PBO is unable to verify the voter's eligibility and registration, then the PBO should instruct the voter on how to vote a provisional ballot. Ala. Admin. Code r. 820-2-6-.05. The voter may request voting assistance from another person and that person shall be allowed to accompany and assist the voter during the process of provisional voting. Ala. Admin. Code r. 820-2-6-.04.

10.4 Casting a Provisional Ballot

The procedure for casting a provisional ballot at the polling place is specifically set out in the Help America Vote Act. 52 U.S.C. § 21082(a).

10.4.1 Initial Provisional Ballot Procedures

When voter identification or registration problems cannot be resolved, the PBO utilizes the following procedure in the Provisional Balloting process: First, the PBO asks the voter to sign the oath on a PB-3 provisional verification statement. If the voter responds "No" or refuses, then the voter cannot vote a provisional ballot. If the voter responds "Yes" or otherwise consents, then the PBO notifies the individual that he or she may cast a provisional ballot in that election. The PBO gives the individual written information which states that any individual who casts a provisional ballot will be able to ascertain whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted. § 17-10-2(b); *see also* Ala. Admin. Code r. 820-2-6-.10; 820-2-6-.11.

10.4.2 Voter Affirmation

The individual who consents to vote a provisional ballot must execute the written affirmation printed on the PB-3 form in the presence of the PBO. This affirmation states the following:

> State of Alabama, County of _____ I do solemnly swear (or affirm) that I am a registered voter in the precinct in which I am seeking to vote and that I am eligible to vote in this election.
>
> _____
> Signature or Mark
>
> _____
> Printed Name of Voter
>
> _____
> Printed Residence Address of Voter
>
> _____
> City, State, Zip Code
>
> _____
> Date of Birth (month/day/year)
>
> _____
> Phone Number
>
> _____
> Date (month/day/year)

10.4.3 Forms

The voter must also complete a voter reidentification "update" form prescribed by the Secretary of State for use in updating the state voter registration list. § 17-10-2(b)(3). This form indicates whether it is associated with a provisional ballot.

10.4.4 Inspector Challenges

Where a provisional ballot is required on the basis of an inspector's challenge, the inspector signs a statement under penalty of perjury setting forth facts which the inspector believes supports his or her belief that the individual is not qualified to vote in the precinct in which the individual is seeking to vote. The challenge statement of the inspector is written on a multi-part form established by the Secretary of State. The inspector places the original challenge statement in the provisional ballot box, gives one copy to the provisional voter, and attaches one copy to form PB-3 to be

returned to the board of registrars in a sealed envelope. § 17-10-2(b)(4); Ala. Admin. Code r. 820-2-6-.12.

10.4.5 Submitting Provisional Ballot

The voter then is provided a ballot that corresponds to the voter's address and precinct. The voter then casts the provisional ballot and places it into a sealed provisional ballot box, envelope, or provisional ballot bag separately identified and utilized only for provisional ballots. Any ballot used as a provisional ballot must be altered in at least one of three ways:

(a) clipping or cutting the upper left corner of the ballot;

(b) placing an official provisional ballot label over the timing marks on the ballot; or

(c) shading or coloring in a bubble on another area of the ballot that will identify the ballot as a provisional ballot.

This identification ensures that a provisional ballot is rejected by electronic tabulation equipment if the provisional voters mistakenly attempt to place their provisional ballots in the tabulation equipment on the day of the election. Ala. Admin. Code r. 820-2-6-.09.

10.4.6 Voting by Provisional Ballot at New Precinct

A voter who has moved to a different precinct within the county but failed to update his or her registration address before the 14-day cutoff is entitled to vote a provisional ballot at the voter's new polling place. Such an individual will be required to supply the voter's current address on a reidentification portion of the PB-3 form. This form will then be used by the board of registrars to both determine which ballot should be provided to the voter (since many precincts have more than one style of ballot in any given election) and whether the provisional ballot should be counted. The provisional ballot will only be counted if the voter does not cast a regular ballot in the precinct from which the voter moved. Alabama Attorney General Opinion 2005-081.

10.5 Procedures for the Provisional Ballot Officer (PBO)

10.5.1 Preparing the Provisional Ballot (PB) Materials

The PBO is responsible for administering the provisional balloting process within the precinct. Before the polls open, the PBO should prepare the PB

materials. If the precinct is supplied with a Provisional Ballot Box (containing the provisional voting materials), the materials should be removed from the PB Box, and the box should be resealed immediately with the label provided. The blank provisional ballot roster should be prepared along with provisional ballots, to be ready when necessary. The provisional ballot roster must include the name and number of the precinct, the name and date of the election, and the name of the county, city, or town in which the election is being held. Ala. Admin. Code r. 820-2-6-.03; 820-2-6-.06.

10.5.2 Confirming Provisional Voters

If a voter's name is not on the poll list, the clerk who is checking in voters should notify the PBO. At this point, the PBO should make reasonable efforts to contact the board of registrars to check the voter's registration status. In municipal elections, the city clerk should be contacted instead. If the voter's eligibility and registration are confirmed, then an update form, with "verification" checked will allow the voter to vote a "regular" ballot. The PBO shall also write the source of the verification (the name of the registrar or clerk) in the designated area. Ala. Admin. Code r. 820-2-6-.04.

However, if it is confirmed that a voter must cast a provisional ballot, the PBO will explain the process to the voter using an instructional sheet provided by the Secretary of State. Ala. Admin. Code r. 820-2-6-.10. The voter may request voting assistance from another person and that person shall be allowed to accompany and assist the voter during the process of provisional voting. Ala. Admin. Code r. 820-2-6-.04.

10.5.3 Provisional Ballot Roster

First the voter must sign the provisional ballot roster. Either the voter or voter's assistant must fill out the information required on the roster. Ala. Admin. Code r. 820-2-6-.06.

10.5.4 Verification Statement and Identification Update Form

Next, the voter must complete a PB-3 provisional verification statement with attached voter identification update form. Before giving the voter this form, the PBO should write the election date, precinct number, ballot style, and voter's roster line number in Section 1 of the PB-3. The PBO should also check the appropriate box indicating the reason why a provisional ballot is required. The PBO should then give the voter the PB-3. The voter should complete the information in Section 4 and the update form. The PBO

should make sure that the voter signs the sworn statement before the voter returns the form to the PBO. Ala. Admin. Code r. 820-2-6-.07.

10.5.5 Casting the Provisional Ballot

After collecting the PB-3, the PBO may issue the voter a provisional ballot along with the PB-1 inner (secrecy) envelope and the PB-2 outer envelope. Before giving these materials to the voter, the PBO should write the voter's name and roster line number on the PB-2 outer envelope. Ala. Admin. Code r. 820-2-6-.06. In a precinct with more than one ballot style in a given election, the PBO should also confirm the provisional voter's correct ballot style with the board of registrars.

The voter should be directed to a private area to fill out the provisional ballot in secret. The PBO should instruct the voter **not to remove** any stickers placed over the provisional ballot's timing mark area. Provisional voters will sometimes attempt intentionally to insert the provisional ballot into the vote tabulating machines at the precinct. To ensure the provisional ballots are not improperly counted, it is very important for the PBO and the poll workers monitoring the tabulating machines to keep a watchful eye on provisional voters.

Once the voter has completed their ballot, the PBO should make sure that the voter places the ballot directly into the PB-1 inner envelope and seals it, before placing it into the PB-2 outer envelope and sealing that. After double-checking that the voter's name and roster line number are listed on the PB-2, the PBO should direct the voter to deposit the envelope into the slot on the end of the PB box. Ala. Admin. Code r. 820-2-6-.13. It is important to note that if the voter's name does not appear on the PB-2 outer envelope, then the ballot therein cannot be definitively matched to the voter and, therefore, cannot be counted by the canvassing board.

The PBO should also make sure the voter has an instruction sheet and that the provisional voter understands how to find out if his or her provisional vote counted. The Secretary of State has a facility on its website for finding out the result of a provisional vote at myinfo.alabamavotes.gov. If the reason for the provisional vote was lack of identification, the PBO should also instruct the voter as to when to submit identification to the board of registrars.

10.5.6 After the Polls Close

Once the polls close, the PBO must complete administrative responsibilities. The PBO must sign the provisional ballot roster. Any inspector challenge statement should be attached to the PB-3 form of the challenged voter. Then, the PBO should place the roster and all PB-3 statements in the PB-4 Envelope and seal the envelope. The PBO is also required to seal the slot on the Provisional Ballot Box (not necessary on self-sealing Provisional Ballot Bags if used at that precinct) and write on the seal the total number of ballots deposited in the PB Box. The PBO returns the PB-4 Envelope and the Provisional Ballot Box or Bag to the sheriff at the designated place on election night. The PB-4 envelope will then be delivered to the board of registrars, while the sheriff will retain the Provisional Ballot Box/Bag and Ballots until delivery to the canvassing board. Ala. Admin. Code r. 820-2-6-.14; 820-2-6-.15.

10.5.7 Duties If No Provisional Ballots are Cast in Precinct

Even if no provisional ballots are cast in a precinct the PB Box/Bag must still be returned along with the PB roster and PB-4 envelope. The PBO writes "0" on the seal of the Box, if used, and writes "none" across the PB roster. The PBO must place the identifying sticker from election supplies on the front of the envelope. Finally, the PBO must write "None" across the front of the PB-4 envelope. Ala. Admin. Code r. 820-2-6-.14.

10.6 Extension of Voting Hours by Court

When the time for casting votes is extended by a court, then all ballots cast during the extended voting period are provisional ballots and must be kept separate from other provisional ballots. However, anyone in line at the time of the closing of the polls (regular hours) may still vote by regular ballot or provisional ballot, as normal. When the time for casting votes is extended by a court, the election official should place a note at the bottom of the roster stating that beginning with Voter # all provisional votes cast were during extended hours. In some counties, separate provisional ballot supplies, including a new roster and new PB Box or Bag, are provided to the precinct for extended voting hours. The PBO checks the extended hours box on the PB-3 form to clarify the status of these provisional voters and segregates the provisional ballots cast during court extended hours from other provisional ballots. § 17-10-2(a)(4).

10.7 Duties of Elected and Appointed Officials in Provisional Balloting Process

10.7.1 Sheriff

The sheriff receives the PB-4 envelopes containing the provisional voter information and the secured, sealed PB Box/Bag containing any provisional ballots from the inspectors of each precinct in the county. The sheriff delivers the PB-4 envelopes to the board of registrars prior to noon the day after the election. The sheriff also preserves and secures the PB Box/Bag and delivers it to the canvassing board before noon seven days after the election. § 17-10-2(d); Ala. Admin. Code r. 820-2-6-.15(1).

10.7.2 Board of Registrars

The board of registrars receives the PB-4 envelopes from the sheriff before noon the day after the election. The board determines whether or not to count provisional ballots and indicates the board's finding and reason on the back of the PB-3 statements. The board delivers the PB-3 Statements to the canvassing board prior to noon seven days after the election. § 17-10-2(e); Ala. Admin. Code r. 820-2-6-.15.

The board of registrars determines whether provisional ballots are entitled to be counted and the canvassing board tabulates the provisional ballots that have been certified by the board. If a voter casts a provisional ballot at a precinct in which the voter's residence is located and the voter is not registered to vote in that precinct, but the voter is registered to vote in a different precinct within the county, the board of registrars should certify that the provisional ballot be counted and use the voter's reidentification form to update that voter's registration. Alabama Attorney General Opinions 2005-051 and 2012-071.

The board of registrars should not certify that a provisional ballot be counted if the voter does not reside in the precinct and is not registered to vote in the precinct where they are attempting to vote. If the board determines that a voter is not a resident of the precinct in which the provisional ballot is cast, the board should not certify the counting of that provisional ballot. Alabama Attorney General Opinions 2005-052 and 2012-071.

The board of registrars cannot update a voter's registration record for purposes of an upcoming election when the information is submitted during

the 14-day period before that election. This information may, however, be used to update the voter's registration for subsequent elections. Alabama Attorney General Opinion 2005-081.

10.7.3 Canvassing Board: Judge of Probate, Sheriff, and Circuit Clerk

The canvassing board, comprised of the judge of probate, sheriff, and circuit clerk, canvasses the result at noon seven days after the election. In addition, the canvassing board examines the back of PB-3 Statements received from the board of registrars to determine which provisional ballots to count. The canvassing board has to determine which Precinct Provisional Ballot Boxes or Bags contain the provisional ballots to be counted and opens and removes all PB-2 envelopes that have been designated "Count Ballot" on back of the PB-3 Form. The results of the tabulation are placed on a separate Certificate of Results which is signed by the canvassing board members. The actual ballots are returned to the sheriff to be preserved and secured for the time period prescribed by law. The results are reported by precinct and posted in the courthouse. § 17-10-2(f).

10.8 Provisional Voting in Municipal Elections

In municipal elections, if a person's name does not appear on the list of qualified voters for that ward or box, the person may not vote except by provisional ballot. § 11-46-39.

The Alabama Supreme Court has addressed the issue of whether provisional ballots are required in municipal elections. In Townson v. Stonicher, 933 So. 2d 1062 (Ala. 2005), the court principally addressed whether absentee voter identification requirements must be met at the time an absentee ballot is cast, or whether they can be cured later during an election contest. The court held that the absentee voter must meet identification requirements at the time the vote is cast. However, the court also noted that the provisional ballot procedures in Sections 17-10-1 *et seq.* are applicable to municipal elections, except in cases "where the provisions of this title are inconsistent or in conflict with the provisions of a law governing municipal elections." Id. at footnote 6.

Additionally, in determining whether provisional ballots should be counted in municipal elections, the board of registrars should consult the municipal clerk on issues involving residency in the municipality. Ala. Admin. Code r. 820-2-6-.15(4).

CHAPTER 11

SECRETARY OF STATE

Summary of Contents:

11.1 Chief Elections Official
11.2 Rulemaking Authority
11.3 The Help America Vote Act
11.4 Voter Registration

11.1 Chief Elections Official

The Secretary of State is Alabama's chief elections official and, in that capacity, provides uniform guidance for election activities. § 17-1-3. The Secretary of State possesses rulemaking authority for the implementation of election laws under the Alabama Administrative Procedure Act. § 17-1-3. The Secretary of State also serves as the primary state official for federal contact regarding the Help America Vote Act, as well as the National Voter Registration Act. §§ 17-2-1 to 17-2-4; 17-4-60(a). Finally, the Secretary of State may prescribe forms in furtherance of state election laws such as voter registration forms and absentee ballot applications as well as forms helpful to voters with disabilities, voters who have reading difficulties, and voters who do not speak English.

11.2 Rulemaking Authority

The Secretary of State promulgates rules and prescribes forms and instructions necessary to implement state election statutes. Some examples of Secretary of State rulemaking under the Alabama Administrative Procedure Act are:

- The Help America Vote Act. § 17-2-3; *see*, *e.g.*, Ala. Admin Code r. 820-2-1-.01 *et seq*.
- Voter registration. § 17-3-1; see, e.g., Ala. Admin Code r. 820-2-2-.19 *et seq*.
- National Voter Registration Act. § 17-4-63; *see*, e.g., Ala.

Admin. Code r. 820-2-2-.01 *et seq*.

- Voting style and design. § 17-6-24; Ala. Admin. Code r. 307-X-1-.06.
- Electronic voting machines. § 17-7-25; Ala. Admin. Code r. 307-X-1-.01 *et seq*.
- Provisional ballots. § 17-10-2; Ala. Admin. Code r. 820-2-6-.01 *et seq*.
- Absentee ballot application form. § 17-11-4; see, e.g., Ala. Admin. Code r. 820-2-10-.03.
- Statement of results of election form. § 17-12-2; Ala. Admin. Code r. 307-X-1-.18.
- Updating the Statewide Voter Registration Database. § 17-4-30.

11.3 The Help America Vote Act

On October 29, 2003, the Help America Vote Act (HAVA) was signed into law. This far-reaching piece of legislation attempts to increase public confidence in the accuracy of elections and to make voting more accessible to all citizens. HAVA required each state to identify its "chief elections officer" and pass legislation to bring the state in compliance with the new election mandates.

11.3.1 State Voter Registration List and Voter Registration Advisory Board

Alabama's Statewide Voter Registration File Act provides for a statewide, computerized voter file maintenance system that must comply with HAVA and the NVRA and "shall serve as the single system for storing and managing the official list of registered voters throughout the state." § 17-4-33.

Alabama law provides for the preparation and distribution of lists of qualified electors for each precinct from a statewide voter registration list. § 17-4-2. The law states that an electronic archive in the database for the state voter registration list should be made simultaneously with the printing of each county's lists of qualified voters. This provision contemplates that electronic access to the state voter registration list may be used instead of a printed list in accordance with rules promulgated by the Secretary of State. § 17-4-2. In addition, the judge of probate must certify and furnish reports from the state voter registration list to local election inspectors. § 17-3-60.

A "nondiscriminatory, single, uniform, official, centralized, interactive computerized statewide voter registration list" is to be "defined, maintained, and administered by the Secretary of State, with advice from the Voter Registration Advisory Board and the President of the Alabama Probate Judges Association." § 17-4-33(a). The computerized list shall contain the name and information of every registered voter in the state and shall comply with various other federal requirements. For example, the list must be coordinated with the driver's license database of the Department of Public Safety within the Alabama Law Enforcement Agency (ALEA); immediate electronic access to the list must be available to all election officials in the state; and registrars must be able to electronically enter voter information at the time it is received. One free electronic copy is to be provided to each political party following each state and county election and, upon written request, up to two additional electronic copies during each calendar year. § 17-4-33(a)(10).

The State Voter Registration Advisory Board oversees the statewide voter registration list in consultation with the Secretary of State. The Governor, the Commissioner of Agriculture and Industries, and the State Auditor each appoint three of the nine members of the board. The law requires one of each of the appointing authorities to reflect the racial, ethnic, and age diversity of the state. Term limits of the board have been abolished and all board members serve at the pleasure of their appointing authority. § 17-4-34.

11.3.1.1 Supervisor of Voter Registration and Voter Registration Lists. The Supervisor of Voter Registration is employed by and works at the direction of the Secretary of State. The current Supervisor of Voter Registration is stationed within the Secretary of State's Elections Division and is responsible for, among other things, serving "as a liaison between the Secretary of State and the county boards of registrars on implementation of existing and future laws pertaining to voter registration." The supervisor trains registrars, provides military and overseas voters with voter registration applications and absentee ballot applications, provides information relating to procedures for registering and voting absentee ballots, and recommends procedures and administrative rules to the Secretary of State. § 17-4-35.

The Supervisor is specifically charged with providing "to the county boards of registrars such information as would allow them to determine which names should be stricken by them from voter lists in accordance with state law," and "[assisting] the county boards of registrars in

determining the names of any person or persons who are deceased, who are no longer qualified to vote in the election district where registered due to removal of residence from the county in which he or she is registered, or from the State of Alabama, who has been convicted of a disqualifying crime, or who is otherwise no longer qualified to vote as may be provided by law." § 17-4-35.

However, the Secretary of State, and not the Supervisor of Voter Registration, is provided with information from the appropriate state agencies or other entities for voter list maintenance activities. §§ 17-4-4; 17-4-6; 17-4-33; 17-4-39.

The board of registrars of each county is required to provide certain information to the Secretary of State in order to establish and ensure the accuracy of the state voter registration list. The board of registrars must provide all voters' names and the last four digits of their Social Security numbers. Also, the board of registrars in each county is required to provide additional information on each voter in the county, such as the driver's license number or non-driver's identification number, date of birth, address, race, sex, and political subdivision or voting place. When an applicant for registration is unable to produce a driver's license number, a non-driver's identification number, or the last four digits of their Social Security number, a unique number is assigned to serve as the registrant's voter registration identification number. § 17-4-36.

11.3.2 Provisional Voting

Provisional voting is a procedure that is utilized when questions arise about a person's eligibility to vote. For example, a voter may assert that he or she is registered to vote when his or her name does not appear on the list of qualified voters. Alternatively, an election official may assert that the individual attempting to vote is not eligible to do so. § 17-10-2.

Historically, Alabama operated under a system of "challenged ballots" where a challenged vote is counted on Election Day but marked so that the election count could be modified in the case of an election contest. In response to HAVA, language regarding challenged ballots was replaced with provisional voting. Now, when such questions arise, the voter must complete a written affirmation that he or she is a registered voter in the jurisdiction and eligible to vote in that election. The individual is then permitted to vote a provisional ballot that is placed in a separate sealed ballot box. § 17-10-2(b). A voter who is unable to present photo

identification may also vote a provisional ballot. The voter has until 5:00 p.m. on the Friday after the election to provide identification to the board of registrars. A provisional ballot is not counted unless the board of registrars verifies that the voter is a registered voter in the precinct and eligible to vote in that election. § 17-10-2.

At noon on the Tuesday that is seven days after the election, the provisional ballot materials are returned to the probate office after the board of registrars has determined whether each vote is to be counted or not counted. Beginning at noon, the canvassing board tabulates the provisional ballots that the registrars have certified were cast by duly registered voters. The provisional voter must be able to ascertain whether the vote was counted and, if not, the reason the vote was not counted. § 17-10-2.

11.3.3 Board of Registrars

The Secretary of State provides administrative rules with guidelines for determining the qualifications of registrars. Each registrar must:

(1) Be a qualified elector and resident of the county;
(2) Have a high school diploma or the equivalent;
(3) Possess excellent communication skills evidence by reportable experience in areas such as electronic mail, online communications, and use of multi-line telephones;
(4) Demonstrate intermediate level experience and proficiency in data processing and use of computer programs used in the current day-to-day workplace, including, but not limited to, web-based operating systems;
(5) Demonstrate the ability to download and upload reports and files and conduct spreadsheet manipulation; and
(6) Demonstrate the ability to operate office equipment, including printers, copiers, scanners, and cameras. § 17-3-2.

Registrars are appointed for a four-year term and can only be removed for cause by the Secretary of State. Written reasons are required for such removals. § 17-3-3.

11.3.4 Voter Re-identification and Updating

Voters required to present identification may do so at the time of voting or by mail by including identification with their application for registration.

However, every registered voter must provide identification at the polling place prior to voting, even if they submit identification with their voter registration form. §§ 17-10-1 and 17-9-30. Those voters who do not present identification when voting are entitled to cast a provisional ballot or be positively identified by two election officials. If voting by provisional ballot due to a lack of identification, these voters must then submit proper identification no later than 5:00 p.m. on the first Friday after the election. § 17-10-2.

All voters who fail to vote for four years in their county will have their name placed on an inactive voter list. The status of the voter will have changed only for administrative purposes, but the voter maintains the right to vote provided that the voter completes a voter re-identification form. § 17-4-9. The voter re-identification form is a form prescribed by rule by the Secretary of State.

11.3.5 Absentee Voting for Military and Overseas Voters

The Secretary of State shall provide applications for absentee voting to military and overseas voters in accordance with state law. §§ 17-4-35 and 17-11-4. The Secretary of State shall also prescribe rules for military and overseas voters as well as set out special guidelines for these special voters. Each absentee ballot distributed should be accompanied with instructions for returning and completing the absentee ballot as well as instructions for correcting mistakes in completing ballots or obtaining a replacement ballot. The requirement that absentee ballots must be received in the mail or by commercial carrier by noon on Election Day does not apply to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). 52 U.S.C. §§ 20301 to 20311. UOCAVA voters are given an extended period of time to return absentee ballots by mail. These ballots must be received no later than noon seven days after the election. § 17-11-18.

The Alabama Electronic Overseas Voting Advisory Committee determines if secure electronic absentee voting for overseas voters is feasible and, if so, to assist in the implementation thereof. This committee and the Secretary of State are charged with the adoption of rules for conducting overseas absentee electronic voting, including the requirements for the request, receipt, voting, returning, and processing an overseas absentee ballot. §§ 17-11-40 *et. seq*.

11.3.6 Certification of Returns

In general elections, the county canvassing board is to meet on the second Friday next after the election to canvass the election returns and make a correct statement reflecting the election results. § 17-12-15. Each county canvassing board then transmits the results for state and federal offices and proposed constitutional amendments, if any, to the Secretary of State. § 17-12-16. The state canvassing board, comprised of the Governor, Secretary of State, and Attorney General, has 22 days after the election to certify the returns and determine which candidates are elected. § 17-12-17. After the returns are certified, the Governor proclaims the results of the election. § 17-12-18.

In primary elections, the county executive committee of each party participating in a primary election convenes at the courthouse of its county by noon on the Tuesday following the primary to receive, canvass, and tabulate returns. The returns are to be certified and returned to the chair of the state party executive committee by the close of business on the seventh day following the primary election. Also, the state executive committees shall meet to receive, canvass, and tabulate returns, publicly declare the results, and provide the Secretary of State with the primary returns at noon on the Wednesday eight days following the primary. § 17-13-17.

In the event of a runoff in the primary election, the canvassing board (local party officials for candidates and the judge of probate, sheriff, and circuit clerk for non-candidate matters) must meet at the courthouse to receive, canvass, and tabulate the returns from the second primary by the second Friday following runoff election. County returns from the runoff are to be certified to the state executive committee by the second Monday following the primary runoff. The state executive committee must convene in Montgomery to tabulate and certify the returns by noon on the third Wednesday following the runoff election. That same day, the state executive committee must provide the Secretary of State with those returns. § 17-13-18.

11.3.7 State Plan for Elections

Alabama has established a state plan pursuant to the mandates of the federal Help America Vote Act. The law provides for the appointment of a committee to assist the Secretary of State in the development of a state plan. The committee consists of 23 members, including the judges of probate of the two most populous counties in the state, three additional

county or municipal election officials appointed by the Secretary of State pursuant to certain recommendations, five individuals representing the interests of the electorate appointed by the Secretary of State pursuant to certain recommendations, three private citizens appointed by the Governor, five members of the state House of Representatives appointed by the Speaker of the House, two members of the state Senate appointed by the Lt. Governor, and three members of the Senate appointed by the President Pro Tempore of the Senate. The law also includes deadlines for appointment, term limits of committee members, and powers and duties of the committee. § 17-2-2.

11.3.8 Administrative Review of Complaints

The Secretary of State is directed to establish by rule procedures for the review of complaints on the state's administration of the federal HAVA. § 17-2-3. The Secretary of State has promulgated Chapter 820-2-5 of the Alabama Administrative Code to provide an administrative complaint procedure for allegations pertaining to violations of Title III of the federal Help America Vote Act of 2002.

Complaints must be submitted in writing, notarized, signed, and sworn by the complaining person. They may be submitted on a form created by the Secretary of State's Office for this purpose available at www.sos.alabama.gov. All complaints should identify one or more of the sections of Title III of HAVA alleged to have been violated. Complaints that fail to request a hearing are investigated by the staff or other designee(s) of the Secretary of State. Within 30 days from the receipt of the complaint, the investigator issues a written report and recommendation to the Secretary of State. The Secretary of State may reject, approve, or require additional investigation into some or all of the report and recommendation. Ala. Admin. Code r. 820-2-5-.02.

Upon the satisfaction of the Secretary of State that the investigation of the complaint is sufficient, the Secretary of State will issue an order setting forth the findings, conclusions, and remedies. A copy of this order is to be mailed to each complainant. Complaints not resolved within 90 days from the date received are resolved through alternate dispute resolution. Orders which dismiss the complaint upon a determination that there has not been a violation of Title III are published by the office of Secretary of State on its Internet site within seven days of receipt or issuance of the order by the Secretary of State. If, under these procedures, a violation is found, the Secretary of State directs the appropriate legal remedy. Ala. Admin. Code

r. 820-2-5-.02 and 820-2-5-.03.

11.3.9 Funding

A separate trust fund was created in the state treasury known as the Help America Vote Fund for funds used in accordance with HAVA. § 17-2-1.

11.3.10 Voting System Requirements

HAVA sets a list of requirements for voting systems. These requirements include that all voting systems permit the voter to verify the votes selected by the voter before the ballot is cast; that the voter has the opportunity to change his or her ballot or correct any error before the ballot is cast and counted; that the voter be notified if the voter has selected more than one candidate for a single office and have an opportunity to correct the mistake; and that a record be produced with audit capacity for the voting system, consisting of a permanent paper record, etc. § 17-2-4.

The error rate of the voting system must comply with the voting systems standards issued by the Federal Elections Commission. Those counties that purchase voting equipment in order to comply with these voting system guidelines are eligible for reimbursement from the Help America Vote Fund, in accordance with guidelines established by the State Plan Committee and the Secretary of State. HAVA also sets standards relating to disability and alternative language accessibility. § 17-2-4.

11.4 Voter Registration

To be eligible to vote in Alabama elections, a person must register to vote. The Secretary of State is authorized to promulgate rules for the administration of voter registration applications. § 17-3-1. The Secretary of State is also in charge of Alabama's implementation of the National Voter Registration Act of 1993. § 17-4-60. To fulfill this mandate the Secretary of State works in conjunction with the supervisor of voter registration. The Secretary of State also seeks comments and guidance from other election officials and agency officials to ensure a coordinated effort that addresses the needs and concerns of all participants while effectively meeting the requirements of the law. § 17-4-60.

Through statewide implementation of the National Voter Registration Act, the general population may register to vote through the mail. § 17-4-60.

Absentee registration is contingent upon those involved being otherwise qualified voters under Alabama law. Ala. Const. Art. VIII, § 177; Ala. Code § 17-3-59. Persons may also register to vote electronically through a website provided by the Secretary of State. To utilize this electronic application, a person must have a valid Alabama driver license or Alabama non-driver identification card and meet the eligibility requirements for applying for voter registration in the State of Alabama.

11.4.1 Qualification for Registration of a Voter

A person must meet certain requirements of age and citizenship to qualify as a voter. No person is entitled to vote unless he or she is 18 years of age and a citizen of the United States as prescribed in the Twenty-Sixth Amendment to the United States Constitution. Ala. Const. Art. VIII, § 177.

The Secretary of State prescribes the voter registration form by administrative rule. § 17-3-52. Voters must register at least 14 days prior to the election. §§ 11-46-38 and 17-3-50.

Individuals adjudicated as mentally incompetent by a court and persons convicted of disqualifying felonies are disqualified from both registering and voting. Ala. Const. Art. VIII, § 177. Enacted in 2017, the Felony Voter Disqualification Act identifies the disqualifying felonies for voting purposes. § 17-3-30.1. *See* Appendix of this handbook for a list of disqualifying felonies.

11.4.2 Denial of Registration and Judicial Review

When the board of registrars of a county determines that a person is not eligible to vote, the board must send notice of the denial and the specific reason to the applicant within 10 days of that determination. Individuals denied registration may appeal the decision of the board of registrars to the judge of probate within 30 days of the denial. The judge of probate's decision may be appealed to the circuit court. §§ 17-3-54 and 17-3-55.

11.4.3 Disqualification by Death or Conviction

The Secretary of State, upon the receipt of the information that anyone age 18 or older has died or been convicted of a disqualifying felony, shall disseminate the information to the appropriate board of registrars to update the statewide voter registration list. § 17-4-6(b).

11.4.4 Permanent Disability Absentee Voter List

The Secretary of State maintains a permanent absentee voter list for voters who have a permanent disability which prevents his or her attendance at the polls on election day. Any voter placed on this list will have an absentee ballot mailed to them before each election held during the calendar year. § 17-11-3.1.

The Secretary of State has adopted rules governing the permanent disability absentee voter list. See Ala. Admin. Code r. 820-2-12-.01 *et seq*. These rules will allow permanently disabled voters with medical documentation to apply annually to vote by absentee ballot. Applications are available on the Secretary of State's website and in this Handbook's Appendices. *See also* Chapter 7.

11.5 Post-Election Audit of 2022 General Election

The Alabama Legislature authorized the Secretary of State to conduct a post-election audit of the 2022 General Election. § 17-16-90. The three counties selected were Dallas, Houston, and Marshall Counties. The results can be found on the Secretary of State's website at https://www.sos.alabama.gov/alabama-votes/2022-post-election-audit. As of the date of publication of this Handbook, there has been no further post-election audit legislation passed by the Alabama Legislature.

CHAPTER 12

JUDGE OF PROBATE

***Summary of Contents**:*

12.1 The Office of Judge of Probate
12.2 Notice of Elections
12.3 Candidates
12.4 Role Under Fair Campaign Practices Act
12.5 Poll Workers (Precinct Election Officials)
12.6 Precincts Boundaries
12.7 Ballots
12.8 Testing Precinct Ballot Counters
12.9 Voting Supplies
12.10 Voter Registration
12.11 Voting Place Administration
12.12 Canvassing Responsibility
12.13 Validation of Election Results
12.14 Judge of Probate's Election Day Responsibilities

12.1 The Office of Judge of Probate

The judge of probate is an elected county official and is the county's chief election official. § 17-1-3. The presiding judge of the circuit court handles the election functions of the judge of probate if the judge of probate is unable to serve. § 17-9-2.

12.2 Notice of Elections

12.2.1 Notice of Election

At least 14 days before each election, the judge of probate must give proper notice of the election. This is done either by publishing a notice in a county newspaper of general circulation, or, if there is none, by posting a written

notice at the courthouse door and at three other public places in the county. § 17-9-5.

All notices of election must include the date of the election, and the offices and subjects to be considered. § 17-9-5. The notice of election requirements does not apply to proposed amendments to the Constitution. In re Opinions of the Justices, 192 So. 905 (Ala. 1939).

12.2.2 Notice of Special Elections

The judge of probate must give notice of special elections by proclamation stating the time, place, and object of the election. This proclamation must be given immediately whenever the following occur: (1) the judge of probate receives a writ of election directing a special election to be held; or (2) the judge of probate receives a notice of a special election for representatives in Congress and elections for any state or county offices. § 17-15-5. In addition, the judge of probate must notify the sheriff and clerk of the circuit court of the special election within three days after receiving notification. § 17-15-6. Requirements for the form of notice for a special election are the same as for a regular election.

12.3 Candidates

The judge of probate orders the printing of ballots. §§ 17-6-47 and 17-13-5. The method of qualifying differs between primary and general elections. Candidates in primary elections qualify with the appropriate party official. Independent candidates in general elections qualify with the judge of probate for county elections and the Secretary of State for state and federal offices. The judge of probate used to receive financial reports from campaign committees for municipal candidates, however, commencing with the 2024 municipal Election Cycle, these reports are now filed electronically with the Secretary of State. § 17-5-9.

12.3.1 Qualifying for the Primary

An officially recognized political party is defined as one which received more than 20 percent of the entire vote cast in any county during the last general election. § 17-13-40. Such parties have ballot access and can conduct a primary or put names in nomination for the general election through caucus, convention, mass meeting, or other assembly. § 17-13-50. If a political party has received 20 percent of the entire vote cast in the state

during the last general election, it is officially recognized as a political party in all counties, even if the party did not reach 20 percent in every county. § 17-13-40. Commencing with the 2026 election cycle, primary elections will be held on the Tuesday in May preceding Memorial Day, except in years when a presidential primary is conducted, in which case, the presidential primary election shall be held on the first Tuesday in March. § 17-13-3.

The judge of probate normally receives notification of parties entering a primary from the Secretary of State. When a primary affects only one county, the party chair of that county may notify the Secretary of State and send a copy of the notice directly to the judge of probate. § 17-13-46. If a dispute arises between factions of a party concerning use of the party's emblem, the judge of probate must inform the state party chair, who must notify the judge of probate within 10 days as to which faction is entitled to the emblem. § 17-6-32.

All candidates for nomination to public office or for election to a party office shall file their declaration of candidacy with the *state* party chair (if they seek any office other than county office) or with the *county* party chair (if they seek a county office), not later than 5:00 p.m., 116 days before the date of such primary. § 17-13-5(a).

For *county* offices, the *county* party chair certifies to the judge of probate the names of all candidates for nomination of election not later than 5:00 p.m., 82 days before the primary. § 17-13-5(b).

For offices other than county offices, the *state* party chair certifies the names of primary candidates to the Secretary of State no later than 5:00 p.m., 82 days before the primary. § 17-13-5(b). The Secretary of State then certifies the names of the opposed candidates for nomination to federal, state, legislative, circuit or district offices to the judge of probate of every county in which the election is to be held no less than 74 days before the primary. § 17-13-5(b).

The judge of probate of each county shall then have the ballots prepared for the primary election. § 17-13-5(c). If the candidate is unopposed in a race during a primary, the candidate's name does not appear on the primary ballot, and the candidate is declared the winner of the nomination.

In order to have their names printed on the primary ballot, candidates must be legally qualified to hold the offices they seek, eligible to vote in the

primary election, and possess the political qualifications prescribed by the party. § 17-13-6. The judge of probate must not cause the name of a legally unqualified candidate for primary election to appear on the ballot. Alabama Attorney General Opinion 82-00497.

Any person whose name has been placed in nomination for a county office may withdraw from any primary if they notify the judge of probate at least 71 days before the election for county offices. Notification must be made to the Secretary of State for offices other than county offices. § 17-6-21, as amended by Ala. Act 2024-168.

12.3.2 Qualifying for the General Election

The following persons are entitled to have their names printed on the appropriate ballot for the general election, if they are qualified:

(a) Candidates nominated by primary election and certified by the chair and secretary of the canvassing board of the party holding the primary. Such nominations must be filed with the judge of probate (for county offices) or with the Secretary of State (in all other cases) on the day after the last day for contesting the primary election. If a contest is filed, then the certificate for the contested office must be filed on the day next following the date of the settlement or decision of the contest. § 17-9-3(a)(1).

(b) Candidates nominated by any caucus, convention, mass meeting, or other assembly of any political party or faction and certified in writing by the chair and secretary of the nomination caucus, convention, and mass meeting or assembly. Such nominations must be filed with the judge of probate (for county offices) or the Secretary of State (in all other cases) on or before 5:00 p.m. on the day of the first primary election. § 17-9-3(a)(2).

(c) Independent candidates for a specified office with a written petition, signed by three percent of qualified voters in the county or district in which the office is situated who cast ballots for office of Governor in the last general election, and filed with the judge of probate (for county offices) or the Secretary of State (in all other cases) on or before 5:00 p.m. on the day of the first primary election. The Secretary of State shall certify 69 days before the election to the judge of probate. §§ 17-9-3(a)(3) and 17-9-3(b).

The probate court is responsible for verifying the signatures on a petition for a person to run as an independent candidate for county office. Petition requirements are the same as for minor parties. The board of registrars may, however, agree to verify the signatures for the probate court if it desires. Alabama Attorney General Opinion 83-00057.

Any persons whose names have been placed in nomination may withdraw from any primary or secondary election if they notify the judge of probate at least 71 days before the election for county offices. The notification deadline for persons who do not wish to accept nomination in a general election is 71 days before the date of the election. Notification must be made to the judge of probate for county offices and the Secretary of State for offices other than county offices. The notification must be in writing and must be notarized. § 17-6-21.

A candidate who has already appeared in a party primary and lost cannot be placed on the general election ballot as an independent candidate or as the nominee of another political party in the same election cycle. § 17-9-3(b).

12.3.3 Minor Parties

Political parties that do not reach the statutory thresholds for ballot access can reach the ballot through the petition process. The judge of probate is responsible for verifying the signatures on a petition for minor party ballot access for county offices. The board of registrars may, however, agree to verify the signatures for the probate court if it desires.

The number of qualified electors required to sign the petition shall equal or exceed three percent of the total number of registered voters who voted for the office of Governor during the last gubernatorial election of the county for a countywide office or of a district for an office to be filled by the electors of a district. § 17-6-22.

The Secretary of State must notify the judge of probate of statewide and district candidates who have qualified for the general election ballot. § 17-13-18.

Although the judge of probate acts in a ministerial capacity and not a judicial capacity in preparing ballots to be printed, in rare cases where the nominating certificate appears plainly to fail to comply with statutory requirements, the judge of probate may “inquire” into whether the nomination complies with the law. If the judge, after such inquiry, deems

the nominations not consistent with the statutes controlling nominations, the judge of probate may decline to place the name(s) on the ballot. The matter then may be decided in the circuit court. Kinney v. House, 10 So.2d 167 (Ala. 1942).

The Secretary of State, no later than 69 days before the general election, shall certify to the judge of probate of each county in the state a separate list of nominees of each party for office and for each candidate who has requested to be an independent candidate and has filed a written petition. § 17-13-22.

When presidential electors are to be chosen, the Secretary of State must certify to the judges of probate the names of the candidates for President and Vice President who are nominated by any national convention or other assembly of any political party or by petition. § 17-14-31.

The notification deadline for persons who do not wish to accept nomination in a general election is 71 days before the date of the election for county offices. Notification must be made to the judge of probate for county offices and to the Secretary of State for offices other than county offices. The notification must be in writing and must be notarized. § 17-6-21.

12.4 Role under Fair Campaign Practices Act

Beginning with the 2018 election cycle, the Fair Campaign Practices Act (FCPA) gave the judge of probate the responsibility for accepting campaign disclosure reports from municipal candidates only. § 17-5-9. However, commencing with the 2024 election cycle, the judge of probate no longer accepts campaign finance reports. Municipal candidates began filing campaign finance reports electronically with the Secretary of State in the 2024 election cycle. § 17-5-9.

Filing guides and other resources about campaign finance disclosure can also be obtained from the Secretary of State.

Copies of the records received by the Secretary of State and judges of probate must be preserved for public inspection. § 17-5-10. The Secretary of State or judge of probate can charge the person requesting the copies for the expense of the copying. § 17-5-11(2).

12.5 Poll Workers (Precinct Election Officials)

The appointment of poll workers is the responsibility of the county appointing board. The judge of probate is a member and serves as the chair of this board. §§ 17-8-1 and 17-1-3. However, the judge of probate cannot serve on the appointing board if he or she is a candidate for office with opposition in that election or is otherwise disqualified from serving on the appointing board. § 17-8-3.

Poll workers who are registered to vote in a given county are eligible to serve in any precinct in the county. § 17-8-1.

After the appointing board has done its work, the judge of probate must notify workers of their appointment by mail and must publish a list of the appointees in a newspaper of general circulation published in the county. § 17-8-2.

12.5.1 Poll Workers' School

The judge of probate has the responsibility to conduct an election school, which must be conducted at least five days before a general or primary election. The judge of probate shall also notify such election officials of the time and place of the holding of such school of instruction and shall also publish notice at least 48 hours in advance. § 17-8-9.

The judge of probate also notifies poll workers of the time and place where the school of instruction will be held. A notice of their training must also be published in a newspaper of local circulation at least 48 hours before the school is held. The notice of the school may be combined with the notice of appointment. Poll workers may not serve at the polls if they are not duly instructed within 60 days before the election, except that uninstructed persons may be appointed to fill vacancies created by unexpected absences. § 17-8-9.

In compliance with Harris v. Siegelman, 700 F.Supp. 1083 (M.D. Ala. 1988), the Secretary of State developed and administered a training and certification program for poll workers. The court order connected with this case has since expired, but the Alabama Secretary of State's office and the Alabama Probate Judges Association have agreed that the training program, in some form, should continue.

The election school should cover federal and state law on election procedures and voting rights. The election school should emphasize the operation of voting equipment and any unique local circumstances while reviewing basic election procedures. The judge of probate should include in the training the requirement that inactive voters complete a voter identification (update) form prior to voting. § 17-4-9. A school is not required before a runoff primary because the polls are staffed by the same people who worked in the first primary.

A poll worker who attends the election school is entitled to an additional $25 per day upon completion of the local election school unless a local act provides otherwise. § 17-8-12.

12.6 Precinct Boundaries

The tasks of drawing precinct boundaries, selecting polling places, and assigning groups of voters to ballot boxes or voting machines is the responsibility of the county commission. In some counties, the judge of probate automatically participates in these functions because the judge of probate serves as chair of the county commission. Even in other counties, the judge of probate often provides information and advice on these matters because of his or her experience and expertise. § 17-6-2.

12.7 Ballots

The judge of probate orders the printing of ballots although it is an expense of the county. §§ 17-6-47 and 17-13-4. Candidates must meet certain qualifications in order for their names to appear on the ballot. State law prescribes the form of the ballot. §§ 17-6-20 through 17-6-33. State v. Deason, 88 So.2d 674, 678 (Ala. 1956). The major ballot requirements are summarized as follows:

(a) Alabama uses a party column ballot. § 17-6-24.
(b) The parties are listed in alphabetical order, and independent candidates are listed after all parties. §§ 17-6-24 and 17-6-27.
(c) Party emblems which have been submitted to and approved by the Secretary of State are to be printed on the ballot. §§ 17-6-29 through 17-6-32.
(d) On general election ballots, there shall be spaces for write-in votes. § 17-6-27.

(e) In presidential elections, the names of presidential and vice-presidential candidates, not their electors, shall be printed on the ballot. § 17-14-32.

(f) In primary elections, there shall be one ballot for each party, and each ballot shall contain a pledge of support for that party. § 17-13-8. The Alabama Republican Party has obtained an injunction that prevents this pledge from being placed on its ballot materials. Alabama Republican Party v. State of Alabama, No. 90-0267-BH, (Ala. Feb. 7, 1991).

The judge of probate determines the number of ballots to order and provides the ballots to the polling places within the county. §§ 17-6-47 and 17-13-9.

12.8 Testing Precinct Ballot Counters

The judge of probate shall have each precinct ballot counter tested to ascertain whether it will accurately count the votes cast. This test will be conducted with the county chair of each party, with candidates in the election present. A random sample machine test is also required. Ala. Admin. Code r. 307-X-1-.04.

12.9 Voting Supplies

A number of supplies other than ballots are needed at the polling place on election day. *See* Chapter 8 for a complete description of these supplies. The judge of probate delivers the election supplies and lists to the sheriff of the county at least three days before the day of the election, and it is the duty of the sheriff to deliver the same, together with ballots, to the precinct election officials, at the place provided by law for holding the election, and not later than one hour before the polls are scheduled to open on election day. §§ 17-6-47 and 17-13-9.

12.10 Voter Registration

The voter registration duties of the judge of probate fall into three general categories: National Voter Registration Act responsibilities; assisting the board of registrars in maintaining an accurate file of registered voters; and preparing and maintaining a list of qualified electors for public record.

12.10.1 National Voter Registration Act of 1993

Under the National Voter Registration Act, probate offices that issue driver's licenses conduct "motor voter" registration in Alabama. In this program, voter registration services are to be offered sometime during the application, re-application, or change-of-address process for a person's driver's license. Probate offices issuing licenses are required to offer the applicant the same level of assistance that it would provide the applicant for the driver's licensing process. 52 U.S.C. § 10301; Ala. Code § 17-4-60(b); Ala. Admin. Code r. 820-2-2-.03; 820-2-2.04.

Judges of probate who issue driver's licenses do not make any determination of a person's eligibility to register to vote. § 17-3-52. Determination of eligibility is the jurisdiction of the board of registrars.

Voter registration in probate offices is conducted using a computerized, electronic process integrated with the driver's licensing system and the statewide voter registration file. These motor voter registration applications are automatically transmitted to the boards of registrars electronically. The boards process the electronic applications to determine each applicant's eligibility or ineligibility to register to vote. This process is more efficient than the former paper-based process. It mitigates the possibility of errors previously experienced due to illegibility, which promotes accuracy in the voter list. It also provides the voter registration applications to the boards in a more timely manner, which is particularly important when closer in time to the deadline for registering to vote in an election.

12.10.2 Voter File Maintenance

Both the judge of probate and board of registrars must keep a copy of the voter list open for public inspection. § 17-4-2. Voters' names can be legally added or removed only by official action of the board of registrars. The judge of probate has electronic access to the list of registered voters in their county. § 17-4-2. This list must be provided to any judge of probate who does not already have access to the list, within seven (7) days of the request and at no charge. If online access is available, the judge of probate shall be granted immediate access. § 17-4-32.

12.10.2.1 Notice of Mental Incompetence. The judge of probate must furnish the board of registrars a monthly list of any residents 18 years of age or older who have been declared mentally incompetent. § 17-4-4(b). The board must then strike these names from the file of registered voters. § 17-

4-3. Because the power to declare a person incompetent rests with the judge of probate and not with the board, the board must remove the names of such persons upon notification by the judge, and the board may not subsequently reinstate them unless they have been declared competent by the judge. § 17-3-56.

12.10.2.2 Statement of Residence for Precinct Assignment. The board of registrars assigns registrants to precincts. This appears to be a purely ministerial function based upon the person's domicile and the precinct boundaries established by the county commission. Ambiguity occurs only if the registrant's dwelling falls on a precinct or county boundary. In this case, the person must establish a precinct or county of domicile or both by filing a statement in the probate office of the county selected. § 17-3-33.

12.10.2.3 Re-identification Forms from the Polling Place. After elections, the list of qualified electors that was used at each polling place and the voter re-identification forms are delivered to the board of registrars, which uses them to update its records. § 17-9-15. The list is then returned to the judge of probate. These lists contain information, which will be useful to the board of registrars in developing voter histories or correcting records, in giving an indication of who has voted and, especially, updating records with any names, which were added at the polling place because the person either presented a certificate or voted a provisional ballot. § 17-4-9.

12.10.3 The List of Qualified Electors

The list of qualified electors is produced by the judge of probate from information submitted by the board of registrars. The list is to be published and corrected before the primary election. It is then delivered to each polling place. This process is performed in most counties by uploading the most recent qualified elector data to electronic poll books that are provided for each precinct to use.

12.10.3.1 Preparing the List of Qualified Electors. Any changes in registration (new registrations, reidentifications, or deletions) must be provided by the board of registrars to the Secretary of State. §§ 17-4-2 and 17-4-36. The board of registrars certifies the list of qualified voters as true and correct with any additions, deletions, corrections, or changes so that the judge of probate knows the list of qualified electors is complete and ready for printing. From this list (in either print or electronic form), the judge of probate prepares and prints a current alphabetical list of qualified electors. An electronic archive in the database for the state voter registration list is

simultaneously recorded with the printing of each county's list of qualified voters. Each printed list of qualified voters must contain a printed certification generated by the state voter registration system establishing that the contents of the list are correct as of the time and date when it was printed. § 17-4-2. If the board of registrars adds names to the list of qualified electors between the time of notification to the judge of probate that said list is complete and the date of the election, the board of registrars should notify the judge of probate of such additions and a supplemental list of qualified voters should be prepared and distributed by the judge of probate to the affected precincts.

The list of qualified voters provided by the judge of probate, pursuant to Section 17-4-2, should contain identifying information from the board of registrars in addition to the name of the qualified elector. Alabama Attorney General Opinion 98-00144.

12.10.3.2 Clerical Assistance. The judge of probate is authorized to employ clerical help for the purpose of preparing the list of qualified electors. The judge of probate shall be paid from the county treasury for the expense of preparing the lists, but in an amount not to exceed five cents per name. § 17-3-60. Except where compensation has been removed by local act, judges of probate are entitled to five cents per name irrespective of whether they are on the fee system or salaried. Opinion of the Justices, 407 So.2d 122 (Ala. 1981). Funds received by the judge of probate for compilation of the voter list accrues to the judge, not the county treasury. Alabama Attorney General Opinion 80-00176. Further, when the judge of probate furnishes a list and makes copies of this list, they are entitled to compensation for only one list. However, if the judge of probate actually prepares and furnishes two separate lists, they are entitled to compensation for both lists. Alabama Attorney General Opinion 85-00067. The judge of probate must provide certification that the judge is the proper person to receive the compensation. If, instead, the judge's assistants prepared the list, then certification from the judge and the assistants will allow them to be compensated for the work. Alabama Attorney General Opinion 93-00057. Note, however, that any allowable expenses by the county in holding and conducting a presidential preference primary are reimbursed by the state. § 17-13-100.

In counties having a population between 100,000 and 350,000, the judge of probate may employ a clerk to assist the board of registrars. The clerk's duties are to submit to the board a revised election list of the county by placing all persons in their proper wards or precincts and eliminating the

names of persons who are deceased, fictitious, non-residents, or are convicted of a disqualifying criminal offense. § 17-3-60.

12.10.3.3 Providing the Official List of Qualified Voters to the Absentee Election Manager. The judge of probate must provide the official list of qualified electors to the absentee election manager at least 55 days before an election. For municipal election, the time is 35 days. § 17-11-5. The Secretary of State may also provide for electronic access to the list. § 17-11-5.

12.10.3.4 Publishing and Correcting the List. Alabama law provides electors an opportunity to discover and correct errors in the list of qualified electors. Twenty days before the regularly scheduled primary, or earlier, the judge of probate must publish the following in some newspaper of general circulation in the county.

(a) The alphabetical list of qualified electors divided either by county, precinct, district, or subdivision wherein each elector is registered to vote, and the effective date of that list. § 17-4-1; Alabama Attorney General Opinion 83-00372.

(b) A statement that the published list contains all the names on the list of qualified electors that was certified by the board of registrars.

(c) A statement that anyone whose name was omitted has 10 days to correct the situation with the board of registrars. § 17-4-1.

The Code only refers to names that were "inadvertently omitted," but qualified people who have never registered before also may have their names added to the voting list by registering after the 20th day, but not later than the 15th day before an election.

If any names are added by the board of registrars, these are to be published on or before the seventh day preceding the primary. § 17-4-1.

If a person's name is mistakenly left off the list and for some reason the problem is not corrected in time, the voter may cast a provisional ballot. § 17-10-2.

12.10.3.5 Sending Copies to the Polling Places. The judge of probate must deliver or cause to be delivered to the poll workers at each polling place the official list of qualified electors immediately preceding the election. The delivered list must contain only the names of persons qualified to vote at

that polling place. However, the lists for other polling places may also be delivered for purposes of information only. §§ 17-4-2 and 17-13-9. In practice, with the widespread use of electronic poll books, poll workers at any given precinct now have the ability to determine not only whether an individual is a qualified elector for that particular precinct, but, if the individual is in the wrong precinct, the poll worker may identify and direct the individual to the correct precinct.

Both the judge of probate and the board must keep a current copy of the list open and subject to public inspection. § 17-4-2. The names and voting precincts of registered voters but not their addresses on file in the probate office are a matter of public record available for inspection. Alabama Attorney General Opinion 80-00343.

12.11 Voting Place Administration

The judge of probate, as the county's chief election official, is the primary source of advice and direction for poll workers on Election Day.

The judge of probate, as chief election official in the county, has responsibility for training poll workers, which makes the judge the logical authority for answering questions that occur on election day. Many judges of probate tell poll workers to call them with any issues so they can take the appropriate action or coordinate with other officials as necessary.

12.12 Canvassing Responsibility

The judge of probate's canvassing responsibility in general, special, and amendment elections results from membership on the canvassing board as one of its three members. § 17-12-15.

In the event the judge of probate is a candidate with opposition, the appointing board shall select a replacement. § 17-12-15.

The judge of probate receives one copy of the sealed election returns from each polling place and retains it as a public record for at least one year from the election date for use in case the original is lost. § 17-12-11.

The judge of probate receives from the canvassing board on the second Friday after the election the certified results of county elections, records

them, posts a copy at the courthouse, and immediately transmits a copy to the Secretary of State by fax or other electronic transmission. The original certificate must be recorded by the judge of probate and serves as prima facie evidence of the result of the election and the certification thereof as provided by law. §§ 17-12-15 and 17-12-16. This recording of results by the judge of probate constitutes the only form of certification of election available in Alabama county elections.

The judge of probate receives from the canvassing board the results of statewide and district elections and forwards them immediately to the Secretary of State where they must be opened, counted and certified within 22 days in the presence of at least two of the following officials: Governor, Secretary of State, and Attorney General. § 17-12-17. Returns for the following offices are forwarded to the Governor for the Speaker of the House to certify: Governor; Lieutenant Governor; Attorney General; Auditor; Secretary of State; Treasurer; and Commissioner of Agriculture and Industries. § 17-12-19. Returns for other state and district offices are forwarded to the Secretary of State. § 17-12-21.

In a municipal election, within 10 days of canvassing the results, the municipal clerk shall file a copy of each certificate of election with the office of the judge of probate who shall file the certificate in the same manner that he or she files the declaration of the result of elections to county offices. § 11-46-55(g).

12.12.1 Resolving Ties

In all elections, if two candidates for county or precinct office tie with the highest number of votes, the judge of probate determines the winner by lot (from among those tied) in the presence of the candidates. Any judge of probate who is a candidate in the race in which there is a tie or openly participated in the promotion of candidates in the election, which resulted in a tie shall not decide the outcome of the election. The presiding circuit court judge in the county shall replace the probate judge and break the tie by lot. § 17-12-23. With respect to resolving ties in municipal elections, *see* Alabama Code Section 11-46-55(d).

12.13 Validation of Election Results

The judge of probate participates in the post-election validation process by receiving and maintaining records of the election, recording the results of

county elections, and hearing election contests for certain offices.

12.13.1 Receiving and Maintaining Records

After an election, the judge of probate receives and maintains records which may be of use in a recount, pre-contest discovery, or in contests themselves. One certificate of result from each polling place must be maintained for public record. § 17-12-11. In addition, the lists of qualified electors must be preserved for public inspection and use in contests. §§ 17-12-20, 17-16-43, and 17-13-77. The results of contests of primary elections must be recorded as well. § 17-13-86.

12.13.2 Recording the Results of County Elections

The judge of probate receives from the canvassing board the results of county elections and records them in a book provided for that purpose. § 17-12-16. This recording of results by the judge of probate constitutes the only form of certification of election available in Alabama county elections.

12.13.3 Hearing Contests

(a) **District or Circuit Judges.** The judge of probate receives the filing, issues summons, and hears the contest of general elections for district or circuit judge. § 17-16-54. *See also* Chapter 9 for details of contests.

(b) **Judge of Probate and County Officials.** Judge of probate, sheriff, tax assessor, tax collector, county treasurer, circuit clerk, and other county officials' contests are filed in the circuit clerk's office in the county where the election was held. The contest is treated as a civil matter and heard without a jury. § 17-16-56.

(c) **Appeals from Contests.** Appeals from contests held before a judge of probate or circuit judge are properly taken directly to the Alabama Supreme Court. § 17-16-61.

12.14 Judge of Probate's Election Day Responsibilities*

12.14.1 Checklist

(a) Arrive at Courthouse - 6:00 - 6:30 A.M. to handle any polling officials' initial set-up problems with voting equipment and paperwork so as to ensure timely opening of polls at 7:00 A.M.

(b) Designate specific, previously trained employees to handle election day complaints and questions from election officials and voters.

(c) Select trained vote counting machine trouble-shooters to respond to situations that precinct election officials cannot handle.

(d) Document and keep a log of each question or problem that occurs on election day, noting the time and resolution.

(e) Optional and at the discretion of the judge of probate, visit polling places throughout the county on election day. The judge may visit without being accompanied by the sheriff or deputy. § 17-9-50.

(f) Prepare for tabulation of votes from precincts prior to closing of polls: set up tabulation equipment; screen for public; and go through dry-run to be sure everything is operating properly.

(g) Organize "Election Central" for receiving memory cards, election materials and ballots after closing of polls; meet with sheriff, board of registrars, circuit clerk, and party officials to ensure orderly transfer.

(h) Make results of election available to Secretary of State (amendments only in primary), candidates, media and general public.

12.14.2 Common Polling Place Problems

Though not comprehensive, this list provides citations to laws concerning a wide variety of common polling place problems.

(a) Appointed poll workers cannot serve or fail to appear on election day. § 17-8-6.

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*Provided by Retired Judge of Probate Richard I. "Rip" Proctor, Lawrence County and supplemented by Joe McEarchern, Chief Clerk, Mobile County.

(b) List of registered voters does not contain name of potential voter – election official should call judge of probate or board of registrars to determine reason – If left off by mistake, voter may present a Certificate of Eligibility from board of registrars, complete an update form, and be added to list – If voter does not have a Certificate, voter must vote provisional ballot. § 17-10-3.

(c) Voter Poll List – Separate list for each party in a primary (once selected by voter) and primary runoff – also separate list for voting on constitutional amendment only. § 17-13-7; 17-3-7.1; 17-13-8; 17-14-50.

(d) (I) Inactive beside voter's name – Voter must re-identify by filling out Voter Update Form before being allowed to vote. § 17-4-13.

(e) "Absentee" beside voter's name – A person who has applied for an absentee ballot must vote a provisional ballot. An absentee ballot cannot be turned in at the polls on election day. § 17-11-5.

(f) Voting machine breaks down or power failure – Emergency Balloting Procedure must be followed until machine is repaired or replaced (Ala. Admin. Code r. 307-X-1-.17).

(g) Election Official Duties – § 17-8-1.
    (1) Inspector (or "Chief")– In charge of the voting place and serves as the returning officer. Also performs the duty of challenger of voters.
    (2) Registration List Clerk – Finds name of voter on voter registration list and highlights names of voters who vote from List, typically done by use of electronic poll books now.
    (3) Poll List Clerk – In precincts that still use paper voter lists, requires voters to sign poll list and prints voter's name on clerk's list to identify the signature. After checking, hands the ballot to voter (now the primary duty in precincts with electronic poll books).
    (4) Ballot Clerk – Tends to voting machine to assist voter as necessary to deposit the ballot, but does not typically handle a marked ballot.

(h) All voters who are in line at the time of closing the polls are entitled to vote. However, a voter who arrives at the precinct after the

designated closing time cannot vote, even if there is still a line of voters waiting (unless hours are extended by court order). § 17-12-1.

(i) After closing of polls and locking of the machines against voting, the press may be allowed in the polling place to observe the counter numbers, tally of votes, etc. (Alabama Attorney General Opinion 2002-242). It is not a requirement to allow press inside of a precinct, however.

(j) Poll Watchers – Each party having candidates nominated may appoint a watcher, in writing, signed by county executive chair or committee member or a candidate for office and present to the inspector of the precinct. §§ 17-8-7 and 17-13-11. Watchers may not take photos or video in the polling place – intimidation of voters (Justice Dept. ruling). *See* 5.5 in Chapter 5 of this handbook for more information on Poll Watchers.

(k) Party Declaration on Primary Election Day – Voter can only participate in one primary – must declare their intention to vote in a specific primary prior to signing poll list and receiving ballot. § 17-13-7.

(l) Campaigning on election day is legal – Must be at least 30 feet away from front door of polling place – No loitering is permitted within 30 feet of polling place. § 17-9-50.

(m) Voter permitted to wear campaign hat, shirt, buttons, etc. into polling place to vote, but must leave immediately after casting ballot. Watcher may not wear campaign materials. Alabama Attorney General Opinion 93-00118.

(n) No campaign materials may be left in voting place after voter leaves – Inspector should discard. Campaign signage may be allowed on the grounds of a polling place (beyond thirty feet from the door), but a facility owner may also prohibit campaign signage altogether as long as the rule is applied to all candidates/parties.

(o) Write-In votes not permitted in Primary Election. § 17-6-28.

(p) Sample Ballots brought into polling place – (legal under Justice Department ruling). Poll workers should monitor tables and booths

throughout the day to pick up any sample ballots that are left by voters.

(q) Assistance in Voting – No oath required – Voter does not have to state reason; Voter must only sign proper column on Voters Poll List; Anyone can assist voter except employer or agent of employer or union agent; This is voter's choice. § 17-9-13.

(r) Time Limit on Voting – Five-minute time limit if voter is holding up other voters, except if voter needs assistance another five minutes is allowed. If no one is waiting in line the voter may have as much time as necessary to vote. § 17-9-13.

(s) Spoiled Ballot – If voters accidentally mark or deface the ballot, they may return it to an inspector and exchange it for another ballot. § 17-9-14.

(t) Automatic Recount does not apply to Primary Elections (General Elections only). § 17-16-20. Administrative procedures for electronic vote counting systems provide a method for asking for recount in primary election by petitioning the county canvassing board within 48 hours after official canvass. Attorney General Opinion states that you cannot unseal ballots for re-count except during official contest.

CHAPTER 13

CIRCUIT CLERK

Summary of Contents:

13.1 Office of the Circuit Clerk
13.2 Precinct Election Officials (Poll Workers)
13.3 Voter Registration
13.4 Absentee Election Manager
13.5 Canvassing
13.6 Election Contests

13.1 Office of the Circuit Clerk

The circuit clerk is elected by a popular vote and is primarily an administrative officer of the circuit court. Ala. Const. Art. VI, § 160(b). The circuit clerk is paid by the state under the Unified Judicial System. § 12-17-80.

Despite being primarily a court officer, the circuit clerk has some election duties, including voter registration, absentee election administration, being a member of the appointing board, and being a member of the canvassing board for election results.

13.2 Precinct Election Officials (Poll Workers)

The circuit clerk serves with the judge of probate and the sheriff on the appointing board for the county. The appointing board appoints precinct election officials (poll workers) for each election in the county. § 17-8-1. *See* Chapter 5 for more information on the duties and operations of the appointing board.

The circuit clerk cannot serve on the appointing board if he or she is a candidate for office with opposition in that election or is otherwise disqualified from serving on the appointing board. § 17-8-3.

If a circuit clerk, judge of probate, or sheriff is ineligible to serve on the appointing board due to being a candidate with opposition, the remaining members of the board will make the appointment and, in the case that they cannot agree or none can serve, the presiding circuit court judge shall make the appointment(s). § 17-8-4.

13.3 Voter Registration

The circuit clerk helps in the voter registration process by notifying the board of registrars of people convicted of felonies that are disqualifying offenses. The circuit clerk also receives appeals of refusal of registration decisions made by the probate court. §§ 17-3-55 and 17-4-4.

13.3.1 Notification of Disqualifying Offenses

The circuit clerk provides a monthly list to the board of registrars of all county residents convicted of felonies that disqualify them from being a registered voter. § 17-4-4.

The "Felony Voter Disqualification Act" established a comprehensive list of felonies that involve moral turpitude that disqualify a person from exercising his or her right to vote. § 17-3-30.1. *See* "Disqualifying Felony Convictions" in Chapter 6 for more information and a list of these offenses in the Appendix of this handbook.

13.3.2 Receiving Appeals

Any person denied registration by the board of registrars may appeal within 30 days to the probate court and from there an appeal lies to the circuit court within 30 days of the judge of probate's decision. An appeal lies from the circuit court to the Alabama Supreme Court. § 17-3-55.

13.4 Absentee Election Manager

State law gives the circuit clerk the first option to serve as absentee election manager. § 17-11-2. *See* Chapter 17 for more information on the duties of the absentee election manager.

If the circuit clerk declines to serve as absentee election manager, or is a candidate with opposition in the election, the appointing board appoints a

successor. §§ 17-11-2 and 17-11-13.

13.5 Canvassing

The circuit clerk serves as a member of the canvassing board, unless the circuit clerk is a candidate with opposition in the election. § 17-12-15. In the event the clerk is a candidate or fails to attend the canvassing on the second Friday following the election, the appointing board may name a replacement. In the event the appointing board does not name a replacement, the sheriff will fill the vacancy by naming a qualified voter. § 17-12-15. *See* Chapter 9 for more information on the canvassing board.

13.6 Election Contests

The circuit clerk has a number of responsibilities in election contests. *See* Chapter 9 for more information on those duties.

CHAPTER 14

SHERIFF

Summary of Contents:

14.1 Office of Sheriff
14.2 Appointment of Precinct Election Officials (Poll Workers)
14.3 Precincts
14.4 Election Material
14.5 Voting Precinct Security
14.6 Canvassing

14.1 Office of Sheriff

The sheriff is an elected official of the county. The sheriff's primary duty is law enforcement, but the sheriff has responsibilities in almost all of the electoral functions. As with other duties of the sheriff, electoral responsibilities may be carried out by deputies. § 36-22-3.

14.2 Appointment of Precinct Election Officials (Poll Workers)

The sheriff is a member of the county appointing board, along with the judge of probate and circuit clerk. These three elected county officials, who serve as the appointing board and canvassing board for the county, are often referred to as the county elections commission. The appointing board is responsible for appointing precinct elections officials (poll workers) at each election. § 17-8-1. *See* Chapter 5 for the board's duties and procedures.

In the event the sheriff is a candidate with opposition, the appointing board shall select a replacement. § 17-8-3.

14.3 Precincts

Whenever the county commission files new precinct boundaries or polling places with the judge of probate, the judge is to have the sheriff post copies at the courthouse door and at two public places in each precinct or district affected. § 17-6-4(b).

14.4 Election Material

The election supplies for the polling places are given by the judge of probate to the sheriff, who is responsible for delivery of the supplies to the inspectors. The supplies include the ballots, voter lists, voting instructions, blank poll lists, certificates of results, oaths, and other necessary supplies or forms. §§ 17-6-46(b) and 17-6-47.

The sheriff is responsible for obtaining from the judge of probate three or more sets of instructions to be posted at each precinct. One set is to be posted near the entrance of the voting place, a second near the sign-in table, and a third in a conspicuous place according to the physical layout of the polling place. § 17-6-46(b).

It is a common practice in counties with a large number of voting precincts that these instructions be included in the precinct election supplies. In these cases, the chief inspector would post the voting instructions at the respective precinct.

14.4.1 Electronic Voting Equipment Locations

Electronic vote counting machines follow a combination of statutes and administrative procedure rules. The administrative procedures for electronic vote counting are available from the Secretary of State. In some counties, through a request from the judge of probate, the sheriff may be responsible for certifying the election machines prior to an election. Certification is accomplished by verifying that a voting machine holds an initial count of zero for each ballot item.

It is the duty of the sheriff to see that the proper voting supplies and voter lists are delivered once they are received from the judge of probate. §§ 17-6-47 and 17-13-9. The county governing body is to provide for installing as many electronic vote counting machines as are needed in each precinct. § 17-6-4.

14.5 Voting Precinct Security

The sheriff must maintain a presence at all polling places to preserve good order and to ensure that every elector is able to vote without interference or interruption. §§ 17-9-1 and 17-13-26. Every voter has the right to vote a secret ballot. § 17-6-34.

The sheriff or a deputy may specially deputize a sufficient force to act at all polling places on election day. § 17-9-1.

No person except precinct election officials, poll workers, watchers, voters, the judge of probate, the sheriff and deputies, or the circuit clerk is to be within 30 feet of the door of the building of the polling place on election day. Staff or contract employees of the judge of probate who are responsible for the maintenance of election machines are also allowed. § 17-9-50.

Electors must not be arrested during their attendance at elections or while going to an election or returning from an election, except for treason, felony, breach of the peace, or for a violation of any of the provisions of the election law on election day. § 17-17-1.

Because most sheriffs do not have the personnel needed to keep one deputy at each polling place on election day, the most commonly used procedure for preserving order is for the sheriff or a uniformed deputy to visit each polling place several times during the day. When the sheriff or a deputy is not present, the inspector is designated with the responsibility for the preservation of order. In addition, poll workers are instructed to telephone the sheriff immediately if difficulties arise.

Violations of the "thirty-foot rule" (campaigning too close to the voting place door) and poll watcher issues are the most common complaints on Election Day. Other election violations include: loitering (§§ 17-9-50, 17-17-17, and 17-9-13), drunk and disorderly conduct (§ 17-17-51), and electioneering (§§ 17-17-21 and 17-17-55). For more information on poll watchers, refer to Chapter 8 of this Handbook.

14.6 Canvassing

The sheriff has four important duties in the canvassing function: processing returns, serving on the canvassing board, maintaining records, and resolving ties.

14.6.1 Delivering Returns

The sheriff is the returning officer of the *county*. § 17-8-10. The *precinct* returning officer is the "inspector" who must deliver the returns to the sheriff within two hours after the election. § 17-12-8; Ala. Admin. Code r. 307-X-1-.10. In smaller counties, it may be more practical for deputies to pick up the returns from the inspector at the voting precinct than having a formal return location.

The sheriff is responsible for securing voted ballots and the Record of Elections boxes once they are returned by each polling place inspector. Canvassing materials returned include items such as voting machine tapes, voters lists, and other materials and are to be delivered to the appropriate authority on the Wednesday after the election. This would include memory cards used to store voting data from electronic poll pads in use with some counties.

After general elections, the inspector delivers the precinct returns to the sheriff who then delivers the returns to the canvassing board. The sheriff is a member of the canvassing board. § 17-12-15.

After primary elections, the inspector shall deliver the returns to the sheriff. § 17-13-12. The sheriff then delivers the returns to the chair or co-chair of the county executive committee or other governing body of each political party the envelope addressed to the chair, containing the certificate of the results, no later than 10:00 a.m. on the Wednesday following the election. § 17-13-14.

In some counties, the returns will be delivered to the judge of probate's office who coordinates delivery to the respective political party.

14.6.2 Provisional Ballots

Upon the closing of the polls, the sealed ballot container containing the provisional ballots shall be returned unopened to the sheriff, who shall keep it secured. Any provisional ballot applications shall be delivered to the county's board of registrar's office the morning after the election. The board of registrars will then notify the sheriff as to which precinct's provisional ballot container is to be delivered for canvassing at noon Tuesday, seven days after the election.

14.6.3 Maintaining Records

The sheriff must keep and secure the ballots for six months, provided that there is no federal office on the ballot and if no election contest is underway. After that period, the ballots and the records of election shall be destroyed. §§ 17-9-15 and 17-12-7. Any unused absentee materials are returned to the sheriff and must be maintained for the period of time prescribed by applicable law and, in no event, less than 18 months. § 17-11-19. If a federal office is on the ballot, all records, ballots, and papers must be kept for 22 months then destroyed by the sheriff. 52 U.S.C. § 20701.

14.6.4 Serving on the Canvassing Board

See Chapter 9 for the duties of the sheriff on the canvassing board.

14.6.5 Unused Materials

Upon the conclusion of the election, the absentee election manager shall return all unused absentee election materials to the sheriffs of the respective counties along with an itemized, signed statement showing the description and quantity of each item of absentee election material not utilized by the county or municipality in the election then concluded, and the unused absentee election materials shall be maintained for the period of time prescribed by applicable law and, in no event, less than 18 months. § 17-11-19.

CHAPTER 15

COUNTY COMMISSION

Summary of Contents:

15.1 Office of County Commission
15.2 Election Expenses
15.3 Precincts
15.4 Assigning Ballot Boxes and Voting Machines
15.5 Voting Equipment
15.6 Voter Registration Functions
15.7 Voting Hours

15.1 Office of County Commission

The county governing body, which is referred to as the "county commission," is the chief legislative body of the county, with a wide range of responsibilities including elections. Members are elected by the voters of their respective counties. The county commission makes basic decisions about precinct location, voting equipment, and voting place administration.

State law requires that the county commission provide funding for a number of election functions. The state reimburses counties for certain election expenses in part or in full, depending on the type of election.

15.2 Election Expenses

15.2.1 Poll Workers

The county commission pays poll workers according to state law. The state reimburses for all or part of the compensation depending on the election.

Inspectors and clerks are each entitled to $50 for county elections. § 17-8-12(a). In addition to this compensation, each clerk is entitled to supplemental compensation paid by the state to ensure that the total

compensation paid to each is an amount of at least $125 per day. Each inspector is entitled to supplemental compensation paid by the state in an amount that ensures that the total compensation of an inspector is at least $150 per day. § 17-8-12(b). The provisions of this section do not apply to "special" county elections held at any time other than at the time of holding statewide elections.

Upon the completion of a local election school or being certified as a qualified precinct election official by the judge of probate, each clerk and inspector shall be entitled to receive a further $25 per day in compensation from the state. § 17-8-12(b).

In some counties, the compensation of election officials is prescribed by local law or general law of local application. Any local act, which provides for compensation amounts less than that indicated above is superseded by § 17-8-12. However, a local act may provide compensation amounts in excess of this provision, but the county commission is solely responsible for any amount above what is prescribed by Section 17-8-12.

15.2.2 Reimbursement of Election Expenses

The state fully reimburses counties for poll worker compensation and election supplies only in elections involving state or federal races or issues. This includes elections in which the only candidates that appear on the ballot are nominated or elected for federal or state office in some portion of the county, and elections including only statewide constitutional amendments. §§ 17-16-4 and 17-16-6.

The State of Alabama will only reimburse a county for one-half of all sums expended by the county in payment of expenses incurred in holding and conducting an election in which there are both constitutional amendments affecting the state as a whole and amendments affecting one or more counties or a subdivision of a county or counties. § 17-16-5. Additionally, the State will only reimburse a county for one-half of all sums expended by the county for elections in which the candidates that appear on the ballot are nominated or elected for both federal or state offices and county offices. § 17-16-3. However, even in these two instances, the state will still provide counties with full reimbursement of the additional poll worker compensation established in Section 17-8-12(b). §§ 17-16-3 and 17-16-5.

15.2.2.1 Election Expenses Defined. State law defines the following election expense items as approved for reimbursement:

(1) Compensation and mileage provided by law for election officials;
(2) Compensation provided by law for the clerk or other official acting as absentee election manager;
(3) Costs of necessary training and associated travel expenses as approved by the county commission for any individual appointed as the absentee election manager pursuant to Section 17-11-2;
(4) Costs of ballots, supplies and other materials or equipment necessary for election officials to conduct elections as required by law and as certified by the judge of probate;
(5) Costs incurred by the county commission in using electronic poll books pursuant to Section 17-4-2.1, including essential support equipment, software updates, populating the electronic poll books prior to each election, maintenance of the electronic poll books, and other expenses necessary to comply with rules adopted by the Secretary of State pursuant to Section 17-4-2.1;
(6) Costs incurred by the county commission in using electronic voting machines, including, but not limited to, the transport of electronic voting machines, essential support equipment, software updates, maintenance of the electronic voting machines, and storage of electronic voting machines in non-governmental facilities;
(7) Costs incurred by the county commission for rental payments to a facility used as a polling place;
(8) Costs of absentee ballots, supplies, postage, and additional required materials for the absentee election manager;
(9) Cost of preparing and furnishing lists of qualified voters to election officials; and
(10) Cost of publishing any notice or other item related to election and required by law, including publication of notice of election and voter list. § 17-16-2.

In addition, Section 17-16-2.1 establishes an Election Expense Reimbursement Committee to identify any election expenses not covered in Section 17-16-2. The committee met prior to the March 2012 primary to establish a list of approved reimbursable expenses for the election cycle and forwarded the list to the comptroller, who was then required to distribute the list to each county commission chair and each judge of probate no later than 60 days prior to the date of the primary. Following the 2012 primary election, the list remained in effect but remains subject to amendments by the Election Expense Reimbursement Committee. The committee may

amend the list of approved expenses in subsequent election cycles but must do so at least 90 days before the primary for such changes to be effective.

The Election Expense Reimbursement Committee members are:

(a) President Pro Tempore of the Alabama Senate;
(b) Speaker of the Alabama House of Representatives;
(c) Secretary of State or the Secretary's designee;
(d) Finance Director or Director's designee;
(e) Senate Constitution, Campaign, Finance, Ethics, and Election Committee Chair;
(f) House Constitution, Campaign and Elections Committee Chair;
(g) Senate Finance and Taxation General Fund Committee Chair; and
(h) House Ways and Means General Fund Committee Chair. § 17-16-2.1.

15.3 Precincts

The county commission draws precinct boundaries, designates the places in each precinct for voters to vote, and designates the number of voting machines at each voting place. The county commission alphabetically divides the voters into groups, where necessary, and submits the voting information to the judge of probate. Within five days of receiving the information from the commission, the judge of probate publishes the county information regarding precinct numbers and the location of designated voting places. §§ 17-6-2, 17-6-4, and 17-6-5.

15.3.1 Precinct Boundaries

The county commission divides the county into voting precincts. § 17-6-2. A precinct must have visible, definable, and observable physical boundaries that conform to standards set by the U.S. Bureau of the Census for defining census blocks. § 17-6-2. When referenced in the Alabama Administrative Code, "precinct" refers to a single ballot counter or box, such that if three boxes are located in a single polling place, it means that three different precincts are voting in the same location. Ala. Admin. Code r. 307-x-1-.01(13). When referenced in the Code of Alabama, "precinct" refers to the geographical subdivision of the county, and is the smallest geographical area referenced in national, state, or county elections. § 17-1-2(19).

Voters must vote in the polling place of their domicile. § 17-9-10. Every precinct must have at least one polling place. § 17-1-2(27). The precincts must be named and designated by the county commission numerically or alphabetically in a manner that is uniform statewide as determined by the Association of County Commissions of Alabama and the Permanent Legislative Committee on Reappointment. § 17-6-3(e).

15.3.2 When Precinct Boundaries Change

Precincts and their polling places must not be changed within three months prior to an election. Only the county commission can change precinct boundaries and only under specific situations set by law. § 17-6-4(d). The law allows boundary changes for precincts if population changes mandate a change in precincts or if electoral changes mandate a change in precinct boundaries.

15.3.2.1 Population changes mandate a change in precincts. Should a precinct have more than 2,400 qualified voters, the county commission is required to subdivide such precincts into voting districts or divide alphabetically the list of qualified voters in such precincts into groups and assign each qualified voter a designated voting place. An electronic vote counting machine must be provided for every person legally entitled to vote at a polling place at which not more than 2,400 votes on single vote counting machine will be cast. Before an election, the county commission also must determine if more than 2,400 votes are anticipated to be cast on an electronic vote counting machine. If so, the county commission shall adjust the boundary lines of the election precinct or authorize the judge of probate to separate the list so as to provide one vote counting machine for every 2,400 voters. §§ 17-6-3(b) and 17-6-6(c).

15.3.2.2 Electoral changes mandate a change in precinct boundaries. State law requires one form of ballot for each polling place. § 17-6-23. This, in effect, mandates precincts that do not cross boundaries of any other electoral districts. The boundaries of county commission districts, legislative districts, congressional districts, and other electoral boundaries must be considered to maintain a uniform ballot.

Keeping boundaries within electoral districts makes sense for additional reasons. For example, drawing precincts that cross municipal boundaries would result in different voter lists for municipal and county elections, causing considerable confusion for voters and poll workers. With this in mind, commissioners must examine their precinct boundaries every time

the electoral boundaries in their counties change, such as through local redistricting or annexation.

15.3.3 How Boundaries Change

The county commission has the authority to change precinct boundaries. § 17-6-6(a). State law provides that any precinct drawn must be a "contiguous compact area having clearly defined and clearly observable boundaries." § 17-6-2(b). Precincts must follow distinguishable ground features such as highways, roads, streets, and rivers or correspond with the county boundary. § 17-6-2(b).

Changes in precincts must be reflected on the map the county commission maintains outlining the precinct boundaries. § 17-6-2(c). A copy of the current map, with a description of the most recent precinct boundaries, must be sent to the county board of registrars, the judge of probate, and the legislative reapportionment committee. The map must indicate the date of last revision. § 17-6-2(c). The copy sent to the reapportionment committee must be certified and sent within 30 days of adoption of the changes. § 17-6-6(e).

15.3.4 Selecting Polling Places

The county commission selects at least one polling place for each precinct. §§ 17-6-3 and 17-6-4. Names of the polling places must be submitted to the judge of probate along with the map outlining precinct boundaries. § 17-6-3.

Polling places must be within enclosed buildings. No electronic voting machines (the commonly used name for an electronic ballot scanner that tabulates votes) or voting machines of any kind may be operated outside of an enclosed building designated as a polling place. § 17-6-4(a).

Polling places cannot be changed within three months of an election except for emergencies that necessitate changing the polling place. § 17-6-4(d). The courthouse serves as the polling place for the precinct that it is located in unless the county commission determines otherwise. § 17-6-4(e). The registrars shall issue to each person registered a certificate of registration. When voting precinct boundaries and voting locations are changed, new certificates of registration shall be issued before the date of the election on which the changes are to take effect. § 17-3-51.

Polling places designated by the county commission must be the same for

all elections involving federal, state, district, and county offices, whether primary, general, or special elections. § 17-6-4(d). County commissions must pick locations that meet accessibility standards under the federal Voting Accessibility for the Elderly and Handicapped Act of 1984. 52 U.S.C. §§ 20101–20107.

15.3.5 Voting Districts

Along with adding electronic voting machines, the county commission can also divide a precinct into voting districts to solve overcrowding. § 17-6-3. When an election precinct has been divided into voting districts, a description of the boundaries of the district must be filed with the judge of probate and with the board of registrars. A copy must also be posted at the courthouse. § 17-6-3(d). Where districts are established, no voter can vote at any place other than the voting district in which the voter is registered. § 17-6-4(c). A polling place for each district must be designated by the county commission.

15.3.6 Voting Centers

In an effort to reduce costs for elections, some counties have moved to voting centers. Voting centers combine voters from two or more precincts and allow them to vote in a centralized location. Voting centers can only be established by local law. § 17-1-2(26). A county commission interested in voting centers must consult with local lawmakers and their county attorney for more information and the proper procedure for implementation.

15.4 Assigning Ballot Boxes and Voting Machines

The county commission is responsible for assigning electronic voting machines to the precincts. § 17-6-4(a). An electronic voting machine must be provided for each list of 2,400 voters. § 17-6-3(a). Election precincts in which there are more than 2,400 qualified voters shall be divided into voting districts. This is done by either dividing the precinct into voting districts or subdividing the list of qualified electors for that precinct alphabetically and assigning qualified voters a designated voting place so that every qualified voter will be provided an electronic voting machine at a polling place. However, if the electronic voting machines' manufacturer recommends a maximum number of ballots less than 2,400, then the lower recommendation should be used in calculating how many machines are needed. § 17-6-3(c).

The commission, at its first regular meeting in March of each even-numbered year, meets to examine the list of registered voters to determine if the number of voters exceeds the legal limits in any of the precincts and requires altering the precinct lines. § 17-6-3(b). Also, the commission must examine post-election information to determine if more than the legal maximum number of voters used any single electronic voting machine. § 17-6-6(c).

The county governing body has authority to change precinct boundaries or alphabetically divide the list of registered voters for that precinct to fit within the guidelines. §§ 17-6-3 and 17-6-6. The latter option might require the governing body to provide additional electronic voting machines as needed in each precinct and authorize the judge of probate to alphabetically separate the list of qualified voters for that precinct so that the number of voters assigned to each electronic voting machine falls within the guidelines. § 17-6-3(b).

15.5 Voting Equipment

The county commission purchases or leases the voting equipment a county will use. The voting system must meet requirements set by statute and must meet the standards issued by the Federal Election Commission. Voting systems are governed in part by the federal Help America Vote Act of 2002 (Public Law 107-252) and must be accessible for those with disabilities, including non-visual accessibility for the blind and visually impaired. § 17-2-4(c).

Only systems that have been certified by the Alabama Electronic Voting Committee can be used in elections in Alabama. §§ 17-7-21 through 17-7-23.

15.5.1 Voting Equipment for Disability and Alternative Language

A voting system must be in place at each polling place through the use of at least one direct recording electronic voting system for individuals with disabilities. The voting system must be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired. The system must also provide alternative language accessibility where the number of non-English speaking voters in a county reaches the requirements of Section 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503). § 17-2-4.

Purchases of voting equipment made by a county in order to comply with the voting system guidelines established by the Secretary of State and the committee established in Section 17-2-2 may be eligible for reimbursement from the Help America Vote Fund created in Section 17-2-1 by the Secretary of State. § 17-2-4(h).

15.5.2 Paper Ballots

Paper ballots are used in every municipal, county, state, and statewide election in Alabama.

15.5.3 Lever Voting Machines

Lever voting machines are no longer used in Alabama.

15.5.4 Electronic Vote Counting Systems

An electronic vote counting system is a system in which votes are recorded on a paper ballot by the voter marking or completing a ballot. Votes are counted at one or more counting locations by way of automatic tabulating equipment. §§ 17-7-20(1) and 17-1-2.

The county commission may adopt the use of an electronic vote counting system by the adoption of an appropriate resolution. § 17-7-21. The electronic vote counting systems must meet the standard required under HAVA. § 17-2-4.

The county commission can only adopt electronic vote counting systems that have been certified by the Alabama Electronic Voting Committee. Only systems that meet the state standards set in § 17-7-21(b) may be adopted. Electronic vote counting systems must require the use of a paper ballot that shall be marked and made available for inspection and verification that the vote is cast and counted. The Alabama Electronic Voting Committee conducts examinations and tests on electronic vote counting systems. Copies of the certification are sent by the Secretary of State to all of the county commissions. § 17-7-23(d).

Administrative Code, Chapter 307-X-1, which provides procedures applicable to electronic vote counting systems.

15.5.4.1 Electronic Vote Counting Systems Requirements. Voting systems must meet the following standards under the Help America Vote Act requirements.

(1) The voting system shall:

a. Permit the voter to verify, in a private and independent manner, the votes selected by the voter on the ballot before the ballot is cast and counted.

b. Provide the voter with the opportunity, in a private and independent manner, to change the ballot or correct any error before the ballot is cast and counted, including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.

c. If the voter selects votes for more than one candidate for a single office:

i. Notify the voter that the voter has selected more than one candidate for a single office on the ballot.

ii. Notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office.

iii. Provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(2) A voting system may meet the requirements of paragraph c. of subdivision (1) by:

a. Establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office.

b. Providing the voter with instructions on how to correct the ballot before it is cast and counted, including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error.

(3) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot. § 17-2-4(a).

15.5.4.2 Electronic Vote Counting Systems Recordkeeping

(1) The voting system shall produce a record with an audit capacity for such system.

(2) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(3) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(4) The permanent paper record produced by the voting system shall be available as an official record for any recount conducted with respect to any election in which the system is used. § 17-2-4(b).

15.5.4.3 Electronic Vote Counting Systems Access. The voting system shall:

(1) Be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

(2) Satisfy the requirement of accessibility through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

(3) Provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503). § 17-2-4(d).

15.5.4.4 Electronic Vote Counting Systems Error Rates. The error rate of the voting system in counting ballots, determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter, shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Elections Commission, which were in effect on June 19, 2003. § 17-2-4(e).

15.5.4.5 Electronic Vote Counting Systems Additional Requirements. An electronic vote counting system must also meet the following requirements:

(a) It must permit voting in secrecy.

(b) It must permit each voter to vote for all candidates, offices and questions for which the elector is entitled to vote.

(c) It must permit a voter at an election other than a primary to vote a straight party ticket in one operation.

(d) It must reject all votes for any office or question when the number of votes exceeds the number of votes to which the elector is entitled.

(e) It must correctly count votes.
(f) When used in primary elections, the automatic tabulating equipment will count only votes for candidates of one party, reject all votes for an office when the number of votes exceeds the number which the voter is entitled to cast, and reject all votes of a voter cast for candidates of more than one party.
(g) It must allow voters to vote, by one operation, for all of the presidential electors of a party or independent candidate for president or vice president.
(h) It must provide a method for write-in voting.
(i) It must be capable of giving precinct level totals for the specific number of ballots, total votes by candidate for each office, and total votes for or against any ballot question.
(j) In primary elections, it must be capable of tallying votes from ballots of different political parties from the same precinct.
(k) It must be capable of automatically producing precinct vote totals in printed, marked or punched form, or in a combination thereof.
(l) It must be capable of accurately and correctly tabulating each vote that is to be certified.
(m) It must not be capable of connecting to the Internet or cell phone networks and does not possess modem technology. § 17-7-21.

15.5.5 Electronic Voting Machine Specialists

The county commission may employ electronic voting specialists to serve as troubleshooters during elections. Such specialists are trained in the operation of the electronic voting equipment and in voting procedures. A specialist may be sent to assist any precinct when accompanied by the sheriff or the sheriff's deputy. However, they may not assume the title or responsibility of the precinct poll workers. § 17-16-1(b).

15.6 Voter Registration Functions

The county commission has several funding responsibilities in connection with the voter registration function.

15.6.1 Support for the Board of Registrars

The county commission is authorized to expend county funds to provide supplies, equipment, telephone service, office space, and clerical help to their boards of registrars. All clerical personnel are selected by the board of

registrars, and the compensation is set by the county commission. § 17-3-10.

In counties between 100,000 and 350,000 in population according to the 2000 or any subsequent federal census, the judge of probate may hire a clerk to help the board of registrars. While the judge of probate can set the clerk's compensation up to $250 a month, the clerk is paid from the county treasury. § 17-3-60.

The chair of the board of registrars is authorized to purchase all necessary office equipment and hire necessary part time or full time clerical help to perform its duties. § 17-3-60. Each registrar is to receive a salary of $115 per day for each day of attendance related to business of the board. Registrars are entitled to their pay if a meeting day falls on a legal holiday and the courthouse is closed for that holiday. § 17-3-5(a). The registrars' salaries are paid by the state and disbursed to the county commissions. The county commissions then disburse the funds to each registrar on order of a quorum of the board of registrars of the county. The state comptroller must issue to each county commission, on a monthly basis, an amount sufficient to fund these payments plus the employer share of the Social Security or Federal Insurance Corporation Act tax. The county commission is required to provide the comptroller an invoice itemized to reflect payments made. § 17-3-5.

Additionally, each registrar receives a mileage allowance for official travel related to the board in an amount equal to the mileage allowance of state employees or employees of the county - whichever is greater. Travel and other expenses are paid by the county commissions to the boards of registrars, and the state reimburses the county commissions based on written request submitted by the county commissions to the state comptroller. § 17-3-5(a).

The provisions of § 17-3-5 regarding travel mileage do not apply in any county having a population of 600,000 or more inhabitants according to the most recent federal decennial census, nor do they supersede any currently effective local law or general law of local application regarding travel mileage for registrars in the county. § 17-3-5(b).

15.6.2 Support for the Judge of Probate

The county commission pays the judge of probate an amount not to exceed five cents a name for the preparation of the lists of qualified electors used

in the polling places. § 17-3-60. The judge of probate prepares these lists from the state voter registration list. Except where compensation has been removed by local act, judges of probate are entitled to five cents per name irrespective of whether they are on the fee system or salaried. Opinion of the Justices, 407 So.2d 122 (Ala. 1981). However, the judge of probate must provide certification that the judge is the proper person to receive the compensation. If, instead, the judge's assistants prepared the list, then certification from the judge and the assistants will allow them to be compensated for the work. Alabama Attorney General Opinion 93-00057.

However, counties are also authorized to use electronic poll books instead of printed lists of qualified electors. A county may use electronic poll books only with the consent of both the county commission and the judge of probate. A participating county must use an electronic poll book that has been certified by the Secretary of State for use in Alabama. § 17-4-2.1.

15.7 Voting Hours

Voting hours are set by state law. Polls must open at 7 a.m. and close at 7 p.m. § 17-9-6. Most polling places in areas operating on the Eastern Time Zone must open and close pursuant to eastern time. However, in Chambers and Lee counties, the county commissions may, by resolution, provide for a polling place to open according to Central Time.

CHAPTER 16

BOARD OF REGISTRARS

Summary of Contents:

16.1 The Office of Registrar
16.2 Staffing, Space, and Equipment
16.3 Precincts and Reapportionment
16.4 Voter Registration
16.5 Voter File Maintenance
16.6 Disqualification
16.7 Continuous Purging of the Voter List
16.8 Address Verification Program
16.9 Alabama Voter Integrity Database
16.10 Voting History Recordation/Maintenance During Elections
16.11 Poll List of Registered Voters
16.12 Provisional Ballots

16.1 The Office of Registrar

Each county has three registrars unless a local act provides otherwise. § 17-3-2. Registrars from each county work with the Supervisor of Voter Registration, who acts as a liaison between the Secretary of State and the county Board of Registrars. The Supervisor of Voter Registration works at the discretion of the Secretary of State. § 17-4-35.

16.1.1 Supervisor of Voter Registration

The Secretary of State, by and through the Supervisor of Voter Registration, maintains a statewide voter registration list from reports of boards of registrars and recommends to the Secretary of State administrative rules to carry out these duties. §§ 17-4-35(5) to (8). Other responsibilities of the Supervisor of Voter Registration are to train, counsel, advise, and evaluate registrars in the performance of their lawful functions and to provide military and overseas voters with registration and absentee ballot forms. § 17-4-35(13)(14). *See* "Military and Overseas Absentee Voters" in Chapter 3 for more information. However, the Supervisor of Voter Registration does not supervise the county boards of registrars. Alabama Attorney General

Opinion 2004-171.

16.1.2 Qualifications of Registrars

A registrar must be a reputable and suitable person, a qualified elector, and a resident of the county they will serve. Each registrar must have a high school diploma or equivalent, possess excellent communication skills, demonstrate intermediate level experience and proficiency in web-based operating systems, among other qualifications. § 17-3-2(a)(2). These provisions do not apply in any county having a population of 600,000 or more where there is a local law that provides for the appointment of the board of registrars. § 17-3-2(c).

A registrar cannot hold another elected public office while serving. § 17-3-2. A registrar may campaign for an elected office or for another candidate, but not during working hours. Alabama Attorney General Opinions 88-00466 and 90-00113. A registrar may hold an elected position with a political party but cannot serve in that position during working hours. Alabama Attorney General Opinions 88-00073 and 88-00466.

Because of the potential for a conflict of interest, a registrar cannot serve as an absentee election manager, unless otherwise provided for by local law. Alabama Attorney General Opinion 88-00224.

16.1.3 Appointment and Removal

An appointing board consisting of the Governor, State Auditor, and the Commissioner of Agriculture and Industries chooses the registrars, unless a local act provides otherwise. § 17-3-2.

Registrars serve a four-year term and until a successor is appointed. § 17-3-3. Registrars may only be removed for cause by the Secretary of State after notice in writing of the reasons for removal is provided to the registrar and State Board of Appointment and a hearing is conducted to allow the registrar to rebut said allegations. § 17-3-3; Alabama Attorney General Opinion 2004-171.

Registrars and judicial officers shall act judicially in all matters pertaining to the registration of applications and, upon taking office are required to take the same oath as judicial officials. That written oath must be filed in the judge of probate's office. § 17-3-6; Alabama Attorney General Opinion 2004-171. The judge of probate is not required to charge a fee to file their

oath. Alabama Attorney General Opinion 91-00338.

The state appointing board will name one of the registrars to serve as chair. § 17-3-2. Generally, the chair has no more authority than any other registrar and cannot unilaterally exercise the authority of the board. Alabama Attorney General Opinion 88-00438. However, the chair is authorized to purchase all necessary office equipment and hire all necessary part-time or full-time clerical help for the board. § 17-3-60.

16.1.4 Powers of the Board of Registrars

It takes a quorum, consisting of a majority of the board of registrars, for the board to consider any official business, and a majority of the board must approve any official action. § 17-3-7.

The Secretary of State may advise the boards of registrars and promulgate rules for their receipt of registration applications and the expedient administration of those applications. The Secretary of State shall promulgate rules and prescribe forms and instructions necessary to implement the National Voter Registration Act (NVRA). § 17-4-63; Alabama Attorney General Opinion 2004-171. No person shall be registered until a majority of the board determines the applicant for registration is qualified. § 17-3-1; Alabama Attorney General Opinion 2004-171.

16.1.5 Compensation

Each registrar is entitled to $115.00 to be paid by the state per day for each day’s attendance on the board's business. The county may choose to supplement registrar pay for each day’s attendance on the Board’s business. § 17-3-5. The number of working days for each board of registrars varies from county to county. § 17-3-8. The table in this chapter shows the maximum number of working days legally allowed for each county.

Unlike certain elected officials, a pay raise passed by the legislature can take effect during the current term of a registrar. Alabama Attorney General Opinion 88-00338.

Registrars are entitled to their pay if a meeting day falls on a legal holiday and the courthouse is closed for that holiday. § 17-3-5(a).

In addition to $115.00 a day in salary, registrars are entitled to the same

mileage allowance and per diem allowed state employees or employees of the county, whichever is greater, for official travel. § 17-3-5; Alabama Attorney General Opinion 2011-089. Travel mileage provisions under this section do not apply in any county with a population of more than 600,000. § 17-3-5. Such official travel includes continuing education meetings, seminars, or other similar events necessary to attending the business of the board of registrars. Alabama Attorney General Opinion 2014-005.

The county commission may pay for any travel, registration, or other expenses registrars incur while attending any training, educational, or instructional meetings, and the county commission will be reimbursed by the state. Alabama Attorney General Opinions 82-00046 and 94-00106.

A registrar is to be treated like any other county and state employee as to their social security payments and benefits. §§ 17-3-5(d) to (f).

16.1.6 Working Days and Meetings

While the law sets the maximum number of working days an individual registrar can work, the actual number of working days to be used as session days shall be determined by a quorum of the board of registrars according to the needs of the county. § 17-3-8(e). In January of every year, the county boards of registrars shall conduct voter file maintenance activities in lieu of purge activities. During this month, the work days of the board of registrars do not apply to the total meeting days per year.

The number of working days under law apply to individual registrars and not to the number of days the office can be left open. On designated working days by boards of registrars, the office shall be open at the same hours as the courthouse of the county, or, alternatively, the boards of registrars will establish regular hours and make those hours available to the public. A registrar or staff will be present during hours of operation. § 17-3-8.

A registrar working alone can perform many duties, including taking applications, updating forms, and answering questions.

A formal meeting day can be reserved for the full board to conduct board business.

The law requires the board to divide its time as appropriate between the courthouses to receive applications and give notice accordingly where there

are two or more courthouses in any county. § 17-3-9.

Even though voters cannot be registered during the final 14 days before an election, the board must keep its office open during that time. § 17-3-50. Voters already registered could have some questions about precinct assignments, and voters accidentally left off the list of registered voters may need to obtain certificates of registration/voter information cards during that period.

If individuals attempt to register during the final 14 days before an election, their applications should be taken, but the board cannot register them to vote in the pending election. If two elections have overlapping voter registration deadlines, the registrars should continue to register people for the second election even though the books are closed for the first election. § 17-3-50

The last day to hand-in or postmark a hard copy voter registration application is 15 days prior to the election. Registrants may submit an electronic voter registration application by 11:59 p.m. on the 15th day, or by the close of business for hard copy applications. However, under the National Voter Registration Act, there are three times when a registration form may be accepted after the cutoff date and still be processed for the voter to participate in that election. These times are as follow: (1) when a registration form submitted to an agency no later than the cutoff arrives at the board's office after the cutoff; (2) when a mail-in registration form postmarked no later than the cutoff date arrives at the board's office after the cutoff; and (3) when a mail-in registration form without a postmark or with an illegible postmark is received at the board's office within three days after the cutoff. Ala. Admin. Code r. 820-2-2-.12. In each of these cases, the application is considered to be made prior to the cutoff date of registration for the pending election. The full board is not required to be in session during the 14-day period before an election. Instead, registrars may divide the working days between themselves to keep the office open. Alabama Attorney General Opinion 90-00172.

Board members shall ensure that the board office is open during polling hours on election day. § 17-3-50. Polling hours are from 7:00 a.m. to 7:00 p.m. statewide. Registrars should note that polling places in their county that are located in the eastern time zone are to open and close pursuant to eastern time and plan to keep the board office open accordingly. However, the county commissions in Chambers County and Lee County may, by resolution, choose to operate all their polling places on central time. § 17-9-6. Registrars in these counties should confirm polling hours with their

county commission offices.

Up to 25 working days can be used for special registration sessions. § 17-3-8(f). Such sessions could include registration sessions away from the courthouse or sessions held outside of normal working hours. If a special session is held on the same day as a regular work or meeting day, registrars only get one day's pay for that day. § 17-3-12.

The board has to spend one working day each year at each college in its county that has an enrollment of more than 500 students. The registration session cannot be held on a holiday or a weekend. § 17-3-11(a). Colleges are required to provide the board of registrars with the proper space and accommodations for such a visit. § 17-3-11(a). The college registration sessions have their own notice requirements under the law. The board of registrars must give at least 12 days' notice of the time and place they will be holding registration for the college campus. Notices must be posted at three or more public places within the precinct where the school is located, and advertisements have to be placed once a week for three weeks in the campus paper, if the school has one. § 17-3-11(a).

Meeting Days Allowed in Each County

Autauga	187	Crenshaw	140
Baldwin	5 days/week	Cullman	199
Barbour	168	Dale	216
Bibb	187	Dallas	120
Blount	207	DeKalb	207
Bullock	216	Elmore	187
Butler	168	Escambia	120
Calhoun	5 days/week	Etowah	5 days/week
Chambers	180	Fayette	168
Cherokee	140	Franklin	216
Chilton	5 days/week	Geneva	120
Choctaw	199	Greene	168
Clarke	140	Hale	140
Clay	120	Henry	140
Cleburne	120	Houston	216
Coffee	220	Jackson	207
Colbert	199	Jefferson**	5 days/week
Conecuh	140	Lamar	140
Coosa	120	Lauderdale	199
Covington	188	Lawrence	200

Lee	5 days/week	Pike*	168
Limestone	5 days/week	Randolph	168
Lowndes	120	Russell	177
Macon	216	Shelby	220
Madison	5 days/week	St. Clair	5 days/week
Marengo	168	Sumter	120
Marion	216	Talladega*	220
Marshall	216	Tallapoosa	220
Mobile	5 days/week	Tuscaloosa	216
Monroe	199	Walker	200
Montgomery	5 days/week	Washington	140
Morgan	5 days/week	Wilcox	120
Perry	120	Winston	168
Pickens	168		

*Pike and Talladega Counties may meet an additional 30 days at the discretion of the chair of the county commission
**As specified by § 45-37-110.

16.2 Staffing, Space, and Equipment

The county commission must provide the Board of Registrars with office space. The chair of the county Board of Registrars can hire any part-time or full-time clerical help or purchase any office equipment needed, but the county commission has to authorize the salary of additional clerical assistants and expenditures. §§ 17-3-60 and 17-3-10.

The Secretary of State must provide proper forms and any necessary equipment for registrars to fulfill their duties. The state pays the printing cost of such forms. § 17-3-57.

The judge of probate may provide assistants and clerical help to prepare reports from the state voter registration lists for poll workers. In counties with populations between 100,000 and 350,000 as of the 2000 or any subsequent federal census, the judge of probate may employ a clerk to assist the board of registrars. The clerk's salary is set by the judge of probate but cannot exceed $250 a month. The assistants, clerical help, and clerk are paid with county funds. § 17-3-60.

16.3 Precincts and Reapportionment

Registrars play a critical role, though narrow in scope, in the development of voting precincts.
The county commission uses the list of qualified electors on file with the judge of probate to draw precincts. § 17-6-3. These lists are developed by the board of registrars. So, in many counties, the board is actively involved in giving advice on drawing precinct lines.

The board must be notified when precinct lines change so it can update its own records.

The board of registrars must cooperate with the Permanent Legislative Committee on Reapportionment to provide information for legislative reapportionment or on adjusting precinct boundaries due to legislative reapportionment. § 17-6-2(d).

When changes are made in voting precincts and locations, new voter identification cards must be issued before the next election. Alabama Attorney General Opinion 92-00141.

16.4 Voter Registration

The most important task of the board of registrars is voter registration. Registrars manage all aspects of voter registration, safeguard all voter files, and must decide whether to accept or reject a voter application after evaluation of registration requirements for every applicant to include citizenship, age, and residency, applying judicial discretion when deemed appropriate. Registrars assign registered voters to the proper precinct, maintain and update voter files, maintain the records of the office, certify alphabetical lists of registered voters for polling places, provide proof of registration to voters, determine qualifications for and issuance of voter photo identification cards, and collaborate with registration officials in other states. At the conclusion of the voter registration period, prior to each federal or county election, the board of registrars certifies the list of eligible voters used to identify voters at each precinct. After each election, the voter lists are returned to the board of registrars where each voter's participation becomes part of his or her voting history. The board also makes determinations on all provisional ballots cast on Election Day, applying judicial discretion when deemed appropriate.

16.4.1 Taking Applications

Registrars are authorized to take applications and administer oaths to applicants. §§ 17-3-52 and 17-3-54. Registrars take applications during regularly scheduled office hours, at voter drives in the community, etc. Applications may be presented in person or may arrive in the mail in the form of mail-in applications or as packages from agencies and offices conducting agency-based or "motor voter" registration. These agencies may also deliver the forms by courier.

Boards of registrars accept and process electronic voter registration applications submitted through the Office of the Secretary of State and the Alabama Law Enforcement Agency.

The Office of the Secretary of State offers electronic voter registration online through its elections website: www.alabamavotes.gov. The Alabama Law Enforcement Agency offers electronic voter registration during the application, re-application, re-certification, or change-of-address process.

If the applicant is unable to read or write, then the applicant shall be exempt (to the extent the applicant cannot meet the requirement) from completing the voter registration form in writing, and, in such cases, a witness shall read to the applicant the application and oath herein provided for, the applicant's answers thereto shall be written down by the witness, and the applicant shall be registered as a voter if they meet all other requirements. § 17-3-52.

16.4.2 Deciding on Applications

A registrar may take an application, but it takes a majority of the board of registrars for an application to be approved and for the voter to be registered. Denial of a voter's registration also requires a majority vote of the board. The Board of Registrars assigns a voter to a precinct immediately after registration. § 17-3-1.

16.4.2.1 Voter Qualifications. Voter qualifications in the Alabama Constitution have been modified over the years by court decisions, other laws, and amendments to the U.S. Constitution. Applicants qualify to be voters if they meet the following requirements:

(a) Citizenship: An applicant must be a citizen of the United States.

The voter registration application is considered prima facie evidence

of the applicant's qualifications to register to vote, including the applicant's citizenship status. 52 U.S.C. § 20506(a)(6)(A) and 52 U.S.C. § 20508(b)(3). However, if the board of registrars has a question or concern about a voter's qualifications, including citizenship status, or information comes to the board's attention that draws into question the applicant's citizenship, the board may request documentation, including proof of citizenship, to support the application. Alabama Attorney General Opinion 2009-002 and Ala. Admin. Code r. 820-2-2-1.17. The board of registrars may request such information as naturalization papers if they deem such documents necessary for deciding on the applicant's qualifications. Alabama Attorney General Opinion 84-00229.

(b) Minimum Age: Applicant must have reached the age of 18 years old by the date of the election.

The minimum age at which a citizen may submit a voter registration form to the board of registrars is seventeen and one-half (17½) years. Ala. Admin. Code r. 820-2-2-.12(4)(b)(1).

(c) Are a resident of the state and county where the applicant applies.

A discussion of residency is given later in this chapter.

(d) Have not been declared mentally incompetent by a court.

16.4.2.2 Residence. The board of registrars must decide whether the applicant is a resident of the county. To do so, the board must determine where the voter intends to reside. Alabama Attorney General Opinion 92-00122.

The board must consider all surrounding circumstances of each individual case, not just one factor. Factors the board may consider include where the applicant pays taxes, owns a home, is employed, and has been issued a driver's license.

To establish residency, a person must physically live in the county at the time of registration, but the applicant is not required to have lived in a jurisdiction a set period of time before registering.

Specified citizens living temporarily outside the county, such as members of the armed services, college students, and people temporarily working

outside the jurisdiction, can register. §§ 17-3-32 and 17-3-59. A person who is temporarily residing overseas remains a resident of Alabama for voting purposes if the person's last place of residence in the United States before moving overseas was in Alabama. Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303.

The board may take additional testimony on an absentee registration application. § 17-3-59.

A person living in a residence that is cut by a precinct or county line can choose his or her county or precinct of residence by filing a statement in the office of the judge of probate. § 17-3-33.

A college student may qualify to register in the county where the student attends school. State law requires boards to hold special registration sessions at colleges within the county. § 17-3-11. College students must not be treated differently because they are students. The same criteria applied to other applicants, applies to students. Dorm residence does not limit a student's registration rights, and such residence must be treated the same as owning or renting a room or apartment elsewhere in the county would be treated. 162 Alabama Attorney General Opinion 30 (Opinion to Mr. Clarence Nance, 1976).

16.4.2.3 Mental Incompetence. An applicant can be denied registration if the applicant has been found mentally incompetent by a court. Mere medical care or institutionalization does not disqualify an applicant. The judge of probate must provide the board with a list of people who have been declared mentally incompetent. § 17-4-4.

A person found incompetent by court order must be declared competent by a court before being allowed to vote. The board of registrars may ask an applicant to present a court order as evidence of competence. Alabama Attorney General Opinion 80-00558.

A finding of incapacity under the Guardianship and Protective Proceedings Act (§§ 26-2A-1 et seq.) by the judge of probate does not by itself deem the person incompetent to vote. Alabama Attorney General Opinion 93-00182.

16.4.2.4 Disqualifying Offenses. Any applicant convicted of a felony involving moral turpitude is not eligible to vote. Ala. Const. Art. VIII, § 177; Ala. Code § 17-3-30.1. For a list of the disqualifying felonies, *see* the Appendix of this handbook.

Persons convicted of a disqualifying offense who have either been pardoned or have been granted a Certificate of Eligibility to Register to Vote by the Board of Pardons and Paroles may make application for reinstatement of their voting rights to the board of registrars of their local county of residence. § 17-3-31.

16.4.3 Board Application Approval/Disapproval

If the board approves the application, it assigns the voter a precinct and adds the voter to the list of registered voters. It then issues a certificate of registration. § 17-3-51. The certificate of registration/voter information card includes the voter's polling place and precinct assignment.

If the Board refuses an application, it must notify the refused applicant within 10 days of the decision to disapprove the application. The notification must state the specific reason the application was turned down. The applicant can appeal the board's decision to the probate court within 30 days. §§ 17-3-54 and 17-3-55.

16.4.4 Release of Voter Records

Generally, the information on the application is not a public record, and, therefore, the information on the application may not be disclosed by the board except with consent of the applicant, when directed by court order, or as otherwise provided by state law. With the exception of the voter affirmation circumstances addressed within Section 17-4-33 (*see* "Voter Affirmation" within this section), the county political parties can obtain all voter registration information in possession of the Board or the judge of probate except for each voter's Social Security number and month and day of birth. §§ 17-3-52 and 17-3-53. The Secretary of State is required to provide an electronic copy of the voter registration list free of charge to each political party within 30 days of the certification of the election or when the election history is complete. Up to two additional copies shall be provided upon request. § 17-4-33.

The Secretary of State must provide all voter registration data in the statewide voter registration system, except for Social Security numbers and the information addressed within Section 17-4-33 (see Voter Affirmation within this section) to anyone making application for this data. § 17-4-38. Judges of probate have immediate online accessibility to the list of registered voters. § 17-4-32. The Boards of Registrars or judges of probate

can charge the county party chairs the actual cost of providing this information. §§ 17-3-52 and 17-3-53. Only the Secretary of State can provide voter lists to the general public. § 17-4-38.

16.4.5 Voter Affirmations: Domestic Violence; Law Enforcement Officers, Judges, Prosecutors, and Their Families

In the interest of public safety, any generally available list of registered voters, except for those lists provided to federal and state agencies, shall include the name and omit all other information of a registered voter if the registered voter provides a written signed affidavit affirming one of the following:

(1) That the registered voter, or a minor in legal custody of the registered voter, is or has been the victim of domestic violence.

(2) That the domestic violence order is or has been issued by a judge or magistrate, pursuant to Domestic Violence Protection Order Enforcement Act, to restrain access to the registered voter or a minor who is in the legal custody of the registered voter.

(3) That the registered voter is a federal or state prosecutor, federal, state, probate, or municipal judge, legislator, or law enforcement officer or the spouse of a federal or state prosecutor, federal, state, probate, or municipal judge, legislator, or law enforcement officer. § 17-4-33(b).

16.5 Voter File Maintenance

Under the National Voter Registration Act and state law, voters remain on the voting list unless their qualifications change. A person may be removed from the voter rolls by the board of registrars only if the board determines that the voter is no longer qualified to vote in his or her county. *See* "Deciding on Applications" earlier in this chapter.

Voters may not be removed from the list simply because they have not voted for some period of time. Just as voters may choose to exercise their right to vote, they may choose not to exercise their right to vote.

Alabama follows state and federal law to maintain voter files, including Ala. Code §§ 17-4-1 *et seq*. and the NVRA.

16.6 Disqualification

Since 1907, boards have used a removal procedure to maintain their voter lists. This method relies on official notices that registrants have become ineligible to vote. Official notice plays a large part in disqualification, because evidence that a voter is no longer eligible to vote in the county must be confirmed. §§17-4-4 and 17-4-6.1.

A disqualifying event occurs when a voter is struck from the voter's list after registrars receive official notice that a voter has died, has been declared mentally incompetent, is a nonresident of the state or county, or has been convicted of a felony crime of moral turpitude. The disqualified voter may re-register if he or she can reestablish his or her eligibility to vote. §§ 17-4-3, 17-4-4, and 17-3-30.1; Alabama Attorney General Opinions 80-00558 and 93-00182.

16.6.1 Death

The county board of registrars receives from the Alabama Department of Public Health, Center for Health Statistics (also known as Vital Records), information concerning deaths of all people over 18 years of age who resided in their district. § 17-4-4. The information may come as a hard copy list or may be provided electronically through a connection between the statewide voter registration system and the Department of Public Health. Registrars may also receive notification of death per the Social Security Death Index, NVRA-24 "Report of Voter's Change of Residence or Death," and other official sources.

16.6.2 Mental Incompetence

The judge of probate provides monthly lists to the board of registrars of adults in the county who have been declared incompetent if such declaration of incompetency includes a determination by the probate court that the individual is not competent to vote. § 17-4-4.

16.6.3 Notification of Voter's Move Outside the Jurisdiction

Each county's board of registrars shall investigate to confirm reports that a registered voter has become a nonresident of the precinct in which he or she is registered to vote. Appropriate notice shall be given to the voter if the board determines that the voter should be disqualified for no longer residing in the precinct in which registered. § 17-4-6.1

16.6.4 Disqualifying Felony Offense

The clerks of the circuit and district courts are required to provide a monthly list of all residents of the county who have been convicted of a disqualifying felony offense. The Administrative Office of Courts also provides information on disqualifying felony convictions electronically through a connection between its computer system and the statewide voter registration system. § 17-4-4(c). However, no one is to be stricken from the list of registered voters while an appeal of such a conviction is pending. § 17-4-3(a).

A registrant convicted of a disqualifying felony offense must be notified by certified mail sent to the voter's last known address of the board's intention to strike his or her name from the list. No one convicted of a disqualifying crime will be stricken while an appeal from the conviction is pending.

If a person convicted of a disqualifying criminal offense is being supervised by the Board of Pardons and Paroles, and the person has received face-to-face counseling from the supervising officer regarding voter disqualification and executed documentation explaining the loss and restoration of civil and political rights, upon receipt of the documentation, signed by the disqualified elector, the board of registrars is exempt from providing notice as otherwise required by Section 17-4-3. §17-4-3.

16.7 Continuous Purging of the Voter List

Section 17-4-3 requires purging of "the computerized statewide voter registration list on a continuous basis" of disqualified electors. Also, Section 17-4-6 requires "continuous purgation of the statewide voter registration list" based on information provided by state departments or agencies, i.e., the Alabama Department of Public Health, probate judges, and the Administrative Office of Courts, which transmit data on deaths, mentally incompetent declarations, and disqualifying felony convictions, respectively, to the Alabama Voter Registration System for cross-checking against records of registered voters as well as new applicants per Sections 17-4-4 and 17-4-33.

Continuous purging encompasses the use of judicial discretion by registrars in receipt of unofficial notices of death that must be researched and verified by the registrars, voters identified as potentially moved out of their jurisdiction or out of state, returned mail, and other instances that give

registrars cause to question eligibility.

16.8 Address Verification Program

Beginning February 2025, and in February every fourth year thereafter, the board of registrars, or the Secretary of State, if acting as the board's agent, shall use change-of-address information supplied by the United States Postal Service through the National Change of Address (NCOA) database and by at least one other National Voting Registration Act (NVRA) designated agency, to identify registered voters whose addresses may have changed. The Secretary of State may act as an agent for a board of registrars in the implementation of this section only after receiving written consent from the county commission. § 17-4-30.

16.8.1 Notice to Voters Under Jurisdiction of Same Board of Registrars

If the board of registrars or Secretary of State learn through NCOA and at least one other voter database that a voter has moved to a residential address under the jurisdiction of the same board of registrars, the voter's records shall be changed to the new address. Within 90 days of this change, the voter will be sent notice by forwardable mail with a postage prepaid pre-addressed card requesting the voter correct his or her current address information and also informing the voter that, if there was not change of residence, the pre-addressed card must be returned no later than the last day to register to vote before an election. § 17-4-30(b)(1).

The board of registrars or Secretary of State will record in the statewide voter registration database the date the notices were mailed and the date the cards were received in the office.

16.8.2 Notice to Voters Under Jurisdiction of Different Board of Registrars or Outside of the State

If the board of registrars or Secretary of State learn from the change-of-address information that a registered voter has moved to a different residential address that is under the jurisdiction of a different board of registrars or out of state, within 90 days after learning of this potential change, the voter will be sent notice by forwardable mail along with a postage prepaid, pre-addressed return card to verify or correct his or her

current address. The notice shall include both of the following:

(a) A statement that, if the card is not returned within the time specified in the notice, the voter may vote in that same jurisdiction during the period from the date the notice was mailed and ending on the day after the date of the second general election for federal office, provided the voter completes a Voter Registration/Update Form and the address provided does not place the voter in a different precinct or jurisdiction. If the voter does not update during the period ending on the day after the date of the second general election for federal office, the voter's name will be removed from the list of eligible voters. The names of people removed shall be published in accordance with Section 17-4-10. §§ 17-4-10 and 17-4-30.

(b) Information concerning how the voter may continue eligibility to vote in another jurisdiction if the residence has been changed to an address outside of the jurisdiction of the board of registrars under which he or she is registered. § 17-4-30(b).

The board of registrars or Secretary of State will record in the statewide voter registration database the date the notices were mailed and the date the cards were received in the office.

16.8.3 Voters Placed on Inactive List

The board of registrars will update the statewide voter registration database using the information reported on the return cards. If the voter does not respond to the notice within 90 days of the date it was mailed or if the notice is returned to the board of registrars as undeliverable, the board or its agent shall change the status to inactive, record the date of the change, and record that the voter did not respond to the mailing or that the mailing was returned undeliverable. §§ 17-4-30(c) to (e).

Except for death, voters identified using the continuous purge method will be sent written notice, which will include the basis for, and date of, the decision to place the voter on the inactive list and an update card. The notice will be mailed to the last known address, and the voter will remain on an inactive list until such time that the voter reidentifies or is purged if he or she does not vote in the next two federal election cycles. §§ 17-3-6, 17-4-8, 17-4-9, and 17-4-12

Any voter designated "Inactive" will not be subject to reregistration but will only reidentify to have his or her name restored to the list of qualified voters

by completion of a Voter's Reidentification/Update Form at the polling place prior to voting on election day or by submitting a Voter's Registration Form at any other time in person at the board of registrars office or by mail. Section 16.12 of this chapter discusses the Voter's Reidentification/Update Form in the event of a move to a new precinct.

Use of the Voter's Registration Form in this circumstance is for updating qualified elector information and not reregistration. It is important to note that these voters are being classified "Inactive" because the board of registrars has substantial reason to believe that the voter does not reside in its jurisdiction. The voters are not being designated "Inactive" merely because they did not vote during the previous four years. The four-year period is a statutory period in which the voter is afforded the opportunity to update his or her registration record. §§ 17-4-8, 17-4-9, and 17-4-12.

16.8.4 Board Publishes Names to Be Removed from Voter Lists

The names of people removed from the registered list pursuant to this section shall be published in a newspaper of general circulation in the county for two consecutive weeks in November and December each year in which the statewide voter file maintenance is conducted. § 17-4-10.

16.9 Alabama Voter Integrity Database

Voter list maintenance is also being performed by the boards of registrars pursuant to Act 2025-424, which codifies the Alabama Voter Integrity Database ("AVID") program to ensure database integrity. § 17-4-39. Individuals identified through AVID by the Secretary of State are communicated to the appropriate county board or boards of registrars to process any improperly registered voters for removal by majority vote. This information includes the names of deceased voters, potential duplicate voters, out-of-state voter crosschecks, and noncitizens.

Specifically, AVID involves the following components:

(1) Working with other states, including Tennessee, Georgia, Mississippi, Florida, Arkansas, Louisiana, Kentucky, Texas, Ohio, and Virginia, for a current total of ten (10) participants to identify individuals who are registered to vote in Alabama but who are also registered to vote in another state, including individuals who may have voted in the same or a similar election in both states;

(2) The Alabama Law Enforcement Agency's (ALEA) driver license and nondriver identification data, including foreign national designation data, to identify voters in Alabama who have moved and obtained a driver license or nondriver identification card in another state or who have registered to vote in Alabama and then applied for a foreign national driver license or nondriver identification card;

(3) U.S. Social Security death data to identify deceased individuals who are registered to vote and may have died out of state;

(4) National Change of Address data to identify individuals who are registered to vote in Alabama but have notified the USPS that they have relocated to a new county within the state or an address outside of Alabama; and,

(5) Data from the Department of Homeland Security's United States Citizenship and Immigration Services (DHS-USCIS) to identify individuals who are registered to vote in Alabama but are ineligible to vote because they are noncitizens. In June 2025, pursuant to Act 2025-424, and in compliance with Executive Order 14165, 90 Fed. Reg. 8467 (Jan. 20, 2025), which ordered States to redouble their efforts to root out noncitizen voter fraud, the Secretary of State negotiated and entered an official Memorandum of Agreement (MOA) with DHS-USCIS, to allow Alabama to gain access to the Systematic Alien Verification for Entitlements (SAVE) program for voter registration and list maintenance purposes. This effort will ensure that Alabama elections are decided only by the votes of eligible United States citizens by verifying U.S. citizenship and identifying noncitizens registered to vote so that they can be removed from the state voter file.

16.10 Voting History Recordation/Maintenance During Elections

The board of registrars must maintain and update records of all registrant's voting history. This information (in either printed or electronic form) is used to update registration lists, reassign voters to their correct precincts, and certify the list of registered voters, which the judge of probate uses to prepare the poll list.

These records include applications for registration, update forms, a file of current registrants, an inactive file, a copy of the most recent list of registered voters, voter histories, and a proposed removal list. The Secretary of State, with the advice of the Voter Registration Advisory Board and

President of the Probate Judges' Association, may issue regulations and/or guidelines regarding voter history/maintenance.

The Secretary of State shall ensure that all applicants obtain requested voter lists in a timely manner. Except in cases of redaction under § 17-9-15, during the process of updating voter history from the lists provided, said lists are considered public records, subject to appropriate public records request, and purchasable at a reasonable and uniform cost through the Secretary of State. §§ 17-4-38 and 17-9-15.

16.11 Poll List of Registered Voters

Duties of the board of registrars with respect to the list of registered voters to be used at the polls include:

(a) The official list of registered voters from the state voter registration list is published in a newspaper with general circulation in the county the twentieth day before each primary election. § 17-4-1.

(b) After the list is published in a newspaper of general circulation, voters who believe their names have been inadvertently omitted have 10 days after the publication of the list to satisfy the board that their names must be added. Any additional names that the board decides to add must then be submitted to the judge of probate who publishes a supplemental list on or before the seventh day before the election. § 17-4-1.

(c) When the registration period is closed, the board of registrars certifies to the Secretary of State the county's list of qualified electors produced from the state voter registration list. The list of qualified electors provides a database for the state voter list and simultaneously provides each county's judge of probate with an alphabetical list of registered voters by precincts prior to an election. The board of registrars must keep a copy of this alphabetical list of qualified voters. The list must contain a certification that the list was generated from the state voter registration system at a specified time and date. § 17-4-2.

(d) Immediately after the election, the list of registered voters and the Voter Update/Reidentification Forms are sent to the board of registrars to update voter history records and apply voter credit in the statewide voter registration system. If electronic poll books or poll pads are utilized, the vendor may create a voter history file for uploading into the county voter

registration system. After updating is complete, the lists are sent to the city clerk in municipal elections and to the judge of probate in all other elections.

(e) The Secretary of State is responsible for applicants obtaining voter lists in a timely manner at a reasonable and uniform cost. Excepting redaction under § 17-9-15, during the process of updating voter history from the lists provided, said lists are considered public records and subject to appropriate public records request through the Secretary of State. §§ 17-4-38 and 17-9-15.

16.12 Provisional Ballots

Members of the boards of registrars are to be in their office on election day and the days immediately after to verify that certain voters have registered and are qualified to vote.

On Election Day, if an individual's name cannot be found on the poll list, a poll official may call the registrars' office to determine the person's eligibility to vote.

If a registrar can confirm that the individual is registered to vote and is at the correct polling place, the registrar can authorize the poll official to permit the individual to vote a regular ballot after the voter completes an update form. The poll official shall also complete the "Verification" section on the back side of the update form, including the area to record the name of the person who authorized the person to vote. Registrars will use the update form to assign the individual credit for voting in the election and to investigate why the voter's name did not appear on the poll list.

If a voter completes an Update/Reidentification form and the address that the voter provides places them in a new polling location, the voter must travel to the new location, complete the Update/Reidentification Form at the correct polling location and vote provisionally. §§ 17-9-10 and 17-10-2.

If a registrar can confirm that the individual is registered to vote but has appeared at the wrong polling place, the poll official should be provided the name and location of the correct polling place so that the voter can be directed to that location.

If a registrar cannot confirm that an individual is registered to vote at all or if a voter insists on voting at the wrong polling place, the voter may cast a

provisional ballot. For information on casting provisional ballots, *see* Chapter 10.

Beginning the day after the election, the board of registrars must review the provisional ballot information and the records in its office to determine whether each provisional ballot should be counted or rejected. On the seventh day after the election, the board of registrars submits its provisional ballot findings to the judge of probate. Using the findings of the board of registrars, the canvassing board for the election counts the ballots that have been certified by the board of registrars. § 17-10-2 and Ala. Admin. Code r. 820-2-6-.15.

Board members must maintain secrecy and confidentiality in their actions. For details about responding to requests for information about provisional ballots, see the Administrative Rules of the Secretary of State.

CHAPTER 17

ABSENTEE ELECTION MANAGER

Summary of Contents:

17.1 The Office of Absentee Election Manager
17.2 Absentee Balloting Process
17.3 Military and Overseas Absentee Voting

17.1 The Office of Absentee Election Manager

Each county has an absentee election manager (AEM). The circuit clerk of the county is, at his or her option, the AEM.

If the circuit clerk declines the duties of the AEM, the appointing board must appoint a person qualified by training and experience to be the AEM. § 17-11-2.

The AEM must also be a qualified elector of the county. Circuit clerks who are candidates for office cannot serve as AEM when they have opposition. § 17-11-13. Further, a member of the board of registrars cannot serve as an AEM due to the common law of incompatibility of offices. Scott v. Strobach, 49 Ala. 477 (1873); Alabama Attorney General Opinion 88-00156.

A circuit clerk may, however, serve as AEM if a family member is a candidate, even, for instance, if the circuit clerk is retiring and a family member is running for the clerk's office. Alabama Attorney General Opinion 88-00156.

When the circuit clerk is opposed as a candidate for office, the clerk must certify to the appointing board that he or she is disqualified from serving as the AEM for that election. The appointing board must then appoint a replacement. § 17-11-13. The person appointed shall be qualified by training and experience, a qualified elector of the county, and must not be a candidate for election. § 17-11-2.

17.1.1 Office

The county commission must designate the place or office where the duties of the AEM are to be performed. This place or office must be open on the days and during the hours kept by the circuit clerk. § 17-11-2. Usually, the hours kept by the AEM are the same as the hours during which the courthouse is open.

17.1.2 Compensation

The county commission determines the amount of compensation to be paid to the AEM for their services during the election. The AEM can be compensated during the 55-day period prior to the election, the day of election, and for the seven-day period following the election during which ballots under the Uniformed and Overseas Citizens Absentee Voting Act may be returned. The total number of days worked may not exceed 46 days. § 17-11-14. However, when there are not 55 days between the date of the first election and the runoff election, the AEM can only be compensated for the number of days between these elections, for the day of the runoff election, and for the seven-day period following the runoff election. *See* Alabama Attorney General Opinion 88-00434. Compensation shall be at least $50 per day or the same as an inspector as set forth in Section 17-8-12. An AEM is entitled to receive an additional $25 per day compensation from the state for completion of a local election school or being certified as a qualified poll worker by the judge of probate. §§ 17-8-12 and 17-11-14. This amount is the total compensation allowed the AEM for duties in all elections held on the same day. Compensation is to be paid from the county treasury. § 17-11-14. The expenses for elections are generally split between the county and the state. Additional compensation of election officials for completing the election school is paid exclusively by the state. Alabama Attorney General Opinion 2007-094.

An AEM who has also completed or taught at a local election school is entitled to $125 per day, which is the same compensation as an inspector. Alabama Attorney General Opinion 2010-080.

17.2 Absentee Balloting Process

All duties of the AEM support the absentee ballot election process. These duties include obtaining ballots, processing applications for absentee

ballots, sending absentee ballots, receiving absentee ballots, noting the names of absentee voters on the list of qualified electors, maintaining a list of absentee voters, and delivering absentee ballots to the appropriate poll workers.

17.2.1 Obtaining Ballots

The judge of probate must deliver to the AEM a sufficient number of absentee ballots, envelopes, and other necessary supplies at least 55 days before the election and, for primary runoff elections, not more than 14 days after the first primary. § 17-11-12. The judge of probate is required to print absentee ballots for all elections. Alabama Attorney General Opinion 88-00286. The entity supplying the materials must ship to the county or municipality and the Secretary of State an itemized and signed statement showing a description and quantity of each item so shipped or delivered. All unused absentee election materials must be returned by the AEM to the sheriff along with an itemized signed statement showing the description and quantity of each item of absentee election material not utilized by the county or municipality in the election. § 17-11-19.

Absentee ballots are to be printed with a designation specific to its ballot style and a pre-printed serial number unique within that ballot style. The list of qualified voters shall identify the correct ballot style designations for each voter. The administrative rules on the printing of designations and serial numbers on absentee ballots are available from the Secretary of State.

The forms of official absentee ballots, affidavits, and envelopes are specified by the Code. §§ 17-11-6 to 17-11-9. Each ballot should be accompanied by two envelopes—a small, plain one in which the ballot is sealed and a second larger envelope with the voter's affidavit printed on it for the voter to sign and place the smaller envelope inside. § 17-11-9. In the past, another envelope was required for submitting photo identification; however, necessary identification must now be submitted with voter's absentee ballot applications. § 17-10-1.

If there is more than one ballot style in the county (for example, when candidates run by district), care must be taken to prevent absentee voters from voting in the wrong district races. Separate ballots are printed for each district. The AEM must check the ballot style assigned to each applicant, and send the appropriate ballot, based upon the districts in which the voter resides.

17.2.2 Regular Absentee Ballots

Applications for regular absentee ballots must be filed by qualified electors with the AEM. If the application is filed in person, it must be submitted not less than five days before the election. If the application is filed by mail, it must be received by the AEM no later than the seventh day prior to the election. § 17-11-3.

A qualified voter can apply for an absentee ballot that can be cast by mail, commercial carrier, or hand delivery if the voter meets any of the following conditions:

(a) The voter expects to be out of the county or the state on Election Day;

(b) The voter has any physical illness or infirmity which prevents his or her attendance at the polls;

(c) The voter expects to work a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place;

(d) The voter is enrolled as a student at an educational institution located outside the county of his or her personal residence that prevents his or her attendance at the polls;

(e) The voter is a member of, or spouse or dependent of a member of the armed forces of the United States, or is similarly qualified to vote absentee pursuant to the federal Uniform and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 to 20311;

(f) The voter has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular voting place;

(g) The voter is a caregiver for a family member to the second degree of kinship by affinity or consanguinity, if the family member is confined to his or her home; or,

(h) The voter is incarcerated in prison or jail and has not been convicted of a felony crime of moral turpitude. § 17-11-3.

Applications shall be in a form prescribed and designed by the Secretary of State. § 17-11-4.

Absentee ballot applications must be accompanied by a copy of current, valid photo identification, unless the voter is otherwise exempt from the

identification requirement. If an absentee ballot application arrives on or after the eighth day before the election without identification, the ballot must be issued as a provisional ballot. §§ 17-9-30(c) and 17-10-2. However, the law does not provide for what the AEM should do if an application lacking identification arrives *before* the eighth day prior to the election. The absentee law does not explicitly require that any notice be sent to these applicants. However, the Secretary of State, as authorized by Section 17-1-3, has provided uniform guidance for AEMs to notify applicants that their application has been denied for lack of identification in order to allow them an opportunity to correct their applications. This guidance does not specify how applicants may be notified, but the Secretary of State recommends sending notice via U.S. mail.

Alabama law does not prohibit an individual from obtaining and distributing blank absentee ballot applications. Alabama Attorney General Opinion 84-00402. However, Ala. Act 2024-33 amended Section 17-11-4 in an effort to prevent the practice of "ballot harvesting." It is unlawful to order, request, collect, prefill, obtain, or deliver an absentee ballot application or absentee ballot other than his or her own, except in limited situations when the absentee voting applicant is in need of assistance. Further, a person may not receive payment or provide a payment or gift to another person to distribute, order, request, collect, prefill, complete, obtain, or deliver an absentee ballot application or absentee ballot. *See* Chapter 7 for more information.

The AEM may receive an absentee ballot request on a form distributed by the federal government to members of the armed services and to Americans living overseas. The Federal Post Card Application for Registration and Absentee Ballot may be treated as both an application for registration to vote and an application for an absentee ballot. § 17-11-3(c).

However, the AEM does not have the authority to register people to vote. Therefore, if a person who applies on a Federal Post Card Application is not included on the list of qualified electors, the application should be sent to the board of registrars. If the board decides to register the applicant, the AEM can then process the absentee application.

Each applicant must sign the absentee ballot application. If a signature is made by mark, a witness to the signature must also sign. Applicants may also receive assistance in filling out the application if they desire. § 17-11-4.

Completed absentee ballot applications must be personally handed to the AEM by the applicant or received by the AEM by U.S. mail or commercial carrier or, in the case of an emergency absentee ballot, by the applicant's designee. § 17-11-4.

17.2.3 Emergency Absentee Ballots

Voters requiring emergency treatment from a licensed physician within five days of an election may apply for an emergency absentee ballot. The attendant physician shall describe and certify the circumstances of the emergency to the AEM on the form designed by the Secretary of State. The ballot must be returned no later than noon on the day the election is held. § 17-11-3(c).

Any registered elector may also vote by an emergency absentee ballot if any of the following situations arise:

(a) The elector is required by his or her employer under unforeseen circumstances within five days before an election to be unavailable at the polls on election day.

(b) The elector is a caregiver of a person who requires emergency treatment by a licensed physician within five days before an election.

(c) A family member to the second degree of kinship by affinity or consanguinity of an elector dies within five days before an election.

The voter must apply for the emergency ballot no later than the close of business one day prior to the election by filling out an emergency absentee ballot application designed by the Secretary of State. The voter must sign an affidavit swearing that he or she was not aware of the situation constituting an emergency prior to five days before the election (i.e., the regular absentee application deadline). After voting the ballot, the voter or voter’s designee in cases of medical emergency must hand the ballot to the AEM. § 17-11-3(d).

17.2.4 Permanent Absentee Voter List

The Secretary of State maintains a permanent absentee voter list for voters who have a permanent disability, which prevents his or her attendance at

the polls on election day. Any voter placed on this list will have an absentee ballot mailed to him or her before each election held during the calendar year.

To be placed on the permanent absentee voter list, the voter must submit an absentee ballot application for the permanent absentee voter list. The application must be signed and notarized by the primary physician for the person with the disability.

A voter with a permanent disability must apply for the permanent absentee voter list on an annual basis. However, for an election cycle that begins in one year and continues into the subsequent year, the permanent absentee ballot application shall be valid for the whole election cycle.

Applications for the permanent absentee voter list for federal, state, and county elections are submitted to the county AEM. Applications for the permanent absentee voter list for municipal election are submitted to the AEM for the town or city. § 17-11-3.1.

The Secretary of State has adopted rules to implement the provisions of Section 17-11-3.1. Ala. Admin. Code r. 820-2-12-.01 to 820-2-12-.06.

17.2.5 Sending Absentee Ballots

After an application has been received, the AEM must furnish the absentee voter with an absentee ballot if the applicant's name appears on the official list of qualified electors no later than the next business day once ballots are available for ballots requested to be mailed. § 17-11-5(a). However, a ballot shall not be issued to an applicant whose name does not appear on the state voter registration list as a qualified elector. § 17-11-9.

The prospective absentee voter must submit valid photo identification with the absentee ballot application. If the voter does not provide the identification by eight days before the election, the absentee ballot must be issued as a provisional ballot. § 17-9-30.

The AEM must send a provisional ballot and related reidentification materials to an applicant who submits an absentee ballot application within eight days of an election but fails to include a valid form of photo identification for voting. The absentee voter must submit a valid form of photo identification when the voter returns the absentee ballot or provide the identification to the board of registrars no later than 5:00 p.m. on the

Friday after election. § 17-10-2.

The AEM must also send a provisional ballot and related reidentification materials to an applicant whose name appears in a voting place within the state voter registration list but does not appear on the list for the voting place in which they seek to vote. § 17-11-9. An applicant whose name does not appear on the state voter registration list is not entitled to an absentee ballot. § 17-11-9.

When the AEM mails a provisional absentee ballot to the voter, it should include:

(a) Information on why the ballot is a provisional ballot;

(b) A written explanation that photo identification must be provided by the Friday after the election at 5:00 p.m.;

(c) A written explanation that if photo identification is not provided by the deadline, the vote will not be counted;

(d) A voter reidentification form and an affirmation of provisional voter form;

(e) An explanation of how the voter can later determine if their ballot was counted, and if it was not counted, why; and

(f) A third envelope for identification as specified by § 17-11-9. §§ 17-10-2 and 17-11-9.

The AEM may not accept multiple applications which are mailed in one envelope. However, the AEM may accept applications which have mistakenly been mailed to the board of registrars. Alabama Attorney General Opinion 82-00551.

An absentee ballot should only be sent to the applicant's or voter's residence address or, upon written request of the voter, to the address where the voter regularly receives mail, or by handing the absentee ballot to the voter. § 17-11-5. An absentee ballot should not be sent to the voter via a third party except under the medical emergency provisions described above.

If the AEM has reasonable cause to believe that the applicant has given a fraudulent address on the application for the absentee ballot, the AEM shall turn over the absentee ballot application to the district attorney. § 17-11-5.

17.2.6 Receiving Absentee Ballots

After marking the ballot and subscribing the required oath or affidavit, the absentee voter must seal the ballot in the plain envelope provided. Then, the voter seals the plain envelope in the larger envelope and completes the affidavit on the larger envelope. The sealed ballot may either be forwarded to the AEM by U.S. mail or commercial carrier or it may be handed to the AEM in person by the voter. §§ 17-9-30, 17-11-7, and 17-11-9. A third party is prohibited from delivering an absentee ballot to the AEM except pursuant to the emergency medical provisions.

Sealed absentee ballots must be safely kept by the AEM until they are delivered to the absentee ballot poll workers at 7:00 a.m. on the day of the election. § 17-11-10.

17.2.7 Delivery of Absentee Ballots

When absentee ballots are returned, the AEM retains them in the unopened affidavit envelopes until 7:00 a.m. on Election Day when the AEM can begin delivering them to the absentee election poll workers. § 17-11-10.

No absentee ballot shall be opened or counted if received by the AEM by mail or commercial carrier, unless received through the mail or by commercial carrier by noon the day of election, or, if received by hand delivery, to the AEM not later than the close of the last business day preceding the election or if delivered by the medical emergency designee, by noon on the day of the election. However, ballots submitted by military or overseas voters should be accepted if postmarked as of the day of the election and received by mail or commercial carrier no later than noon seven days after the election. § 17-11-18(b).

17.2.8 List of Qualified Electors

The official list of qualified electors must be given to the AEM by the judge of probate from a printout from the state voter registration list, at least 35 days before a municipal election and at least 55 days before all other elections. The Secretary of State may further provide for electronic access to the list for optional use by the AEM. The AEM must then underline the names of voters who have applied for an absentee ballot and must immediately write beside each of their names the word “absentee” or identify applicants for absentee ballots electronically to the state voter

registration list. § 17-11-5.

Before the polls open on Election Day, the AEM shall effectuate the delivery to the poll workers at each polling place a list showing the name and address of every person whose name is on the list of qualified electors for that polling place and who applied for an absentee ballot. The names of these absentee voters must be identified as "absentee" on the official list of voters from the state voter registration list for that polling place before they are delivered to the polling places. § 17-11-5.

17.2.9 List of Absentee Voters

A list of absentee voters must be maintained on a daily basis by the AEM. The list should include the name, residence (if not redacted pursuant to Section 17-4-33(b)), polling place, and the date application was received for each absentee voter. § 17-11-5. After the absentee ballot is returned by the voter, the AEM shall record the receipt of the absentee ballot on the list of absentee voters.

The list of voters who applied for an absentee ballot is not a public record until the day after the election, when the list is provided to the board of registrars. The AEM may not give a person access to the applications for absentee ballots even after the election, unless pursuant to a court order. This information is not a matter of public record and should be considered privileged information the same as voter registration applications. Further, the list of absentee voters must be maintained in the office of the circuit clerk for 60 days after the election, at which time it shall be filed with the judge of probate. § 17-11-5.

17.2.10 Absentee Poll Workers

Absentee poll workers are appointed by the appointing board as are other poll workers. For every election, the number of absentee poll workers consists of one inspector and at least three clerks. § 17-11-11(a).

Absentee poll watchers may also be appointed just as the watchers are appointed for polling places. § 17-11-11(b).

Beginning at 7:00 a.m. on election day, the AEM must deliver the sealed affidavit envelopes to the election officials. The election officials then follow this procedure:

(a) The election officials call the name of each voter casting an absentee ballot with poll watchers present. § 17-11-10.

(b) The election officials review the affidavits to certify that each applicant has identified a place of residence, reason for voting absentee and the affidavit is signed. Williams v. Lide, 628 So.2d 531 (Ala. 1993). In addition, the affidavit must be either notarized or witnessed by two witnesses or, in the case of a military or overseas voter, is witnessed by two witnesses. Remote notarization may not be used to notarize an absentee ballot application or an absentee ballot affidavit, or for any purpose related to voting. § 36-20-73.1. No poll worker or election official shall open an affidavit envelope if the affidavit printed thereon is unsigned by the voter, lacks the voter's address, lacks the reason for voting absentee, or if the ballot is not properly witnessed or notarized. § 17-11-10. Additionally, no affidavit envelope should be opened if the notary public or witness is also a candidate on the ballot with opposition. § 17-11-7(c). An absentee ballot that is rejected because the affidavit is incomplete or not properly witnessed or notarized **shall not** be converted to a provisional ballot. There is no statutory authority by which the board of registrars can approve the counting of an absentee ballot with a deficient affidavit envelope.

(c) The election officials separate the ballot envelopes from affidavit envelopes. The plain envelope is deposited into the sealed ballot box.

(d) Ballots identified as provisional absentee ballots are counted separately.

(e) The election officials then remove the ballots from the blank ballot envelopes and insert them into the electronic ballot tabulator. The procedure for counting the absentee ballots in electronic voting equipment is generally the same as for poll workers in precincts. The tabulation of results may not be finalized until the polls close.

All applications and affidavits for an absentee ballot should be preserved in case of a contest or in the event that an investigation by the district attorney reveals evidence which would warrant some prosecutorial action. Alabama Attorney General Opinion 80-00551.

17.2.11 Absentee Provisional Ballots

A prospective absentee voter who does not submit valid photo identification with his or her absentee ballot application within the eight days prior to the election shall be issued a provisional absentee ballot. The voter must submit the missing identification when the voter returns the provisional absentee ballot or must submit the missing identification to the board of registrars no later than 5:00 p.m. on the Friday after the election. If the photo identification is not provided by the absentee voter, then the provisional absentee ballot must not be counted. § 17-10-2.

Where the absentee ballot becomes provisional as a result of an absentee precinct inspector having knowledge that the person is not entitled to vote, the same procedures as previously described are followed and the inspector shall provide two copies of the challenge to the AEM. § 17-10-2. However, the AEM must also mail one copy of the challenge statement to the voter by first class mail no later than the day after the election along with the following: a written explanation of the procedure used by the board of registrars in verifying and certifying provisional ballots and an address and phone number by which the provisional voter may respond.

All individuals casting absentee provisional ballots are to be provided a written explanation of how they may ascertain whether the provisional ballot was counted and, if not counted, the reason. § 17-10-2.

17.3 Military and Overseas Absentee Voting

The Secretary of State, by rule, prescribes standardized military and overseas voter registration applications and applications for absentee ballots adopted by the United States government for use. The Secretary of State also, by rule, prescribes the application for absentee voting which permits voters to identify themselves as a military and overseas voter. An application for an absentee ballot is valid through the end of the calendar year in which the application is filed. However, if an election cycle begins in one calendar year and continues into the subsequent calendar year, the absentee application shall be valid for all elections within that election cycle. § 17-11-5(d).

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment Act (MOVE), requires AEMs to issue UOCAVA voters an

absentee ballot no later than the 45th day prior to an election for federal office if the UOCAVA voter's absentee ballot application was received no later than the 45th day prior to the election. Under this Act, UOCAVA voters also have the option of receiving their blank absentee ballot electronically or by mail.

In 2011, the Legislature established the Alabama Electronic Overseas Voting Advisory Committee to determine if secure electronic absentee voting for overseas voters is feasible and, if so, to assist in the implementation thereof. This committee and the Secretary of State are charged with the adoption of rules for conducting overseas absentee electronic voting, including the requirements for the request, receipt, voting, returning and processing an overseas absentee ballot. §§ 17-11-40 to 17-11-51. The Committee determined that secure electronic absentee voting for military and overseas voters is feasible. Therefore, UOCAVA voters located outside the territorial limits of the United States also have the option of returning their voted absentee ballot electronically if they requested electronic delivery of their blank absentee ballot pursuant to the Military and Overseas Voter Empowerment Act. §§ 17-11-40 to 17-11-51.

For additional information on voting by military personnel and citizens residing overseas, *see* Chapter 7.

CHAPTER 18

PARTY OFFICIALS

Summary of Content:

18.1 Political Parties
18.2 Notification by Party of Desire to Enter Primary
18.3 Candidate Qualification
18.4 Qualifications for Candidates
18.5 Declarations of Candidacy
18.6 Vacancies in Nominations
18.7 Presidential Preference Primaries
18.8 Selection of Poll Workers and Watchers
18.9 Primary Election Voting
18.10 Primary Election Canvassing
18.11 Storage and Disposal of Records
18.12 Primary Election Contests
18.13 Grounds for Contesting a Nomination

The officials of political parties have three general responsibilities under the election laws. First, political party officials certify the names of candidates for listing on the general election ballot. § 17-9-3. Second, for political parties of sufficient recent voter support, the officials certify the names of persons who are seeking, by publicly funded primary election, to be: (1) the political party's nominees for listing on the general election ballot, having filed their declaration of candidacy, and (2) members of the party's governing committees. § 17-13-5. Party officials certify the results of those elections. § 17-13-17. Third, they nominate for selection by the county appointing boards the persons who administer the balloting at the polling places throughout the State, and they name poll watchers who are entitled to observe at each polling place the administration of the general election. §§ 17-8-1, 17-8-5, and 17-8-7.

18.1 Political Parties

Political parties are self-governing bodies and may adopt their own rules under the protection of the First and Fourteenth Amendments to the U.S.

Constitution. However, the substance of their rules may be affected to the extent they seek the benefit of State resources providing publicly funded primary elections.

A political party eligible to participate in a publicly-funded primary election is defined by state law as an assemblage or organization of electors in a county or state which casts more than 20 percent of the entire vote cast during the last general election in that county or state, respectively. § 17-13-40.

The Ethics Act includes the chairs, vice-chairs, or equivalent offices of each state political party in the definition of "public official." § 36-25-1(27). As such, they must, among other things, file a Statement of Economic Interests by April 30 of each year covering the preceding calendar year. § 36-25-14.

18.2 Notification by Party of Desire to Enter Primary

When a political party desires to participate in a primary election, its governing body must provide public notice of a primary by filing a resolution with the Secretary of State. Where the primary election affects only one county, this notice may be filed with the Secretary of State by the chair of the county executive committee, and a copy of the notice must be filed with the judge of probate of the county. § 17-13-46.

Parties are not required to hold primary elections. If a party does not intend to conduct a primary election, its governing body committee must file a statement of action with the Secretary of State at least 60 days before the date for any regular primary election. This statement of action must contain a copy of the resolution or motion adopted by the party's governing body, and the statement must be certified by the chair and secretary of the governing body. § 17-13-42.

18.2.1 Party Committees

Each political party may create a committee for the state and a committee for each political subdivision of the state, including counties. The manner by which members of these committees are selected is determined by the governing authority of each party. If committees are not elected or chosen for any county or other political subdivision, their powers are vested in the state executive committee. However, the state committee or its chair may appoint a county committee to act until a county committee can be elected

or chosen in a manner provided by law or by party rule. § 17-13-44.

A state executive committee is considered the governing body of a party. The state committee may delegate to county committees the authority to conduct party affairs within their respective counties, including the authority to conduct primary elections. § 17-13-44.

If a state or county executive committee requires that its members be elected, elections for these offices must appear on the same ballots as the gubernatorial primary election. If committee members are to be elected during a primary, their declarations of candidacy must be filed in the same manner as candidates for nomination to public office. § 17-13-45.

18.2.2 Party Emblems

Each political party must adopt, by its state party convention or by its state executive committee, a party emblem that will be printed on election ballots. The party emblem must be filed at least 60 days before each election for state officers with the Secretary of State. An original copy of the emblem and a copy in digital or other electronic format must be transmitted in an acceptable form to the Secretary of State. The emblem shall not be more than one and a half inches square. § 17-6-29. When there is a division within a party and each faction claims the party emblem, the judge of probate must immediately certify the fact to the chair of the state executive committee of that party. The state party chair then has 10 days to notify the judge of probate which ticket is entitled to the party emblem. § 17-6-32.

18.3 Candidate Qualification

Party officials set qualifications for party candidates, receive declarations of candidacy, notify the Secretary of State if the party wishes to enter a primary, and fill vacancies in nominations.

18.4 Qualifications for Candidates

Candidates must be legally qualified to hold the office they seek in order to have their names printed on the official primary election ballot. § 17-13-6. This requirement includes complying with the Alabama Ethics Law, which requires candidates for elected office at every level of government to timely file, i.e., not more than five days after the deadline to file a declaration of

candidacy as provided in Section 17-13-5, a Statement of Economic Interests (SEI) with the Ethics Commission unless a current Statement of Economic Interests is already on file with the Commission. § 36-25-15. *See also* Alabama Attorney General Opinion 2001-001. (October 3, 2000).

Each prospective candidate must be an eligible voter in the primary election in which they seek to be a candidate. Candidates must also possess the political qualifications established by the governing body of their party. § 17-13-6. For most positions, they must have been a resident for one year prior to the general election. In addition, parties often require a statement that they are a member of such party and intend to support that party's principles. Each party has a procedure whereby challenges may be lodged with the party regarding such qualifications.

The governing body of a party may establish assessments as qualifying fees upon candidates who are able to pay or other qualifications to become candidates for nomination to offices at a primary election. These assessments cannot exceed two percent of one year's salary of the office sought. For unremunerative or party offices the limits are: $150 for offices filled by a vote of the entire state and $50 for all others. § 17-13-47.

A political party may not have a nominee who was a candidate for the nomination of a different party in the primary election of that year. § 17-9-3.

18.5 Declarations of Candidacy

All candidates for nomination by a political party primary election to public office or for election to party office must file a declaration of candidacy as directed by the political party no later than 5:00 p.m., 116 days before the date of the primary. § 17-13-5(a). However, procedures for filing these declarations differ depending upon the type of office sought by the candidate. § 17-13-5.

The party official who receives a declaration of candidacy will notify the Ethics Commission of the candidate's name and the date upon which they became a candidate within five days of receipt. The commission will notify the party official within five business days of receipt of notification whether the candidate has complied with all requirements to become a candidate. § 36-25-15(b).

18.5.1 County Offices

Candidates seeking nomination by primary election to a county public office or candidates seeking a county party office by primary election must file their declarations of candidacy with the county party chair no later than 5:00 p.m. 116 days before the date of the primary election. § 17-13-5(a). The county party chair must then certify the names of all primary election candidates to the judge of probate no later than 5:00 p.m., 82 days prior to the date of the primary election. § 17-13-5(b).

18.5.2 Other State Offices

Candidates seeking nomination by primary election or election to public or party offices other than county offices (including federal, state, circuit, and district offices) must file their declarations of candidacy with the state party chair no later than 5:00 p.m. 116 days before the primary election. § 17-13-5(a). The state party chair must then certify the names of all primary candidates, except candidates for county offices, to the Secretary of State no later than 5:00 p.m., 82 days before the primary. § 17-13-5(b).

18.6 Vacancies in Nominations

Section 17-13-23 provides for political parties to amend their list of certified candidates and limits amendments or corrections to the "filling of vacancies in nominations." In order for a vacancy to be filled, a political party must first have certified the name of a qualified candidate who sought nomination by the party, whose candidacy was subsequently vacated due to the reasons outlined in the statute. *See also* Alabama Attorney General Opinions 2018-046 and 2001-001. A vacancy in a party nomination may occur due to the death, resignation, or revocation of the nominated candidate. County executive committees, in the case of county offices, and state executive committees, in the case of non-county offices, have the power and authority to fill vacancies in party nominations. Vacancies may be filled either by action of the committee itself or by any method designated by the committee. The deadline for filling vacancies is 76 days before the election. An amendment of a candidate certification less than 76 days before an election may withdraw a candidate, such that no votes will be certified for them, but no replacement candidate will be placed on the ballot. § 17-13-23. But *see* Section 17-6-21, amended by Act 2024-168, which provides that nominations must be finalized by the state executive committee not later than 71 (rather than 76) days before the primary or general election,

while also providing that any amendment to a certification after the 71st day before an election shall not cause names to be changed or ballots to be reprinted.

18.7 Presidential Preference Primaries

In each year that a President of the United States is to be elected, a political party may participate in a publicly-funded primary election to identify the preferred candidates for that office and to choose delegates to the political party's national convention where the nominee for President is chosen.

If a state executive committee calls for a presidential preference primary to be held, notice of this action must be given to the Secretary of State at least 116 days before the primary is to be held. Notification must include a resolution adopted by the party that states the following: (1) the intention of the party to hold such a primary; (2) the method by which electors are to indicate one or more preferences; (3) the method by which delegates are to be selected, elected, chosen, and replaced; and (4) the pledge, if any, by which delegates are to be bound. § 17-13-105. When no presidential preference primary is to be utilized, delegates may be elected in the primary election in the same manner as other party officers. § 17-13-43.

The state executive committee may hold state conventions or conventions of other political subdivisions. Delegates to these conventions may be elected during a primary election. § 17-13-49.

In order to qualify as a candidate during the presidential preference primary of a political party, a petition or petitions in support of that candidacy must be filed with the state party chair 116 days prior to the presidential preference primary. These petitions must be signed either by at least 500 qualified electors of the state or by at least 50 qualified electors (on separate petitions) from each congressional district. Within certain limits, the state party chair may prescribe the form of these petitions. § 17-13-102. Candidates may be required to pay a filing fee to the chair, the amount of which is determined by the party. § 17-13-103.

Whenever the party chair receives a petition, which is timely filed and appears to qualify the name of a candidate for president to be placed on the ballot, the chair must immediately notify the candidate that the candidate's name will appear on the ballot of their party. The candidate may withdraw his or her name from the ballot no later than 76 days before an election.

§ 17-13-104. If the candidate withdraws his or her name after the 71st day, the candidate's name stays on the ballot. § 17-6-21.

Primary elections in which a presidential primary is held are conducted on the first Tuesday of March. §§ 17-13-3 and 17-13-100.

18.8 Selection of Poll Workers and Watchers

18.8.1 General Elections

Each political party or organization having made nominations for an election may furnish the appointing board of the county with a list of names of recommended poll workers from qualified voters for each voting place. From the lists provided, one inspector and at least three clerks shall be appointed for each voting place from members of opposing political parties, if practical. Lists may be filed by either the state or county party chair or by nominees for office. § 17-8-5. Lists may be filed with the appointing board not later than 45 days before the election.

The appointing board is required to select poll workers from the names appearing on these lists provided for each precinct. The appointing board, not more than 20 and not less than 15 days before the election, appoints the necessary election officials. § 17-8-1.

The chair of the county executive committee, nominees for office, or the precinct committee person may appoint a poll watcher at each polling place during all elections in which their parties have nominated candidates. Poll watchers are permitted to observe the operation of the polling place from the opening of the polls until the ballots are counted and certificates of result are signed. Poll watchers are permitted to see the ballots as they are called during the count. § 17-8-7.

18.8.2 Primaries

At least 45 days before a primary election, all candidates for nomination may present to the county executive committee of their party a list of electors from which poll workers may later be selected by the appointing board. Lists submitted by candidates to their party may include electors from one or more of the applicable districts, wards, or precincts of the county. § 17-13-48.

In primary elections, each candidate for nomination may present to their party county executive committee a list containing the names of election officials they desire for each district, ward, or precinct. § 17-13-48. The county committee, so far as practical, shall make their nominees for election officials to the appointing board of the county from which they are to select precinct election officials to conduct the primary election. § 17-13-48.

The appointing board shall appoint from the county committee list sufficient persons to conduct the election giving representation to each party. If too few election officials are nominated, the appointing board shall supply the deficiency. § 17-13-48. These lists must be filed with the appointing board not later than 45 days before the election. § 17-8-5. The appointments are made not more than 20 nor less than 15 days before the primary election. § 17-8-1.

A candidate who has qualified for a primary election may have one watcher in each polling place. These poll watchers are appointed by the candidate and a signed notice of their appointment must be presented to and filed with the inspector of the appropriate polling place. Poll watchers cannot serve as poll workers. § 17-8-7.

18.9 Primary Election Voting

Each political party, acting through its governing body, may establish rules which identify who possesses the political qualifications to vote in a primary election for nominating the party's candidates for public office or political office. § 17-13-7.

18.10 Primary Election Canvassing

18.10.1 Receiving Returns

After the polls close and the votes are counted, the returning officer of the county must deliver to the chair of the county executive committee of each party, at the office of the judge of probate or place designated by the judge of probate, the party ballots and returns designated to the appropriate political chair. One envelope shall contain the certificate of results and voters' poll list.

The sheriff shall return the voted ballots container and a separate record of elections container containing: (1) one certificate of the results; (2) spoiled

ballot envelope; (3) clerks poll list; (4) all partial ballot pads; and (5) the stubs of ballot pads, which must also be delivered. These items must be delivered no later than 10:00 a.m. on Wednesday following the primary. § 17-13-14.

One copy of the certificate of results must be posted in a conspicuous place at the voting place. One copy is transmitted to the chair of the county executive committee of each political party and another copy is transmitted to the chair of the state executive committee of each political party participating in the election. § 17-13-16.

18.10.2 Canvassing and Reporting Votes

The county executive committee of each party participating in the primary must meet at the courthouse no later than noon on Tuesday following the election to receive, canvass, and tabulate the returns by precinct. A public declaration of the results must then be made by the committee. § 17-13-17.

No later than noon on the Tuesday seven days after the election, each county party chair must certify and return to their state party chair a statement and tabulation, by precincts, of the result of the primary and the number of votes received by each candidate for a non-county office. No later than noon on the Wednesday eight days following the primary, the state executive committee, or a subcommittee appointed by the chair, must meet to receive, canvass, and tabulate the returns. The state committee or subcommittee must also publicly declare the results of the election for all non-county offices on that day. § 17-13-17.

18.10.2.1 Candidate Receives a Majority of Votes. If a candidate receives a majority of the votes cast for the office for which they were a candidate, that candidate is declared to be the nominee of the party for that office. This declaration is made by the county executive committee for county offices and by the state executive committee for circuit, district, and state offices. § 17-13-18(a).

18.10.2.2 No Candidate Receives a Majority of Votes. There are frequently nominations which are not settled in the regular primary because no candidate receives a majority. In such cases, a second primary, or runoff, is required. Where nomination to a county office is at stake, the county party chair certifies to the judge of probate the names of the two candidates who received the highest number of votes in the first primary. For other offices, the state party chair certifies to the Secretary of State the names of the top

two candidates in each undecided race. § 17-13-18(b).

The second primary (runoff) is then held the fourth Tuesday following the primary. State law bars any person who voted in a primary election from voting in a primary runoff election of a different political party. § 17-13-7.1.

The results of the runoff are canvassed in the same manner as the first primary. The county party canvass must be held no later than the second Friday following the runoff, and the returns for all offices other than county offices shall be forwarded no later than noon on the second Monday following the runoff. The state party canvass shall be held no later than noon on the third Wednesday following the runoff. After the canvass, the county party chair must immediately certify to and file with the judge of probate the names of the party nominees for all county offices. Similarly, the state party chair must certify and file with the Secretary of State the names of the party nominees for all non-county offices. § 17-13-18(d). No later than 69 days before the general election, the Secretary of State shall certify to the judge of probate a list of nominees of each party. § 17-13-22.

18.10.3 Tie Votes

If a tie vote is cast during any primary election, the tie is decided by the county executive committee chair if the office is a county office. The tie is decided by the state executive committee chair if the office is a non-county office. § 17-13-21.

18.11 Storage and Disposal of Records

The sheriff is responsible for the storage of voted ballots and the record of election container. § 17-13-15. After the time allowed by law for filing contests, if no contest is filed and if no federal race is on the ballot, the ballots may be destroyed after six months. § 11-46-46(b). Ballot containers may only be opened in one of the two following events:

(a) In the event of a contest, the ballot container may only be opened under the authorization of the chair of the executive committee trying the contest; or

(b) In the event no certificate of result has been delivered outside the container, the container may be opened by the sheriff in the presence of the chairs of the county committees for the political

> parties participating in the primary election, or their designees, and the container must be resealed by the sheriff in the presence of the same. § 17-13-15.

If a federal office is on the ballot, all records, ballots, and papers must be kept for 22 months. 52 U.S.C. § 20701. In practice, because congressional representatives are elected every two years, this means that all such election materials in the ordinary presidential and nonpresidential election cycles must be retained for 22 months.

18.12 Primary Election Contests

All party nominations made by a primary election may be contested within 24 hours after the results of the primary have been declared. § 17-13-70. The contest is instituted by the filing of a written statement by any elector of a party desiring to contest the nomination. The statement, which must be certified by affidavit of the contesting party that they believe the statement to be true, must specifically set forth all of the following:

(a) The name of the party contesting and that the elector was a qualified elector when the primary was held and he or she participated therein;
(b) The nomination, which the election was held to fill;
(c) The time of holding the election;
(d) The name of the person declared nominated; and
(e) The particular grounds on which the nomination is contested. § 17-13-78.

Primary contests are heard and tried by the county executive committee if a county office is involved. The state executive committee hears and tries the contest if a non-county office is involved, if there is no county committee, or if the county committee lacks a quorum. § 17-13-70. The grounds and procedure for contesting a nomination by a party are set forth in §§ 17-13-71 through 17-13-89.

18.13 Grounds for Contesting a Nomination

The following are grounds for contesting a nomination by a party for office, which may be instituted by any qualified elector of the state who belongs to

that party and who legally participated in such primary election:

(a) Malconduct, fraud, or corruption on the part of any inspector, clerk, returning officer, canvassing board, or other persons;

(b) When a person whose nomination is contested was not eligible for the office sought at the time of the declaration of nomination;

(c) Illegal votes;

(d) Rejection of legal votes;

(e) Offers to bribe, bribery, intimidation, or other malconduct or misconduct calculated to prevent a fair, free, and full exercise of the elective franchise; or

(f) Miscalculation, mistake, or misconduct in counting, tallying, certifying, or canvassing which of itself alone or in conjunction with the giving of illegal votes or the rejection of legal votes, or any other ground, would, when everything is corrected, reduce the number of legal votes cast for the declared nominee down to or below those of some other candidate in that race. § 17-13-71.

None of the grounds of contest will serve to annul or set aside any declared nomination, unless such ground alone or in conjunction with other of such grounds alleged shall serve to show to the reasonable satisfaction of the committee that the person declared nominated and whose nomination is contested did not receive the number of legal votes necessary to be nominated. But upon such contest, the committee shall have the power to declare who was legally nominated at such primary for such office. § 17-13-72.

When a contest of a nomination is instituted, the declared nominee for such office shall not be certified until after the termination of the contest filed in the eligible time period. § 17-13-73.

18.13.1 Witnesses

In the hearing of any contest before any committee or subcommittee, the chair of such committee, or their designee, shall have the authority to summon witnesses to appear before the committee in the hearing of any contest pending before such committee and can require any witnesses by a subpoena duces tecum to produce any books, papers, poll lists, tally sheets,

ballots, certificates, or other documents, which it may consider necessary for a rightful determination of the case. § 17-13-74.

18.13.2 Registration Lists

The judge of probate of any county must deliver to the party, agent, or attorney making an application of such, a certified copy of the registration list of the county or for any election district, ward, or precinct therein, upon payment of the fees for certifying and copying the same at the rate of one dollar per page for making such copy. These certified copies shall be prima facie evidence that the persons listed were duly registered. Any chair of any committee or other authority or person in whose possession, control, or custody there is of any list of persons voting at the primary election, or any other paper lawfully pertaining to the primary election, must furnish a copy for any state, county, district, ward, or precinct, duly certified by him or her, whenever required in writing by either party to a contest or their agent or attorney, upon the applicant's paying in advance the reasonable cost of preparing such copy. § 17-13-77.

Upon the hearing of any contest, if the state or county executive committee finally determines who is the legal nominee for any office, it must make a declaration of its judgment upon the question. The failure or refusal by the committee in which the contest is brought to hear and make a determination 90 days before the general election for a county office and not later than 83 days before the general election for a state office shall be treated as a dismissal or the rendition of judgment against the contestant, and a certificate thereof must be forwarded by either the county chair to the judge of probate or the state chair to the Secretary of State. § 17-13-86.

CHAPTER 19

ETHICS COMMISSION

Summary of Contents:

19.1 Ethics Commission Generally
19.2 Ethics Commission Director
19.3 Commission Responsibilities for Ethics Act Matters
19.4 Commission Responsibilities for Campaign Finance Matters
19.5 Civil Penalties for Campaign Finance Filings
19.6 Complaints
19.7 Investigations
19.8 Statement of Economic Interests
19.9 Commission Opinions on Elections and Campaigns

19.1 Ethics Commission Generally

The Ethics Commission is comprised of five members who are "fair, equitable citizen[s] of this state and of high moral character and ability." § 36-25-3(a). No public officials, candidates, registered lobbyists (or their principal), or former employees of the Commission are eligible to be appointed as a member. The Commission must have one member who is a former elected public official who has served at least two terms of office. § 36-25-3(a).

The members of the Commission are appointed by the Governor, the Lieutenant Governor (or in the absence of a Lieutenant Governor, the Presiding Officer of the Senate), and the Speaker of the House of Representatives. Appointments are subject to Senate confirmation, and members assume their duties immediately upon confirmation by the Senate. No members are eligible for reappointment to succeed themselves. If there is a vacancy on the Commission, a successor member is appointed by the Governor to serve for the remainder of the unexpired term. The Commission elects one member to serve as Chair of the Commission and one member to serve as vice chair. § 36-25-3(a).

19.2 Ethics Commission Director

The Ethics Commission appoints a full-time director to manage the administrative operations of the Commission. The Director must be confirmed by the Senate, and his or her appointment takes effect immediately upon such confirmation. The Director serves at the pleasure of the Commission and may appoint employees as needed. The Director is responsible for carrying out the Commission's activities in accordance with the Commission's policies. § 36-25-3(f). The Director may also appoint part-time stenographic reporters or certified court reporters, as needed, to take and transcribe the testimony in any formal or informal hearing or investigation before the commission or before any person authorized by the commission. § 36-25-3(g).

Additionally, the Director, with the approval of the Attorney General, may appoint one or more attorneys to work on behalf of the Commission in actions or proceedings brought by or against the Commission. These attorneys are commissioned as assistant or deputy attorneys general. § 36-25-3(h). The Director is also permitted to hire up to eight full-time investigators, one of whom the Director may designate as Chief Investigator, who will be constituted law enforcement officers of the state "with full and unlimited police power and jurisdiction to enforce the laws of [Alabama] pertaining to the operation and administration of the [Commission and Ethics Act]." § 36-25-3(i).

19.3 Commission Responsibilities for Ethics Act Matters

The Ethics Commission has historically been responsible for the following:

- Prescribing forms for the statements that are required to be filed in accordance with the Ethics Act. § 36-25-4(a)(1).
- Preparing guidelines setting forth recommended uniform methods of reporting for use by persons who are required to file Statements of Economic Interests. § 36-25-4(a)(2).
- Accepting and filing any written information that is voluntarily supplied that exceeds the requirements of the Ethics Act. § 36-25-4(a)(3).
- Developing, where practicable, a filing, coding, and cross-indexing system consistent with the purposes of the Ethics Act. § 36-25-4 (a)(4).

- Making reports and statements filed with the Commission available during regular business hours and online via the internet for public inspection. § 36-25-4(a)(5).
- Preserving all reports and statements for a period consistent with the statute of limitations and disposing of reports and statements when no longer required to be retained. § 36-25-4(a)(6).
- Making investigations with respect to statements filed pursuant to the Ethics Act, alleged failures to file, omissions contained in filings, and other violations of the Ethics Act. § 36-25-4(a)(7).
- Reporting suspected violations of the law to the appropriate law enforcement authorities. § 36-25-4(a)(8).
- Issuing and publishing advisory opinions on the requirements of the Ethics Act, based upon a real or hypothetical set of circumstances. These advisory opinions shall be adopted by a majority vote of the Commission members present and shall be deemed valid until expressly overruled or altered by the Commission or a court of competent jurisdiction. § 36-25-4(a)(9).
- Establishing programs to educate candidates, officials, employees, and citizens of Alabama on matters of ethics in government service. § 36-25-4(a)(10).
- Prescribing, publishing, and enforcing rules to carry out the Ethics Act. § 36-25-4(a)(11).

19.4 Commission Responsibilities for Campaign Finance Matters

The Ethics Commission is also responsible for providing guidance and enforcement regarding provisions of the Alabama Fair Campaign Practices Act (FCPA). § 36-25-4(b). The Commission must work with the Secretary of State to implement the reporting requirements of the FCPA. The Commission is also responsible for the following:

- Approving all forms required by the FCPA. § 36-25-4(b)(1).
- Suggesting accounting methods for candidates and PACs. § 36-25-4(b)(2).
- Approving a retention policy for all FCPA reports, filings, and underlying documentation. § 36-25-4(b)(3).

- Approving a manual that will be published by the Secretary of State for candidates and political action committees (PACs) that describes the requirements of the FCPA. § 36-25-4(b)(4).
- Investigating and holding hearings regarding alleged violations of the FCPA. § 36-25-4(b)(5).
- Conducting or authorizing audits of FCPA filings when a complaint is filed or when the existence of a material discrepancy or conflict is noticed on any filing. § 36-25-4(b)(6).
- Affirming, setting aside, or reducing civil penalties. § 36-25-4(b)(7).
- Referring all evidence and information to the Attorney General or appropriate district attorney for prosecution of any criminal violation of the FCPA. § 36-25-4(b)(8).
- Conducting investigations and ordering audits in connection with a complaint or other filing alleging a violation of the FCPA. § 36-25-4(b)(9).
- Issuing and publishing advisory opinions on the requirements of the FCPA. § 36-25-4(b)(10).
- Prescribing, publishing, and enforcing rules to carry out the directives of the FCPA. § 36-25-4(b)(11).

The Commission is only involved in these campaign finance areas and certain ethics disclosure activities with respect to elections. It is not involved with other election activities such as voter registration, absentee or overseas voting, vote counts, or election contests.

19.5 Civil Penalties for Campaign Finance Filings

The Secretary of State has the authority to levy civil penalties for the *untimely filing* of FCPA reports. The Ethics Commission has the authority to levy civil penalties against any person who files a "*materially inaccurate*" FCPA report. § 17-5-19.1(a).

19.5.1 Penalties for Reporting Violations

A person who *unintentionally* fails to timely or accurately submit their report is subject to a civil fine as follows:

(a) 1st Offense – Lesser of $300 or 10% of amount not properly reported;

(b) 2nd Offense – Lesser of $600 or 15% of amount not properly reported;

(c) 3rd Offense – Lesser of $1,200 or 20% of amount not properly reported; and

(d) 4th Offense in an election cycle shall create a rebuttable presumption of intent to violate the reporting requirements. A 4th violation also requires payment of the lesser of $1,200 or 20% of the amount not properly reported. §§ 17-5-19.1(b) and 17-5-19.1(c).

A person who *intentionally* violates any reporting requirement of the FCPA shall be guilty, upon conviction, of a Class A misdemeanor. §§ 17-5-19(a) and 17-5-19(b).

19.5.2 Review of Civil Penalties

Any person upon whom a civil penalty is imposed may seek a review by filing a written notice with the Secretary of State within 14 days after the notification was mailed to that person. The Secretary of State then refers any such request to the Ethics Commission. § 17-5-19.2(a). The Commission "may set aside or reduce a civil penalty upon a showing of good cause." § 17-5-19.2(b). The person seeking review bears the burden of proof. § 17-5-19.2(b).

19.6 Complaints

The Ethics Commission is responsible for reviewing and investigating complaints of alleged violations of the Ethics Act and FCPA.

19.6.1 Content of Complaint

Prior to commencing any investigation, the Commission must receive a written and signed complaint from a person, "credible and verifiable" information supporting the allegations contained in the complaint that sets

forth in detail the specific charges alleged against an individual, and the factual allegations to support those charges. § 36-25-4(d).

19.6.2 Anonymous Complaints

The Commission may not conduct any investigation based upon an anonymous complaint. § 36-25-4(d).

19.6.3 Director's Preliminary Inquiry

The Commission Director must conduct a preliminary inquiry in order to make an initial determination that the complaint alleges facts, which if true, would constitute a violation of the FCPA and that "reasonable cause" exists to conduct an investigation. § 36-25-4(d). If the Director determines that the complaint does not allege a violation or that reasonable cause does not exist, the charges shall be dismissed, but the action must be reported to the Commission. § 36-25-4(d).

19.6.4 Privacy of Complaints

Except as necessary to permit the sharing of information and evidence with the Attorney General or district attorney, complaints (and any related evidence) are kept confidential until the final disposition of the matter. Prior to any hearing on a complaint, the Ethics Commission is to provide to the person accused of violating the law (the "respondent") the complaint filed against them along with other evidence from the investigation. § 36-25-4.4. Additionally, a complaint is not ever made public if it is dismissed or found not to have probable cause, except that the disposition of the matter may be made available to the public. §§ 36-25-4(c) and 36-25-4.1.

19.6.5 Commission Self-Initiated Complaints

A complaint may be initiated by a vote of four members of the Commission. However, any hearing on such a self-initiated complaint is conducted by a panel of three active or retired judges, who shall be appointed by the Chief Justice of the Alabama Supreme Court, at least one of whom shall be Black. If the panel unanimously finds that the law was violated, they shall forward the case to the Attorney General or appropriate district attorney. § 36-25-4(d).

19.7 Investigations

19.7.1 Initiation of Investigations

In addition to matters related to violations of the state ethics laws, the Ethics Commission is authorized to conduct an investigation and hold hearings upon the receipt of evidence that alleges a violation of the FCPA or demonstrates a likelihood that the FCPA has been violated. § 36-25-4(b)(5). The Commission is also authorized to conduct investigations into statements filed pursuant to the FCPA with respect to alleged failures to file disclosure reports, omissions contained within disclosure reports, and any statement required pursuant to the FCPA. In addition, the Commission may conduct an investigation upon receiving a complaint by any individual regarding an alleged violation of the FCPA. § 36-25-4(b)(9).

19.7.2 Investigation Timing

After receiving or initiating a complaint, the Commission has 180 days to determine whether probable cause exists. After 180 days, if the Commission does not find probable cause, the complaint is deemed dismissed and cannot be reinstated based on the same facts alleged in the complaint. If no action is taken during the 180 days, the matter is dismissed absent a request for a one-time extension: this extension requires a showing of good cause and will consist of 180 additional days. If the Commission finds probable cause for a violation, the case and the Commission's findings are forwarded to the Attorney General or the appropriate district attorney and referred for appropriate legal action. § 36-25-4(i). The Attorney General or district attorney may notify the Commission in writing about whether it intends to pursue the case. § 36-25-4(j).

19.7.3 Audits

When the Commission determines that an audit of an individual or business should be conducted to determine whether the FCPA has been violated, the Commission shall direct the Examiner of Public Accounts to make an audit and file a report with the Commission. § 36-25-4(b)(9).

19.7.4 Subpoena Power

During an investigation, the Commission may subpoena witnesses and compel their attendance and may also compel the production of supporting evidence. If any person fails to comply with any subpoena that is lawfully

issued, or if any witness refuses to produce evidence or to testify during an investigation, the court or judge may compel that individual's compliance upon penalty for contempt. A subpoena may only be issued upon the vote of four members of the Commission and upon the express written request of the Commission Director. Any person who is served with a subpoena has the right to object to its issuance within 10 days. § 36-25-4(h).

19.8 Statement of Economic Interests

A Statement of Economic Interests must be filed by all candidates and many public officials and employees at the state, county, and municipal levels of government or their instrumentalities.

The requirements for filing the Statement of Economic Interests form by candidates were changed by Ala. Act 2025-282 so that candidates at every level of government must now file the statement with the Ethics Commission as follows:

a) Political Party Primary Candidates – Not more than 5 days after deadline to file declaration of candidacy with the political party as provided in Section 17-13-5;
b) Independent Candidates – Not more than 5 days after the date of the first primary election for the position sought; and
c) Municipal Candidates – Not more than 5 days after the deadline for filing the candidate's qualifying papers with the appropriate election official. § 36-25-15(a).

Even if a candidate already has a current statement on file with the Ethics Commission, the candidate must provide proof to the Commission of the current statement on file or alternatively file a new or amended statement – either of which must be done by the applicable filing deadline.

Within five days of receiving a declaration of candidacy or a petition from a candidate, each election official must notify the Commission of the name of the candidate and the date on which the person became a candidate. The Commission must then confirm to the appropriate election official within five business days that the candidate has filed the form as required. § 36-25-15(b). Failure to comply with this requirement causes the candidate to be deemed not qualified, and his or her name to not appear on the ballot. § 36-25-15(c).

Statements of Economic Interests are available for viewing on the Commission's website.

19.9 Commission Opinions on Elections and Campaigns

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
2-3-2016 AO 2016-01 Bill Espy, Melton, Espy & Williams, P.C.	Federal Campaign Participation by State Officials	Federal Preemption Of State Ethics And Campaign Laws In Federal Elections While state elected officials may campaign on behalf of a candidate for federal office, they may not use their office or the influence thereof to benefit themselves, a member of their family, a business with which they are associated, or a principal campaign committee in contravention of the Alabama Ethics law. When state elected officials are campaigning on behalf of a candidate for federal office, they must remain mindful of the restrictions placed on them by the Alabama Ethics law, as the use of office for personal gain provisions do not impact on federal elections and are not superseded by federal election laws. While federal election laws generally preempt state law, except in the areas that are "Interest of the State," the conduct of public officials and public employees as they campaign for federal candidates, as well as their conduct in all aspects of their public position, is an area that falls within the "Interest of the State."
2-3-2016 AO 2016-02 Ed Packard,	Statement of Economic Interests	Statement Of Economic Interests Filings By Candidates/Form To Be Filed Simultaneously With The Date The Candidate Qualifies For Office The Ethics Law requires that all candidates file with the Alabama Ethics Commission a completed Statement of Economic Interests

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
Office of Secretary of State		form simultaneously with the date that candidate qualifies for office. A filing that is properly addressed, postage prepaid, postmarked, and mailed on the date the candidate qualifies complies with the statute. A candidate may file a Statement of Economic Interests form online. For the purpose of satisfying the requirements of Sections 36-25-15(a) and 36-25-15(b), the "election official" is the individual or office accepting a candidate's qualifying papers, Declaration of Candidacy, or petition for ballot access.
6-1-2016 AO 2016-17 Ed Packard, Office of Secretary of State	Statement of Economic Interests	Statement Of Economic Interest Filings By Independent Candidates/Form To Be Filed Simultaneously With The Time An Individual Becomes A Candidate An independent candidate who has filed a petition for ballot access with the election official is required to simultaneously, on the date of that filing, file a Statement of Economic Interests form with the Alabama Ethics Commission.
2-1-2017 AO 2016-23 Tom Albritton, Executive Director Alabama Ethics Commission (Self-Generated)	Campaign Funds for Personal Use	Use Of Campaign Funds For Personal Use The use of campaign funds for personal use is prohibited under both the Ethics Act and the Fair Campaign Practices Act (FCPA). The Commission uses the "but for" test to determine whether expenses may be paid for with campaign funds pursuant to these Code sections. Personal use is any use of funds in a campaign account to fulfill a commitment, obligation, or expense of any person that exists for reasons irrespective of the person's status as a candidate or officeholder. Stated in terms of the applicable test, the expense

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
		may be paid for with campaign funds if it would not exist "but for" the person's status as a candidate or officeholder. The payment from surplus campaign funds of travel expenses associated with automobile usage is allowed when incurred for campaign purposes and where reasonably related to performing the duties of the office held, but only insofar as the campaign maintains records justifying such use. Public officials may receive reimbursement for mileage incurred pursuant to the duties of the office held either from the State of Alabama as allowed to state employees generally, or from their campaign at either the state rate or the IRS-approved standard rate, but not from both sources, and as long as the official maintains the same record keeping as noted herein.
10-5-2016 AO 2016-28 Tom Whatley, Alabama State Senate	Fundraising for Others	Campaign Activities/Member Of The Senate Raising Funds And Otherwise Campaigning For Candidates To Elective Office A member of the Alabama Senate may raise funds and otherwise campaign for another candidate for state office, and may solicit lobbyists, subordinates of lobbyists, and principals to make campaign contributions for that candidate but only within the restrictions of the Fair Campaign Practices Act and the Ethics Act.
10-5-2016 AO 2016-30 Steve Shaw, Redden, Mills, Clark & Shaw, LLP	Use of Campaign Funds for Legal Fees	Use Of Excess Campaign Funds/Public Official Using Campaign Funds To Pay Attorney To Request Advisory Opinion A candidate may use campaign funds to pay for legal advice sought for compliance with the FCPA, as well as expenses incurred when requesting an Advisory Opinion from the Commission, as a "necessary and ordinary

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
		expenditure of the campaign." For officeholders, in order to be reimbursable as "reasonably related to performing the duties of the office held" under Section 17-5-7(2) the fees and costs can only be incurred as a result of advice sought to stay in compliance with the Ethics Act and the FCPA (which would include seeking Advisory Opinions from the Commission) or other state or federal laws specifically related to the performance of the officeholder's official duties. Under Section 17-5-7(7), unless the allegations against the officeholder are that he or she committed the act while acting in his or her official capacity, the fees related to those allegations or the investigation of them are not "reasonably related to performing the duties of the office held."
12-7-2016 AO 2016-35 Marc Ayers, Counsel to the Alabama Senate Republican Conference Bradley	Caucus Fundraising	Legislative Caucuses Organized Under Section 17-5-5.1 And Fundraising Activities A legislative caucus organized under Section 17-5-5.1 and duly registered with the Secretary of the Senate and/or Clerk of the House of Representatives can solicit and receive donations even from principals, but only for their "administration and operation" and as long as in doing so they do not convert the donations to personal use of the members. Members of a legislative caucus, as public officials, may not solicit contributions from a lobbyist for caucus administrative and operational purposes, as a lobbyist may not be solicited for anything other than a campaign contribution, and a donation to these legislative caucuses is not a campaign contribution.

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
		Staff hired by the caucuses may not solicit in violation of restrictions expressed herein or otherwise make a prohibited solicitation. Members of the caucus may attend, speak, and express appreciation as long as in doing so they not separately violate any of the restrictions expressed herein.
4-26-2017 AO 2017-02 Afrika Parchman, General Counsel Birmingham City Schools	Use of Excess Campaign Funds	Use Of Excess Campaign Funds/Elected Official Contributing Excess Campaign Funds To 501(c)(3) Organization A public official may donate excess campaign monies to an organization to which a federal income tax deduction is permitted under the IRS Code of 1986 or any other charitable, educational or eleemosynary cause of Section 501 of Title 26 of the U.S. Code. Campaign funds may not be converted to personal use. A public official cannot donate excess campaign funds in a manner that would provide a personal gain to themselves, a member of their family or a business with which they are associated. An elected member of the Birmingham Board of Education may donate the remaining funds in his campaign account to the Black Leaf Foundation, a 501(c)(3) nonprofit organization, where he is not a Board member or otherwise compensated by the nonprofit, and none of his family members are employed by, or otherwise compensated by the nonprofit.
4-26-2017 AO 2017-04	Use of Excess Campaign Funds	Use of Excess Campaign Funds/An elected official may donate excess campaign funds to a 501(c)(3) charitable organization on whose Board of Directors they serve, when the position is non-compensated and neither

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
Laura Petro, Circuit Judge, Tenth Judicial Circuit		the public official, nor their family members, nor any other business with which they are associated receives any personal gain from either the donation or the 501(c)(3).
4-26-2017 AO 2017-05 Tom Whatley, Alabama State Senate	Candidate Self-Loan Restrictions	Fair Campaign Practices Act (FCPA)/The Fair Campaign Practices Act defines the terms "candidate," "public official," and "principal campaign committee" separately. They, therefore, each carry a particular definition and application and are not to be used interchangeably. An individual, who has taken the action under the FCPA to become a candidate, may make a loan to their principal campaign committee outside the one-year/120-day window; however, this exception applies only to candidates and does not otherwise apply to public officials, unless they can factually establish that they are "candidates" per Section 17-5-2 of the Alabama Code. An individual holding one office, who is termed-out from seeking re-election to that office, or who seeks election to another office, may not loan money to their existing principal campaign committee, but must establish a new and separate principal campaign committee for the new office sought.
6-7-2017 AO 2017-08 Deborah Long, Executive Vice President, Chief Legal Officer and Secretary of Protective Life Corporation	Businesses & Political Activities	Activities qualifying as exceptions to the definition of "Contribution" under the Fair Campaign Practices Act/Hosting and inviting people to campaign events and making introductions Within the context of a political campaign, a Company employee may host and invite people to attend a campaign event or meeting or introduce a public official to business leaders if that employee is volunteering their

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
		time or otherwise providing items or things other than "time" as specifically recognized in Sections 17-5-2(a)(3)(b)(1) to 17-5-2(a)(3)(b)(6). This support by individuals would not be prohibited "things of value" under the Ethics Act.
6-6-2018 AO 2018-03 Sonny Brasfield, Association of County Commissions of Alabama	Municipal Hiring of County Employees for Election Duties	Counties and municipalities may enter into contracts through which the municipality reimburses the county for use of the County's election equipment and county employees who possess the requisite skill and knowledge to operate the equipment. However, municipalities may not directly engage the county employee to do so under these facts without putting the employee in the position of violating Section 36-25-5(a) and 36-25-5(c).
6-6-2018 AO 2018-04 Dr. Jennifer Gray	Use of Excess Campaign Funds	Friends of Jennifer Gray, the requestor's principal campaign committee, may use campaign funds to pay for the childcare expenses described in the request to the extent such expenses are incurred as a direct result of campaign activity and are tied to specific campaign events. Under the facts supplied, the candidate would not have needed the childcare but for the fact that she is a candidate and without childcare she cannot participate in the described activities. Moreover, she has no reasonable option available to her but to pay for childcare. The payments must be reasonable and customary for the services rendered, and the campaign must properly document the expenditures. *The conclusion reached herein applies only to these facts and may not be applied beyond these facts.*
10-3-2018 AO 2018-11	Reduction of FCPA Offenses	The number of the offense is included in the term "civil penalty" and may be reduced, along with any monetary fine, at the discretion or the Commission upon a

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
Ryan Robichaux, Bradley Arant Boult Cummings, on behalf of Alabama Consumer Finance Association Political Action Committee		showing of good cause pursuant to Section 17-5-19.2. *See also Attorney General Advisory Opinion 2019-021 to Secretary of State John Merrill.*
10-7-2020 AO 2020-05 Christopher J. England, Chairman, Alabama Democratic Party	PAC-to-PAC Transfers	A federally-registered PAC that complies with all FEC regulations and Federal laws may not contribute funds to the Alabama Democratic Party, an Alabama PAC. Money donated for use in federal campaigning activity is not subject to the PAC-to-PAC ban because federal law pre-empts state law with respect to federal campaign activity.
2-7-2024 AO 2024-01 Sheena Gamble, Director of Communications, Alabama Democratic Party	Candidates; Statement of Economic Interest (SEI); Removal of Name from Ballot	The term "ballot" in Section 36-25-15(c) applies to the ballot of both the primary and the general election. A party may not re-nominate a candidate for any office who has been removed from the ballot for failing to file an SEI.
4-3-2024 AO 2024-03 Andrew Sorrell, State Auditor	Fair Campaign Practices Act (FCPA); Political Action Committee (PAC); Principal Campaign Committee (PCC); Use	The FCPA prohibits PACs and PCCs from converting funds to personal use. PCCs may only use campaign funds for the specific purposes described in Section 17-5-7. The FCPA is silent regarding the investment of funds provided the above restrictions are maintained.

Date/ Opinion No./ Requestor	Topics	Ethics Commission's Synopsis of Advisory Opinion on FCPA Matters
	of Campaign Funds; Investment of Campaign Funds	There is no limit provided in the FCPA on the amount of money or the length of time that a PAC or PCC could purchase a CD. There is no requirement that part or all of the money be insured by the FDIC. In the event that the loaned money is lost, there is not an obligation on the part of the candidate or chairman of the PAC to repay the money. There is no prohibition on the money being loaned to an entity other than a bank. There is no prohibition on which banks or private companies a PAC or PCC could loan to outside of the restriction against the comingling of funds or conversion of funds to personal use. There are no restrictions on the types of investments a PAC or PCC could participate in – in addition to buying a bank CD or loaning money to earn interest.

CHAPTER 20

FAIR CAMPAIGN PRACTICES ACT

Summary of Contents:

20.1 Fair Campaign Practices Act Generally
20.2 Candidate Registration
20.3 Political Action Committees (PACs)
20.4 Contributions and Expenditures
20.5 Return or Refund of Contribution
20.6 Use of Campaign Funds
20.7 FCPA Disclosure Reports
20.8 Electronic Filing
20.9 General Provisions for Campaigning
20.10 Electioneering Communications
20.11 Penalties for Violations
20.12 Enforcement of FCPA Civil Penalties
20.13 Statement of Economic Interests
20.14 Ethics Commission Responsibilities under the FCPA

20.1 Fair Campaign Practices Act Generally

The Fair Campaign Practices Act (FCPA), Ala. Code §§ 17-5-1 *et seq*., was enacted in 1988 and replaced the Corrupt Practices Act. The FCPA governs how and when candidates and political action committees (PACs) for state and local elections can raise and spend money in connection with elections, how campaign finance activities are reported, how compliance with these requirements is regulated, and other campaign activities. The Secretary of State has traditionally published guides and other informational resources that are useful for understanding the requirements of the FCPA. The Secretary of State works with the Ethics Commission in preparing such materials.

20.2 Candidate Registration

20.2.1 Becoming a Candidate

The FCPA defines two ways for an individual to become a candidate subject to the FCPA and its provisions:

1. Qualifying as a candidate with a political party or by filing a petition as a third party or independent candidate. § 17-5-2(a)(1)a.
2. Reaching the disclosure threshold by either raising or spending $1,000 in furtherance of the campaign, regardless of the office sought. § 17-5-2(a)(1)b.

Thus, even if an individual has not filed qualifying paperwork with the applicable election official for the office sought, the individual becomes a candidate once he or she receives contributions or makes expenditures in excess of $1,000 in furtherance of the campaign. § 17-5-2(a)(1)b.

20.2.2 Appointing a Campaign Committee

Once an individual becomes a candidate, the FCPA requires every state or local candidate, within five days of becoming a candidate, to establish a Principal Campaign Committee (PCC) and file a statement with the Secretary of State recording the establishment of the PCC—currently titled the "Appointment of a Principal Campaign Committee" form. § 17-5-4. This form lists who serves on the committee and identifies whether there is a designated filing agent in addition to the candidate who is authorized to submit reports on behalf of the candidate. §§ 17-5-4 and 17-5-20.

The committee form must be filed within five (5) days of becoming a candidate, except that municipal candidates are not required to file the committee form unless and until the candidate receives contributions or makes expenditures in excess of one thousand dollars ($1,000). §§ 17-5-4 and 17-5-4.1.

A candidate's PCC may consist of between two and five individuals. A candidate may appoint a chair, a treasurer, and a designated filing agent. As an alternative, a candidate may also serve as their own committee and, in that case, need not appoint any other person to their committee. A person serving as the sole member of their committee must also name a "Committee Dissolution Designee."

A candidate who wishes to spend his or her own personal funds on their campaign is required to do so through loans or contributions (monetary or in-kind) to their PCC. Although a candidate can loan or contribute an unlimited amount to their own campaign, the required utilization of the PCC ensures that any such support is publicly reported. § 17-5-4(d).

20.2.3 Where to Register

All state offices (which include circuit and district offices, legislative offices, state school board, and statewide candidates), county offices, and municipal offices must register with the Secretary of State's Office. In most cases, candidates seeking these offices will register online at www.fcpa.alabamavotes.gov.

A candidate running for a municipal office is exempt from the filing requirements of Sections 17-5-4 and 17-5-8, unless and until the candidate receives contributions or makes expenditures in excess of one thousand dollars ($1,000). § 17-5-4.1.

20.3 Political Action Committees (PACs)

20.3.1 PAC Definition

The FCPA defines a Political Action Committee (or PAC) as "[a]ny committee, club, association, political party, or other group of one or more persons, whether in-state or out-of-state, which receives or anticipates receiving contributions and makes or anticipates making expenditures to or on behalf of any Alabama state or local elected official, proposition, candidate, principal campaign committee or other political action committee. For the purposes of the FCPA, a person who makes a political contribution shall not be considered a political action committee by virtue of making such contribution." § 17-5-2(a)(13).

Any analysis of whether an entity satisfies the FCPA definition of a PAC must account for the "major purpose" test. That test has been outlined and discussed by the U.S. Supreme Court and other courts in a long line of cases beginning with Buckley v. Valeo, 424 U.S. 1 (1976). It generally evaluates whether an entity has a "major purpose" of engaging in election activity in which case they may be deemed to be a PAC. See, e.g., Richey v. Tyson, 120 F.Supp.2d 1298 (S.D. Ala. 2000).

20.3.2 Political Parties

The FCPA uses the definition of "political parties" as found in Section 17-13-40:

"An assemblage or organization of electors which, at the general election for state and county officers then next preceding the primary, casts more than 20 percent of the entire vote cast in any county is hereby declared to be a political party within the meaning of this chapter within such county; and an assemblage or organization of electors which, at the general election for state officers then next preceding the primary, casts more than 20 percent of the entire vote cast in the state is hereby declared to be a political party within the meaning of this chapter for such state." § 17-13-40.

20.3.3 Corporate / Association PACs (separate segregated funds)

The FCPA permits a business or nonprofit corporation to establish a separate segregated fund (or SSF) PAC and to expend corporate funds for the purpose of establishing, administering, or soliciting voluntary contributions to the SSF as a type of PAC "to aid or promote the nomination or election of any person … who is or becomes a candidate for political office" or "to aid or promote the interest or success, or defeat of any political party or political proposition." The administrative expenses of the SSF that are paid by the business or nonprofit corporation that is connected to the SSF are not considered to be a "contribution" or "expenditure" to it (unlike a standard PAC). A business may only solicit voluntary contributions to the SSF only from the employees of a business (or its affiliates), stockholders, and the family members of both groups. A nonprofit corporation may solicit only its members and their employees for such contributions. However, an SSF may accept voluntary contributions from any individual. § 17-5-14.1.

20.4 Contributions and Expenditures

20.4.1 Definition of Contribution

The term "**contribution**" is defined to include the following:

(a) "A gift, subscription, loan, advance, deposit of money or anything of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election.

(b) "A contract or agreement to make a gift, subscription, loan, advance,

or deposit of money or anything of value for the purpose of influencing the result of an election.

(c) "Any transfer of anything of value received by a political committee from another political committee, political party, or other source.

(d) "The payment of compensation by any person for the personal services or expenses of any other person if the services are rendered or expenses incurred on behalf of a candidate, political committee, or political party without payment of full and adequate compensation by the candidate, political committee, or political party. Provided, however, that the payment of compensation by a corporation for the purpose of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund as permitted in this chapter, shall not constitute a contribution." § 17-5-2(a)(3)a.

The term "**contribution**" does **not** include any of the following:

(a) "The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee.

(b) "The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual's residential or business premises for election-related activities.

(c) "The sale of any food or beverage by a vendor for use in an election campaign at a charge to a candidate or political committee less than the normal comparable charge, if the charge to the political committee for use in an election campaign is at least equal to the cost of the food or beverage to the vendor.

(d) "Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee.

(e) "The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by the committee with respect to a display of the listing made on

broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

(f) "The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless the information was compiled with the advance knowledge of and approval of the candidate or the political committee." § 17-5-2(a)(3)b.

20.4.2 Definition of Expenditure

The term "**expenditure**" is defined to include the following:

(a) "A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the result of an election.

(b) "A contract or agreement to make any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, for the purpose of influencing the result of an election.

(c) "The transfer, gift, or contribution of funds of a political committee to another political committee.

(d) "The payment of any qualifying fee or other cost associated with qualifying to run for office." § 17-5-2(a)(7)a.

The term "**expenditure**" does **not** include any of the following:

(a) "Any news story, commentary, or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless the facilities are owned or controlled by any political party or political committee.

(b) "Nonpartisan activity designed to encourage individuals to register to vote, or to vote.

(c) "Any communication by any membership organization to its members or by a corporation to its stockholders and employees if the membership organization or corporation is not organized primarily for the purpose of influencing the result of an election.

(d) "The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential

or business premises for election-related activities.

(e) "Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee.

(f) "Any communication by any person which is not made for the purposes of influencing the result of an election.

(g) "The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by the committee with respect to a display of the listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising." § 17-5-2(a)(7)b.

20.4.3 Date of Contribution and Expenditure

For purposes of the reporting obligations imposed by the FCPA, the date that a contribution is made is generally the first date that the recipient is able to use the contribution. However, for contributions made by check, the date of receipt is the earlier of:

(a) 10 days from the date that the check came within the recipient's control; or

(b) The date that the check was deposited into the recipient's account. § 17-5-2(a)(3)c.

The date that an expenditure is made is the date that the instrument authorizes the expenditure. In the case of an expenditure made by check or electronic payment, the expenditure date is the date of the check or electronic payment. § 17-5-2(a)(7)c.

20.4.4 Corporate Contributions

It is legal and permissible for any corporation incorporated under or doing business in Alabama to contribute to a PCC or PAC in the same manner and to the same extent as an individual. § 17-5-14. However, a utility regulated by the Public Service Commission cannot contribute to a candidate for the Public Service Commission. § 17-5-14(c).

20.5 Return or Refund of Contribution

The FCPA allows for the return or refund of any campaign contribution. The law distinguishes a contribution refund (which the recipient reports) and a contribution return (which the recipient does not report). A contribution "refund" is permitted so long as the original contribution was reported in an itemized manner and the refund is also itemized in a report. § 17-5-7.1(a). In the case of a PAC, the refund must occur within 18 months of the date of the contribution, unless otherwise required by law or regulation. § 17-5-7.1(a). With respect to "returning" a contribution, if the contribution is not deposited in the PCC's or PAC's bank account, it may be returned without any reporting requirement by the recipient.

Unlawful contributions must be returned or refunded. It is a defense to prosecution that the unlawful contribution was returned or refunded in full within 10 days of the date that the contribution was made. § 17-5-7.1(b).

20.6 Use of Campaign Funds

20.6.1 Use of Principal Campaign Committee (PCC) Funds

A PCC is permitted to use campaign funds only for the following purposes:

(a) Necessary and ordinary expenditures of the campaign;

(b) Expenditures that are reasonably related to performing the duties of the office held [this does not include personal and legislative living expenses];

(c) Donations to the State General Fund, the Education Trust Fund, or equivalent county or municipal funds;

(d) Donations to an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U.S. Code;

(e) Inaugural or transitional expenses;

(f) Donations to a legislative caucus organization registered under § 17-5-5.1 which does not operate as a political action committee; and

(g) Legal fees and costs associated with any civil action, criminal prosecution, or investigation related to conduct reasonably related to performing the duties of the office held. § 17-5-7(a).

A number of Ethics Commission advisory opinions and interpretations of these provisions are relevant to the application of these restrictions. *See generally* Alabama Ethics Commission Advisory Opinion 2016-23. Summary information on recent Commission opinions on FCPA matters is included in Chapter 19 on the Ethics Commission. Due to the complexity of these requirements and the fact that this area of law may be evolving, candidates, PCCs, and PACs that have any questions or uncertainty about a particular issue or course of action should consult their legal advisor (and possibly the Ethics Commission).

Additionally, a PCC may not make a contribution, expenditure, or any other transfer of funds to any other PAC or PCC. § 17-5-15(b). Under this restriction, a PCC generally cannot contribute to a political party because, under Alabama law, a political party is a PAC. However, two exceptions to this general prohibition apply:

(a) A PCC may transfer funds to another PCC for the same candidate (e.g., state legislator running for governor). § 17-5-15(b).
(b) A PCC may make an expenditure to a political party for qualifying fees and may expend up to $5,000 in the aggregate on state and local political parties during every two-year period between general elections for (i) tickets to political party dinners and functions, and (ii) state and local political party dues. § 17-5-7(d).

20.6.2 Timing Restrictions

A candidate, public official, or PCC may accept, solicit or receive contributions for a period of 12 months before an election in which the person intends to be a candidate. § 17-5-7(b)(2). However, candidates for statewide and legislative office cannot solicit or accept contributions when the legislature is in session except within 120 days of any primary, primary runoff, or general election. § 17-5-7(b)(2). This prohibition on fundraising when the legislature is in session does not apply to candidates of any special election called by the governor.

The restrictions on candidates accepting contributions more than 12 months before an election or when the legislature is in session does not apply to any loan from a candidate to their own PCC. § 17-5-7(b)(2).

The candidate may also solicit contributions for a period of 120 days after an election, but only to the extent of the campaign's debt as indicated on the financial disclosure forms, or to the extent of the amount of the financial threshold for qualification as a candidate for the office that the candidate currently holds, or both. § 17-5-7(b)(3). See also Alabama Attorney General Opinions 2001-056, 99-0115, and 99-0061.

20.6.3 Federal Candidate Contributions

It is a felony for the PCC of a state or local candidate to receive campaign funds in excess of one thousand dollars ($1,000) from the PCC of a federal candidate. § 17-5-15.1(a).

20.6.4 Disposal of Campaign Property

Campaign property that is purchased by or contributed to a PCC with a value of $500 or more must be liquidated at fair market value or donated to an entity described in § 17-5-7(a) (e.g., state general fund, 501(c)(3) organization) not more than 120 days following the election. Any funds generated by the liquidation of this property must be deposited in the PCC. § 17-5-7.2(a). The Commission has established an exception by regulation which presumes that leftover campaign materials (e.g., signs, stickers, literature) have a nominal value below the $500 threshold such that they do not need to be liquidated or donated. Ala. Admin. Code r. 340-X-1-.06.

The statute itself includes another exception to this liquidation/donation requirement. It provides that, if a candidate wins the election, any such surplus PCC property that can be used by the candidate in the performance of their official duties does not need to be liquidated or donated so long as the individual holds that office. § 17-5-7.2(b).

20.6.5 Use of PAC Funds

PACs are not subject to the same restrictions that apply to a candidate's PCC. Although PACs have to abide by certain reporting requirements to the Secretary of State, the FCPA contemplates that PACs may disburse funds on activities that are not related to political contributions or expenditures. This provision also addresses reporting issues for disbursements not related to political campaigns or made as an administrative expense. § 17-5-3(d).

20.6.6 PAC-to-PAC Ban

It is unlawful for any PAC or 527 political organization (including a PCC) to make "a contribution, expenditure, or any other transfer of funds" to any other PAC or 527 organization. § 17-5-15(b).

A PAC that is not a PCC is permitted, however, to make contributions, expenditures, or other transfers of funds to a PCC. § 17-5-15(b).

A federal SSF established by a corporation under federal law is not restricted by this subsection in the amount it may transfer to a state SSF PAC that is established under the provisions of state law by the same or an affiliated corporation if the federal SSF does not receive any contributions from within this state other than contributions from its employees and directors. § 17-5-15(b). A federal SSF is permitted to accept contributions from a corporation's employees, stockholders, and their family members. However, if a federal SSF has accepted any contributions from the employees' or stockholders' family members that would preclude the federal SSF from contributing to the state SSF.

20.7 FCPA Disclosure Reports

Candidates for state or local offices and their PCCs appointed under the FCPA must file periodic campaign financial reports. They must file more frequent reports before primary and general elections detailing pertinent facts about their campaign finances. §§ 17-5-4, 17-5-8, and 17-5-9. Candidates should consult the Secretary of State or information provided on the Secretary of State's website to ensure they are filing appropriate reports when they are due.

20.7.1 Reports of Contributions and Expenditures

All candidates participating in an election are required to file pre-election campaign finance reports once a candidate meets the $1,000 filing threshold, even if the candidate has no opposition in the pending election. § 17-5-8. Each pre-election report includes six forms covering contributions and expenditures. Those six forms are: Form 1 (Summary of Contributions and Expenditures), Form 2 (Cash Contributions), Form 3 (In-kind Contributions), Form 4 (Receipts from Other Sources), Form 5 (Expenditures), and Form 6 (Expenditures On Line of Credit).

20.7.2 Monthly Reports

A PAC or PCC that receives contributions or makes expenditures with a view toward influencing an election result must file reports of those contributions or expenditures monthly beginning 12 months prior to the date of any primary, special, runoff, or general election. Monthly reports are due on the second business day after the close of the month. § 17-5-8(b)(1).

20.7.3 Weekly Reports

Beginning four weeks before an election, weekly reports are due on Monday of the succeeding week for each of the four weeks before the election. § 17-5-8(b)(2). If a candidate is not on the primary ballot because the candidate is uncontested in the primary election, then the candidate only submits his or her monthly report. This does not apply to uncontested general elections.

20.7.4 Daily Reports

Daily reports apply only to candidates for state legislature, state school board, and statewide offices. Daily reports do not apply to candidates for county and city offices or to candidates for district or circuit court, circuit clerk, or district attorney. § 17-5-8(b)(3).

Beginning on the 8th day prior to the election, daily reports are due for principal campaign committees or PACs that receive or spend an aggregate of $5,000 or more on that day with a view toward influencing the election. § 17-5-8(b)(3). Daily reports would be due only on those days that the $5,000 daily threshold is met.

Daily reports are due each filing day by 11:59 p.m., including Saturday and Sunday. The last daily report, if applicable, is due by noon on the day before the election. § 17-5-8(b)(3).

20.7.5 Major Contribution Reports

Unless included in another report, any single contribution of $20,000 or more must be reported by a recipient PCC or PAC within two business days of the receipt of such a contribution. This has been interpreted to include in-kind contributions, loans, and permissible committee transfers. § 17-5-8.1(c).

20.7.6 Annual Report

Every PCC, PAC, and elected state or local official who has not closed his or her PCC shall file an annual report with the Secretary of State by January 31 of the succeeding year. § 17-5-8(c). A committee required to file a monthly report is not required to file an annual report in the year in which the election is held. § 17-5-8(i). Such a committee would already be filing monthly reports.

20.7.7 Judicial Reports

Judges have additional requirements and should consult Canons 6C and 7 of the Canons of Judicial Ethics relating to filing requirements and campaign conduct in general. In addition, Section 12-24-3 provides guidelines for when recusal is proper for a judge in relation to campaign contributions or electioneering by a party in a proceeding before the judge.

20.7.8 Filing Locations for Reports – State Candidates, Local Candidates, and PACs

All candidates for state or local office (including municipal candidates) and PACs that seek to influence state elections must file electronically with the Secretary of State. § 17-5-8(a). However, a candidate running for a municipal office is exempt from the filing requirements of Sections 17-5-4 and 17-5-8, unless and until the candidate receives contributions or makes expenditures in excess of one thousand dollars ($1,000). § 17-5-4.1.

20.8 Electronic Filing

20.8.1. Electronic Filing Requirements

The Secretary of State maintains an electronic filing and searchable public database of all campaign contributions and expenditures required to be filed with the Secretary of State. § 17-5-8.1. All state and local candidate PCCs and PACs must file electronically with the Secretary of State, except for municipal candidates exempted by Section 17-5-4.1. § 17-5-9.

20.8.2. Designated Filing Agent

A candidate may elect a designated filing agent when appointing their principal campaign committee. The designated filing agent will be

authorized to file all required reports for the candidate during the election cycle. §§ 17-5-2(a)(4) and 17-5-20.

20.9 General Provisions for Campaigning

20.9.1 Federal Campaign Filings

Alabama participates in the Federal Election Commission State Filing Waiver Program. Under this program, campaign finance reports filed with the FEC do not have to be filed with the Secretary of State. Instead, public access to FEC reports is maintained by a system with electronic access to reports and statements.

20.9.2 Misrepresentations

It is unlawful for any person to fraudulently misrepresent themselves as acting in any capacity for a candidate, PCC, PAC, or political party in a manner which is damaging to or is intended to be damaging to another candidate, PCC, PAC, or political party. § 17-5-16(a). There are also restrictions on making "robocalls" (or automated telephone calling service) without properly identifying the person, committee, or political action committee that paid for the call. §§ 17-5-16(b) and 17-5-16(c). Act 2024-349 prohibits the use of artificial intelligence to create "materially deceptive media" to influence an election within a certain proximity of the election. The statute is comprehensive and includes a number of criteria that must be met before a violation occurs as well as a number of exceptions to the law's prohibitions. § 17-5-16.1.

20.10 Electioneering Communications

20.10.1 Electioneering Communications

"Electioneering Communications" are regulated under the FCPA. Contributions and expenditures paid for by a person, nonprofit corporation, entity, PCC, or other political committee or entity in connection with any electioneering communication shall be disclosed by the payor "in the same form and at the same time" required PACs. § 17-5-8(f).

The FCPA defines an "electioneering communication" as any communication disseminated through any federally regulated broadcast

media, any mailing, or other distribution, electronic communication, phone bank, or publication which:

(a) Contains the name or image of a candidate;
(b) Is made within 120 days of an election in which the candidate will appear on the ballot;
(c) The only reasonable conclusion to be drawn from the presentation and content of the communication is that it is intended to influence the outcome of an election; and
(d) Entails an expenditure in excess of $1,000. § 17-5-2(a)(6).

Churches are exempt from this requirement unless attempting to influence the outcome of an election with expenditures. Trade associations communicating with their members and businesses communicating with their employees are also exempt. § 17-5-8(h).

20.10.2 Campaign Advertisement Disclaimers

Any paid political advertisement or electioneering communication appearing in any print media or broadcast on any electronic media must clearly identify the entity directly responsible for paying for the advertisement or electioneering communication. § 17-5-12(a). Such advertisement must give the identification of the person, nonprofit corporation, entity, PCC, or PAC that paid for or otherwise authorized such communication. § 17-5-12(a).

Several Attorney General opinions have offered the following guidance regarding this provision. Although the advertiser is not limited to the exact words "paid advertisement," the advertisement must make clear its purpose and contain the full address of the person or group paying for it. A full address includes the name, street or post office box, city, and state. If the advertisement violates this requirement, then the candidate, campaign committee, broadcast company, or all three together may be prosecuted. Alabama Attorney General Opinion 94-00227.

Any card, pamphlet, circular, poster, or other printed material relating to or concerning any election must contain the identification of the person, candidate, PCC, or PAC responsible for the publication, distribution, or display of the material. § 17-5-13. According to the Attorney General, when the election concerns a non-candidate election, anonymous printed material does not violate the FCPA. Alabama Attorney General Opinion 95-00218.

Common areas of public buildings or grounds can be used for press conferences or political advertisements provided access is available to all candidates on an equal basis, subject to reasonable restrictions so as not to interfere with public business. Alabama Attorney General Opinion 98-00211.

There are different disclaimer requirements for advertisements involving federal elections.

20.10.3 Exceptions to Disclaimer Requirement

The FCPA disclaimer requirements for paid political advertisements and electioneering communications do not apply to messages or advertisements:

(a) Designed to be worn by a person;

(b) Placed as a paid link on an Internet website, provided the message or advertisement does not exceed 200 characters in length, and the link directs to another Internet website that has a disclaimer;

(c) Placed as a graphic or picture link where a disclaimer is not practical due to the size of the picture, and the link directs to another Internet website that has a disclaimer;

(d) Placed at no cost on an Internet website where there is no cost to post content for public users;

(e) Placed on an unpaid profile account available to the public without charge or a social networking Internet website if the source of the message is obvious from the content or format of the message;

(f) Distributed as a text message or other message via Short Messages Service if the message does not exceed 200 characters in length or requires the recipient sign up or opt in to receive it;

(g) Connected with or included in software application where the user actively chooses to access the application from or through a website that has a disclaimer;

(h) Sent by a third-party from or through a campaign website that has a disclaimer; and

(i) Contained in or distributed through any other form of technology where a disclaimer is not practical due to its size or nature. § 17-5-12(b).

20.10.4 Robocalls

Every automated or pre-recorded communication made through an automated telephone dialing service (commonly referred to as a robocall) must contain a clear notice at the end of the communication stating that it is a paid political advertisement and identifying the person or other entity that paid for the communication. § 17-5-16(b).

20.10.5 Express Advocacy vs. Issue Advocacy

Political committees are required to file disclosure reports that account for any and all contributions received and expenditures made with a view toward influencing an election's result. § 17-5-8. In determining whether an expenditure or contribution was made with such a view, the Attorney General uses the Buckley standard, which distinguishes issue advocacy and express advocacy.

Attorney General's opinions interpret Section 17-5-2 as applying to individuals or groups engaged in the express advocacy of a candidate or ballot proposition, i.e., "Vote for." It has never been interpreted to apply to individuals or groups purely debating or advocating political issues in the abstract, i.e., "proposition 'x' is good." While recent federal court decisions have approved Congress's replacement of the Buckley standard in the "McCain-Feingold law," the court in Ctr. For Individual Freedom v. Carmouche, 449 F.3d 655 (5th Cir. 2006) ruled that the Buckley test remains the proper construction of state laws regulating election speech, unless the legislature amends the state law to adopt a different test. Given that Alabama has adopted no such law, the Buckley standard is still in place. Therefore, the FCPA applies only to communications that expressly advocate the election or defeat of a candidate as defined by the Buckley test. Alabama Attorney General Opinion 2007-053. As noted earlier in this chapter, some FCPA provisions also apply to electioneering communications.

20.11 Penalties for Violations

20.11.1 Unintentional Violations

A person who fails to timely or accurately submit his or her report and who fails to remedy the filing of the report shall be subjected to civil fines and penalties as follows:

(a) 1st Offense – Lesser of $300 or 10% of amount not properly reported;
(b) 2nd Offense – Lesser of $600 or 15% of amount not properly reported;
(c) 3rd Offense – Lesser of $1,200 or 20% of amount not properly reported; and
(d) 4th Offense in an election cycle shall create a rebuttable presumption of intent to violate the reporting requirements. A fourth violation also requires payment of the lesser of $1,200 or 20% of the amount not properly reported. § 17-5-19.1.

The Secretary of State shall notify the Attorney General and the appropriate district attorney of all persons who violate the filing requirements four or more times in an election cycle. § 17-5-19.1(c).

Civil fines assessed for failure to timely or accurately file reports may be paid for out of campaign funds. § 17-5-19.1(i).

20.11.2 Intentional Violations

Generally, unless otherwise specifically enumerated, a person who intentionally violates any section other than Section 17-5-7 of the FCPA is guilty of a Class A misdemeanor. § 17-5-19(a).

This penalty specifically applies to anyone who intentionally violates any reporting requirement of the FCPA and a person's failure to promptly file a required report upon discovering or receiving notice from any person that the report has not been filed, or the failure to promptly correct an omission, error, or other discrepancy in a filed report upon discovering or receiving notice of the discrepancy, shall create a rebuttable presumption of intent to violate the applicable reporting requirement. § 17-5-19(b).

Any person who intentionally violates Section 17-5-7, however, which addresses limits on candidates receiving campaign contributions and spending campaign money, is guilty, upon conviction, of a Class B felony. § 17-5-19(c).

20.11.3 Violations of Electioneering Communication

Failure to comply with the advertising requirements is a Class A misdemeanor and, upon conviction, is subject to a fine of not more than

$6,000 and/or imprisonment of not more than one year. §§ 13A-5-12 and 17-5-19(a).

20.11.4 Contributions from Federal Candidates and Violations

A candidate who accepts more than $1,000 from the PCC of a federal candidate is guilty, upon conviction, of a Class C felony. § 17-5-15.1(b).

20.11.5 Administrative Penalties

The Secretary of State is statutorily required to levy civil penalties against any person who fails to *timely file* a required report and who does not remedy the filing of the required report. The State Ethics Commission has the authority to levy an administrative penalty against any person who files a *materially inaccurate* report and who does not remedy the filing of the report. § 17-5-19.1(a).

20.11.6 Distribution of Penalty Funds

Civil penalties levied shall be paid to the Secretary of State within 45 days of the finality of any review. All penalties are distributed to the State General Fund. §§ 17-5-19.1(e) and 17-5-19.1(f).

20.12 Enforcement of FCPA Civil Penalties

20.12.1 Prosecution of Violations

The Attorney General or a district attorney for the appropriate jurisdiction may prosecute any person who violates the FCPA. § 17-5-19(d).

20.12.2 Late / Inaccurate Reports

Failure to file a timely report shall not be considered an offense or subjected to a civil penalty so long as it is the first failure by that candidate or PAC for the election cycle and the report is filed within 48 hours of the time it was due. § 17-5-19.1(h).

20.12.3 Voluntary Corrections

A person who voluntarily files an amended report to correct an error in an otherwise timely filed report without being prompted by a filing official

shall not have committed an offense or be subjected to a civil penalty under this subsection, so long as, in the case of a candidate, the corrected report is filed prior to the election at issue, and so long as, in the case of a political action committee, the corrected report is filed prior to the close of the calendar year. § 17-5-19.1(g).

20.12.4 Administrative Review

Any person upon whom a civil penalty has been imposed pursuant to Section 17-5-19.1 may seek a review of the penalty by filing a written notice with the Secretary of State no later than 14 days after the date on which notification of the imposition of the penalty was mailed to the person's last known address in accordance with Section 17-5-19.1. The Secretary of State shall refer the review to the State Ethics Commission. The commission may set aside or reduce a civil penalty upon a showing of good cause. The person seeking review shall bear the burden of proof. § 17-5-19.2.

20.13 Statement of Economic Interests

A Statement of Economic Interests must be filed by all candidates and many public officials and public employees at the state, county, and municipal levels of government or their instrumentalities.

The requirement for filing the Statement of Economic Interests form by candidate were changed by Ala. Act 2025-282 so that candidates at every level of government must now file the statement with the Ethics Commission as follows:

a) Political Party Primary Candidates: Not more than 5 days after the deadline to file declaration of candidacy with the political party as provided in Section 17-13-5;
b) Independent Candidates: Not more than 5 days after the date of the first primary election for the position sought; and
c) Municipal Candidates: Not more than 5 days after the deadline for filing the candidate's qualifying papers with the appropriate election official. § 36-25-15(a).

Even if a candidate already has a current statement on file with the Ethics Commission, the candidate must provide proof to the Commission of the current statement on file or alternatively file a new or amended statement—either of which must be done by the applicable filing deadline.

Within five days of receiving a declaration of candidacy or a petition from

a candidate, each election official must notify the Commission of the name of the candidate and the date on which the person became a candidate. The Commission must then confirm to the appropriate election official within five business days that the candidate has filed the form as required. § 36-25-15(b). Failure to comply with this requirement causes the candidate to be deemed not qualified, and his or her name to not appear on the ballot. § 36-25-15(c).

Statements of Economic Interests are available for viewing on the Commission's website.

Several Ethics Commission Advisory Opinions regarding candidates and these statements are referenced in the Chapter 19 summary of Commission opinions.

For more information or to search the Commission's Advisory Opinions, candidates may wish to visit the Commission's website at www.ethics.alabama.gov. Additionally, the contact information for the Alabama Ethics Commission is as follows:

Alabama Ethics Commission
RSA Union Building
100 North Union Street, Suite 104
Montgomery, AL 36104

P.O. Box 4840
Montgomery, AL 36103
http://ethics.alabama.gov
334-242-2997

20.14 Ethics Commission Responsibilities under the FCPA

The Ethics Commission is responsible for providing guidance and enforcement regarding provisions of the FCPA. The Commission must work with the Secretary of State to implement the reporting requirements of the FCPA. The Commission is also responsible for the following:

(a) Approving all forms required by the FCPA;
(b) Suggesting accounting methods for candidates and PACs;
(c) Approving a retention policy for all FCPA reports, filings, and underlying documentation;

(d) Approving a manual that will be published by the Secretary of State for candidates and PACs that describes the requirements of the FCPA;

(e) Investigating and holding hearings regarding alleged violations of the FCPA;

(f) Conducting or authorizing audits of FCPA filings when a complaint is filed or when the existence of a material discrepancy or conflict is noticed on any filing;

(g) Affirming, setting aside, or reducing civil penalties;

(h) Referring all evidence and information to the Attorney General or appropriate district attorney for prosecution of any criminal violation of the FCPA;

(i) Conducting investigations and ordering audits in connection with a complaint or other filing alleging a violation of the FCPA.;

(j) Issuing and publishing advisory opinions on the requirements of the FCPA; and

(k) Prescribing, publishing, and enforcing rules to carry out the directives of the FCPA. § 36-25-4(b).

The Commission is only involved in these campaign finance areas and certain ethics disclosure activities with respect to elections. It is not involved with other election activities such as voter registration, absentee or overseas voting, vote counts, or election contests.

Chapter 19 contains more detailed information on the activities and responsibilities of the Ethics Commission.

CHAPTER 21

JUDICIAL ELECTIONS

***Summary of Contents**:*

21.1 Legal Authorities Pertaining to Judicial Campaigns
21.2 Judicial Candidate Qualifications
21.3 Judicial Canons Applicable to Judicial Candidates
21.4 Appellate Court Ballot Placement
21.5 Judicial Inquiry Commission Advisory Opinions
21.6 Judicial Recusal Issues

21.1 Legal Authorities Pertaining to Judicial Campaigns

Seeking a judicial office presents unique issues for judges in light of specific provisions in the Alabama Canons of Judicial Ethics. These include Canon 7 (which specifically applies to campaign conduct and other political activities), Canon 6C (which stipulates the requirements for filing certain disclosure statements), and Canon 2 (which sets forth the general conduct of all sitting judges).

Additionally, the Alabama Constitution imposes further restrictions on judicial campaigns. No judge other than a municipal or judge of probate may seek or accept any non-judicial elected office or hold any non-military office of public trust. Ala. Const. Art. VI, §§ 145 and 147(b). Furthermore, like most other state officials, judges are forbidden from simultaneously holding two state offices of profit. Ala. Const. Art. XVII, § 280.

Judicial campaigns also raise issues concerning recusal. If in the preceding election, a judge has received a substantial campaign contribution from or benefits from an electioneering communication by a party who has a case pending before the judge, recusal may be required. If such a campaign contribution exceeds a certain percentage of the judge's total contributions, depending on the type of judicial office, then a rebuttable presumption arises in favor of recusal. § 12-24-3. Depending on the circumstances, a judge may also be disqualified pursuant to Canon 2 and/or 3C(1).

21.2 Judicial Candidate Qualifications

Judicial candidates must meet various legal qualifications depending upon the office sought. First, no judge may be elected or appointed to office after reaching the age of 70. Ala. Const. Art. VI § 155. However, local amendment may alter this rule in specific counties. At the time of publication, Dale, Geneva, Henry, and Houston Counties have a higher age restriction for the office of judge of probate. Ala. Const. §§ 23-2.20, 31-2.01, 34-2.20, and 35-2.22.

Justices of the Supreme Court and judges of the courts of appeals, circuit courts, and district courts must be licensed to practice law in Alabama. Ala. Const. Art. VI, § 146. Supreme Court justices and appellate judges must have been licensed to practice law in Alabama or another state for a combined ten years or more prior to election. §§ 12-2-1 and 12-3-1. For circuit judges, this requirement is seven years, while, for district judges, it is only four. §§ 12-11-1 and 12-12-1.

Circuit and district judges must have resided within their respective circuit or district for at least 12 months prior to election. They must also reside within their respective circuits for the duration of their terms. §§ 12-17-22 and 12-17-64.

Further qualifications for judges of probate and municipal judges may vary by jurisdiction. Most notably, several counties require that their judges of probate be licensed to practice law. *See, e.g.*, Ala. Const. § 58-2.22. Other counties require that the judge be learned in the law. Prospective candidates for these races should carefully investigate local requirements.

21.3 Judicial Canons Applicable to Judicial Candidates

The term "candidate" is defined in Canon 7 of the Alabama Canons of Judicial Ethics as a "person who has made a public announcement of candidacy for judicial office, or declared or filed as a candidate for judicial office with the election authority, or authorized the solicitation or receipt of contributions or support for judicial office, whichever occurred first [,]" and includes both incumbent judges and attorneys who are not judges. Canon 7 applies to all judges except for a judge of probate. Furthermore, under Rule 8.2(b) Alabama Rules of Professional Conduct of the Alabama State Bar, the Alabama Canons of Judicial Ethics are applied to candidates for judicial office who are licensed to practice law. Failure to abide by the provisions

of the Canons will subject such candidates to discipline from the Judicial Inquiry Commission or the Alabama State Bar.

21.4 Appellate Court Ballot Placement

Beginning with the 2022 statewide election cycle, each seat on Alabama's Supreme Court and courts of appeals has been assigned a permanent place name (Place 2, Place 3, etc.). However, it should be noted that the place numbers themselves do not indicate sequential order on the ballot. Ballot placement is governed by memorandum provided to the Secretary of State by each of the courts. § 17-6-48.1.

21.5 Judicial Inquiry Commission Advisory Opinions

Guidance on the application of the Canons to campaign conduct and related disqualification questions is provided by the Alabama Judicial Inquiry Commission's advisory opinions. A chart summarizing select opinions relevant to political and campaign activities is included here. Consideration of these opinions should be guided by the following:

- Neither the advisory opinions summarized, nor the synopses provided should be viewed as authority for specific conduct, or as evidence of a good-faith effort to comply with the Canons unless the underlying facts are identical.
- An incumbent judge who contemplates activity that is not clearly permitted would be well advised to seek an opinion from the Commission before proceeding. The Commission cannot render an advisory opinion to a judicial candidate who is not currently a judge, but a lawyer who is a judicial candidate may seek an opinion regarding Canon 7 from the Alabama State Bar. In addition, the Commission will attempt to informally assist any candidate with concerns about proposed conduct.
- Commission opinions are based on the Canons and other pertinent laws in effect at the time the opinions were issued. All synopses should be read in conjunction with the current Canons and other laws involved, with the understanding that the Commission has not addressed whether the conclusions stated have been affected by past changes in either the Canons or other law. This is particularly important in view of the changes to Canon 7 made in 1998 and 2004.

Chart of Judicial Inquiry Commission Advisory Opinions on Political & Campaign Activities and Related Disqualification Issues[1]

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
77-30 11-21-1977 Serving on state executive committee of political party	May a circuit judge serve as an active member of the State Democratic Executive Committee? ***OPINION:*** Canon 7, Canons of Judicial Ethics, explicitly discourages but does not prohibit participation or involvement in the internal workings of political organizations. " . . . Canon 7 explicitly discourages but does not prohibit participation or involvement in the internal workings of political organization. Active membership on the State Democratic Executive Committee is thus not prohibited by the Canons. However, a judge who is directly or indirectly involved in the internal workings of political organizations is admonished by the Canons to be circumspect in all such activities so as to prevent even the appearance of political considerations, entanglements, or influences being involved in any judicial decision or in the judicial process."
78-39 6-19-1978 Soliciting funds for non-judicial candidate Serving as local campaign manager for candidate Soliciting votes for candidate from family and close friends Making public speeches for candidate	1. Can a judge solicit funds on behalf of a candidate for a non-judicial office from (a) his family and close friends (b) members of the public (c) members of the bar? 2. Can a judge (a) serve as campaign manager in a locality for a candidate? (b) solicit votes for a candidate among his family and close friends? (c) solicit votes of the general public for a candidate? (d) make speeches at a political rally or other public gathering for a candidate? (e) solicit members of the bar to assist or work in the campaign of a candidate? (f) privately advise and assist in the campaign of a candidate? 3. Can a judge contribute money or property to a candidate or his designated committee, and if so, is there any limit imposed by Canon 7 on the amount of money and property that may be contributed?

1 Advisory Opinions issued by the Commission are available and searchable on the Commission's website at: jic.alabama.gov/advisory-opinions/

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
Soliciting attorneys to work in candidate's campaign Privately assisting in candidate's campaign Making campaign contribution Use of judge's name and judicial title for candidate Publicly procuring advertising for candidate	4. Can a judge authorize his name to be used by a candidate for public office, and if so, to what extent? 5. Can a judge procure advertising in the news media for a candidate and state in such advertisement that he is the sponsor thereof or that he paid for the same? ***OPINION:*** 1. It is desirable and strongly encouraged that a judge refrain from soliciting funds on behalf of a political candidate. While such solicitation is not prohibited, it is the opinion of this Commission that it would be virtually impossible for a judge to solicit funds on behalf of another from either lawyers who practice within the jurisdiction of his court or litigants appearing before his court without conveying the appearance that political considerations, etc. may be involved in his judicial decisions or in the judicial process. Such solicitations could also lead to a violation of Canons 1 and 2. It would of course be easier for a judge to make such solicitations from either family or very close friends without violating either the letter or spirit of the Canons. 2. It is desirable and encouraged that a judge not engage in campaign activities in connection with a political candidate. Such discouraged, though not prohibited, activities include serving as a local campaign manager, soliciting votes of the general public, making speeches at a political rally or other public gathering, soliciting members of the bar to assist or work in the campaign of a candidate. Canon 7 neither discourages nor prohibits the private expression of opinion by a judge on a political subject. Thus, <u>privately</u> advising or assisting in a political campaign would, under most circumstances in no way violate the spirit of the Canons. 3. Canon 7 neither discourages nor prohibits contributions of either property or money to a candidate or his designated committee. However, in making such contributions, a judge should exercise caution so that the method or manner in which the contribution is made does not violate the spirit of the Canons.

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	4. A judge authorizing his name to be used by a candidate for public office is undesirable and discouraged. This is especially so should the judge authorize the candidate to identify him by his official position. 5. It is undesirable and strongly discouraged that a judge procure advertising in the news media for a candidate and to state in such advertisement that he is the sponsor thereof or that he paid for the advertisement. Again, this is especially true as to the use of the judge's official title in identifying him as the sponsor of the advertisement.
78-46 6-19-1978 Serving as delegate to political convention	Under the Alabama Canons of Judicial Ethics, may a judge serve as a delegate to a national convention or mini-convention of a national political party? ***OPINION:*** Canon 7A(1) specifically discourages involvement in the internal workings of political organizations: "(1) It is desirable that a judge or candidate for election to judicial office endeavor not to be involved in the internal workings of political organizations . . . ." While such activity is not prohibited, Canon 7 mandates that: ". . . it is imperative that he conduct himself in a manner at all times to prevent any political considerations, entanglements or influences from ever becoming involved in or appearing to be involved in any judicial decision or in the judicial process."
78-47 10-4-1978 Resign-to-run rule: inapplicable to municipal judges	Is a municipal court judge required to resign his judicial office before running for a non-judicial elected office? ***OPINION:*** While it appears under Canon 7 of the Alabama Canons of Judicial Ethics that a municipal court judge would have to resign his judicial office to seek an elective non-judicial office, such judges are exempted from resigning their judicial office when running for a non-judicial elected office by Section

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	6.065 of Amendment 328, Constitution of Alabama, 1901. *(But see AO 94-525 when a municipal ordinance applies.)*
80-85 7-1-1980 Explaining basis of decisions	May an incumbent judge who is running for re-election to judicial office publicly explain the bases of his rulings or sentences in criminal cases? ***OPINION:*** No, except under the most extraordinary circumstances, a judge should refrain from commenting on specific cases in which he has participated, especially where such comment could compromise the validity of any rulings or orders entered by him in such cases. This does not preclude a judge commenting on his duty to set a reasonable bail and appoint counsel in criminal cases. Canon 3A(6) and 7B(1)(c).
80-86 7-1-1980 General statements regarding litigation	What statements with regard to litigation may be made by an incumbent judge during the course of a political campaign? ***OPINION:*** Under Canon 3A(6) and Canon 7B(1)(c), judges are specifically prohibited from commenting on pending litigation and announcing rulings in advance. However, it is further the opinion of the Commission that, during the course of his own political campaign, a judge may make general references to court records, statistics, and procedures. A judge may also explain generally that sentences on guilty pleas, in the vast majority of cases, were upon the recommendation of the State, the officer, or the victim, or were dictated by law, and that the disposal of cases in this manner constitutes a useful tool for law enforcement and saves the taxpayers money. A judge may also comment on the probation statistics of his court and explain generally the useful effects of probation.
80-95 12-15-1980 Signing statement supporting partisan ticket	May judges sign a statement supporting a partisan ticket in an election? The statement is planned to be published in local newspapers as support for all candidates of the political party in question. ***OPINION:*** It is the opinion of the Commission that, while the conduct described is not specifically prohibited under the Canons, such conduct is undesirable and a judge should refrain from lending his

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	name to the support of other candidates for election to non-judicial public office. Canon 7A(1).
81-124 11-2-1981 Resign-to-run rule: inapplicable to municipal judges	May a municipal court judge serve as such and be a candidate for membership in the State House of Representatives, and if elected, may the judge hold both positions? ***OPINION:*** It is the opinion of the Commission that under the Constitution of Alabama a municipal court judge does not have to resign his judicial office before running for a non-judicial office. Such judges are exempted by Section 6.065 of Amendment 328, Constitution of Alabama, 1901, from the prohibition in Section 6.08 of Amendment 328, supra, against judges seeking a non-judicial elective office while serving as a judge. While it appears under Canon 7 of the Alabama Canons of Judicial Ethics that a municipal court judge would have to resign his judicial office to seek an elective non-judicial office, we find the constitutional provisions to be controlling in this instance. Thus, this provision of Canon 7 is inapplicable to municipal judges. See Advisory Opinion 78-47. *(But see AO 94-525 when a municipal ordinance applies.)*
82-140 5-6-1982 Meaning of "administration of justice"	What constitutes the "administration of justice" under Canon 7A(3)? ***OPINION:*** This phrase is meant to be narrowly construed so as to include the functions of the legal system by which and through which cases may be brought before a court, tried, determined, and disposed of, and judgments enforced. In this instance, all of the functions necessary to the proper operation of the court system also are included. Should a judge have any specific questions, the judge may request an opinion.
82-141 5-6-1982 Membership in political and civic organizations, such as NAACP	Is a judge prohibited from being a member of an organization, such as the NAACP, which promotes the economic and political interests of minorities? ***OPINION:*** See Canons 5, 5B, and 7. These Canons do not prohibit mere membership in organizations which are conducted for the economic or political benefit of others. Such membership is prohibited if it raises

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	conflicts with the judge's judicial duties, reflects adversely upon his impartiality or interferes with the performance of his judicial duties. Further, a judge should not serve in an organization if that organization is likely to be engaged in proceedings before him or if the organization will be regularly engaged in adversary proceeding in any court. Canon 7 specifically allows a judge to participate in political organizations so long as his activities remain with the provisions of Canons 5 and 7.
82-142 5-6-1982 Campaigning for close relative (modified by 25-968)	May a judge actively participate (such as speaking, handing out literature, etc.) in a campaign in which his immediate kin is a candidate? ***OPINION:*** Canon 7A(1) provides that such activity on behalf of a candidate for a non-judicial office is undesirable and is therefore strongly discouraged by the Commission. The Canon does not recognize a judge's kinship to another candidate for a non-judicial office as a sufficient reason for removing the undesirability of such campaign activity. Also, Canon 2C provides that a judge should not convey, nor should he permit others to convey, the impression that they are in a special position to influence him.
82-143 5-6-1982 Campaigning for close relative Allowing judge's photo to be used in a campaign (overruled by 18-937)	May a judge allow his picture to be used in a campaign in which his immediate kin is a candidate? ***OPINION:*** Canon 7A(1) provides that such activity on behalf of a candidate for non-judicial office is undesirable and is therefore strongly discouraged by the Commission. The Canon does not recognize a judge's kinship to another candidate for a non-judicial office as a sufficient reason for removing the undesirability of such campaign activity. Also, Canon 2C provides that a judge should not convey, nor should he permit others to convey, the impression that they are in a special position to influence him.
82-144 5-6-1982 Attending fund-raising dinner for candidate	Would it violate the spirit of Canon 7 for a judge to attend a $50 per plate dinner for a candidate? ***OPINION:*** No. It does not violate the spirit of Canon 7 for a judge to attend a $50 per plate dinner for a candidate.

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
82-145 5-6-1982 Judge's expression of view of candidate when speaking about court's functions	If a judge is speaking to a group about the functions of the court and someone asked him how he feels about a certain candidate or candidates, is it proper for the judge to express his views? ***OPINION:*** The question posed is unclear in what manner and to what extent a judge is called upon to express his views about a candidate or candidates. Canon 7 does not specifically prohibit expression of political opinion by a judge. Canon 7 does provide that it is desirable that a judge endeavor not to engage in campaign activities in connection with a political candidate other than candidates for judicial office. Also, Canon 2C provides that a judge should not lend the prestige of his office to advance the private interest of others. It is therefore the opinion of the Commission that for a judge to respond as suggested could violate the spirit of Canon 7 and Canon 2C. This does not mean that a judge may not express his political viewpoints, but when speaking specifically about the functions of the court, a judge should refrain insofar as possible from using that opportunity to make political comment as to the candidacy of any other person. See Advisory Opinion 78-39.
82-146 5-6-1982 Political activities of judge's spouse	How active can a judge's spouse be in a candidate's campaign? ***OPINION****:* The Canons do not prohibit independent political activities by a judge's spouse.
82-147 5-6-1982 Accepting contributions after election to reduce campaign debt (superseded by Canon 7B(4)(b))	May a judge who has completed a successful campaign for judicial office accept campaign contributions which are tendered after his election is concluded and he has assumed office, for the purpose of reducing his campaign debt? ***OPINION:*** Yes. A judge may accept campaign contributions at any time where such contributions comply with the various laws which pertain to campaign contributions and elections. Of course, a judge in accepting such contributions must remain ever mindful of the provisions of Canon 7B(1)(d). *(Canon 7B(4)(b), which places time limitations on the*

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	solicitation and acceptance of campaign contributions, was adopted after this AO.)
82-148 5-6-1982 Resign-to-run rule: running for non-judicial office	Regarding Canon 7A(l), must a judge resign his judicial office to run for District Attorney? ***OPINION:*** Yes. The office of District Attorney is not a "judicial office" within the meaning of Canon 7A(2).
82-149 5-6-1982 Definition of inappropriate "political activities"	In Canon 7A(1), please define what is meant be the phrase, "should endeavor at all times to refrain from political activities inappropriate to the judicial office that he holds or seeks." ***OPINION:*** Activities inappropriate to the judicial office are activities that the Canons in their entirety seek to prohibit. See Advisory Opinion 78-39 on political conduct in general.
82-150 5-6-1982 Examples of inappropriate "political activities"	Please give specific examples of just what type of political activities are considered appropriate and what activities are considered inappropriate. ***OPINION*:** See Advisory Opinions 77-30, 78-39, 80-85, and 80-86 for specific examples of conduct. Other concerns may be addressed to the Commission.
82-151 5-6-1982 Explanation of "maintain the dignity appropriate to judicial office"	Under Canon 7B(1) regarding campaign conduct, please explain the phrase, "maintain the dignity appropriate to judicial office," in sub-paragraph (a). ***OPINION:*** A judge who becomes involved in any political campaign must exercise extreme caution to maintain the dignity of his office, to uphold the independence, integrity, and impartiality of the judiciary, and to refrain from interjecting the prestige of his office into the campaign. See Commentary to Canon 2.
82-153 5-6-1982 Content of campaign speech	Does Canon 7B(1)(c) limit all campaign speeches to the single phrase, "I pledge and/or promise to faithfully and impartially perform the duties of the office I seek"? Is nothing else permissible? If not, give examples of what a judicial candidate may say at political rallies. ***OPINION:*** The campaign speeches by a candidate for judicial office are not limited to the above single

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	phrase. The provisions of the Canons are not so restrictive as to prohibit ordinary campaigning by judges or candidates for judicial office so long as the campaign is conducted in accordance with the high standards of conduct to which judges of this State should aspire in order to maintain the independence, impartiality, and integrity of the judiciary of this State mandated in Canons 1 and 2. Canon 7 places a burden upon candidates to carefully consider whether their participation in a course of conduct under a given set of circumstances would violate any of the remaining Canons, *i.e.*, Canons 1 and 2. Whether such violations occur would depend on the facts of each particular case.
82-154 5-6-1982 Explanation of "not be involved in the internal workings of political organizations"	Under Canon 7A(1), please explain the phrase, "not be involved in the internal workings of political organizations," and give examples of what conduct is permissible and what conduct is not permissible. ***OPINION:*** It is the opinion of the Commission that a candidate should not hold any office in a political organization nor serve on any committee of such organization involved in the solicitation of funds for any purpose of that organization; except, he may pay for the qualification fee required by such political organization for qualification as a candidate. See Advisory Opinions 77-30, 78-39, and 78-46.
82-155 5-6-1982 Paying qualifying fees to political party	Under Canon 7A(1), is the paying of qualifying fees to a political party considered being involved in the internal workings of a political organization? ***OPINION:*** No. The paying of qualifying fees to a political party is not considered being involved in the internal workings of a political organization under Canon 7A(1).
82-156 5-6-1982 Content of campaign literature	Under Canon 7, what may be said in campaign literature? ***OPINION:*** Canon 7B(1)(c) prohibits a judge from commenting on pending litigation and from publishing his conclusions of law on pending litigation. The Canons do not prohibit a judge from making general references to court records, statistics, and procedures, nor do they prohibit a judge from explaining generally

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	that sentences on guilty pleas were, in many cases, based upon recommendations of the district attorney and acquiesced in by the victim or his family. A judge may comment on the useful effects of probation, and he may comment on his duty to set a reasonable bail and appoint counsel in criminal cases. However, a judge may not publicly explain the bases of his rulings or sentences in criminal cases, and he should refrain from commenting on specific cases in which he has participated, especially where such comment could compromise the validity of any ruling or order entered by him in such cases. *(This opinion explicitly does not attempt to list everything that may be said in campaign literature.)*
82-157 5-6-1982 Content of campaign speech	Under Canon 7, what subjects may be discussed in newspaper interviews during political campaigns for judicial office? ***OPINION:*** In newspaper interviews, a candidate should avoid commenting on subjects which the Canons in their entirety seek to prohibit. See Advisory Opinion 82-156 and Advisory Opinion 78-39 on political conduct in general.
82-159 8-2-1982 Accepting contributions from bonding company or its major stockholder	Is it permissible for a district judge who is a candidate for circuit judge to accept campaign contributions from a bonding company or a major stockholder in a bonding company which does business in the circuit and district courts? ***OPINION:*** It is the opinion of the Commission that the Alabama Canons of Judicial Ethics do not prohibit such campaign contributions; however, a candidate for judicial office should be ever mindful of Canons 7B(1)(c), 1, 2A, and 2C.
82-160 8-27-1982 Sending letters to jurors	May a circuit judge send commendatory letters to jurors at his own expense as long as he is not in conflict with Advisory Opinion 82-126? ***OPINION:*** Yes, a circuit judge may send commendatory letters to jurors at his own expense so long as his action does not conflict with Advisory Opinion 82-126. However, a judge should be ever mindful of the high standards set out in Canon 1. Under this Canon, in order to protect the integrity of

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	the judiciary, such letters should be sent only to those jurors who participated in a proceeding over which the judge sending the letters presided, *i.e.*, qualifying or striking a jury, or a jury trial. *(Overruled in part by AO 93-482.)*
82-161 8-27-1982 Responding to criticism of court clerk in clerk's campaign	May a district judge run a newspaper ad saying that only he, as district judge, has the authority to *nolle prosequi* cases in the district court, or may the judge make the same statement at a political rally? The judge is an unopposed candidate for re-election. However, the district clerk has opposition. Supporters of the clerk's opponent are distributing copies of the DUI record of the husband of an employee in the clerk's office and suggesting that the clerk dismissed the DUI cases. ***OPINION:*** The question presented here is answered generally by Advisory Opinion 78-39. Under Canon 7, it is desirable and encouraged that a judge not engage in campaign activities in connection with a candidate for non-judicial office; however, such activity is not prohibited. Also, during a political campaign, a judge or candidate for judicial office must be ever mindful of the provisions of Canons 1 and 2.
82-162 9-20-1982 Authorizing candidate's use of judge's name and judicial title	Would it violate the Canons for circuit and district judges to allow their names to be used as judges in newspaper advertisements or in other media in support of a candidate for the Supreme Court of Alabama or any judicial office? ***OPINION:*** It is the opinion of the Commission that any judge of this State may engage in campaign activities in connection with a candidate for judicial office by allowing the judge's name to be used as judge in newspaper advertisements or in other media in support of a candidate for the Alabama Supreme Court or in support of any other candidate for judicial office based on Canon 7A(1). However, judges should be ever mindful of Canons 1 and 2 and refrain from any activity inappropriate to their judicial office.
83-178 3-3-1983	May a judge's office stationery and postage be used to send letters of thanks to jury venire members where such letters are signed by all of the circuit judges in a

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
Sending letters to jury venire members	circuit, regardless of whether all of the circuit judges participated in the organization of the court before those venire members or in the trial of cases before them? ***OPINION:*** See Advisory Opinion 82-126, which states that such letters should not be sent by any judge unless expressly authorized by court rule or the presiding circuit judge, and Advisory Opinion 82-160, which states that a judge is not prohibited from sending such commendatory letters at his own expense to those jurors who in some manner participated in the judicial process before the judge. As to your specific question whether such letters can be sent at court expense and signed by all judges of the circuit, the Commission reaffirms these prior opinions. However, the Commission finds that the Canons do not preclude suitable commendatory letters being sent to venire members at court expense and signed by all circuit judges where the letters are approved by court rule and where such letters accurately reflect their participation or the participation of the signatory judge in the judicial process. Canon 7A(1), Canon 2, and Canon 1. *(Overruled in part, Advisory Opinion 93-482.)*
84-209 5-28-1984 Serving on advisory committee for campaign for non-judicial office	May a judge accept an appointment to serve on the advisory committee for election of a certain person to the position of United States Senator from Alabama? ***OPINION:*** Political activities of judges are governed by Canon 7 of the Alabama Canons of Judicial Ethics and provides under Canon 7A(1): "… It is desirable that a judge … endeavor not to be involved in the internal workings of political organizations, engage in campaign activities in connection with a political candidate other than candidates for judicial offices and not be involved in political fund solicitation other than for himself…" Further, Canon 7 recognizes that judges hold elective offices in Alabama and, therefore, must engage in partisan politics. However, the Canon strongly discourages, although it does not prohibit, a judge from engaging in the activity which you describe. If the judge does serve on the committee in question, he should do so in his individual capacity and not identify himself or allow himself to be identified as

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	a judge. He must not lend the prestige of his office to advance the campaign.
84-213 5-28-1984 Disqualification: Party contributing to past campaign	Is a judge disqualified from sitting in a proceeding in which a party is known to the judge to have contributed to his past judicial campaign fund and, otherwise, generally supported him for office? ***OPINION:*** Based on Canon 3C(1) and Canon 7, and upon the fact that judges in Alabama hold elective offices, it is the opinion of the Commission that the mere fact that a party to a proceeding contributed to the judge's campaign and generally supported the judge for office does not cause the judge to be disqualified from sitting in the proceeding. However, the addition of other factors might cause the judge's impartiality to be reasonably questioned, depending on the totality of the circumstances in each particular case. *(Issued before passage of Ala. Code §12-24-3.)*
84-227 12-3-1984 Disqualification: party or party's attorney contributed to past campaign Disclosure	Is a judge disqualified from sitting as judge in a proceeding in which one of the litigants or a litigant's attorney has made campaign contributions to the judge? Also, what duties does the judge have to the other litigants and attorney in regard to disclosing to them the circumstances surrounding such contribution? ***OPINION:*** Based on Canon 3C and Canon 7, the judge is not disqualified unless circumstances exist which could cause the judge's impartiality to reasonably be questioned. As to disclosure, campaign contributions are required by law to be disclosed in writing by a report filed with the Secretary of State. No further disclosure is required unless special circumstances exist which might otherwise cause disqualification. *(Issued before passage of Ala. Code §12-24-3.)*
87-288 2-2-1987 Accepting contributions after election to reduce campaign debt	Is it permissible for a third party to solicit and collect campaign contributions to retire the campaign debt of a (newly elected) incumbent district judge? ***OPINION:*** Yes. The judge should, however, admonish his supporters to follow the provisions of Canon 7B.

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
87-315 9-29-1987 Judge-candidate disqualified from appointing absentee election manager	Is a presiding circuit judge who is a candidate for re-election disqualified from appointing the absentee election manager for the election in which the judge is seeking office? ***OPINION:*** Yes. A judge appointing the absentee election manager in an election in which the judge is a candidate constitutes the appearance of impropriety. Canon 2. The judge should disqualify himself and allow another judge to assume the duties of presiding judge for this purpose.
88-323 2-10-1988 Unopposed judge-candidate disqualified from appointing absentee election manager	May Advisory Opinion 87-315 be modified to allow the judge to appoint an absentee election manager in an election in which he is an unopposed candidate? The judge's service in making such an appointment could not affect the outcome of his own political race. ***OPINION:*** Advisory Opinion 87-315 should be modified to the extent that the Canons, specifically Canon 2, are not violated where, under *Ala. Code* §§ 17-10-2 and 17-10-13, a judge appoints an absentee election manager in an election in which he is an unopposed candidate. The judge is considered to have opposition if either his party or any opposition party fields more than one candidate for the judge's position. The appearance of impropriety in Canon 2, relied upon in Advisory Opinion 87-315, continues to exist where the judge's position in the appointment of an absentee election manager could influence the selection of his general election opponent.
88-330 3-28-1988 Sending letters to jurors	May a judge who is a candidate for judicial office solicit support by mail from persons who have previously served as jurors in cases in which the judge presided? The solicitation would be in the form of a personal letter to past jurors commending them for their service and making a direct appeal for support for his candidacy. The letter would be prepared at the judge's personal expense, on his personal time away from the courthouse, and would not utilize state personnel or equipment. ***OPINION:*** A letter that is worded carefully would not violate the Canons. See Canon 7. The proposed letter would say "thank you" to the jurors for serving, note

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	that they have had an opportunity to observe the judge on the bench, and ask the jurors to support the judge's re-election. As long as the letter remains within the constraints of Canons 1 and 2, it remains acceptable campaign conduct. Under these Canons, the letter must not impinge upon the integrity or independence of the judiciary, and must not even give the appearance of impropriety in its wording.
88-331 3-28-1988 Appearing in judicial robe in campaign-literature photo when running for different judicial office Content of campaign literature	Is it proper for a district judge who is running for circuit judge to appear in his campaign literature in his judicial robes? ***OPINION:*** The described facts do not present a violation of the Canons. See Canon 7. In addition, a judge should be ever mindful of the provisions of Canons 1 and 2 that require that, at all times, a judge should uphold the integrity of the judiciary and should avoid impropriety in all of his activities. The judge should make sure that his campaign literature accurately reflects his qualifications. Campaign literature, including the picture of the judge, should in no way suggest that the district judge has previously served as circuit judge.
88-332 4-29-1988 Running for another circuit judgeship in the same circuit	May a circuit judge continue to serve in his position while qualifying to run and running in an election for another circuit judgeship within the same circuit? ***OPINION:*** Yes. The above action is not prohibited by the Canons.
88-334 5-2-1988 Using unspent campaign funds: repaying loans of campaign	May a circuit judge use unspent campaign contributions to repay prior loans made by the judge and associated with a previous campaign? ***OPINION:*** So long as it is clear that the funds are being used to reimburse previous campaign expenditures, the use of such funds to repay loans that the judge personally took out to pay for the prior campaign would not violate Canon 7.

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
91-420 4-30-1991 Disqualification: attorney or member of attorney's firm is judge's campaign treasurer or member of judge's campaign advisory committee	Is a judge disqualified from sitting in proceedings in which a party is represented by (1) the judge's re-election campaign treasurer or a member of his firm, or (2) a member of the judge's re-election advisory committee or members of their firms, or (3) both parties are represented by one of the above? ***OPINION:*** None of the above situations would in and of itself cause the judge's disqualification based on Canons 3C and 7. While the Commission finds that it is desirable that a judge not enter into a political relationship with attorneys who practice before him, the Canons neither prohibit this activity nor require the judge's disqualification.
93-466 2-26-1993 Placing ad in high school yearbook or football program	May a judge place an advertisement in a local school annual year book or football program? ***OPINION:*** A judge may place an advertisement in a local school annual yearbook or football program in which the judge is identified as a judge pictured in his or her robe. If applicable, the incumbent judge may list himself or herself as a candidate for judicial office, even prior to the time of qualifying for re-election. The Canons do not limit the time in which an incumbent judge may campaign for re-election. Any advertisement must maintain the dignity appropriate to the judicial office. Any statements made in the advertisement must be true and not misleading.
93-479 4-30-1993 Using unspent campaign funds: donating to charity	May a judge donate excess campaign funds to charitable organizations in which the judge has no involvement? ***OPINION:*** A judge may donate any excess political campaign funds to a charity. The judge must have no connection or involvement in the management or control of the charity to which the funds are donated. The judge may not receive any "private benefit" from the donation of the funds, and the judge may not claim a charitable deduction on his or her personal income tax return. The "private benefit" of Canon 7B(1)(d) extends to the judge's spouse and family.
93-482 6-25-1993	1. May an elected judge use excess campaign contributions to cover his or her expenses for

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
Using unspent campaign funds Sending letters of condolences and letters of congratulation to new Bar members (overruled in part by 08-894)	transportation, lodging, and food in attending certain functions? 2. May an elected judge use campaign expenses to pay the monthly bill for use in his state or private car of a car telephone, which was purchased with campaign funds during a campaign for re-election? 3. May a judge use campaign contributions to pay the expenses of letters of condolence and letters of congratulation which include a letter to every bar admittee? ***OPINION:*** 1. A judge may use his or her political campaign fund to pay such reasonable expenses as transportation, food, and lodging for attending professional meetings of either lawyers or judges, legal or judicial continuing education courses, or other similar events. 2. Under two circumstances, an elected judge may use campaign funds to pay the monthly bill for the use in his state or private car of a car telephone which was purchased with campaign funds during a campaign for re-election. One, the telephone may be used if the car phone is an ordinary and necessary expense incurred in connection with judicial office and its use is limited to business activity. Two, the telephone may also be used for that campaign activity which is designed to maintain the judge in the office to which he was elected. 3. A judge may use excess campaign contributions to pay the expense of letters of condolence and letters of congratulation which include a letter to every new bar member, as this clearly falls within the definition of a legitimate campaign activity. The term "expense" includes the costs of preparing, printing, paper, supplies, and postage. However, a judge should not use state office supplies or personnel in order to send letters of congratulation to every new member to the Alabama State Bar. Such a practice has the appearance of political campaign conduct and involves the appear-ance of impropriety when state office supplies or personnel are used.

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
93-511 12-10-1993 Disqualification: attorney is member of judge's campaign advisory committee	Is a judge disqualified from presiding over a civil case in which the attorney for one of the parties is a member of the judge's campaign advisory committee? ***OPINION:*** The fact that a party's attorney is a member of the judge's campaign advisory committee does not require disqualification. See Advisory Opinion 91-420. Nevertheless, the Commission cautions that a judge should not accept campaign contributions from litigants or their attorneys during the pendency of a lawsuit.
94-520 3-25-1994 Disqualification: attorney is candidate opposing judge in current election	Is a judge disqualified from presiding over a case in which a party is represented by an attorney opposing the judge in the judge's political campaign for re-election? ***OPINION:*** A judge should disqualify himself from any case in which a party is represented by an attorney opposing the judge in the judge's political campaign for re-election where the initial appearance of the attorney on behalf of the party in the case occurred *after* the attorney had announced his candidacy for the judge's position. On the other hand, a judge is not automatically disqualified if an attorney appeared in a pending suit already before the judge announces his candidacy against the judge.
94-525 8-26-1994 Obeying city ordinance requiring municipal judges to resign to run for non-judicial office	Would the Judicial Inquiry Commission enforce a City of Birmingham Ordinance, applicable to full-time municipal judges in the City of Birmingham, (i) prohibiting such a judge from engaging in campaign activities in connection with political candidates other than for judicial office, and from being involved in political fund solicitations other than for the judge's own campaign; and (ii) requiring such a judge to resign his office when he becomes a candidate for non-judicial office? ***OPINION:*** A judge must comply with the law. A municipal judge of the City of Birmingham must comply with a city ordinance providing that the judge must resign his judicial office in order to become a candidate for non-judicial office. A judge is ethically obligated to obey the commands and restrictions of the ordinance until that ordinance is declared

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	unconstitutional or unlawful or until the enforcement of the ordinance is enjoined in a court of law through the judicial process.
94-537 12-9-1994 Content of campaign speech: questionnaires	May a candidate for judicial office respond to a questionnaire during a political election campaign? ***OPINION:*** A candidate for judicial office may respond to questions seeking the candidate's opinion on a specific issue where the candidate makes it clear that the candidate is expressing a personal opinion, and that the candidate will be bound by the law and will follow the law if elected. An expression of intent to disregard precedent would be unethical. In addition, a candidate should not respond to questions concerning issues that are likely to come before him in his judicial capacity. *(Issued before Republican Party of Minn. v. White, 565 U. S. 765 (2002).)*
95-544 3-17-1995 Disqualification: judge appeared on platforms with party/justice, shared consultants, is a member of same party, and received contributions from various attorneys	May an associate justice's impartiality reasonably be questioned, thus requiring disqualification under Canon 3C(1), due to any of the following circumstances: 1. The individual was a candidate for the position of Associate Justice in the election at issue and was elected; 2. The individual appeared on platforms with the incumbent Chief Justice at the same political forums, where the two sought and received political endorsements from the same groups; 3. The individual and the incumbent Chief Justice shared and used some of the same advertising and media consultants, polling data, and other campaign personnel; 4. The individual and the incumbent Chief Justice are members of the same political party; 5. The individual received a campaign contribution from the incumbent Chief Justice's attorney son; 6. The individual received a campaign contribution from the law firm in which the incumbent Chief Justice's son is a partner; 7. The individual received campaign contributions

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	from law firms that are representing a class of plaintiffs in a lawsuit closely related to Roe v. Boggan. These firms also contributed to the incumbent Chief Justice's campaign; and 8. The ruling on the certified question, and the effect it may have on the disposition of Roe v. Boggan, could affect the final vote totals in the individual's 1994 election. However, it should not affect the outcome. ***OPINION:*** In answering a question certified to the Alabama Supreme Court by a federal circuit court of appeals in Roe v. Boggan on counting absentee ballots in the election of the Chief Justice, the Alabama Supreme Court held that the justices could sit on the question even though they might have contributed to the Chief Justice's political campaign and might have presented themselves for re-election in that same election. Based upon that decision, the Commission holds that one associate justice was not disqualified to sit in answering the question presented in Roe v. Boggan, despite the facts that that associate justice (1) was a candidate for the position of associate justice and was elected in the election at issue, (2) appeared on platforms with the incumbent chief justice where he sought and received political endorsements from the same groups as the chief justice, (3) shared and used some of the same advertising and media consultants, polling data, and other campaign personnel as the chief justice, (4) was a member of the same political party as the chief justice; (5) received a campaign contribution from the chief justice's attorney son, (6) received a campaign contribution from the law firm in which the chief justice's son is a partner, (7) received campaign contributions from law firms that are representing a class of plaintiffs in the lawsuit closely related to Roe v. Boggan, and those firms also contributed to the chief justice's campaign, and (8) the ruling on the certified question and the effect it may have on the disposition of Roe v. Boggan could affect the final vote totals but not the outcome in the associate justice's 1994 election. The Commission recommends that the associate justice recuse himself from any future

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	participation in the matter. NOTE: The Supreme Court opinion was released shortly before the Commission's advisory opinion.
95-552 4-28-1995 Sending letters to jurors	May a judge send "thank you" letters to jurors at the conclusion of the jury terms of court? ***OPINION:*** A judge may send commendatory letters to jurors at the conclusion of jury terms at his own expense, provided that court stationery, stamps, or personnel are not used, and that the letters are sent only to those jurors who, in some manner, participated in the proceeding over which the judge presided. The Canons do not preclude suitable commendatory letters being sent to jury venire members at court expense and signed by all the circuit judges in the circuit if the letters are approved by court rule and accurately reflect their participation or the participation of the signatory judge in the judicial process.
95-561 4-28-1995 Using unspent campaign funds: ticket to political dinner	May a judge use campaign funds from a previous race to buy a ticket to a dinner meeting hosted by a political organization that has endorsed the judge in the past? ***OPINION:*** A judge may use campaign funds from a prior campaign to purchase the dinner ticket. See Advisory Opinion 82-165 (a judge may appear on the speakers platform at a political party function if he conducts himself in such a manner as to maintain the high standards of conduct set out in the Canons). Judges are also subject to the provisions of the Alabama Fair Campaign Practices Act.
95-562 4-28-1995 Using unspent campaign funds: political dinner program booklet	May a judge use campaign funds from a previous race to purchase an advertisement in the program booklet for a dinner meeting hosted by a political organization that has endorsed the judge in the past? ***OPINION:*** A judge may use campaign funds from a previous race to purchase an advertisement in the program booklet for the dinner meeting. See Advisory Opinion 93-466 (an incumbent judge may place an advertisement in a local school annual yearbook or football program, and the judge could both identify himself or herself as a judge and be pictured in his or her robe). The Commission cautions that any

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	advertisement must maintain the dignity appropriate to the judicial office, and that any statements made in the advertisement must be true and not misleading. The judge should be circumspect in the contents of any such advertisement so as to prevent even the appearance that political considerations, entanglements, or influences are involved in any judicial decision or in the judicial process. Canon 7A(1). Judges are also subject to the provisions of the Alabama Fair Campaign Practices Act.
95-575 8-18-1995 Disqualification: judge commented on and utilized his involvement in well-known case during campaign	Is a judge disqualified from sitting in a pending case that the judge has used as part of his judicial political campaign? ***OPINION:*** A judge is disqualified from continuing to sit on a case where the case has been pending for some time and a motion for disqualification was filed by one of the parties; where the case involves legal and factual matters affecting the entire citizenry of this state and is heavily disputed among different factions (education funding); where, during the pendency of the litigation, the circuit judge became a candidate for supreme court justice; where during the campaign, the judge, at a minimum by inference, referred to the case as an example of his courage and willingness to decide tough issues when other branches of government had failed to do their jobs or provide leadership; where during the campaign, the judge's opponent, at a minimum also by inference, referred to the case, criticizing the judge's orders; where the judicial campaign was for a statewide office and had extensive statewide media coverage; where the issues on which the judge publicly declared his courage and leadership are now being presented to the judge for his reconsideration; and, where the particular case, although not by name, was a part of a judicial political campaign in a year when statewide judicial political campaigns brought the dignity of the judicial office to a new low in the eyes of the bar and public. While no one circumstance standing alone might require disqualification, all of these factors, when considered together, reach the level of facts providing a reasonable basis for questioning the judge's

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	impartiality. Although no actual bias is shown, none is required where the facts presented indicate a reasonable basis for the appearance of partiality.
95-578 10-6-1995 Disqualification: attorney signed bond for costs in proceeding to contest judge's election	Is a circuit court judge disqualified from presiding over a divorce case in which the attorney for one of the parties was a signatory to an election contest regarding the circuit court judge's election? ***OPINION:*** Recusal is not required under the following circumstances. An attorney represents a party in a divorce proceeding. Approximately six weeks after that divorce proceeding was initiated, an election contest was filed in probate court contesting the judge's election as circuit judge. The attorney was one of the signatories on the bond for costs concerning the election contest. The probate court ruled in the judge's favor, and some seven months later the same attorney signed as a surety for the costs of an appeal to the Alabama Supreme Court. The next month, the attorney filed a motion for the judge's recusal. Finding significant the facts that the motion for recusal was not made until months after the attorney was already involved in the divorce litigation and had signed the bond, and also after the judge had already made numerous rulings without any allegation of prejudice, the Commission holds that the judge's recusal is not required in the divorce case unless the judge has an actual bias or prejudice concerning a party to the case. Mere representation of a party by a political opponent or a supporter of a judge does not cause a judge's impartiality to be reasonably questionable.
95-579 10-27-1995 Using unspent campaign funds	May a judge use surplus campaign funds to purchase office equipment and furniture for the judge's office or courtroom as well as pay for the membership dues for related legal/judicial organizations and expenses for judicial education and continuing legal education programming? ***OPINION:*** Pursuant to Canon 7B(1)(d), an elected official may use surplus campaign funds (1) to buy a chair or other office equipment to use in the judge's office or courtroom where the equipment would be donated to the State; (2) to pay special membership

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	dues to the Alabama State Bar; (3) to pay membership dues to the local chapter of the American Inn of Court; and (4) to pay tuition, transportation, and other ordinary and necessary expenses for judicial education programs and for general continuing legal education programs.
96-607 6-28-1996 Disqualification: attorneys contributed to judge's campaign	Is a judge disqualified from sitting in a case in which the law firms and attorneys for the plaintiffs have contributed to the judge's personal campaign fund and the judge attended, in his capacity as an officer of the court, the formal investiture of an United States Magistrate Judge who had been one of the attorneys for some of the plaintiffs? ***OPINION:*** A judge is not disqualified where the judge received unsolicited personal campaign contributions totaling $3,100 from three attorneys who practice in the same law firm as two attorneys for the plaintiff, where the judge also received unsolicited campaign contributions totaling $1,000 from an attorney and a law firm representing some of the plaintiffs, and where the judge returned half of each of the contributions. "Mere receipt of campaign contributions from an attorney or firm involved in a case does not cause disqualification." *(Issued before passage of Ala. Code § 12-24-3.)*
96-613 8-9-1996 Disqualification: party's attorney and relatives contributed to past campaign	Is a judge disqualified from sitting in a case in which the plaintiff's parents were the judge's neighbors and both the plaintiff's parents and the defendant's attorneys contributed to a past campaign? ***OPINION:*** The following facts do not constitute grounds for a judge's disqualification in a domestic relations case: . . . 3) the plaintiff/husband's parents gave the judge a $30 campaign contribution in 1988, and 4) the defendant/wife's attorneys gave the judge $200 that same year.
97-674 10-3-1997 Disqualification: attorney told judge he	Is a judge disqualified from sitting in cases in which a party is represented by an attorney who has told the judge that he plans to run against him in the next election for the Office, which will take place within the next year?

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
plans to run against judge in next election	***OPINION:*** The mere fact that a judge has been told by an attorney that the attorney will present himself as a candidate in opposition to the judge in the next judicial election does not disqualify the judge from sitting in proceedings in which the attorney represents a party. Additional circumstances could arise which would cause the judge's disqualification in such proceedings.
97-676 10-3-1997 Making campaign contribution to and soliciting funds for non-judicial candidate	Is a part-time judge, as a member of the Court of the Judiciary, prohibited from making political contributions or soliciting others for contributions to candidates or political parties? ***OPINION:*** Members of the Court of the Judiciary are covered by the Canons of Judicial Ethics as part-time judges as set out in the Compliance Section of the Canons. As such, their political activities are governed by Canon 7, under which a judge is not prohibited from soliciting funds for candidates, other than himself, nor from making contributions to other candidates or to political parties.
98-689 1-23-1998 Recommending attorney for judicial appointment	May a judge write a letter to a judicial panel, at the request of an attorney, recommending that attorney for appointment to the circuit bench? ***OPINION:*** A judge may, at the request of an attorney, write a letter to a judicial panel recommending such attorney for appointment to judicial office.
98-694 5-15-1998 Disqualification: attorney or party is candidate opposing judge in current election	Is a judge disqualified from hearing cases in which either a party is represented by an attorney who will be the judge's opponent in the next general election or the attorney in question is a party? ***OPINION:*** The Commission reaffirms Advisory Opinion 94-520 that a judge is disqualified in cases filed after an attorney in the case has announced his candidacy in opposition to the judge, and that a judge is not disqualified from already pending cases when an attorney announces his candidacy, absent additional circumstances causing bias against the attorney or his clients or a reasonable question as to impartiality. A judge is disqualified from hearing any case in which his opponent in an upcoming election is a party.

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
98-696 5-15-1998 Content of campaign speech	May a judge, in his campaign for re-election, refer to his opponent's qualifications with respect to types of cases his opponent has not handled? More specifically, may the judge make statements that his opponent in an upcoming election has never represented a mother seeking child support in district or family court, has never represented a juvenile in juvenile court, and has never represented an indigent defendant before the district court at issue? ***OPINION:*** A judge may make statements in his campaign for re-election which address the qualifications of his opponent by pointing out types of cases that come before the court with which his opponent has no experience. Any such statements must be true and not misleading to a reasonable person, and the judge must maintain the dignity appropriate to judicial office. *(Issued prior to 2004 amendments to Canons 7B(1)(c) and 7B(2).)*
98-698 5-15-1998 Accepting contributions from litigants	May a judge retain a campaign contribution from a) a person who is a party in a subsequently commenced litigation, and b) a person who is a party in a proceeding currently pending before the judge? ***OPINION:*** A judge who is a judicial candidate may retain campaign contributions made by persons who are parties in subsequently filed litigation and may accept campaign contributions from parties to cases currently pending before the judge. No disclosure in addition to the filings mandated by the Fair Campaign Practices Act and Ala. Code § 12-24-2 (1975) is required for the contributions described in this particular case. But see Ala. Code §§ 12-24-1 and 12-24-2 (which were repealed in 2014).
98-716 12-18-1998 Disqualification: attorney is candidate opposing judge Party supports judge's opponent	Is a judge disqualified to hear a case when the plaintiff engaged the judge's political opponent as a third co-counsel a few days before the election and less than two weeks before the scheduled trial date, the plaintiff supported the judge's opponent, the defendant's attorneys endorsed the judge in a newspaper ad just before the election, and the law partner of one of the plaintiff's attorneys also endorsed the judge in the same political ad?

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
Attorney endorsed judge in campaign ad	***OPINION:*** Absent actual bias or prejudice toward a party in the case, a judge is not disqualified to hear a case when the plaintiff engaged the judge's political opponent as a third co-counsel three days before the election and eight days before the scheduled hearing date, the plaintiff supported the judge's opponent, and opposing counsel and a law partner of one of the plaintiff's attorneys were among those who joined in a newspaper ad endorsing the judge that was published the weekend before the election. The plaintiff had already obtained a continuance on a prior occasion due to the hiring of an additional attorney two days before a scheduled hearing of the case.
99-717 1-13-1999 Disqualification: attorney endorsed judge in campaign ad	Is a circuit judge disqualified from sitting in criminal cases because the local district attorney endorsed her candidacy in a political advertisement in her campaign for judicial office? ***OPINION:*** A judge is not disqualified from sitting in criminal cases merely because the local district attorney endorsed her candidacy in a political advertisement in her campaign for judicial office. Additional circumstances might cause the judge's impartiality to be reasonably questioned, but no disqualifying additional circumstances are found in this case.
99-718 2-19-1999 Using title "Judge" in campaign for different judicial office	May a sitting judge use the title "Judge" in his campaign materials when running for a different judicial office and, if so, do various proposed materials conflict with Canon 7 or Advisory Opinion 88-331? ***OPINION:*** A sitting judge may use the title "Judge" in a campaign for a different judicial office, but when he does so, he must either identify his current judicial position or otherwise indicate that he is not the incumbent in the current race. Some examples of permissible and impermissible uses of the title "Judge" in campaign materials are addressed in the opinion.
99-729 4-30-1999	Is a judge disqualified to hear cases on account of certain personal and professional relationships between the judge and the defendant?

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
Disqualification: attorneys contributed to past campaigns	***OPINION:*** Unless the judge feels that she may be affected, the judge is not disqualified to hear a case in which the defendant is an attorney where the members of the defendant's firm have made small donations to some of the judge's past campaigns for judicial office.
00-745 2-28-2000 Agreeing not to report campaign violations	May a judge promise not to report campaign conduct or material in violation of the Canons of Judicial Ethics to the Judicial Inquiry Commission, the State Bar, or other committee or tribunal? ***OPINION:*** The Alabama Canons of Judicial Ethics do not permit a judge to make an advance agreement to not report any campaign conduct or materials in violation of the Canons to the Judicial Inquiry Commission, the Alabama State Bar or other appropriate body as such an agreement would take away the judge's independence to decide whether particular conduct or materials must be reported to one of these bodies under Canon 3B(3) or Canon 7C(1).
00-746 2-29-2000 Using Unified Judicial System seal, courthouse address, etc. on campaign materials	May a judge use the State of Alabama Unified Judicial System seal above the judge's name and address as part of the letterhead for the judge's reelection campaign stationery? ***OPINION:*** A judge may not use the State of Alabama Unified Judicial System seal as part of the letterhead for the judge's reelection campaign stationery because this would improperly create an appearance that official stationery is being used for campaign purposes. A judge also may not use his or her courthouse address or telephone or fax numbers on judicial campaign materials.
00-755 6-6-2000 Incumbent judge of probate endorsing candidate for judge of probate	May a judge of probate who is not running for reelection publicly endorse a candidate for the position in an upcoming election? ***OPINION:*** A judge of probate who is not running for reelection may publicly endorse a candidate for the position in an upcoming election. However, a judge making such an endorsement should be careful that the substance of the endorsement complies with the provisions in Canons 1 and 2.
01-783	Is a judge disqualified to hear a case in which a

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
7-13-2001 Disqualification: party is officer of political party that contributed to judge's prior campaign and endorsed him	defendant is the Vice-Chairman of Minority Affairs for the Alabama Democratic Party and Chairman of the Alabama Democratic Caucus on account of political endorsement by the Caucus and/or campaign contributions from the Party and the defendant's attorney? ***OPINION:*** If the judge feels he can impartially preside, the Alabama Canons of Judicial Ethics do not require his disqualification to hear a case in which a defendant is the Vice Chairman of Minority Affairs for the Alabama Democratic Party and Chairman of the Alabama Democratic Caucus on account of a political campaign endorsement by the Caucus or campaign contributions made by the Party and the defendant's attorney. The campaign contribution from the Party was not from a litigant but from a political party of which the litigant was an officer.
04-838 4-8-2001 Disqualification: attorney was judge's opponent in past campaign	Is a judge disqualified to hear a case because one of the parties was a candidate in opposition to the judge in a judicial election over a dozen years ago? ***OPINION:*** A judge is not disqualified to hear a case merely because one of the parties was a candidate in opposition to the judge in a judicial election held more than a dozen years ago.
06-863 3-17-2006 Resign-to-run rule: applicable to special circuit judge, i.e., judge pro tempore	Can a full time referee who sits as a special circuit judge continue in his position while seeking election to a non-judicial office? ***OPINION:*** A special circuit judge is a judge pro tempore subject to the Alabama Canons of Judicial Ethics as provided in Compliance Section B of the Canons. Since a judge pro tempore is subject to Canon 7A(2), a special circuit judge must resign such position when he or she becomes a candidate for non-judicial office.
06-869 6-12-2006 Serving on county committee for candidate for non-judicial state office	May a judge or a candidate for judicial office serve on a county committee for a candidate for election to a non-judicial statewide office? ***OPINION:*** Service by a judge and judicial candidate on a county committee for a candidate for election to a non-judicial statewide office is strongly discouraged

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	by Canon 7A(1). Some specific conduct proposed by the inquiring judge is not permitted, and some is permitted only in his individual capacity.
08-894 9-12-2008 Letters to persons who appeared for jury service	May a judge send appreciation letters to persons who responded to summonses for jury service? ***OPINION:*** A judge may send an appreciation letter, at the court's expense, to persons who responded to summonses for jury service if (1) such letter is sent only to those persons who reported for jury service; (2) the letter's content is limited simply to the expression of appreciation for the recipients' civic service to the judicial system and does not address the particulars of any case, including a case's outcome; (3) the judge(s) signing the letter must have had some official contact with the recipients; and (4) the letters should be mailed routinely and immediately after the service has been rendered. See Commission's recommended letter.
09-900 6-19-2009 Serving as auctioneer for fundraiser for political organization	May a circuit judge serve as an auctioneer for a fundraising auction sponsored by a local women's club affiliated with a political party? ***OPINION:*** A circuit judge may not serve as an auctioneer for a fundraising auction sponsored by a local women's club affiliated with a political party primarily because it would violate Canon 2C's prohibition that a judge not use his or her official position or judicial title in any fundraising activity, because a judge should not solicit from attorneys who practice in the court's jurisdiction or from litigants who may appear in that court, and because it would be virtually impossible for a judge to serve as the auctioneer without violating the requirement of Canon 7A(1) to conduct oneself in a manner at all times as to prevent conveying the appearance that political considerations may be involved in his or her judicial decisions or the judicial process.
12-914 5-17-2012	1. May the following be listed, as a member of the host committee, on an invitation to an event and that invitation seeks or requests a campaign contribution to a judicial candidate: (a) a sitting judge, (b) a retired judge, or (c) the spouse of a judge?

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
Hosting fundraiser for a judicial candidate (overruled in part by 23-959)	2. May a judge participate, in any fashion, in an event for a judicial candidate if there is no request for funds or contributions, and, if so, may the judge use his or her judicial title? ***OPINION:*** A judge, including an active-retired judge, may not be listed as a member of a host committee on an invitation to an attorney or litigant currently or likely to be in the judge's court where that invitation seeks or requests a campaign contribution to a judicial candidate. A judge's spouse may host a fundraiser for a judicial candidate, but the judge must take steps to ensure the appearance as well as the reality of the spouse's independence and the judge's impartiality. The appropriateness of a judge's political activity depends on the nature of the judge's particular participation.
14-925 2-18-2014 Use of personal "judicial" stationery	1. May a judge use personal "judicial" stationery, with a modified version of the Great Seal of Alabama printed on it, for notes of congratulations and thanks, including notes of thanks to campaign supporters? 2. May a judge use personal "judicial" stationery, with the courthouse address printed on it and/or the envelopes for notes of thanks to campaign supporters? ***OPINION:*** A judge may not use personal "judicial" stationery, with a modified version of the Great Seal of Alabama printed on it, for notes of congratulations and thanks, including notes of thanks to campaign supporters. A judge may not use personal "judicial" stationery, with the courthouse address printed on it and/or the envelopes for notes of thanks to campaign supporters. "To avoid any potential for—or even the appearance of—misuse of official court stationary, the Commission recommends the simple rule that official court stationary should be used only when the matters communicated relate to official court business, the law, the legal system, or the

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	administration of justice—not for a judge's personal purposes."
17-932 8-4-2017 Appointing announced campaign opponent	May a judge appoint an announced candidate opposing the judge in the upcoming election to represent indigent defendants in criminal cases? ***OPINION:*** No. Because the judge is disqualified from any new case in which his current-campaign opponent represents a litigant, the judge cannot appoint that attorney to represent indigent defendants in any cases assigned to the judge.
17-933 8-4-2017 Disqualification: attorney is law partner of campaign opponent	Is a judge automatically disqualified from presiding in any case in which the law partner of the current-campaign candidate opposing the judge represents a litigant? ***OPINION:*** No. The campaign activity of the particular attorney before the judge should be evaluated for disqualification purposes.
18-937 2-15-2018 Political activity; judge depicted in family photograph for relative's political campaign for non-judicial office	May a judge who is not running during the current election cycle be depicted in a family photograph to be used for the campaign literature for the judge's unmarried, adult child who is a candidate for non-judicial office? ***OPINION*:** Yes, if the judge is not identified by his/her judicial title in the campaign literature, no indicia of the judge's office are depicted, his/her office is not otherwise implicated, and the particular use of the photograph does not otherwise violate Canon 7.
22-951 6-21-2022 Political activity; involving candidates for judicial office, district attorney, and sheriff	1. May a criminal judge publicly support, including making contributions to, a non-incumbent candidate in any judicial race under the Alabama Canons of Judicial Ethics Act? 2. May a criminal judge public support, including making contributions to and attending fundraising events for candidates for district attorney and sheriff in the judge's circuit under the Alabama Canons of Judicial Ethics? ***OPINION:*** Regarding Issue 1, the Alabama Canons of Judicial Ethics do not prohibit a judge from

AO / Date / Subject(s)	Synopses and Key Excerpts from AO
	publicly supporting or making contributions to non-incumbent candidates for judicial office, subject to some limitations. However, this opinion does not address the permissibility of such support or contributions under Alabama statutes or ethics opinions. Regarding Issue 2, a judge is strongly discouraged, but not prohibited, from making contribution to the candidates' campaigns, but should not publicly support either candidate.
23-959 11-20-2023 Political Activity: service on campaign host committees for judicial candidates	1. Is a judge prohibited by the Canons of Judicial Ethics from serving as a member of a host committee for a candidate's campaign for a judicial office? 2. Is a judge prohibited by the Canons of Judicial Ethics from being listed as a host on a mass-mailed invitation to a political fundraiser for a judicial candidate? ***OPINION:*** Regarding Issue 1, a judge is not prohibited by the Canons of Judicial Ethics from serving as a member of a host committee for a candidate's campaign for a judicial office, but it is discouraged. Regarding Issue 2, a judge is not prohibited by the Canons of Judicial Ethics from being listed as a host on a mass-mailed invitation to a political fundraiser for a judicial candidate, but it is discouraged.
25-968 6-12-2025 Political Activity: spouse's campaign for non-judicial office	May a judge engage in political activity in support of his or her spouse, who is a candidate for non-judicial office? ***OPINION:*** Yes, subject to certain limitations, though such conduct is generally undesirable.

Candidates for judicial office are encouraged to contact the Judicial Inquiry Commission or the Alabama State Bar for advice.

Inquiries to the Commission should be directed to:

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21.6 Judicial Recusal Issues

Judicial campaigns raise issues concerning recusal. If in the preceding election, a judge has received a substantial campaign contribution or benefits from an electioneering communication by a party who has a case pending before the judge, recusal may be required. If such a campaign contribution exceeds a certain percentage of the judge's total contributions, depending on the type of judicial office, then a rebuttable presumption arises in favor of recusal. § 12-24-3. Depending on the circumstances, a judge may also be disqualified pursuant to Canon 2 and/or 3C(1).

This statute became effective in 2014 and was first interpreted by the Alabama Court of Civil Appeals in Dupre v. Dupre, 233 So.3d 357, (Ala. Civ. App. 2016). The circuit judge presiding in Dupre was first elected to the bench in 2010, four years before this statute existed. The judge ran for re-election in 2016, and a former husband asserted that, while presiding over the underlying action, the judge had collected a substantial contribution from one of the former wife's attorneys on September 24, 2015. The former husband moved the judge to recuse herself, which motion was denied, and the former husband appealed.

Section 12-24-3 provides, in pertinent part, that:

> "(a) In any civil action, on motion of a party or on its own motion, a justice or judge shall recuse himself or herself from hearing a case if, as a result of a substantial campaign contribution or electioneering communication made to or on behalf of the justice or judge in the immediately preceding election by a party who has a case pending before that justice or judge, either of the following circumstances exist:

> (1) A reasonable person would perceive that the justice or judge's ability to carry out his or her judicial responsibilities with impartiality is impaired.
>
> (2) There is a serious, objective probability of actual bias by the justice or judge due to his or her acceptance of the campaign contribution." (Emphasis added).

The Court of Civil Appeals determined that the "immediately preceding" judicial election would be the last judicial election before the filing of the motion to recuse, which it "judicially noticed" occurred in 2010. Consequently, the Court of Civil Appeals determined that the lawyer's contribution to the judge's 2016 campaign was not to be considered because the "immediately preceding" election occurred in 2010. The court affirmed the trial judge's denial of her recusal even though the lawyer before her made a substantial contribution during the present election cycle.

Judicial recusal on account of substantial campaign contributions under Section 12-24-3 was next interpreted by the Alabama Supreme Court in Startley General Contractors, Inc. v. Waterworks Board of the City of Birmingham, 294 So.3d 742 (2019). There, plaintiffs moved for a circuit judge's recusal based upon contributions that attorneys and a law firm representing the defendant had made to the judge's then-ongoing campaign to be elected Chief Justice of the Supreme Court of Alabama. The circuit judge denied the recusal motion and the plaintiffs appealed. Several issues arising out of Section 12-24-3 were examined. The term "party" as used in the statute, refers to a party to the case that is before the judge or justice who received the contribution. Therefore, when Section 12-24-3(c)(4) mentions an "attorney for the party," it refers to an attorney representing the party in the case before the judge or justice. The term "party" does not refer to all attorneys who may be retained by a party to a case for purposes other than representing that party in the case before the judge or justice.

Next, the Alabama Supreme Court rejected the plaintiffs' efforts to aggregate the campaign contributions of separate defendants or separate parties in order to meet rebuttable presumptions and percentage thresholds under the statute. The Court rejected the plaintiffs' attempt to aggregate all defendant's contributions to the judge's campaign. The Court stated that separate defendants in an action do not necessarily have united interests, but the plaintiffs' interpretation of the statute assumes that separate defendants

have the united motive in making campaign contributions. "We reject that interpretation as contrary to the plain language of the statute." Startley, 294 So.3d at 755.

Finally, the Alabama Supreme Court in Startley further interpreted the term "election cycle" as used in Section 12-24-3. The court rejected the plaintiff's argument that a single month during a judge or justice's campaign for office constitutes the term "election cycle." Instead, the Court concluded that the term "election cycle," as used in Section 12-24-3(b), includes the entire period in which a candidate for judicial office may accept campaign contributions until the election for the office is held.

CHAPTER 22

NON-CANDIDATE ELECTIONS

Summary of Contents:

22.1 Constitutional Amendments
22.2 Statewide Constitutional Amendments
22.3 Local Constitutional Amendments
22.4 Local Bond Elections
22.5 Local Sales Tax and School Property Tax Elections
22.6 Wet/Dry Elections in Counties
22.7 Wet/Dry Elections in Municipalities
22.8 The Fair Ballot Commission
22.9 Supporting / Opposing Non-Candidate Elections

22.1 Constitutional Amendments

Article XVIII of the Alabama Constitution, "Mode of Amending the Constitution," governs the process for amending and replacing the Alabama Constitution. It contains Sections 284, 284.01, 285, 286, 286.01, 286.02, and 287, which provide the exclusive means by which the Alabama Constitution may be changed. State v. Manley, 441 So.2d 864 (Ala.1983). Only the Legislature may initiate amendments to the Alabama Constitution, and approval of the Governor is not required. The prescribed procedures for amending the State Constitution must be strictly followed, and any deviation from the procedure renders the proposed amendment a nullity. Water Works and Sewer Bd. of City of Prichard v. Board of Water and Sewer Comr's of City of Mobile, 141 So.3d 958 (Ala. 2013). There is no process for citizen-initiated constitutional amendments or conventions.

A new constitution may not be approved by the same process as are amendments. State v. Manley, 441 So. 2d 864, 875 (Ala. 1983). Rather, a new constitution or even a major overhaul of the existing constitution requires a constitutional convention. Id.

It should be noted that, in 2020, Alabama voters ratified Amendment 951 (Act No. 2019-271), now appearing as Ala. Const. § 286.02, which authorized the Legislature to consider an official recompilation of the

constitution, which shall be strictly limited to the following changes: (1) removing all racist language, (2) deleting duplicated and repealed provisions, (3) consolidating provisions regarding economic development, and (4) arranging all local amendments by County. The Legislature approved this recompilation during the 2022 Regular Session, and the voters ratified it in the 2022 general election. The recompilation is the new official constitution of Alabama.

22.2 Statewide Constitutional Amendments

Article XVIII of the Alabama Constitution provides two primary methods by which the constitution may be amended**: by amendment and by constitutional convention.**

22.2.1 Amendment

The ordinary process for statewide constitutional amendments is established by Section 284. Amendments may originate in either the Senate or the House of Representatives. Following approval by a three-fifths vote of both houses of the Legislature, a proposed constitutional amendment shall appear on a statewide election ballot. If that amendment is approved by a simple majority of those voting in that election, it becomes part of the constitution. Ala. Const. Art. XVIII, §§ 284 and 285.

22.2.1.1 Election. Amendments may appear on the ballot at the next primary or general election, or at a special election scheduled by the Legislature. In the case of a primary or general election, the officers of the election open the polls for voting on the amendment along with the other races and issues on the ballot. However, any special election for a constitutional amendment must take place at least three months after the final adjournment of the legislative session at which the amendment was proposed. Three months need not pass between the final adjournment of the session of the Legislature during which an amendment is proposed and its appearance on a primary or general election ballot. In this case, officers are appointed for the election, and the election is to be held in accordance with the law governing general elections. In all elections for constitutional amendments, the votes are canvassed, tabulated, and returned to the Secretary of State, and counted, in the same manner as in elections for representatives in the Legislature. Ala. Const. Art. XVIII, § 284.

22.2.1.2 Notice / Ballots. Notice of an election on a proposed amendment must be issued via proclamation of the Governor and published in each county of the state for at least four successive weeks prior to the election. Ala. Const. Art. XVIII, § 284.

The nature and substance of each proposed amendment are to be clearly indicated on the ballot. Following each proposed amendment on the ballot are printed the word "Yes" and underneath that, the word "No." Each elector votes via a cross mark made opposite the word expressing their desire. Ala. Const. Art. XVIII, § 285.

22.2.1.3 Adoption/ratification/proclamation. No amendment is adopted unless it receives the affirmative vote of a majority of all the qualified electors who vote at such election. The result of such election is issued via proclamation of the Governor. Ala. Const. Art. XVIII, § 284. The ratification date of a constitutional amendment is the date of the election at which the proposed constitutional amendment was presented to the voters. Alabama Attorney General Opinion 2008-014.

22.2.2 Constitutional Convention

A constitutional convention may be called to amend or replace the constitution by completion of two steps. First, both chambers of the Legislature must adopt a resolution supporting a convention by a simple majority vote. Second, a statewide election must be held with a ballot question on whether to have a statewide constitutional convention. If approved by a majority of those voting in that election, then a constitutional convention is called. Ala. Const. Art. XVIII, § 286.

All votes of the Legislature upon proposed constitutional amendments, and upon bills or resolutions calling a convention, are taken by yeas and nays and entered on the journals and do not require the governor's approval. Ala. Const. Art. XVIII, § 287.

There is no limitation on method, time, or place of conducting an election to approve a constitutional convention, except that it must take place prior to the holding of the convention. Opinion of the Justices, 81 So.2d 666 (Ala.1955). The constitution makes no requirement or limitation as to election of delegates to convention. Opinion of the Justices, 81 So.2d 688, 689 (Ala. 1955). Once assembled, a convention has the jurisdiction and power of to establish such ordinances and to do and perform such things as to the convention deems necessary or proper for the purpose of altering,

revising, or amending the existing Constitution. Ala. Const. Art. XVIII, § 286.

Section 286.01 of Article XVIII governs the process for ratifying a new constitution. Any proposed replacement of the Alabama Constitution, whether adopted by a constitutional convention pursuant to Section 286 or by any other method later authorized by the constitution, becomes effective only if the proposed constitution is ratified by a majority of the qualified electors of the state voting on the question of such ratification.

22.3 Local Constitutional Amendments

Section 284.01 of Article XVIII establishes the process for proposal and ratification of local constitutional amendments. The Legislature determines whether a proposed constitutional amendment shall be a statewide amendment or local amendment (*i.e.*, applying to only one county or a political subdivision within one or more counties). Local amendments may originate in either the Senate or the House of Representatives, but must be approved by each house of the Legislature under the following process:

(a) A proposed local amendment must first be approved by at least three-fifths of all the members elected to the house in which it originates.

(b) Immediately following this approval, the house of origin considers a resolution of local application declaring that the proposed amendment affects or applies to only one county or a political subdivision within one or more counties and specifying by proper name the county or the political subdivision and the county or counties within which the political subdivision is located.

(c) The proposed amendment is then sent to the other house for consideration and, if at least three-fifths of all the members elected to that house vote in favor of the proposed amendment, that house likewise immediately proceeds to consider a resolution of local application as provided in (b).

The above-described local application resolution process is critical. If a proposed amendment receives approval by a three-fifths vote in both houses and approval of a local application resolution in both houses *without dissent*,

the proposed amendment is placed on the ballot only in the county or political subdivision and county or counties affected. To be adopted, the proposed local amendment must receive a favorable vote from the majority of electors in the affected county or, if applicable, the political subdivision and the county or counties in which the political subdivision is located, via the procedures described below. If, however, there is at least one dissent to the local application resolution in either house, the proposed amendment shall be submitted to a statewide vote for approval in accordance with the procedures described above for statewide constitutional amendments. In such cases, the amendment must be approved both within the locality to which it applies, as described above, and statewide, as described. Ala. Const. Art. XVIII, § 284.01.

22.3.1 Notice

Notice of an election for a local constitutional amendment, together with the proposed amendment, is given by proclamation of the Governor, which must be published once a week for four successive weeks next preceding the date of the election in each newspaper qualified to run legal notices in the county or counties affected. Ala. Const. Art. XVIII, § 284.01.

22.3.2 Timing & Ballots

The same timing and ballot requirements described above for statewide constitutional amendments apply to local constitutional amendments. Ala. Const. Art. XVIII, §§ 284 and 285. However, the legislature has also granted authority to the affected local jurisdiction for setting the date of a special election for a proposed constitutional amendment of local application.

22.4 Local Bond Elections

Section 222 of the Alabama Constitution authorizes the Legislature to pass general laws authorizing the counties, cities, towns, villages, districts, or other political subdivisions of counties to issue bonds. No bonds, however, may be issued under authority of a general law unless such issue of bonds is first authorized by a majority vote of the qualified voters of such county, city, town, village, district, or other political subdivision of a county voting upon the proposition. The ballot used at such election shall contain the words: “For ..... bond issue,” and “Against ..... bond issue” (the character of the bond to be shown in the blank space), and each voter indicates the

voter's choice by placing a cross mark before or after one or other. Ala. Const. Art. XII, § 222.

Section 222 does not apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers. Ala. Const. Art. XII, § 222.

22.5 Local Sales Tax and School Property Tax Elections

There are two methods of increasing local sales taxes or school property taxes: (1) a new tax may be authorized or (2) the rate of an existing tax may be increased. Authorizing a new tax requires a constitutional amendment following the process described. Increasing the rate of an existing tax is less burdensome and follows the process outlined in Amendment 373, commonly known as the "Lid Bill." Ala. Const. Art. XI, § 217(f).

The Lid Bill contains the following three requirements for increasing the rate of an existing local school tax:

1) The local taxing authority (*e.g.* county commission) must conduct a public hearing on the proposed tax increase and pass a resolution or similar legislation formally proposing the tax increase.

2) Thereafter, the Legislature must approve the proposed increase by passing a local act.

3) Finally, a local election must be held, and voters must approve the proposed tax increase. The election should follow the local elections processes for general and special elections contained in Title 16. If the voters reject the proposed increase, the local taxing authority must start the entire procedure over. Ala. Const. Art. XI, § 217(f).

22.6 Wet/Dry Elections in Counties

Title 28 of the Alabama Code contains specific procedures for wet/dry elections in counties and wet/dry elections in municipalities. Chapter 2 of Title 28 governs the process for wet/dry elections in counties and provides two different methods: a general method and a special method referendum applicably only to certain counties.

22.6.1. General Method

Any county in the state may change its classification from wet to dry or from dry to wet by following the general method. § 28-2-1.

The general method requires the following:

1) **Petition.** A petition of 25 percent of the number of voters voting in the last preceding general election must first be filed with the judge of probate of the county.

2) **Election.** After the petition is filed, the judge of probate must call an election, and the election shall be held in the manner provided by law for holding other county elections. The election shall be held at least 82 days, but not more than 97 days, from the date of filing of the petition.

3) **Notice.** Notice must be provided by the judge of probate by publication at least three weeks before the date of the election, in a newspaper in the county or, if there be none, by posting such notice at the courthouse apprising the voters of the county that an election will be held in the several precincts thereof to determine whether such county shall be wet or dry under the laws regulating alcoholic beverages.

4) **Costs.** The cost of the election, including the cost of notice by publication, shall be paid out of the general funds of the county.

5) **Ballot.** On the ballot to be used for such election, the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this county? Yes ____ No ____."

6) **Voting.** Only qualified voters shall vote in the election.

   (a) If a majority of the voters voting in the election vote "Yes," the county shall be wet or remain wet under the terms of Ala. Code § 28-2-1 unless the county shall in a subsequent election held under this section change to a dry county.
   (b) If a majority of the electors voting in the election vote "No," the county shall be a dry county under the terms of Chapter

4 of Title 28 of the Code of Alabama unless it shall by a subsequent election, held under this section, vote wet.

7) **Subsequent Elections.** The elections in the counties may be held at any time, provided that at least two years must elapse between the dates of such elections.

22.6.2 Special Election Method

Counties that did not authorize the sale and distribution of alcoholic beverages prior to September 22, 1971 and that wish to become a wet county may elect to follow the Special Method Referendum Act of 1971 ("special method"), instead of the general method. The procedures of special method are very similar to the general method, except that the special method triggers potential action in the county's municipalities after passage. § 28-2-21.

The special method requires the following procedures:

1) **Petition.** A petition of 25 percent of the number of voters voting in the last preceding general election must first be filed with the judge of probate of the county, and the petition must expressly state the following: "It is requested that the election herein requested be on the adoption of the Special Method Referendum Act of 1971."

2) **Election.** After the petition is filed, the judge of probate must call an election, and the election shall be held in the manner provided by law for holding other county elections. The election shall be held at least 82 days, but no more than 97 days, from the date of filing of the petition.

3) **Notice.** Notice must be provided by the judge of probate by publication at least three weeks before the date of the election, in a newspaper in the county or, if there be none, by posting such notice at the courthouse apprising the voters of the county that an election will be held in the several precincts thereof to determine whether such county shall be wet or dry under the laws regulating alcoholic beverages.
4) **Costs.** The cost of the election, including the cost of notice by publication, shall be paid out of the general funds of the county.

5) **Ballot.** On the ballot to be used for such election the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this county under the Special Method Referendum Act of 1971? Yes _____, No _____."

6) **Voting.** Only qualified voters shall vote in the election.

(a) If the majority of the voters approve the sale and distribution of alcoholic beverages, the sale of alcoholic beverages in such county shall be governed by the following conditions:

a. Within 90 days after the affirmative vote, each governing body of any incorporated municipality within such county may vote to exclude the sale of alcoholic beverages within its limits as provided in Article 2 of Title 28 of the Code of Alabama.

b. If a municipal governing body does not take such action 90 days after the affirmative election, the provisions of Article 2 of Title 28 of the Code of Alabama shall apply for a period of 10 years, after which the municipality shall again have 90 days to exclude said municipality.

c. Should a municipality choose to exclude the application of Article 2 of Title 28 of the Code of Alabama from its limits, it may, by its own action, include the municipality under provisions of that article at any subsequent time for a period of 10 years and, after said 10-year period, shall have 90 days to continue or discontinue its applicability.

d. A municipality may, within the 90-day period, submit the decision on the applicability of this article to its voters by a special election, said election being binding on the governing body.

(b) If a majority of the electors voting in the election vote "No," the county shall be a dry county under the terms of Chapter 4 of Title 28 of the Code of Alabama until it shall by a subsequent election, held under this section, vote wet.

7) **Amendments.** The governing body of any county which has adopted the special method may from time to time vote to exclude the sale of alcoholic beverages within all or any part of its unincorporated areas, but if a municipality annexes any unincorporated area, that area shall be subject to the rules of the municipality with regard to the sale and distribution of alcoholic beverages.

8) **Subsequent Elections.** The elections in the counties may be held at any time, provided that at least two years must elapse between the dates of such elections.

22.7 Wet/Dry Elections within Municipalities

Chapter 2A of Title 28 governs the process of wet/dry elections in municipalities. It provides that any municipality with a population of 1,000 or more may change its classification from dry to wet or wet to dry by a municipal option election. § 28-2A-1. The population of the city may be determined by using the federal decennial census, a special federal census, or a municipal census, not from estimated or projected census figures. Alabama Attorney General Opinion 98-00208.

The municipal option election requires the following:

1) **Petition.** A petition containing 30 percent of the number of voters voting in the last preceding general election of the municipality must be filed with the city or town clerk or governing body of the municipality, and the petition must state the following: "It is petitioned that a municipal option election be held to permit the legal sale and distribution of alcoholic beverages within this municipality."

2) **Election.** After receiving the petition, the governing body must call an election, and it shall be held in the same manner provided by law for holding other municipal elections. The election shall be held at the time of the primary, general, county-wide, or municipal election next succeeding the date of the filing of the petition, provided, however, the election shall not be held less than 30 days from the date of the filing of the petition. The election in the municipality may be held at the time of any primary, general, county-wide, or municipal election as determined by the county commission or the

municipal governing body, as applicable, provided a period of not less than 720 days must elapse between the dates of such municipal option elections; provided further, that a county wet-dry election or special method referendum may be held at any time without regard to the lapse of time between the dates of any county option elections.

3) **Notice.** Notice of the municipal option election shall be given by the governing body of the municipality by publication at least three weeks before the date of election, in a newspaper in the municipality, or, if there be none, in a newspaper in the county, or, if there be neither, by posting such notice at the town or city hall, apprising the voters of the municipality that a municipal option election shall be held to determine whether such municipality shall be wet or dry under this article.

4) **Ballot.** On the ballot to be used for such municipal option election, the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this municipality? Yes _____ No _____."

5) **Costs.** The cost of the election, including the cost of notice by publication, shall be paid out of the general fund of the municipality.

6) **Voting.** Only qualified voters shall vote in the municipal option election.

   (a) If a majority of the voters in the municipal option election vote "yes," the municipality shall be wet, and alcoholic beverages can be legally sold, distributed, and consumed within the corporate limits of the municipality, and all of the provisions of this Title 28 of the Code of Alabama, relating to alcoholic beverages in wet counties, including Chapters 3, 3A, 6, and 7, shall be immediately put into operation with respect to and effective within the corporate limits of the municipality.
   (b) The municipality shall remain wet unless the municipality shall be changed to a dry municipality in a subsequent municipal option election held under this article, notwithstanding the results of any subsequent county election or special method referendum.

(c) All other laws to the contrary notwithstanding, the electors residing within the corporate limits of any such municipality that has become wet pursuant to a municipal option election held under this article shall not be entitled to vote in any subsequent county election or special method referendum held to determine if the county in which such municipality is located shall become wet.

(d) The question of whether such county shall become wet shall be decided by the electors of such county residing outside the corporate limits of such wet municipality as otherwise provided by law.

(e) If a majority of the voters voting in the municipal option election vote "no," the municipality shall be a dry municipality under the terms of this Article 2A of Title 28 of the Code of Alabama unless the county shall by subsequent election or special referendum, vote wet, or the municipality shall by a subsequent municipal option election held under this article, vote wet.

7) **Subsequent Elections.** Each subsequent municipal option election must follow the petition process as provided in this subsection with a new petition.

22.8 The Fair Ballot Commission

The Alabama Fair Ballot Commission (the "Commission") was created by the Legislature in 2014, and its purpose is to provide the public a fair and accurate explanation of what a vote for and what a vote against a statewide ballot measure represents. See Ala. Act 2014-399; see also Ala. Code § 17-6-81.

22.8.1 Membership

The Commission consists of the following 18 members:

(1) The Governor (or his/her designee),

(2) A member appointed by the Governor who is an attorney licensed in the state,

(3) A member appointed by the Governor who is a private citizen of the state and not an attorney,

(4) The Lieutenant Governor (or his/her designee),

(5) A member appointed by the Lieutenant Governor who is an attorney licensed in the state,

(6) A member appointed by the Lieutenant Governor who is a private citizen of the state and not an attorney,

(7) The Commissioner of Agriculture and Industries (or his/her designee),

(8) A member appointed by the Commissioner of Agriculture and Industries who is an attorney licensed in the state,

(9) A member appointed by the Commissioner of Agriculture and Industries who is a private citizen of the state and not an attorney,

(10) The Speaker of the House of Representatives (or his/her designee),

(11) A member appointed by the Speaker of the House of Representatives who is an attorney licensed in the state,

(12) A member appointed by the Speaker of the House of Representatives who is a private citizen of the state and not an attorney,

(13) The Secretary of State (or his/her designee),

(14) A member appointed by the Secretary of State who is an attorney licensed in the state,

(15) A member appointed by the Secretary of State who is a private citizen of the state and not an attorney,

(16) A member appointed by the Alabama State University School of Public Policy,

(17) A member appointed by the Samford University School of Public Policy, and

(18) A member appointed by the Miles College School of Law.

The Chair, Vice Chair, and Ranking Minority Member of the House Constitution, Campaigns and Elections Committee and the Chair, Vice Chair, and Ranking Minority Member of the Senate Constitution, Campaign Finance, Ethics, and Elections Committee shall serve as non-voting advisors to the Commission. The appointments must reflect the geographic, gender, racial, and ethnic diversity of the state with at least one appointed member from each congressional district. The Chair and the Vice Chair of the Commission are elected by majority vote of the Commission. § 17-6-81(a).

22.8.2 Ballot Statements

The Commission's primary duty is to publish ballot statements, which include the following information:

(1) The text of the statewide ballot measure, including sponsors, cosponsors, and the text of the question that will appear on the statewide ballot.

(2) A summary of and the text of any implementing legislation directly related to the statewide ballot measure.

(3) The placement of the statewide ballot measure on the statewide ballot.

(4) A plain language summary of the statewide ballot measure, which shall include, at a minimum, the legal or constitutional authority for its passage, the effect of the statewide ballot measure if it is

> passed, including its cost and source of funding, and the effect of the statewide ballot measure if it is defeated. § 17-6-81(b).

Ballot statements are to be written in plain, non-technical language and in a clear and coherent manner using words with common and every day meaning that are understandable to the average reader. They must be true and impartial statements of the effect of a vote for and a vote against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. Additionally, they must include language as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax. § 17-6-81(c).

22.8.3 Publishing Ballot Statements

No later than sixty (60) calendar days prior to a vote on a statewide ballot measure, the Commission shall post a ballot statement in a conspicuous and publicly accessible location on the website of the Secretary of State. Ballot statements may be approved only at meetings of the Commission and only by a majority of the Commission members present at the Commission meeting. In the event a majority of the Commission cannot agree on a ballot statement within the 60-day time frame, the portion of the website of the Secretary of State containing the Commission's ballot statements shall contain a statement that a majority of the Commission cannot agree on the ballot statement as well as an explanation written by the Chair of the Commission as to why the Commission failed to reach an agreement. Additionally, in the event a majority of the Commission cannot agree on a ballot statement within the 60-day time frame, those portions of ballot statements which can be agreed upon by a majority of the Commission shall be posted on the portion of the website of the Secretary of State containing the Commission's ballot statements, along with links to other websites and individual statements of support and opposition. § 17-6-81(e).

Ballot statements approved by the Commission or, in the event the Commission does not approve a ballot statement, those portions of ballot statements which can be agreed upon by a majority of the Commission, shall be printed, posted, and distributed in the same manner and by the same officials as sample ballots are printed, posted, and distributed. Additionally, a printed copy of each ballot statement approved by the Commission or, in the event the Commission does not approve a ballot statement, those portions of ballot statements which can be agreed upon by a majority of the Commission, not later than fifty-five (55) calendar days prior to a vote on a statewide ballot measure, shall be made available for the purpose of public

distribution at the office of the Secretary of State or at the office of each judge of probate, provided that these offices may cover their printing costs by requiring that the person requesting a printed copy pay a printing fee, the maximum amount of which shall equal the costs of fulfilling each printing request. § 17-6-81(e).

22.8.4 Website Links

The Chair of the Commission shall allow the portion of the website of the Secretary of State containing the Commission's ballot statements to also include links to other websites that discuss upcoming statewide ballot measures. This portion of the website of the Secretary of State shall clearly state that members of the Commission are not responsible for the content of any linked website and that the linking of a website does not represent the Commission's endorsement of the website's contents. § 17-6-81(f).

22.8.5 Supporting/Opposing Statements

Any member of the Legislature, or his or her designees, may post individual statements supporting or opposing a statewide ballot measure on the portion of the website of the Secretary of State containing the Commission's ballot statements within three (3) calendar days of receipt. These individual statements of support or opposition must not exceed 300 words, must be provided to the Chair of the Commission at least ten (10) calendar days prior to the vote on the statewide ballot measure at issue, and shall be posted not later than seven (7) calendar days prior to the vote on such statewide ballot measure. § 17-6-81(g).

22.9 Supporting / Opposing Non-Candidate Elections

The Fair Campaign Practices Act ("FCPA") defines "election" to include constitutional amendments and propositions submitted to the popular vote (a "ballot initiative"). Under the FCPA, any group of one or more persons which receives or anticipates receiving contributions and makes or anticipates making expenditures in excess of $1,000 to influence a ballot initiative must register as a political action committee ("PAC") and file periodic reports disclosing its contributions and expenditures during the ballot initiative's election cycle.

Federal court rulings (and Alabama Attorney General Opinions interpreting those cases) have made clear that restrictions on contributions to PACs

established to support ballot measure elections, such as restrictions on corporate contributions, are unconstitutional. However, this does not preclude the application of disclosure requirements to those contributions. See First National Bank of Boston v. Bellotti, 435 U.S. 765 (1976); Let's Help Florida v. McCrary, 621 F.2d 195 (5th Cir. 1980). See also Alabama Attorney General Opinion 82-00088 and Alabama Attorney General Opinion 82-00217 (advising that since-repealed Alabama statutes restricting corporate contributions to ballot measure PACs were inconsistent with federal caselaw under the First Amendment).

Chapter 20 includes more guidance on the FCPA. See §§ 17-5-1 et. seq.

22.9.1 Public Entities and Ballot Measures

City and county boards of education are exempt from the Fair Campaign Practices Act ("FCPA") because public entities do not meet the definition of a "person." See § 17-5-2(11); see also Alabama Attorney General Opinion 2003-232; see also Zeigler v. Strange, CV 2015-900721 (Montgomery Co. Cir. Ct.) (July 17, 2015).

22.9.2 Tax Considerations

PACs that engage primarily in ballot initiatives are typically recognized as tax-exempt social welfare organizations under Section 501(c)(4) of the Internal Revenue Code ("IRC"). This in contrast to Section 527 of the IRC, which addresses taxation for other "political organizations." Attempting to influence a ballot initiative is generally considered a non-deductible lobbying expenditure; however, this Handbook does not provide tax advice. Consulting an attorney is recommended for compliance questions involving the IRC.

Chapter 23

VACANCY APPOINTMENTS

Summary of Contents:

23.1 Vacancies Generally
23.2 Legislative Branch Vacancies
23.3 Executive Branch Vacancies
23.4 Judicial Branch Vacancies
23.5 Vacancies in the State Board of Education
23.6 Vacancies in Municipal Offices
23.7 Vacancies in County Offices
23.8 Vacancies in Miscellaneous Offices
23.9 Vacancies in U.S. House Seats
23.10 Vacancies in U.S. Senate Seats
23.11 Candidate Vacancies

23.1 Vacancies Generally

Most, but certainly not all, vacancies in elected offices at the state and county level in Alabama are filled by appointment of the Governor, unless otherwise provided by law. § 36-9-17; *see McRae v. State ex rel. Hyche*, 112 So. 2d 487, 492 (1959) ("[T]he governor in office at the time a vacancy occurs is vested with the power of appointment to fill the vacancy").

Nonetheless, for a number of offices, Alabama law establishes certain timing requirements for filling vacancies. When reviewing the legal framework surrounding vacancies and subsequent appointments, it is important to pay close attention to timing requirements. In addition, some local government offices are subject to local acts, which are authorized to allow the local government to follow a different process for filling vacancies in specified offices notwithstanding the general rule. *See, e.g.*, § 45-37-72, discussed herein at 23.7.1, which provides special procedures for filling a vacancy in a commission seat in Jefferson County that is distinct from the ordinary procedure for special elections initiated by the Governor's office.

22.2 Legislative Branch Vacancies

If there is a vacant seat in the Senate or in the House of Representatives, the Governor shall issue a writ of election to fill the vacancy until the remainder of the term. Ala. Const. Art. IV, § 46(b); *see* Op. of the Justices, 260 So. 3d 17, 19 (Ala. 2018). If the Secretary of State determines that the only legally qualified candidate is unopposed when the last date for filing certificates of nomination has passed, there shall be no election held. Ala. Const. Art. IV, § 46(b). Instead, "[t]he Secretary of State shall issue a certificate of election to the candidate, the same as if an election had been held, and the certificate should be accepted by the house in which the vacancy occurred as evidence of the unopposed candidate's right to fill" the vacant seat. *Id.*

In either house of the legislature, if a vacancy occurs "on or after October 1" during the third year of the four-year term, the seat shall remain vacant until the general election. Ala. Const. Art. IV § 46(c).

23.3 Executive Branch Vacancies

23.3.1 Vacancy in the Governor's Office

In the event a vacancy occurs in the Governor's office, the Lieutenant Governor shall exercise the authority of Governor until the proceeding gubernatorial election, or until the Governor, who had to temporarily vacate, can re-enter the office. Ala. Const. Art. V, § 127; Ala. Op. Att'y Gen. No. 93-00337 (Sept. 28, 1993) ("the Lieutenant Governor became Governor, after the Governor vacated his office upon conviction of a felony"). In other words, if the Governor must leave office, either by removal, death, or resignation, the Lieutenant Governor shall become Governor. Ala. Const. Art. V, § 127.

23.3.2 Vacancy in the Lieutenant Governor's Office

The Alabama Constitution does not provide for the filling of a vacancy in the office of the Lieutenant Governor. Therefore, that office will remain vacant until the next election of state officers. If the office becomes vacant, the Lieutenant Governor's role as the presiding officer in the Senate will be passed on to the President Pro Tempore of the Senate. Ala. Const. Art. IV, § 51. If the offices of Lieutenant Governor and President Pro Tempore of the Senate are vacant, the members of the Senate have the authority to elect

one of its members as a new President Pro Tempore. Opinion of the Justices No. 305, 442 So. 2d 42, 46 (Ala. 1983).

23.3.3 Vacancy in Governor's Office and Lieutenant Governor's Office

If there is a vacancy in both the Governor's office and the Lieutenant Governor's office, and there are more than sixty days before the next general election, both offices shall be filled at the next election at which any state officers are to be selected. Ala. Const. Art. V, § 127. While waiting for the Governor's office to be filled at the subsequent general election, the office shall be held and administered by the President Pro Tempore of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, or State Treasurer in the order listed. *Id.*

23.3.4 Vacancy in Any Other Statewide Executive Office

If the office of Secretary of State, State Treasurer, State Auditor, Attorney General, or Commissioner of Agriculture and Industries were to become vacant, the Governor fills the office by appointment until the previous office holder is able to re-enter or a successor is elected. Ala. Const. art V, § 136; *Clark v. State*, 59 So. 259, 261 (Ala. 1912).

23.4 Judicial Branch Vacancies

23.4.1 Judicial Vacancies

If a vacancy arises in the office of a judge, the office shall be filled by appointment by the Governor. Ala. Const. Art. VI, § 153; *see* Griggs v. Bennett, 710 So. 2d 411, 413 (Ala. 1998). A judge appointed to fill a vacancy will serve an initial term lasting two years until the first Monday after the second Tuesday in January following a general election. Ala. Const. Art. VI § 153. During that general election, the judicial office will be filled for a full term. *Id.*

Many counties have enacted local amendments that establish unique procedures for filling certain vacancies within their jurisdiction. For example, in Jefferson County, a vacancy in the office of Circuit Court Judge of Jefferson County will be "filled by appointment on nominations made by a judicial commission." Ala. Const. Local § 37-2.21; *see also* Naftel v. State ex rel. Driggars, 361 So. 3d 751 (Ala. 2022) (discussing Jefferson County's alternative procedure for filling vacancies of the County Circuit Court).

These amendments establish their own procedures and timing and often include default procedures that operate if a responsible official or committee does not take action. Some counties provide that the judicial commission therein shall provide nominations to the governor for any vacancy in a judgeship in the circuit court, district court, or probate court of the county, while others apply only to a vacancy in a circuit court or district court judgeship. Those counties, and the relevant amendments, are:

Baldwin	Ala. Const. Local § 2-2.20.
Dallas	Ala. Const. Local § 24-2.20
Jefferson	Ala. Const. Local §§ 37-2.20 and 37-2.21
Madison	Ala. Const. Local § 45-2.20
Mobile	Ala. Const. Local §§ 49-2.00 and 49-2.01
Shelby	Ala. Const. Local § 58-2.21
Talladega	Ala. Const. Local § 61-2.20
Tuscaloosa	Ala. Const. Local § 63-2.20

23.4.2 Circuit Court Clerk Vacancies

Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located. Ala. Const. Art. VI, § 160.

23.5 Vacancies in the State Board of Education

In the event that a vacancy occurs on the State Board of Education, the Governor shall fill the position through the remainder of the term subject to confirmation by the Senate at the next succeeding session of the legislature. Ala. Code § 16-3-5.

23.6 Vacancies in Municipal Offices

Alabama law provides different rules for vacancies in both mayoral and city council positions, depending on the "Class" of the municipality. This section highlights the statutory provisions in the Alabama Code for vacancies.

However, many of these sections can be amended or changed by local laws, and so it is important to check each jurisdiction's local rules about

vacancies. For example, while the City of Fairfield is a Class 6 municipality, vacancies on the Fairfield City Council may only be filled by appointment from the Council, and not by special election, even though the general rule provides for filling of the seat both by appointment and special election for Class 6 municipalities. *Compare* Ala. Code § 45-37A-150.04 *with* Ala. Code § 11-43-65.

23.6.1 Vacancies in the Office of Mayor

23.6.1.1 Class 1 Municipalities. The City of Birmingham is the only Class 1 municipality in Alabama. "Whenever any vacancy in the office of mayor shall occur [in the City of Birmingham] … the president of the council shall assume the duties of the office of mayor effective on the date such vacancy occurs and shall serve as acting mayor until a new mayor is elected and qualified." Ala. Code § 45-37A-52.94. When sitting as acting mayor, the president of the council shall not be able to vote on any matters before the council. *Id.*

Within 30 days of the vacancy, the election commission of the city shall call a special election to fill the vacancy. *Id.* That election must be held on the second Tuesday of the month between 70 and 90 days of the occurrence of the vacancy, unless there is a regular or special election within 120 days of the occurrence of the vacancy, in which case the vacancy shall be filled at that regular or special election. *Id.* The successor mayor elected will serve the remainder of that unexpired term. *Id.*

23.6.1.2 Class 2 Municipalities. When a vacancy in the mayor's office of a Class 2 municipality occurs, "the president of the council shall assume the duties of the office of mayor" and serve as acting mayor. Ala. Code § 11-44C-36. While serving as acting mayor, the president may attend meetings, but may not vote on any matters before the council. *Id.* "The council shall within 10 days of the occurrence of the vacancy … call a special election." *Id.* The successor shall take office as soon as practicable thereafter and shall serve the remainder of the unexpired term. *Id.*

23.6.1.3 Class 3 Municipalities. In the event of a vacancy in the office of mayor in a Class 3 municipality, "the president of the council, or the president pro tempore of the council in the case of absence or disability of the president of the council, shall act as mayor pro tempore." Ala. Code § 11-43-87(a). If the president or president pro tempore refuses, the council may appoint one of its members. *Id.*

If there is more than one year remaining in the vacated mayor's term, the president of the council shall call for a special election to fill the vacancy, which shall be held within 60 and 120 days of the vacancy. Ala. Code § 11-43-87(b)(1). If there is less than one year remaining, the office will be held by the president of the council or president pro tempore in their absence, for the remainder of the term. *Id.*

23.6.1.4 Class 4 Municipalities. "In the event of a vacancy [in a Class 4 municipality] … in the office of mayor, the council shall appoint a person to succeed to the office of mayor for the unexpired term." Ala. Code § 11-43B-12.

23.6.1.5 Class 5 Municipalities. In Class 5 municipalities, if the mayor's office is vacated, the president of the council shall "assume the duties of the office of mayor effective on the date such vacancy occurs and shall serve as acting mayor until a mayor is elected and qualified. " Ala. Code § 11-43C-36. "The council shall within 10 days of the occurrence of the vacancy in the office of the mayor call a special election to fill [the] vacancy." *Id.*

If a vacancy in the governing body of a Class 5 municipality has existed for more than 60 days, and there is less than 6 months remaining in the vacated term, "the city governing body shall appoint a successor by a majority vote of those members voting." Ala. Code § 11-43-18(a)(1). In the event of a tie, the mayor shall cast the tie-breaking vote. *Id.*

23.6.1.6 Class 6 Municipalities. In Class 6 municipalities, if the mayor's office is vacated, "the president of the council shall succeed to the office of mayor for the unexpired term." Ala. Code § 11-43-42(a). If the office of the president of the council is vacant, the president pro tempore shall succeed to the mayor's office, and if both the president and president pro tempore are vacant, the office "shall be filled from the membership of the council." *Id.*

23.6.1.7 Class 7 and 8 Municipalities. "In the event of the absence or disability of the mayor in any Class 7 or 8 municipality, the functions of the office shall be exercised by the chair pro tempore of the city council." Ala. Code § 11-44G-2(a)(1). In the absence or disability of the chair pro tempore, the city council may appoint from its membership. *Id.*

The city council shall fill a mayoral vacancy either from its membership or from without its membership, provided that the person without the

membership is a qualified elector in the municipality. Ala. Code § 11-44G-2(a)(2).

If a mayoral vacancy is not filled within 60 days after it occurs, each council member may submit a name to the Governor for appointment. Ala. Code § 11-44G-2(a)(3)(a). If the Governor fails to make an appointment within 90 days, the judge of probate shall call a special election to fill the vacancy. *Id.* If the Governor is unwilling or unable to make an appointment within 90 days, the Governor shall immediately notify the judge of probate. Ala. Code § 11-44G-2(a)(3)(b).

23.6.2 Vacancies in the City Council

23.6.2.1 Class 1 Municipalities. The City of Birmingham is the only Class 1 municipality in Alabama. "Vacancies in the [Birmingham city] council shall be filled by the council at the next regular meeting or any subsequent meeting of the council." Ala. Code § 45-37A-52.58. That appointed councilperson shall serve "only until the next election of any kind in which the voters of [Birmingham] are qualified electors, at which time the unexpired terms shall be filled by the electors." *Id.*

23.6.2.2 Class 2 Municipalities. Vacancies on the city council of a Class 2 municipality shall be filled by a special election, unless the vacancy occurs "less than one year prior to the date of the next regular council election." Ala. Code § 11-44C-22. If the vacancy occurs within one year of a regular council election, "the unexpired term shall be filled by appointment by the mayor with confirmation by the council." *Id.*

"If a vacancy occurs after reapportionment has changed the district boundaries, but before the new districts take effect, the old district boundaries will remain in effect for filling that vacancy." *Id.*

23.6.2.3 Class 3 Municipalities. If a vacancy occurs on a Class 3 city council more than 180 days before the next regular council election, that vacancy shall be filled by a special election, which shall be held within 60 and 120 days of the occurrence of the vacancy. Ala. Code § 11-43-87(b)(5). If there are less than 180 days until the next regular council election, "the unexpired term shall be filled by appointment by the council." *Id.*

If the office of president of the council is vacated, the president pro tempore shall be president of the council for the unexpired term. Ala. Code § 11-43-87(b)(3). If there is a vacancy in the office of the president pro tempore, the

office shall be filled by the council from the membership of the council. Ala. Code § 11-43-87(b)(4).

23.6.2.4 Class 4 Municipalities. In Class 4 municipalities, the council shall appoint a person from the district to fill a vacancy on the city council for the unexpired term. Ala. Code § 11-43B-12. "In the event of a vacancy in the office of the president of the council, the office shall be filled from the membership of the council." *Id.*

23.6.2.5 Class 5 Municipalities. If a vacancy occurs on a city council in a Class 5 municipality more than one year from the next regular council election, there shall be a special election held within 45 and 120 days of the vacancy to fill the remainder of the unexpired term. Ala. Code § 11-43C-22.

If there is less than one year until the next regular council meeting when the vacancy occurs, the seat shall be filled by appointment by the council for the remainder of the unexpired term. *Id.*

"If a vacancy occurs after reapportionment has changed the district boundaries but before the new districts take effect, the old district boundaries will remain in effect for filling that vacancy." *Id.*

23.6.2.6 Class 6 Municipalities. A vacancy in a Class 6 municipality council may be filled either by: 1) appointment from the city council for the remainder of the unexpired term, or 2) a special election called by the city council, in which case the successor shall serve the remainder of the unexpired term. Ala. Code § 11-43-65.

23.6.2.7 Class 7 and 8 Municipalities. "A vacancy in the office of city council member in a Class 7 or Class 8 municipality shall be filled by the city council at the next regular meeting or any subsequent meeting of the council." Ala. Code § 11-44G-1(a)(1). "The person elected shall hold office for the unexpired term." *Id.*

If the vacancy is not filled within 60 days, each city council member and the mayor may submit a name to the Governor for appointment. *Id.* If the Governor fails to make an appointment within 90 days of the vacancy occurring, the Judge of Probate shall call a special election to fill the vacancy. *Id.* If the Governor is unwilling or unable to make the appointment, the Governor should immediately notify the judge of probate.

23.6.3 Vacancies in City Boards of Education

If a vacancy occurs on a city board of education, the city council or commission shall elect a person to fill the vacancy for the unexpired term. Ala. Code § 16-11-3.

23.7 Vacancies in County Offices

23.7.1 Vacancies in a County Commission

A vacancy in a county commission shall be filled by appointment by the Governor, "[u]nless a local law authorizes a special election." Ala. Code § 11-3-1(b); *see* Working v. Jefferson Cnty. Election Comm's, 2 So. 3d 827, 831 (Ala. 2008). Jefferson County is one example of a county that has enacted such a law. *See* Ala. Code 45-37-72.20 *et seq*., which provides for a special election within an abbreviated time frame following a vacancy.

23.7.2 Vacancies in a County Board of Education

If a vacancy occurs on a county board of education, "the vacancy shall be filled by a majority of the remaining members" of the board. Ala. Code § 16-8-6; *see also* Ala. Op. Att'y Gen. No. 2004-059 (Jan. 14, 2004). If the board fails to fill the vacancy within 30 days, the State Superintendent of Education will fill the vacancy by appointment. *Id.* The county superintendent of education is responsible for notifying the State Superintendent of Education when there has been a vacancy on the board for 30 days. *Id.*

23.7.3 Vacancies in a County Superintendent of Education's Office

If a vacancy occurs in the county superintendent of education's office, the county board of education shall fill that seat "within 180 days after such a vacancy occurs." Ala. Code § 16-9-11(a). "Within 90 days after the occurrence of a vacancy," the board shall announce "a proposed process and time-line for posting and selecting a superintendent." *Id.*

If the vacancy is not filled within 180 days, "the state superintendent shall withhold state warrants until the vacancy is filled unless the board, to the satisfaction of the state superintendent, exhibits good faith and reasonable effort" in selecting a superintendent. Ala. Code § 16-9-11(b).

23.7.4 Vacancies in a Coroner's Office

A vacancy in an elected coroner's office shall be filled by the Governor, who shall appoint a new coroner until a successor is elected. Ala. Code § 11-5-2; Ala. Op. Att'y Gen. No. 2003-132 (Apr. 24, 2003). Note that some counties have through legislative act abolished the elected position of coroner and replaced it with a similar position, such as medical examiner (though still informally referred to as coroner) that is an agent of the county commission and is, therefore, appointed by the county commission. A vacancy in the office of a coroner or medical examiner appointed by the county commission is not subject to the above provision.

23.7.5 Vacancies in a District Attorney's Office

"Vacancies in the office of district attorney are filled by the Governor," and the appointee will hold the office for the remainder of the unexpired term until a successor is elected. Ala. Code § 12-17-181.

23.7.6 Vacancies in a Constable's Office

"Vacancies in the office of constable shall be filled by appointment of the Governor, and the person appointed shall hold the office for the unexpired term and until his successor is elected and qualified." Ala. Code § 36-23-2.

23.7.7 Vacancies in a Sheriff's Office

"[T]he highest ranking deputy sheriff in the office of the sheriff shall discharge the duties of the sheriff when … the office of the sheriff is vacant and until a successor is qualified." Ala. Code § 36-22-3.1.

There is no Alabama law specifically referencing the filling of vacancies of a sheriff. Therefore, the general rule that the Governor shall fill any other vacancy for the unexpired term for a sheriff shall apply. Ala. Code § 36-9-17. However, counties may have local laws that provide different appointment provisions. Additionally, appointed sheriffs must meet any local requirements to hold the office. *See e.g.,* Ala. Code § 45-19-236(a)(1) (providing various qualifications for any person elected or appointed to the office of Coosa County Sheriff).

23.7.8 Vacancies in a County Revenue Commissioner's Office

There is no Alabama law specifically referencing the filling of vacancies of a County Revenue Commissioner. Therefore, the general rule that the Governor shall fill any other vacancy for the unexpired term for a County Revenue Commissioner shall apply. Ala. Code § 36-9-17.

23.8 Vacancies in Miscellaneous Offices

"[U]nless otherwise provided by law," a vacancy in any other state, county, or municipal office "shall be filled by appointment of the Governor for the unexpired term of such office." Ala. Code § 36-9-17.

23.9 Vacancies in U.S. House Seats

"When a vacancy occurs in the office of representative in the Congress of the United States," there will be a special election called to fill the vacancy provided that "Congress will be in session prior to the next general election for that office." Ala. Code § 17-15-1.

23.10 Vacancies in U.S. Senate Seats

23.10.1 Election Timeline for U.S. Senate Vacancies

If a vacancy occurs in the office of U.S. Senator from Alabama, and there are "more than [120 days] before a general election, the Governor of Alabama shall forthwith order an election to be held … for the unexpired term." Ala. Code § 36-9-8.

If a U.S. Senate vacancy occurs with less than 120 but more than 60 days before the next general election, the vacancy must be filled at the next general election. *Id.*

If the vacancy occurs within 60 days of an upcoming general election, the Governor shall order a special election "to be held on the first Tuesday after the lapse of 60 days from and after the day on which the vacancy is known to the Governor." *Id.*

23.10.2 Temporary Appointment to U.S. Senate by the Governor

Regardless of the timeline to fill a U.S. Senate vacancy, the Governor of Alabama may temporarily appoint a person to the United States Senate, and the appointee shall hold the office until their successor is elected and qualified. U.S. Const. amend. XVII; Ala. Code § 36-9-7.

For vacancies that occur more than 120 days before a general election, there is no statutory definition of "forthwith" to define when a special election should take place. *See* Derek T. Muller, *Legal Quandaries in the Alabama Senate Election of 2017*, 69 Ala. L. Rev. 983 (2017). After President Donald Trump appointed Alabama U.S. Senator Jeff Sessions as the United States Attorney General, Governor Robert Bentley appointed Alabama Attorney General Luther Strange to temporarily fill the vacancy. *Id.* at 984-85. That appointment was made in February 2017. *Id.* at 985.

However, Governor Bentley decided that the term "forthwith" permitted him to allow the special election to take place in conjunction with the next general election in November of 2018, almost two years after the vacancy occurred. *Id.* Governor Bentley immediately faced a legal challenge, arguing that "forthwith" meant that the election could not be held in conjunction with the next general election. *Id.* at 986 (citing Complaint at 2-3, Zeigler v. Bentley, No. 900338 (Ala. Cir. Ct. 2017). Before that suit could be resolved, Governor Bentley resigned his office, and his successor, Kay Ivey, scheduled an election for December 12, 2017. *Id.* Given the lack of a resolution in that case, the meaning of "forthwith" is still unclear.

23.11 Candidate Vacancies

In the case there is a vacancy in any nomination, the state executive committee may fill the vacancy itself or "by such other method as such committee may see fit to pursue." Ala. Code § 17-13-23; Ala. Op. Att'y Gen. No. 2018-046 (Aug. 13, 2018).

If the vacancy arises in nomination for a county office to be filled, the county executive committee may fill it, subject to the state executive committee's approval and agreement. Ala. Code § 17-13-23 ("The respective state or county executive committee shall file with the Secretary of State . . . the name of the candidate to fill such vacancy not later that 76 days before the election."). But note that Ala. Code § 17-6-21(b), amended

in 2024, changed the deadline for amending and finalizing nominations from 76 days before the election to 71 days before the election.

If a candidate is removed or withdraws from the race within 71 days of the general election, the candidate may not be replaced on the ballot. *Id.* However, there is nothing in the law prohibiting a candidate who lost in the primary from prevailing as a write-in candidate in a general election, despite losing their party's nomination.[1]

[1] There are no existing stipulations that prohibit a candidate from being elected by write-in despite having unsuccessfully run for a party's nomination, which would normally apply due to Alabama's sore loser law. Ala. Code § 17-9-3(b).

GLOSSARY

In Alabama the following terms, when used in relation to elections, usually have the meanings set out below.

Absentee ballot: a ballot used by a qualified absentee voter.

Absentee voter: any qualified elector of Alabama who wishes to cast an absentee ballot who will be absent from the polling place on election day and meets the state's legal requirements to cast an absentee ballot.

Administrative Procedure Rules: rules adopted by the Secretary of State under rule-making power and filed in the Administrative Procedures Act.

Ballot: the sheet of paper bearing the names of candidates or propositions to be voted upon which is used as the means to vote in an election.

Ballot clerk: assists the voter in depositing ballots in the precinct ballot counter.

Ballot harvesting: in Alabama, refers to the illegal practice of a third party identifying absentee voters or potential absentee voters, providing them with absentee ballot applications, gathering applications, and returning applications from multiple persons. Under Alabama law, only the absentee ballot applicant (voter) is permitted to fill out and submit their absentee ballot application. Alabama law also prohibits distributing prefilled absentee ballot applications as well as making gifts and payments in exchange for help with an absentee ballot application.

Beat: a popular name for precinct, this geological division of a county is the smallest area for purposes of holding elections.

Booth: a compartment installed at a voting place to insure that no one can see how a voter is marking the ballot.

Canvassing the vote: the process by which the responsible officials total the accumulated returns in order to determine the outcome of an election.

Chief elections official for the state: The Secretary of State.

Chief elections official for the county: The Judge of Probate.

Clerk's poll list: list of voters written by clerk at the polling place.

County executive committee: a structural unit of a political party, which is recognized by the state executive committee and is given authority over party affairs within its respective county. Members are generally elected from each precinct.

Crossover voting: the prohibited practice of voting in the primary election of one party and the primary runoff election of a different party in the same election cycle. Under Alabama law, when an elector votes in the primary election of a political party, the elector may vote only in that party's primary runoff election in that election cycle.

District: many precincts are divided into a voting place or subdivisions of a precinct. Many people call a district the "box."

Election official: a qualified voter appointed to serve as an officer responsible for conducting the election at a voting place. These may be inspectors or clerks. Election officials for municipal elections are appointed by the municipal governing body. For state and county elections, these officials are selected by an appointing body composed of the judge of probate, sheriff, and circuit court clerk.

General election: an election held in November of even-numbered years to allow voters to select officeholders from among the party nominees or independent candidates. There is no run-off in the general election for state and county officers.

HAVA: Help America Vote Act of 2002 passed by Congress requiring states to meet certain minimum standards in voting.

Initial primary: balloting which occurs in presidential election years on the second Tuesday in March or otherwise on the first Tuesday in June to decide which candidates will receive the nominations of their respective parties. In the event a candidate fails to receive the majority of the party's vote, a run-off is held on the sixth Tuesday, following the initial primary.

Inspector: in general charge of the polling place, serves as official challenger of the votes and as returning officer for the precinct.

Lists of registered voters: prepared from the statewide voter list and published periodically in a newspaper in general circulation in the county. Lists names of all qualified voters and printed alphabetically by precinct and voting place.

Municipal election: an election held by a city or town for the election of municipal officers.

Political party: an organization which at the previous general election for state and county officers cast more than 20 percent of the entire vote cast in any county is a political party in that county, and an organization which at the previous general election for state officers cast more than 20 percent of the entire vote cast in the state for a statewide candidate is a political party for state purposes.

Poll list: a numbered list of voters who have voted in an election at any particular box or polling place.

Poll list clerk: ensures that each voter signs the voters' poll list, records each voter's name on the clerk's poll list, and gives ballots to voters.

Poll watcher: a person who represents the interests of one candidate or party at a voting place and looks for any irregularities that might be harmful to the candidate or party.

Precinct: the smallest area into which the county is divided for voting purposes.

Precinct vote counters: an electronic paper ballot counter that reads and tabulates the votes for candidates.

Presidential preference primary: a primary in which the parties ~~to~~ enable the voters to indicate a preference among the various aspirants for the presidential nomination.

Primary election: an election held to nominate the candidates who will represent a party in the general election.

Provisional ballots: are cast when the individual's registration cannot be verified or voter ID was not available.

Purge: to remove the names of persons from the voter list in accordance with state law. The Board of Registrars shall purge the registration list whenever it receives and confirms information that a person registered to vote in that county has died, become a nonresident of the state or county, been declared mentally incompetent, been convicted of any offense mentioned in Section 182 of the Constitution since being registered or otherwise become disqualified as an elector.

Purging: the process by which the registration lists are kept current by removing from the list names of persons who have died, become mentally ill, moved, or who have otherwise become disqualified.

Qualifying fee: a fee that may be established by each party to be paid by candidates for nomination. Such assessments may not be greater than two percent of one year's salary for the office sought.

Registrar: a qualified voter in the county in which he or she serves, who is appointed as one of three members on the county board of registrars. A registrar has the responsibility of registering voters.

Registration list clerk: checks off names against the list of registered voters.

Returning officer: an election official, usually the inspector, who has the responsibility of delivering the ballot boxes and election returns to the sheriff, who, as returning officer of the county, delivers the returns to the appropriate officials for totaling and canvassing.

Secret ballot: a ballot that is voted in such a way that only the voter knows how his or her vote was cast.

Special election: an election called at irregular intervals when necessary to fill a vacancy caused by death or resignation, or for some other extraordinary purpose such as voting on a constitutional amendment.

Split ticket: a voter votes a split ticket when the voter votes for candidates of different parties in the general election.

Spoiled ballot: a ballot becomes spoiled and may be exchanged for a new ballot if a voter accidentally marks or defaces the ballot or in some other way spoils or invalidates it.

State executive committee: the governing body of a political party at the state level which is vested with general governing authority over party affairs.

Straight ticket: to vote a straight ticket, the voter votes for every candidate of one party for whatever office nominated.

UOCAVA: Uniform Military and Citizens Overseas Voters Act is designed to simplify the process of absentee voting for United States military and overseas citizens by making the process more uniform, convenient, secure and efficient. 18 U.S.C.S. §§ 608-609, 39 U.S.C.S. § 3406, and 42 U.S.C.S. §§ 1973ff to 1973ff-6

Update form: voter re-identification form used at the polling place to ensure accurate and up-to-date address.

Voter's poll list: numbered list that is signed by the voter at the polling place.

Voting center: a polling place using voting machines where a voter may be referred to any voting machine in use at the center, rather than being required to vote at a particular machine devoted to the use of voters whose names appear on a division of the voting list. Special statutory arrangements regulate the operation of voting centers.

Voting Rights Act: federal legislation originally enacted in 1965, which governs election procedures in states subject to its provisions. The act requires that all changes affecting voting be approved by the U.S. District Court of the District of Columbia or the Attorney General of the United States.

Voting room: the room provided at each polling place by the county commission of each county, or in the case of a municipal election, the mayor or other chief executive officer for voters to cast their votes. This room is the voting room. When the time arrives for closing the polls, all qualified voters, who are then waiting within the voting room to vote, shall be permitted by the election officers to do so.

Write-in votes: if a voter desires to vote for any person whose name does not appear on the ballot, he or she writes the name in the place provided for this purpose. Not permitted in municipal elections.

APPENDICES

Page

Appendix A: Important Addresses 397
Appendix B: 2026 Voter Guide.....398
Appendix C: Photo ID Guide 2026.....417
Appendix D: List of Disqualifying Felony Convictions 432
Appendix E: Minimum Qualifications for Public Office.....435
Appendix F: 2026 Candidate Filing Guide 438
Appendix G: Appointment of Principal Campaign Committee 487
Appendix H: Campaign Advertising Guidelines 2024 488
Appendix I: PAC Filing Guidelines 2024.....490
Appendix J: Statement of Organization of Political Action Committee.....495
Appendix K: Update Form for Political Action Committee 496

Appendix L: Candidate & Elected Official Campaign Finance Reports
Appendix L-1: Candidate & Elected Official Campaign Finance Report Monthly & Weekly Summary Form 1.....497
Appendix L-2: Candidate & Elected Official Campaign Finance Report Daily Summary Form 1 498
Appendix L-3: Candidate & Elected Official Campaign Finance Report Annual Summary Form 1A 499
Appendix L-4: Candidate & Elected Official Campaign Finance Report Form 2 500
Appendix L-5: Candidate & Elected Official Campaign Finance Report Form 3 501
Appendix L-6: Candidate & Elected Official Campaign Finance Report Form 4 502
Appendix L-7: Candidate & Elected Official Campaign Finance Report Form 5 503
Appendix L-8: Candidate & Elected Official Campaign Finance Report Form 6 504
Appendix L-9: Candidate & Elected Official Campaign Finance Report Major Contribution Form 505

Appendix M: Political Action Committee Campaign Finance Reports
Appendix M-1: Political Action Committee Campaign Finance Report Monthly & Weekly Summary Form 1.....509
Appendix M-2: Political Action Committee Campaign Finance Report Daily Summary Form 1 510
Appendix M-3: Political Action Committee Campaign Finance Report Annual Summary Form 1A 511

Page

Appendix M-4: Political Action Committee Campaign Finance Report Form 2.....512
Appendix M-5: Political Action Committee Campaign Finance Report Form 3.....513
Appendix M-6: Political Action Committee Campaign Finance Report Form 4.....514
Appendix M-7: Political Action Committee Campaign Finance Report Form 5.....515
Appendix M-8: Political Action Committee Campaign Finance Report Form 6.....516
Appendix M-9: Political Action Committee Campaign Finance Report Major Contribution Form 517

Appendix N: Statement of Dissolution 518
Appendix O: Online Filing System Guidelines.....519

Appendix P: Absentee Ballot Applications
Appendix P-1: Application for Absentee Ballot 522
Appendix P-2: Application for Municipal Absentee Ballot.....523
Appendix P-3: Application for Permanent Disability Absentee Ballot.....524
Appendix P-4: Application for Permanent Disability Municipal Absentee Ballot 525
Appendix P-5: Application for Emergency Absentee Ballot 526
Appendix P-6: Application for Uniformed and Overseas Voters Absentee Ballot 527

Appendix Q: Election Officials' Affidavit for Identifying Qualified Elector.....528
Appendix R: Provisional Voting Affirmation.....529

Appendix S: Poll Watcher Authorizations
Appendix S-1: Poll Watcher Authorization for Primary Election.....531
Appendix S-2: Poll Watcher Authorization for General Election.....532

Appendix T: Election Official's Instructions (prepared by Election Systems & Software) 533

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook.....554

Appendix A: Important Addresses

POLITICAL PARTIES

Alabama Democratic Party
501 Adams Avenue
Montgomery, AL 36104
(334) 262-2221

Alabama Republican Party
3505 Lorna Road
Birmingham, AL 35216
(205) 212-5900

GOVERNMENT AGENCIES

Office of the Secretary of State
Elections Division
Mailing Address:
P.O. Box 5616
Montgomery, AL 36103-5616
Physical Address:
600 Dexter Avenue, Suite E-206
Montgomery, AL 36130
(334) 242-7210
sos.alabama.gov
alabamavotes.gov

Alabama Ethics Commission
Mailing Address:
P.O. Box 4840
Montgomery, AL 36103-4840
Physical Address:
100 North Union Street, # 104
Montgomery, AL 36104
(334) 242-2997
www.ethics.alabama.gov

Federal Election Commission
1050 1st Street, NE
Washington, D.C. 20463
(202) 694-1100
(800) 424-9530
fec.gov

Appendix B: 2026 Voter Guide

Elections Division - Office of the Secretary of State

Elections & Voter Fraud Hotline

Statewide:	1 (800) 274-VOTE (8683)
In the Montgomery area:	334-242-7210
Fax:	334-242-2444

On the Internet

Web:	www.alabamavotes.gov www.stopvoterfraudnow.com
Email:	alavoter@vote.alabama.gov

Visit Us in the State Capitol

600 Dexter Avenue, Rooms E-202 through E-210
Montgomery, Alabama 36130

Mailing Address

Elections Division
Office of the Secretary of State
P.O. Box 5616
Montgomery, Alabama 36103-5616

Publication Notes

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LEGAL DISCLAIMER

This document is not a substitute for the Code of Alabama. It is provided as a guide and is not intended to be an authoritative statement of law. For further legal information, please consult the Code of Alabama or other appropriate legal resources.

Appendix B: 2026 Voter Guide (continued)

Offices on the Ballot

FEDERAL
- U.S. Senator
- U.S. House of Representatives (7 seats)

STATE
- Governor
- Lt. Governor
- Secretary of State
- State Treasurer
- State Auditor
- Commissioner of Agriculture & Industries
- State Senator
- State Representative

STATE
- State Board of Education (Districts 2, 4, 6, and 8)
- Court of Criminal Appeals Judges (Place 4 and 5)
- Court of Civil Appeals Judges (Place 4 and 5)
- Circuit Court Judges (various seats)
- District Court Judges (various seats)
- Public Service Commission (Place 1 and 2)

COUNTY
- Various County Offices

Important Dates for the 2026 Election

PRIMARY ELECTION — May 19, 2026

May 4	Voter registration deadline
May 12	Last day to apply for an absentee ballot to mail
May 14	Last day to apply for an absentee ballot in person
May 18	Last day to hand-deliver absentee ballot
May 19	Absentee ballots returned by mail must be received by noon*

PRIMARY RUNOFF ELECTION (IF NECESSARY) — June 16, 2026

May 29	**Last day to hand-deliver voter registration**
June 1	**Last day to postmark voter registration forms & register electronically**
June 9	Last day to apply for an absentee ballot to mail
June 11	**Last day to apply for an absentee ballot in person**
June 15	**Last day to hand-deliver absentee ballot**
June 16	**Absentee ballots returned by mail must be received by noon***

GENERAL ELECTION — NOVEMBER 3, 2026

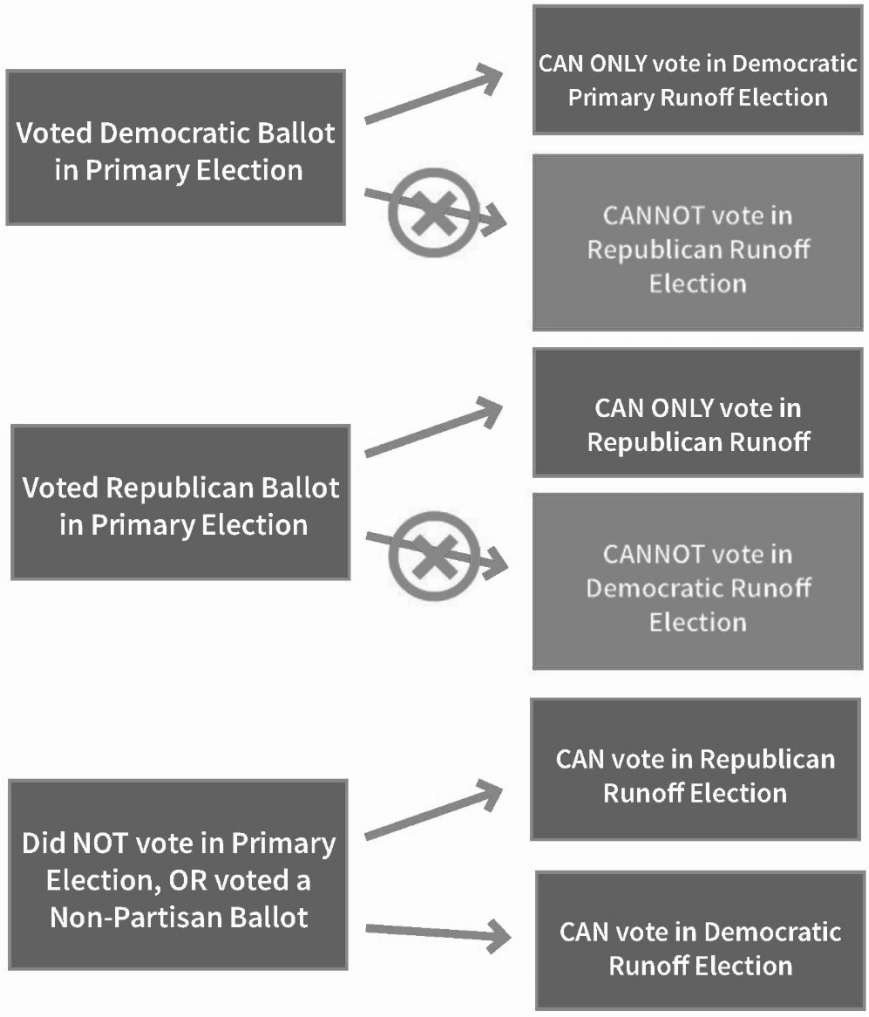
October 19	Voter registration deadline
October 27	Last day to apply for an absentee ballot by mail
October 29	Last day to apply for an absentee ballot in person
November 2	Last day to hand-deliver an absentee ballot
November 3	Absentee ballots returned by mail must be received by noon*

**Except for persons casting absentee ballots pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA voters). See pages 11 and 12.*

Appendix B: 2026 Voter Guide (continued)

CROSSOVER VOTING RULES

According to Alabama Act 2017-340, Section 2(a), beginning August 1st, 2017, if an elector votes in a primary election, he or she may vote in a subsequent primary runoff election only if he or she voted in the primary election of the same political party for which the runoff election is being held. Persons who did not vote in a primary election may choose either party's ballot in the subsequent primary runoff election.



The crossover voting rule starts over with each election cycle and only applies to Primary Elections and Primary Runoff Elections. The crossover voting rule does not apply to a General Election.

Appendix B: 2026 Voter Guide (continued)

VOTER REGISTRATION

Registration Requirements

Any person may register to vote, provided that they:

- are a citizen of the United States;
- live in Alabama;
- are at least 18 years old on or before election day;
- are not barred from voting due to a disqualifying felony conviction; and
- have not been declared mentally incompetent by a court.

Applicants may register the same day that they move into the state. Victims of domestic violence, guardians of victims of domestic violence, federal and state prosecutors, federal, state, probate and municipal judges, law enforcement officers, legislators, and spouses of any of the aforementioned are entitled to special legal protections related to personal identifying information. For further information, contact the Secretary of State or your county Board of Registrars.

When to Register

Voter registration is open all year, except during the 14 days prior to an election and on Election Day. Voter registration is closed to provide enough time for election officials to compile an accurate voter list for the election. If registering to vote using a mail-in form, the registration form must be postmarked no later than the registration deadline for an election. If registering to vote in person, registration must be received before the close of business of the registration deadline for an election. If registering to vote electronically, registration must be submitted before 11:59 PM on the registration deadline for an election.

Keeping Your Registration Updated

Any voter whose name or address is not correct on the voter list must provide current information before being allowed to vote. To update voter registration due to a change of name or address, voters will need to submit a new voter registration form (see page 4) prior to the voter registration deadline. Please note that the address on your Alabama Driver's License does not need to match your voter registration.

Restoration of Voting Rights

An individual who is barred from registering and voting by reason of a disqualifying felony conviction may request to have their voting rights restored by applying for a Certificate of Eligibility to Register to Vote (CERV). An individual may qualify for a Certificate of Eligibility to Register to Vote if they have fulfilled all terms of the sentence for the disqualifying felony conviction. For further information, please contact the Alabama Bureau of Pardons and Paroles at 334-353-7771 or visit **pardons.state.al.us.**

Appendix B: 2026 Voter Guide (continued)

Where and How to Register

A citizen may register to vote, OR update voter registration:

- online at **alabamavotes.gov** if they have a valid Alabama Driver's License or Non-Driver ID card
- when applying for or renewing a State of Alabama Driver's License or Non-Driver ID card
- at state and local government offices when applying or recertifying SNAP, TANF, Food Stamps, WIC, Medicaid, Aid to Dependent Childen, or Rehabilitation Services
- at armed forces recruiting stations
- at the Board of Registrars office located within the county seat of the voter's county of residence (see pages 18-21)
- by mail-in form available at Probate Judge and License Commissioner offices, colleges, universities, public schools, or libraries
- by contacting the Elections Division at 1-800-274-VOTE (8363), requesting a mail-in voter registration form be mailed to you, and mailing the completed form to your local Board of Registrars office
- by downloading a voter registration from the Secretary of State's website at **alabamavotes.gov** and mailing it to your local Board of Registars office

Political Party Registration

Alabama does not have a party registration law; therefore, a citizen does not declare a political party preference when registering to vote. When participating in a primary election, a voter will be asked which party's ballot they would like to vote on upon checking in with a poll worker at the polls, or by indicating party preference on an absentee ballot application.

2026 Voter Registration Deadlines

MAY 4	MAY 29* JUNE 1**	OCT. 19
PRIMARY	**RUNOFF**	**GENERAL**

*Last day to hand-deliver voter registration forms
**Last day to postmark voter registration forms being returned by mail and to register to vote electronically

Appendix B: 2026 Voter Guide (continued)

AT THE POLLING PLACE

My Polling Place

Upon registering to vote or updating registration information, the county Board of Registrars office sends a Voter ID card to each voter. The Voter ID card is a postcard which includes the voter's precinct information and polling location. If you have not received a Voter ID card, contact your county Board of Registrars office (see pages 17-18). Additionally, voters can verify their polling place on the Secretary of State's website by selecting **My Voting Information.** For municipal election polling place information, contact the city clerk's office.

Polling Place Hours

Alabama polling places are open from 7 A.M. to 7 P.M. on Election Day. Please note that polling places located in the Eastern Time Zone may be open from 7 A.M. to 7 P.M. Eastern Time. Anyone who attempts to join the voting line after 7:00 P.M. shall not be permitted to vote.

Voting Procedure

1. The voter arrives at the polling place and provides their name to a poll worker. The voter must also present an acceptable form of photo identification (see page 6).
2. A poll worker checks the list of registered voters for the voter's name. If the voter is listed as inactive, they will be asked to update their voter registration information by completing a Voter Update Form, available at the polling place, prior to being allowed to vote.
3. The voter signs the poll list. If participating in a Primary Election, the voter must declare which party's primary they wish to vote in and then must sign that party's poll list. If the election is a Primary Runoff, the voter must vote in the runoff of the same political party they chose for the Primary Election (see page 2 for crossover voting rules).
4. The poll worker will hand the voter a blank ballot. Then, the voter will be directed to a location designated by the polling place to fill out their ballot.
5. Upon filling out the ballot with the voter's preferences, the voter will be directed to a secure ballot tabulator. The voter will insert their marked ballot into the secure ballot tabulator. If needed, the voter may request a poll worker for assistance with the secure ballot tabulator.
6. The secure ballot tabulator will display a message onscreen verifying the ballot has been counted.

VOTING PROCEDURES VARY according to the type of equipment used and may vary by county. For more specific information, look for instructions printed in large print that should be visible at each polling place. Poll workers will provide information on voting procedures at the voter's request. Poll workers are forbidden to tell a citizen for whom to vote for or attempt to influence a voter's choices in any way.

Appendix B: 2026 Voter Guide (continued)

REPLACEMENT BALLOTS are available if the voter makes a mistake in marking their ballot or if the ballot gets torn or otherwise damaged. The voter should take the original ballot to a poll worker and request a replacement ballot. The poll worker will issue a new ballot and place the original ballot in an envelope marked "spoiled ballots" for security purposes.

PROHIBITIONS: Act 2021-535 prohibits any voting machine from being installed or operated outside of the interior of the enclosed building designated as a voting place. Additionally, no ballots shall be taken into or out of any voting place, except when performing the authorized pre-election and post-election duties of transporting ballots. **Act 2021-488** prohibits any voter in this state from voting more than once, or attempting to vote more than once, in any election held in this state, or from voting in both this state and another state or territory in the same or equivalent election. The act also prohibits any voter from attempting to vote when they have knowledge that they are not entitled to vote, or the commission of any kind of unlawful or fraudulent voting.

If a Voter's Name is Not on the Voter List

If a person's name does not appear on the list of registered voters for the polling place, the poll worker will contact the county Board of Registrars to determine if the person is eligible to vote at that polling place. If the Board of Registrars are unable to verify the person's voter registration, the voter may vote a provisional ballot.

Photo Voter Identification

A voter must present one of the following forms of identification before they will be permitted to vote. A voter who does not have one of these forms of photo identification is eligible for a free Alabama Photo Voter ID card.

- Valid Alabama Driver's License (not expired or expired less than 60 days)
- Valid Alabama Non-Driver ID (not expired or expired less than 60 days)
- Alabama free Photo Voter ID card
- Valid U.S. Passport
- Valid Military ID
- Valid Tribal ID
- Valid Employee ID from Federal Government, State of Alabama, County, Municipality, Board, or other entity of this state
- Valid student or employee ID from a public or private college or university in the State of Alabama (including postgraduate technical or professional schools)
- Valid student or employee ID issued by a state institution of higher learning in any other state
- Valid Federal-issued ID
- Valid State-issued ID (Alabama or any other state)

Examples:

- Valid Pistol Permit (Photo Required)
- Valid AL Movement/Booking Sheet from Prison/Jail System (Photo Required)
- Valid AL Department of Corrections Release Temporary ID (Photo Required)

For additional information on photo voter identification, visit: www.alabamavotes.gov

Appendix B: 2026 Voter Guide (continued)

If a Voter does not have a Valid Photo ID

Prior to the date of the election, any registered voter who does not possess a form of valid photo identification may receive a free Alabama Photo Voter ID from their county Board of Registrars office or by requesting a homevisit by calling 1 (800) 274-VOTE (8683).

A voter who does not have a valid form of photo ID on Election Day can vote a regular ballot only if their name appears on the official voters list *and* they are positively identified by at least two election officials. If the voter does not have a valid form of photo ID and cannot be positively identified by at least two election officials, they are permitted to vote a provisional ballot (see below for additional information on voting a provisional ballot).

Exemptions from Photo Voter ID Law

A VOTER WHO IS A MEMBER OF THE MILITARY OR RESIDING OVERSEAS — Voters who vote by absentee ballot pursuant to the **Uniformed and Overseas Citizens Absentee Voting Act** (UOCAVA) are not required to provide ID. The term "UOCAVA voter" includes anyone who is a member of the Uniformed Services (including their spouse and dependents), Merchant Marines, commissioned corps of the Public Health Service, Commissioned Corps of the National Oceanic and Atmospheric Administration, and any U.S. citizen residing overseas whose last place of residency prior to moving overseas was within Alabama.

ELDERLY VOTERS AND VOTERS WITH A DISABILITY — Pursuant to the **Voting Accessibility for the Elderly and Handicapped Act**, elderly voters at least 65 years of age and voters with disabilities are not required to provide ID when voting by absentee ballot. Voters who fall under this category may select the option on their absentee ballot application stating that they are physically incapacitated and will not be able to vote in person on election day [ID Not Required].

Voting a Provisional Ballot

A voter using a provisional ballot to vote will follow the same procedures as casting a regular ballot. Prior to receiving a provisional ballot, a voter will first need to sign an affidavit attesting to their eligibility to vote and complete a voter update form. Provisional ballots are placed in a separate secure ballot box from regular ballots.

Reasons for Voting a Provisional Ballot:

Voter Name Not on Poll List - The provisional ballot will be counted if the county Board of Registrars are able to confirm that the person casting the ballot is a duly qualified elector of the polling place where the ballot was cast.

Absentee Ballot Never Received - A voter may cast a provisional ballot if they did not receive the requested absentee ballot, OR if the voter did not return the absentee ballot.

Appendix B: 2026 Voter Guide (continued)

Reasons for Voting a Provisional Ballot (cont.):

No Photo ID at Polling Place and Unable to be Positively Identified by Two Election Officials - The voter has until 5 P.M. on the Friday following the election to submit a valid form of photo ID to the Board of Registrars. If proper ID is submitted by this deadline, the ballot will be counted as long as all other requirements were met.

No Photo ID Included with Absentee Ballot Application (Non-exempt Voter) - The voter has until 5 P.M. on the Friday following the election to submit a valid form of photo ID to the Board of Registrars. If proper ID is submitted by this deadline, the ballot will be counted as long as all other requirements were met.

Voter Objects to Political Party Indicated on Voter List (Applies only to Primary Runoff Elections) - The provisional ballot will be counted only if the Board of Registrars can confirm that the provisional ballot from the Primary Runoff Election is of the same political party as the voter's Primary Election ballot.

Sample Ballots

Voters may take marked sample ballots into the polling place, provided these items are for personal use only and are not distruptive to others in the polling place. The voter should not leave these items in the polling place.

Campaigning on Election Day

Any Election Day campaigning, including the placing of signage, must maintain a minimum distance of 30 feet from any polling place. If the polling location is within a building, campaigning must not be closer than 30 feet from the entrance of the building.

VOTER ASSISTANCE

Any voter who requests voting assistance may receive help from any person the voter chooses except the voter's employer, an agent of the employer, or an officer or agent of the voter's union. If the voter does not request a specific individual, a poll worker may assist the voter at the request of the voter. Voters do not need to state a reason for requesting assistance.

Polling Place Accessibility

Polling places should be accessible to people with disabilities. At every polling place, there will be voting equipment to accommodate voters with disabilities so that they can vote without assistance. If your specific disability is not accommodated, please contact your county's Probate Judge or the Secretary of State.

Provision for Elderly/Disabled Voters

Upon request from the voter, a polling official may allow a voter who is physically disabled or over the age of 70 to move to the front of the line at a polling place.

Appendix B: 2026 Voter Guide (continued)

Time in the Voting Booth

Poll workers should make every effort to give each voter adequate time to vote. Any voter remaining in a voting station for four (4) minutes or longer may be asked by a poll worker if he or she requires assistance.

IF THE VOTER DOES NOT WANT ASSISTANCE, they are permitted to remain for one (1) additional minute. At the end of that minute, if individuals are waiting to vote, the voter may be informed that time is up and may be asked to leave. If there is no line, the voter may have as much time as necessary to finish voting.

IF THE VOTER WANTS ASSISTANCE, they may have at least five (5) additional minutes to vote. At the end of the time, if others are waiting to vote, the assisted voter may be told that time is up and may be asked to leave the polling place. However, if there are no voters waiting, the assisted voter shall have as much time as necessary to finish voting.

ELECTION PROCESS

The laws governing each type of election vary depending on the election. Elections can generally be classified as either a Primary Election, a Primary Runoff Election, a General Election, or a Special Election.

Types of Elections

PRIMARY ELECTION — Held by political parties to select each party's nominee for the General Election. In Primary Elections, each party has a different ballot style. Voters must choose to participate in either the Democratic Party Primary or the Republican Party Primary (see crossover voting on page 2).

PRIMARY RUNOFF ELECTION - Occurs only if no one candidate receives a majority of the votes cast in an election with at least three (3) candidates. The Primary Runoff Election is held between the two candidates who receive the highest number of votes in the first Primary. The winner of this Runoff Election will be declared the party's nominee for the General Election.

GENERAL ELECTION — Held to determine which candidate, regardless of political party or write-in status, will be elected to a particular office up for election. When voting in a General Election, voters have the option to either vote a straight-party ticket or individually mark their candidates of preference.

SPECIAL ELECTION — Held to fill a vacancy in certain offices, such as U.S. Representative, State Senator, or State Representative. Special Elections may also be held to place specific issues before the voters, such as whether or not a county or city will raise certain taxes or a Constitutional Amendment Election.

Appendix B: 2026 Voter Guide (continued)

ABSENTEE VOTING

Eligibility

A voter may cast an absentee ballot if they:

- **EXPECT TO BE ABSENT FROM THE COUNTY** on Election Day;
- **ARE ILL OR HAVE A PHYSICAL INFIRMITY** that prevents the voter from being able to access their assigned polling place
- **ARE A REGISTERED ALABAMA VOTER LIVING OUTSIDE THE COUNTY** including but not limited to, members of the armed forces or a spouse or dependent of such a person, or a U.S. citizen residing overseas or students at an educational institution located outside their county of residence
- **ARE AN APPOINTED ELECTION OFFICER OR POLL WATCHER** at a polling place other than their regular polling place
- **EXPECT TO WORK A REQUIRED WORKPLACE SHIFT** which has as at least 10 hours which coincide with regular polling hours
- **ARE A CAREGIVER** for a family member to the second degree of kinship by affinity or consanguinity and the family member is confined to their own home
- **ARE INCARCERATED IN PRISON/JAIL** and have not been convicted of a felony involving moral turpitude

Business/Medical Emergency Voting

Applications for business and medical emergency voting can be made after the absentee deadline. However, the emergency absentee ballot application and the voted absentee ballot **must** be returned no later than noon on the day the election is held.

On the emergency absentee ballot application, the voter may designate someone to turn in the application, receive the absentee ballot, and return the voted absentee ballot to the Absentee Election Manager on behalf of the voter.

A voter may cast an emergency absentee ballot if they:

- have a medical emergency requiring treatment from a licensed physician within five (5) days of an election
- are required by an employer due to unforeseen circumstances within five (5) days before an election to be unavailable at the polls on Election Day
- are a caregiver of a person who requires emergency treatment by a licensed physician within five (5) days before an election
- have a family member to the second degree of kinship by affinity or consanguinity (voter or voter's spouse's parents, grandparents, siblings, children or grandchildren) pass away within five (5) days before an election

In addition to application information outlined on page 12, the **emergency application** contains an affidavit acknowledging that the voter was not aware of the circumstances prior to the normal absentee ballot deadline. The **application for medical emergency** requires that the attending physician describe and certify the circumstances as constituting an emergency.

Appendix B: 2026 Voter Guide (continued)

Military and Citizens Residing Overseas

Alabama citizens who are members of the Uniformed Services, spouses and dependents of members of the Uniformed Services, Merchant Marines, Commissioned Corps of the Public Health Service, Commissioned Corps of the National Oceanic and Atmospheric Administration, and Alabama overseas citizens (also known as UOCAVA voters) have two methods for receiving their absentee ballots: by electronic transmission or by U.S. Mail.

To request electronic transmission of the blank ballot, UOCAVA voters must mark the appropriate box and provide an email address on the **State of Alabama "UOCAVA Application for Absentee Ballot"** available from the Secretary of State's website, **www.alabamavotes.gov**. Additionally, UOCAVA voters may provide an email address on the **Federal Post Card Application** available from their Voting Assistance Officer or from the Federal Voting Assistance Program (FVAP) website, **www.fvap.gov**, and selecting the "email/online" option for ballot transmittal.

UOCAVA voters may also return their absentee ballot by U.S. Mail or by a commerical carrier. Please note that if returning the ballot by commercial air or ground carrier, the date the ballot is tendered to the carrier is considered the postmark date. UOCAVA voters should ensure that their ballot is postmarked or tendered to the commercial carrier no later than the day of the election in which they are casting a ballot.

UOCAVA voters are no longer required to have their ballot's affidavit envelope notarized. However, the affidavit on the envelope must be witnessed by two persons 18 years of age or older.

UOCAVA voters may find additional information on absentee voting on the Federal Voting Assistance Program (FVAP) website at **fvap.gov**. Please note that the FVAP website provides information for UOCAVA voters only.

Citizens with Permanent Disabilities

Citizens who have a permanent disability which prevents them from attending the polls may apply for an absentee ballot on an annual basis. The application is valid for all federal, state, county, and municipal elections in the calendar year and must be renewed annually. A voter who is permanently disabled must provide verification from their primary physician. The application must be signed and notarized by the voter's primary physician.

Voters submitting an absentee application on the basis of being permanently disabled must submit their application to their county Absentee Election Manager. For absentee application deadlines for the 2026 Election, see page 13.

Appendix B: 2026 Voter Guide (continued)

Absentee Ballot Application

To apply for an absentee ballot, submit an Absentee Ballot Application (available for download at **www.alabamavotes.gov**) to your county Absentee Election Manager. Applications may also be requested online or by calling the Elections Division at (334) 242-7210.

Alternatively, voters may request an absentee ballot by writing or visiting their county Absentee Election Manager and providing the following information:

- name and residential address
- a copy of valid photo identification (see page 6)
- election for which the ballot is requested
- reason for absence from the polls on Election Day
- party choice, if the election is a Primary or Primary Runoff**
- address to which the ballot should be mailed
- voter's signature (if signed with a mark, it must be witnessed)

***It is not necessary to give party choice when applying for an absentee ballot for a General Election. However, in a Primary Election, a voter may participate in only one political party's primary; therefore, a choice must be designated on the application so the appropriate ballot can be provided. If the voter declines to designate a party choice for a Primary or Primary Runoff Election, the Absentee Election Manager may send only the ballot for constitutional amendments.*

The absentee ballot application must be returned to the Absentee Election Manager **by U.S. Mail or by commercial carrier** no later than the seventh day prior to the election; or returned in person by the voter no later than the fifth day prior to the election.

Upon receiving the absentee ballot application, the Absentee Election Manager may request additional evidence on the reason for voting absentee if the voter has a history of continuous absentee voting.

APPLICATIONS FOR MILITARY PERSONNEL AND OVERSEAS CITIZENS — Applications submitted by military personnel, their spouses or dependents, and U.S. citizens residing overseas are valid for all federal, state, and county elections in the current calendar year. However, these voters should ensure that they keep their mailing and email addresses updated with their county Board of Registrars and with their Absentee Election Manager.

APPLICATIONS FOR CITIZENS WITH PERMANENT DISABILITIES — Applications submitted by citizens who are permanently disabled and cannot attend the polls are valid for all federal, state, county, and municipal elections in the current calendar year. However, these voters should ensure that they keep their mailing addresses updated with their county Board of Registrars and with their Absentee Election Manager.

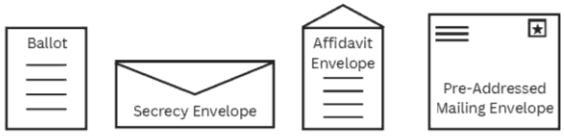
Appendix B: 2026 Voter Guide (continued)

2026 Absentee Voting Deadlines

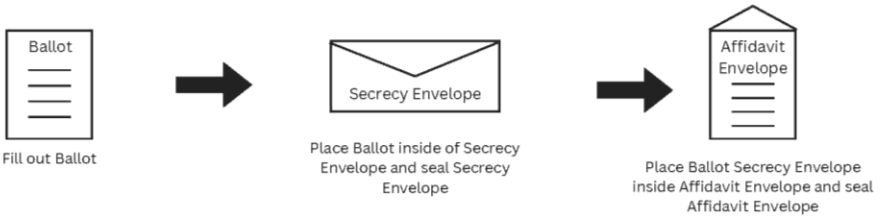
	PRIMARY	RUNOFF	GENERAL
Absentee Voting Begins no later than date shown	MAR 25	JUN 2	SEP 9
Absentee Application Mail Delivery Deadline	MAY 12	JUN 9	OCT 27
Absentee Application Hand Delivery Deadline	MAY 14	JUN 11	OCT 29
Absentee Ballot Hand-Delivery Deadline	MAY 18	JUN 15	NOV 2
Absentee Ballot Mail Delivery Deadline *must be postmarked no later than noon*	MAY 19	JUN 16	NOV 3
Absentee UOCAVA Ballot Receipt Deadline *must be postmarked no later than Election Day*	MAY 26	JUN 23	NOV 10

Absentee Ballot Receipt/Return

Absentee Ballot Materials



Absentee Ballot Process



Please note that electronic or remote notarization is not allowed for absentee voting.

Appendix B: 2026 Voter Guide (continued)

If the absentee ballot application is approved, the Absentee Election Manager:

- forwards the absentee ballot by U.S. Mail; or
- personally hands the absentee ballot to the voter (or to a designee in the case of medical emergency voting).

BALLOT PROCEDURE — The absentee ballot package will contain three envelopes—the secrecy envelope, the affidavit envelope, and one plain, pre-addressed envelope (the outer envelope). Once the voter completely fills out their ballot, they'll follow the below procedure for preparing the ballot for return:

- Seal the ballot in the **plain envelope** (the secrecy envelope)
- Place the **plain envelope** inside the **affidavit envelope**
- Seal the **affidavit envelope** and completely fill out the affidavit outside of the envelope
- Sign the affidavit and have the signature witnessed by either a notary public or two witnesses 18 years of age or older
- Place the **affidavit envelope** inside the **outer envelope**
- **NOTE:** If you are voting a provisional absentee ballot due to lack of identification, place a copy of your ID (**not** the original) inside the outer envelope.

WITNESSES OR NOTARIZATION — An absentee ballot cannot be counted unless the affidavit is notarized or has the signatures of two witnesses who are 18 years old or older. Electronic or remote notarization of absentee ballot affidavits is not allowed.

SUBMITTING THE VOTED BALLOT — The voter is required to use one of the following methods for returning their absentee ballot:

- send the ballot to the Absentee Election Manager by U.S. Mail, by commercial carrier; or
- personally hand-deliver the ballot to the Absentee Election Manager (or by a designee in the case of medical emergency voting).

VOTING DEADLINE — An absentee ballot returned by hand must be delivered by the voter and must be in the Absentee Election Manager's office by the close of business (but no later than 5 P.M.) on the day prior to the election. An absentee ballot returned by mail must be received by the Absentee Election Manager no later than noon on Election Day.

Appendix B: 2026 Voter Guide (continued)

FAQs

- **I TURNED IN A VOTER REGISTRATION APPLICATION. AM I REGISTERED TO VOTE?** No. Your voter registration application must first be approved by the county Board of Registrars. Once your application has been approved, you should receive a notification from the Registrars indicating the status of your application. This notification will typically be a voter identification postcard confirming that you are registered to vote. However, if your application was incomplete, you may receive a letter requesting additional information to complete your application. If you are unsure about the status of your application, you should call your local Board of Registrars or visit **www.alabamavotes.gov.**

- **I TURN 18 AFTER THE VOTER REGISTRATION DEADLINE BUT BEFORE THE ELECTION. CAN I VOTE IN THAT ELECTION?** Yes. Voters who will be 18 years of age on or before Election Day may submit a voter registration form prior to turning 18. Please note that the voter registration application must be received prior to the voter registration blackout, which is within 14 days of any election.

- **I HAVE MOVED FROM ONE PART OF THE COUNTY TO ANOTHER. CAN I STILL VOTE AT MY OLD POLLING PLACE?** No. You must update your voter registration by either reregistering to vote online or by mailing in a new voter registration form to the Board of Registrars in your county. If you have moved within the county and have not updated your voter registration within 14 days of an election, contact your county Board of Registrars office for your new polling place. You will be permitted to go to your new polling place, update your voter registration, and cast a provisional ballot.

- **I HAVE MOVED FROM MY COUNTY OF RESIDENCE. CAN I STILL VOTE AT MY OLD POLLING PLACE?** No. By signing in at your old polling place, you are falsley attesting that you still live at your old address. Any changes to a voter's registration information must be made within 14 days of any election.

- **WHAT IF I MAKE A MISTAKE ON MY BALLOT?** If you have not already placed your ballot in the secure ballot tabulator, you may ask a poll worker for another ballot. The poll worker will place your spoiled ballot in a designated secure area so that it cannot be counted or reused.

- **IS THERE A PROCEDURE FOR WHEN VOTING EQUIPMENT FAILS?** Yes. There are procedures poll workers will follow in the event the voting equipment is experiencing techical difficulties. If the ballot tabulator is down, it is standard to have voters place their ballots in a secure bin below the tabulator. The ballots will be inserted into the tabulator by a poll worker at the close of polls.

Appendix B: 2026 Voter Guide (continued)

- **ARE CANDIDATES ALLOWED TO CAMPAIGN OUTSIDE MY POLLING PLACE?** Campaigning outside the polling place is permitted; however, this activity must not be closer than 30 feet from the entrance of the polling place. If the polling place is located in a room within a building, the campaigning must not be closer than 30 feet from the entrance of the building. If a candidate or their supporters are campaigning within 30 feet of the entrance of the polling place, notify the chief inspector of the polling place.

- **CAN A CANDIDATE ASSIST ME IN MARKING MY BALLOT?** Yes, if you specifically ask the candidate to help you. The only people who cannot assist a voter are the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union.

- **CAN I WEAR CAMPAIGN BUTTONS OR T-SHIRTS WITH POLITICAL ADVERTISEMENTS INTO THE POLLING PLACE?** Yes. However, you should not loiter or leave any campaign materials in the polling place.

- **IF CONSTITUTIONAL AMENDMENTS ARE INCLUDED ON THE BALLOT, MUST I VOTE ON THEM?** No. You are not required to vote on constitutional amendments. Similarly, you are not required to vote in all races on the ballot. Participation is your choice.

- **WHAT HAPPENS IF I DO NOT WANT TO DECLARE A POLITICAL PARTY PREFERENCE AT THE PRIMARY ELECTION?** If you choose not to declare a political preference at the Primary Election, you will not be eligible to vote in any political party's Primary Election. However, you are still eligible to vote on any proposed constitutional amendments that are up for a vote.

- **I VOTED IN MY POLITICAL PARTY'S PRIMARY ELECTION. MY PARTY IS NOT HAVING A RUNOFF. CAN I VOTE IN THE OTHER PARTY'S RUNOFF ELECTION?** No. Alabama has a cross over voting law that prohibits anyone who voted in one party's Primary from voting in another party's Primary Runoff. If you do not vote in the Primary Election, you may vote in any party's Primary Runoff Election. See Page 2 for cross over voting rules.

- **CAN I TAKE A CELL PHONE INTO MY POLLING PLACE?** Yes. However, use of the phone in the polling place should not disturb other voters or disrupt the polling place.

- **CAN I TAKE PHOTOGRAPHS INSIDE MY POLLING PLACE?** Yes. However, an individual may only take a photograph of their own ballot. Taking other photographs within the polling place may intimidate other voters and is not allowed.

Appendix B: 2026 Voter Guide (continued)

Boards of Registrars Offices by County

AUTAUGA COUNTY
PO Box 680036
Prattville 36068-0036
(334) 358-6740

BALDWIN COUNTY
PO Box 1507
Bay Minette 36507-1507
(251) 937-0229

BARBOUR COUNTY
PO Box 402
Clayton 36016-0402
(334) 775-8579

405 E Broad St Rm A-165
Eufaula 36027
(334) 687-1585

BIBB COUNTY
8 Court Square W
Centreville 35042
(205) 926-3102

BLOUNT COUNTY
220 Second Ave E Rm B-5
Oneonta 35121
(205) 973-0536

BULLOCK COUNTY
217 Prairie St N Rm 101
Union Springs 36089-1659
(334) 738-5372

BUTLER COUNTY
201 S Conecuh St
Greenville 36037
(334) 382-5685

CALHOUN COUNTY
1702 Noble St Ste 113
Anniston 36201-3889
(256) 241-2930

CHAMBERS COUNTY
2 S Lafayette St, Ste B
LaFayette 36862
(334) 864-4313

CHEROKEE COUNTY
260 Cedar Bluff Rd
Ste 106
Centre 35960-1403
(256) 927-5336

CHILTON COUNTY
PO Box 640
Clanton 35046-0640
(205) 755-3820

CHOCTAW COUNTY
117 S Mulberry Ave Ste 1
Butler 36904-0132
(205) 459-2531

CLARKE COUNTY
PO Box 10
Grove Hill 36451-0010
(251) 275-3062

CLAY COUNTY
PO Box 446
Ashland 36251-0446
(256) 354-7815

CLEBURNE COUNTY
120 Vickery St Rm 103
Heflin 36264-1166
(256) 463-5299

COFFEE COUNTY
1065 East McKinnon St
#6 County Complex
New Brockton 36351-9791
(334) 894-5347

COLBERT COUNTY
201 N Main St
Tuscumbia 35674-2095
(256) 386-8535

CONECUH COUNTY
111 Court St Rm 102
Evergreen 36401
(251) 578-7024

COOSA COUNTY
PO Box 218
Rockford 35136-0218
(256) 377-2418

COVINGTON COUNTY
228 Hillcrest Dr
Andalusia 36420-2570
(334) 428-2685

CRENSHAW COUNTY
PO Box 328
Luverne 36049-0328
(334) 335-6568

CULLMAN COUNTY
500 2nd Ave SW Ste 112
Cullman 35055-4135
(256) 775-4697
(256) 775-4698

DALE COUNTY
PO Box 1101
Ozark 36361-1101
(334) 774-9038

DALLAS COUNTY
PO Box 987
Selma 36702
(334) 874-2534

DEKALB COUNTY
111 Grand Ave SW Ste 105
Fort Payne 35967
(256) 845-8598

ELMORE COUNTY
100 E Commerce St Rm 100
Wetumpka 36092-2746
(334) 567-1150

ESCAMBIA COUNTY
PO Box 557
Brewton 36427-0557
(251) 867-0243

ETOWAH COUNTY
800 Forrest Ave Ste 206
Gadsden 35901-3651
(256) 549-5384

FAYETTE COUNTY
103 First Ave NW Ste 4
Fayette 35555
(205) 932-5432

FRANKLIN COUNTY
PO Box 70
Russellville 35653-0070
(256) 332-8849

GENEVA COUNTY
PO Box 430
Geneva 36340-0430
(334) 684-5655

GREENE COUNTY
PO Box 224
Eutaw 35462-0224
(205) 372-9669

HALE COUNTY
905-D Centerville St
Greensboro 36774
(334) 624-5628

HENRY COUNTY
101 Court Square Ste K
Abbeville 36310
(334) 585-6080

HOUSTON COUNTY
PO Box 6406
Dothan 36302-6406
(334) 677-4776

JACKSON COUNTY
102 E Laurel St.
Scottsboro 35768
(256) 574-9339

JEFFERSON COUNTY
716 R Arrington Jr. Blvd N
Ste A-410
Birmingham 35203-0115
(205) 325-5550

LAMAR COUNTY
PO Box 338
Vernon 35592-0338
(205) 695-6348

LAUDERDALE COUNTY
PO Box 1059
Florence 35631-1059
(256) 760-5840

LAWRENCE COUNTY
14451 Market Street Ste 340
Moulton 35650
(256) 974-2460

LEE COUNTY
PO Box 1530
Opelika 36803-1530
(334) 737-3635

LIMESTONE COUNTY
100 Clinton St S Ste E
Athens 35611-2665
(256) 233-6405

LOWNDES COUNTY
PO Box 311
Hayneville 36040-0311
(334) 548-2389
(334) 548-2080

Appendix B: 2026 Voter Guide (continued)

Alabama Boards of Registrars

MACON COUNTY
210 N Elm St
Tuskegee 36083
(334) 724-2617

MADISON COUNTY
1918 Memorial Parkway NW
Huntsville 35801
(256) 532-3510

MARENGO COUNTY
PO Box 480715
Linden 36748-0715
(334) 295-2249
(334) 295-2086

MARION COUNTY
PO Box 964
Hamilton 35570-0964
(205) 921-3625

MARSHALL COUNTY
424 Blount Ave Ste 106A
Guntersville 35976-1122
(256) 571-7740

MOBILE COUNTY
151 Government St Ste 165
Mobile 36602
(251) 574-8586

MONROE COUNTY
PO Box 972
Monroeville 36461-0972
(251) 743-4107 (ext. x141)

MONTGOMERY COUNTY
PO Box 1667
Montgomery 36102-1667
(334) 832-1215

MORGAN COUNTY
PO Box 668
Decatur 35602-0668
(256) 351-4660
(256) 351-4663

PERRY COUNTY
PO Box 555
Marion 36756-0555
(334) 683-2218 (ext. x5)

PICKENS COUNTY
PO Box 173
Carrollton 35447-0173
(205) 367-2071

PIKE COUNTY
120 W Church St Rm B2
Troy 36081-1913
(334) 566-1757

RANDOLPH COUNTY
PO Box 215
Wedowee 36278-0215
(256) 357-2138

RUSSELL COUNTY
PO Box 700
Phenix City 36868-0700
(334) 298-1443

SHELBY COUNTY
PO Box 1642
Columbiana 35051-1642
(205) 669-3913

ST. CLAIR COUNTY
1815 Cogswell Ave Ste B-25
Pell City 35125
(205) 338-3954

SUMTER COUNTY
PO Box 783
Livingston 35470-0783
(205) 652-7902

TALLADEGA COUNTY
400 N Norton Ave
Sylacauga 35150-2010
(256) 249-1007

PO Box 6170
Talladega 35161-6170
(256) 761-2131
(256) 761-2132

TALLAPOOSA COUNTY
125 N Broadnax St, Rm 20
Dadeville 36853-1371
(256) 825-1081

TUSCALOOSA COUNTY
2501 7th St, Ste 200
Tuscaloosa 35401-1801
(205) 464-8415

WALKER COUNTY
PO Box 1472
Jasper 35502-1472
(205) 384-7279

WASHINGTON COUNTY
PO Box 1224
Chatom 36518-1224
(251) 847-3255

WILCOX COUNTY
PO Box 661
Camden 36726-0661
(334) 682-9753

WINSTON COUNTY
PO Box 459
Double Springs 35553-0459
(205) 489-3966

Appendix C: Photo ID Guide 2026

ALABAMA
PHOTO VOTER ID GUIDE
2026

Prepared by the
Office of the Secretary of State
State of Alabama

SEPTEMBER 2025

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Appendix C: Photo ID Guide 2026 (continued)

HAVE QUESTIONS?

Contact the Elections Division in the Office of the Secretary of State:

Physical Address:	600 Dexter Avenue, Room E-206 Montgomery, Alabama 36130
Mailing Address:	P.O. Box 5616 Montgomery, Alabama 36103-5616
Telephone:	334-242-7210 or 1-800-274-8683
Website:	www.alabamavotes.gov
E-mail:	alavoter@vote.alabama.gov

LEGAL DISCLAIMER

This document is not a substitute for the ***Code of Alabama, 1975***. It is provided as a guide and is not intended to be an authoritative statement of law. For further legal information, please consult the Code of Alabama, other appropriate legal resources, or your attorney.

Appendix C: Photo ID Guide 2026 (continued)

CONTENTS

BACKGROUND 4

IMPLEMENTATION PROCESS 5

WHAT FORMS OF ID ARE VALID AT THE POLLS 6

What if I do not have any of these forms of ID? 7

FREE NON-DRIVER ID 7

WHERE CAN I GET MY FREE ALABAMA PHOTO VOTER ID CARD? 7

WHAT IS NEEDED TO OBTAIN MY FREE ALABAMA PHOTO VOTER ID CARD? 8

What if I am not registered to vote? 9

Examples of photo ID documents that can be used to obtain a free Alabama Photo Voter ID Card but CANNOT be used at the polls 9

Examples of non-photo ID documents that can be used to obtain a free Alabama Photo Voter ID card 9

WHAT HAPPENS AFTER I APPLY? 10

IS MY FREE ALABAMA PHOTO VOTER ID CARD SECURE? 10

WHAT ABOUT VOTERS WHOSE POLLING PLACE IS INACCESSIBLE DUE TO AGE OR DISABILITY? 11

Definition of "accessible" as it relates to voters who are elderly or who have a disability 11

WHAT ABOUT VOTERS WHO ARE MEMBERS OF THE MILITARY OR WHO RESIDE OVERSEAS? 12

HOW DO I REQUEST A MOBILE PHOTO VOTER ID VISIT? 12

LISTING OF BOARDS OF REGISTRARS (ISSUING OFFICES FOR FREE ALABAMA PHOTO VOTER ID CARDS) 13

Appendix C: Photo ID Guide 2026 (continued)

ALABAMA LAW REQUIRES

Act 2011-673 requires an Alabama voter to have a specific type of photo identification at the polls in order to vote. If a voter does not have one of the approved forms of photo ID as stated in the law, then he or she may receive a free Alabama photo voter ID card from various locations.

Act 2019-507 requires an Alabama voter to include a copy of his or her photo identification with an application for an absentee ballot. If an absentee election manager receives an absentee ballot application on or after the eighth day prior to an election, the absentee election manager shall issue a provisional absentee ballot. If a voter receives a provisional absentee ballot, they must either include a copy of photo identification with the absentee ballot or present a valid photo ID to the Board of Registrars no later than 5 P.M. on the Friday following the election.

CHANGES IN THE LAW

During the 2025 Regular Legislative Session, the Legislature approved Senate Bill 158. Governor Kay Ivey signed the bill, and it was subsequently assigned Act Number 2025-307.

Beginning on June 1, 2025, Act 2025-307 states foreign national driver licenses will not be used as photo identification for voting purposes.

Appendix C: Photo ID Guide 2026 (continued)

This guide will explain the photo identification process and let voters know how to be prepared for all elections. For more information, you may contact the Elections Division of the Office of the Secretary of State at 800-274-8683 or 334-242-7210.

IMPLEMENTATION PROCESS

The Secretary of State's Office was tasked with writing administrative rules to direct the process of receiving free photo IDs. Those administrative rules can be viewed on the Secretary of State's website at www.sos.alabama.gov or www.alabamavotes.gov. The Secretary of State was also tasked with selecting a vendor for processing the cards. Police and Sheriff's Press, Inc. was chosen as the vendor. The Secretary of State's Office set up training and provided equipment for the process in all 67 counties in the State of Alabama.

Appendix C: Photo ID Guide 2026 (continued)

WHAT FORMS OF ID ARE VALID AT THE POLLS?

A voter can use any of the following forms of photo ID at the polls:

- Valid Alabama Driver's License (not expired or has been expired less than 60 Days)
- Valid Alabama Non-driver ID (not expired or has been expired less than 60 Days)
- Valid Alabama Photo Voter ID Card
- Valid State-Issued ID (Alabama or any other state)
  - Examples
    - » Valid Pistol Permit (Photo Required)
    - » Valid AL Movement/Booking Sheet from Prison/ Jail System (Photo Required)
    - » Valid AL Department of Corrections Release - Temporary ID (Photo Required)
- Valid Federal-Issued ID
- Valid US Passport
- Valid Employee ID from Federal Government, State of Alabama, County, Municipality, Board, or other entity of this state
- Valid student or employee ID from a public or private college or university in the State of Alabama (including postgraduate technical or professional schools)
- Valid student or employee ID issued by a state institution of higher learning in any other state
- Valid Military ID
- Valid Tribal ID

If a voter possesses any of these forms of ID, they are not eligible to receive a free Alabama Photo Voter ID card. The voter must bring one of these photo IDs to the polls on Election Day or place a copy of the ID in absentee ballot materials.

A voter who is required to present valid photo identification but does not do so will be allowed to vote a provisional ballot as provided by law. The voter casting a provisional ballot will have until 5 P.M. on the Friday after the election

Appendix C: Photo ID Guide 2026 (continued)

to submit valid photo ID. Otherwise, the ballot will not be counted.

In addition, a voter who does not have a valid photo ID in their possession at the polls shall be permitted to vote a regular ballot if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election officials sign a sworn affidavit.

What if I do not have any of these forms of ID?

If a voter does not have one of the valid forms of photo ID, then they may obtain a free Alabama Photo Voter ID card or a free non-driver ID for purposes of voting.

FREE Non-driver ID

As another option, a voter who does not have any of the acceptable forms of photo ID may obtain a free non-driver ID for the purpose of voting.

Voters will have to fill out a form with the Alabama Law Enforcement Agency and sign a form attesting that they do not have one of the valid forms of photo ID.

A voter must comply with all rules set forth by the Alabama Law Enforcement Agency and adhere to those requirements in order to receive the free non-driver ID.

For more information about the Free Non-driver ID, please visit www.alea.gov.

WHERE CAN I GET MY FREE Alabama Photo Voter ID CARD?

A voter may obtain a free Alabama Photo Voter ID card at the following locations:

- **Secretary of State's Office**
  600 Dexter Avenue
  Suite E-204
  Montgomery, Alabama 36130

Appendix C: Photo ID Guide 2026 (continued)

- **Boards of Registrars Offices**
  Located in each county. Please see pages 15-17 in this guide for addresses and phone numbers of the various county locations.
- **At a Mobile Location to be Determined by the Secretary of State's Office**
  To see a list of scheduled mobile locations in your area, visit alabamavoterid.com. Mobile locations may be requested at alabamavotes.gov.
- **By Requesting a Mobile Voter ID Home Visit**
  You may apply for a home visit at alabamavotes.gov. Home visits are conducted under limited circumstances.

Please note that applicants are instructed not to complete the application for a free Alabama Photo Voter ID card if they already possess one of the valid forms of photo identification. Any falsification or fraud in completing the application shall constitute a Class C felony.

WHAT IS NEEDED TO OBTAIN MY FREE Alabama Photo Voter ID CARD?

To receive a free Alabama Photo Voter ID, card a voter must show:

- A photo identity document, except that a non-photo identity document is acceptable if the document includes both the person's full legal name and date of birth.
- Documentation showing the voter's date of birth (can be verified by information in the statewide voter file);
- Documentation showing the person is a registered voter (can be verified by voter registration information);* and
- Documentation showing the voter's name and address as reflected in the voter registration record (can be verified by voter registration information).*

***THE PROCESSING AGENTS WILL VERIFY THE DOCUMENTATION NEEDED TO RECEIVE THE FREE Alabama Photo Voter ID CARD**

Appendix C: Photo ID Guide 2026 (continued)

BY CHECKING THE VOTER'S RECORD IN THE STATEWIDE VOTER REGISTRATION SYSTEM.

What if I'm not registered to vote?

You must be a registered voter in order to obtain a free Alabama Photo Voter ID card or free non-driver ID.

- The Registrar or the mobile unit worker will check the voter registration status when the voter submits the application.
- If you are in the Board of Registrars office, you may simultaneously register to vote and apply for a free Alabama Photo Voter ID card if there is no issue with your registration.
- If a voter is applying for a free non-driver ID card, the voter will sign the application stating they are an Alabama elector.

Examples of photo ID documents that can be used to obtain a free Alabama Photo Voter ID CARD but <u>CANNOT</u> be used at the polls:

- A student ID issued by a public or private high school.
- A student or employee ID card issued by a private university or postgraduate technical or professional school located **OUTSIDE** the State of Alabama.
- An employee ID card **NOT** issued by a branch, department, agency, or entity of the US government, the State of Alabama, or any county, municipality, board, authority, or entity of the State of Alabama.
- Hospital/Nursing home ID card.
- Wholesale club or other membership card.

Examples of Non-Photo ID Documents that can be used to obtain a free Alabama Photo Voter ID CARD

ALL MUST CONTAIN FULL LEGAL NAME AND DATE OF BIRTH

- Birth Certificate‡

Appendix C: Photo ID Guide 2026 (continued)

- Hospital or nursing home record
- Marriage Record‡
- State or Federal Census Record
- Military Record
- Medicare or Medicaid document
- Social Security Administration document
- Certificate of Citizenship
- Official school record or transcript

‡The Secretary of State's Office has entered an agreement with the Alabama Department of Public Health whereby a free birth or marriage certificate will be provided to the processing or issuing agent when a voter needs one of these documents in order to obtain a free Alabama Photo Voter ID card. This certificate is for voting purposes only, is provided electronically, and cannot be used for any other purpose. For more information, please call the Secretary of State's Office at 1-800-274-8683.

AFTER COMPLETING THE APPLICATION AND SHOWING DOCUMENTATION, WHAT HAPPENS AFTER I APPLY?

- The voter's information will be entered into the Alabama Photo Voter ID card issuance system and their photo will be taken.
- The person processing the application for the free Alabama Photo Voter ID card will give the voter a receipt, much like a temporary driver's license, which can be used to vote up to 45 days after receipt.
- Voters should receive their free Alabama Photo Voter ID card within 14 days of processing, unless otherwise stated.

IS MY FREE Alabama Photo Voter ID CARD SECURE?

The vendor selected to produce the IDs has set many security measures within both the ID card itself and the receipt. It would be extremely difficult for someone to fake an Alabama Photo Voter ID card.

Appendix C: Photo ID Guide 2026 (continued)

County-level poll workers will be trained in these security measures and will know what to look for on Election Day.

WHAT ABOUT VOTERS WHOSE POLLING PLACE IS INACCESSIBLE DUE TO AGE OR DISABILITY?

The Secretary of State's Office has addressed voters who are elderly or who have a disability with an exception to the absentee ballot ID requirement when the voter's polling place is not accessible. ✦

A voter who is entitled to vote by absentee ballot pursuant to the Voting Accessibility for the Elderly and Handicapped Act or any other federal law **shall not be required to produce identification when voting by absentee ballot**.

Voters who fall within this category will be able to check a box on their absentee ballot application, which states that their polling place is not accessible and that they fall under the definition of elderly (age 65 or older) or handicapped. The Absentee Election Manager will not require an ID in order for these ballots to be counted.

✦**Definition of "accessible" as it relates to voters who are elderly or who have a disability:**

Pursuant to Section 8 of the Voting Accessibility for the Elderly and Handicapped Act (subchapter 1-F of Chapter 20 of Title 42 U.S.C), the Secretary of State has determined that the term "accessible" as applied to handicapped and elderly voters shall mean that the location of the polling place is physically accessible to handicapped and elderly voters.

If a handicapped or elderly voter is unable to access their assigned polling place due to a neurological, musculoskeletal, respiratory, cardiovascular, or other life-altering disorder that affects the ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear, or speak, that voter's polling place is not "accessible" to them.

Appendix C: Photo ID Guide 2026 (continued)

WHAT ABOUT VOTERS WHO ARE MEMBERS OF THE MILITARY OR WHO RESIDE OVERSEAS?

An individual eligible to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is not required to provide ID prior to voting.

The term "UOCAVA voter" includes anyone who is a member of the Uniformed Services (including their spouse and dependents), Merchant Marines, commissioned corps of the Public Health Service, and the National Oceanic and Atmospheric Administration. It also includes anyone who is a U.S. citizen residing overseas whose last place of residency prior to moving overseas was in Alabama.

HOW DO I REQUEST A MOBILE PHOTO VOTER ID VISIT?

Groups and individuals may find more information and request the mobile photo voter ID units by visiting our site, alabamavotes.gov, and completing the online form. You may also contact the Elections Division by phone at 1-800-274-8683. Home visits are conducted under limited circumstances.

Appendix C: Photo ID Guide 2026 (continued)

ALABAMA BOARDS OF REGISTRARS
FREE ALABAMA PHOTO VOTER ID CARD ISSUING OFFICES

Autauga County
218 N. Court St.
Prattville 36067-3041
(334) 358-6740

Baldwin County
312 Courthouse Square
Bay Minette 36507
(251) 937-0229

1100 Fairhope Ave
Fairhope 36532
(251) 990-4614

201 E Section Street
Foley 36535
(251) 972-6877

Barbour County
1 Court Square
Clayton 36016
(334) 775-8579

405 E Broad St Rm A-165
Eufaula 36027
(334) 687-1585

Bibb County
8 Court Square W
Centreville 35042
(205) 926-3102

Blount County
220 Second Ave E Rm B-5
Oneonta 35121
(205) 973-0536

Bullock County
217 Prairie St N Rm 101
Union Springs 36089-1659
(334) 738-5372

Butler County
201 S Conecuh St
Greenville 36037
(334) 382-5685
(334) 382-6829

Calhoun County
1702 Noble St Ste 113
Anniston 36201-3889
(256) 241-2930

Chambers County
2 S Lafayette St Ste B
LaFayette 36862
(334) 864-4313

610 S Gilmer Ave
Lanett 36863
(334) 644-7781

Cherokee County
260 Cedar Bluff Rd Ste 106
Centre 35960-1403
(256) 927-5336

Chilton County
500 2nd Ave N Rm 119
Clanton 35045
(205) 755-3820

Choctaw County
117 S Mulberry Ave Ste 1
Butler 36904-2557
(205) 459-2531

Clarke County
114 Court St
Grove Hill 36451
(251) 275-3062

Clay County
25 Court Square
Ashland 36251
(256) 354-7815

Cleburne County
120 Vickery St Rm 103
Heflin 36264-1166
(256) 463-5299

Coffee County
1065 E McKinnon Street
#6 County Complex
New Brockton 36351-9791
(334) 894-5347

Colbert County
201 N Main St
Tuscumbia 35674-2095
(256) 386-8535

Conecuh County
111 Court Street Rm 102
Evergreen 36401
(251) 578-7024

Coosa County
9709 US Hwy 231
Rockford 35136
(256) 377-2418

Covington County
228 Hillcrest Dr
Andalusia 36420-2570
(334) 428-2685

Crenshaw County
29 S Glenwood Ave
Luverne 36049
(334) 335-6568 ext. 252

Cullman County
500 2nd Ave SW Ste 112
Cullman 35055-4135
(256) 775-4697

Dale County
100 Court Square
Ozark 36360
(334) 774-9038

Dallas County
105 Lauderdale St Rm 122
Selma 36701
(334) 874-2534

Appendix C: Photo ID Guide 2026 (continued)

ALABAMA BOARDS OF REGISTRARS
FREE ALABAMA PHOTO VOTER ID CARD ISSUING OFFICES

DeKalb County
111 Grand Ave SW Ste 105
Fort Payne 35967
(256) 845-8598

Elmore County
100 E Commerce St Rm 100
Wetumpka 36092-2746
(334) 567-1150

Escambia County
314 Belleville Ave Rm 204
Brewton 36426
(251) 867-0243

Etowah County
800 Forrest Ave Ste 206
Gadsden 35901-3651
(256) 549-5384

Fayette County
103 First Ave NW Ste 4
Fayette 35555-2627
(205) 932-5432

Franklin County
410 Jackson Ave North
Russellville 35653
(256) 332-8849

Geneva County
200 N Commerce St
Geneva 36340
(334) 684-5655

Greene County
110 Main Street
Eutaw 35443
(205) 372-9669

Hale County
905D Centerville St
Greensboro 36744-1536
(334) 624-5628

Henry County
101 Court Square Ste K
Abbeville 36310-2135
(334) 585-6080

Houston County
462 N Oates St
Dothan 36303
(334) 677-4776

Jackson County
102 E Laurel St
Scottsboro 35768
(256) 574-9339

Jefferson County
716 R Arrington Jr Blvd N
Ste A-410
Birmingham 35203-0115
(205) 325-5550

Lamar County
44690 Hwy 17
Vernon 35592
(205) 695-6348

Lauderdale County
200 South Court Street
Florence 35630
(256) 760-5840

Lawrence County
14451 Market St Ste 340
Moulton 35650
(256) 974-2460

Lee County
205 S 10th St
Opelika 36801
(334) 737-3635

Limestone County
100 Clinton St S Ste E
Athens 35611-2665
(256) 233-6405

Lowndes County
205 Tuskeena St E Rm 101
Hayneville 36040
(334) 548-2389

Macon County
210 N. Elm Street
Tuskegee 36083-1735
(334) 724-2617

Madison County
1918 Memorial Parkway NW
Huntsville 35801
(256) 532-3510

Marengo County
101 E Coats Ave
Linden 36748
(334) 295-2249

Marion County
132 Military St South Ste 175
Hamilton 35570
(205) 921-3625

Marshall County
424 Blount Ave Ste 106A
Guntersville 35976-1122
(256) 571-7740

Mobile County
151 Government St Ste 165
Mobile 36602
(251) 574-8586

Monroe County
65 N Alabama Ave
Monroeville 36460
(251) 743-4107 x141

Appendix C: Photo ID Guide 2026 (continued)

ALABAMA BOARDS OF REGISTRARS
FREE ALABAMA PHOTO VOTER ID CARD ISSUING OFFICES

Montgomery County
125 Washington Ave
Montgomery 36104
(334) 832-1215

Morgan County
302 Lee St NE
Decatur 35601
(256) 351-4660
(256) 351-4663

Perry County
300 Washington St Ste 102
Marion 36756
(334) 683-2218 x5

Pickens County
155 Reform St Suite 303
Carrollton 35447
(205) 367-2071

Pike County
120 W Church St Rm B2
Troy 36081-1913
(334) 566-1757

Randolph County
14 Broad Street SE Ste 3
Wedowee 36278
(256) 357-2138

Russell County
1000 Broad St
Phenix City 36867
(334) 298-1443

Shelby County
202 W College St Ste 100
Columbiana 35051
(205) 669-3913

St. Clair County
1815 Cogswell Ave Ste B-10
Pell City 35125
(205) 338-3954

Sumter County
311 S Washington St
Livingston 35470
(205) 652-7902

Talladega County
400 N Norton Ave
Sylacauga 35150-2010
(256) 249-1007

1 Courthouse Square
Talladega 35160
(256) 761-2131
(256) 761-213

Tallapoosa County
125 N Broadnax St Rm 20
Dadeville 36853-1371
(256) 825-1081

Tuscaloosa County
2501 7th St Ste 200
Tuscaloosa 35401-1801
(205) 464-8415

Walker County
1803 3rd Ave Ste 109A
Jasper 35501
(205) 384-7279

Washington County
45 Court St
Chatom 36558
(251) 847-3255

Wilcox County
219 Claiborne Street
Camden 36726
(334) 682-9753

Winston County
11 Blake Dr Rm 3
Double Springs 35553
(205) 489-3966

Appendix D: List of Disqualifying Felony Convictions

Crime	Section
Capital Murder	13A-5-40
Murder	13A-6-2
Manslaughter	13A-6-3
Assault 1st Degree	13A-6-20, except Section 13A-6-20(a)(5)
Assault 2nd Degree	13A-6-21
Compelling Street Gang Membership	13A-6-26(d)
Aggravated Stalking	13A-6-91
Domestic Violence 1st Degree	13A-6-130
Domestic Violence 2nd Degree	13A-6-131
Domestic Violence by Strangulation or Suffocation	13A-6-138
Elder Abuse	38-9-7(b)
Kidnapping 1st Degree	13A-6-43
Kidnapping 2nd Degree	13A-6-44
Rape 1st Degree	13A-6-61
Rape 2nd Degree	13A-6-62
Sodomy 1st Degree	13A-6-63
Sodomy 2nd Degree	13A-6-64
Sexual Torture	13A-6-65.1
Sexual Abuse 1st Degree	13A-6-66
Sexual Abuse 2nd Degree	13A-6-67
Sexual Abuse of a child less than 12 years old	13A-6-69.1
Enticing a child to enter a vehicle for immoral purposes	13A-6-69
Facilitating solicitation of unlawful sexual conduct with a child	13A-6-121
Electronic solicitation of a child	13A-6-122
Facilitating the on-line solicitation of a child	13A-6-123
Traveling to meet a child for an unlawful sex act	13A-6-124
Facilitating the travel of a child for an unlawful sex act	13A-6-125
Human Trafficking 1st Degree	13A-6-152
Human Trafficking 2nd Degree	13A-6-153
Terrorism	13A-10-152
Soliciting or providing support for an act of terrorism	13A-10-153
Hindering prosecution of terrorism	13A-10-154

Appendix D: List of Disqualifying Felony Convictions (continued)

Crime	Section
Endangering the water supply	13A-10-171
Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon	13A-10-193
Selling, furnishing, giving away, delivering, or distribution of a destructive device, bacteriological or biological weapon to a person who is less than 21 years of age	13A-10-194
Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device	13A-10-195
Possession or distribution of a hoax device represented as a destructive device or weapon	13A-10-196(c)
Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime	Section 13A-10-197
Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime	13A-10-198
Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon	13A-10-199
Possession or distribution of a destructive device or weapon intended to cause injury or destruction	13A-10-200
Treason	13A-11-2
Dissemination or public display of obscene matter containing visual depiction or persons under 17 years of age involved in obscene acts	13A-12-191
Possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts	13A-12-192
Parents or guardians permitting children to engage in production of obscene matter	13A-12-196
Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts	13A-12-197

Appendix D: List of Disqualifying Felony Convictions (continued)

Crime	Section
Distribution, possession with intent to distribute, production of obscene material, or offer or agreement to distribute or produce	13A-12-200.2
Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine and methamphetamine	13A-12-231
Bigamy	13A-13-1
Incest	13A-13-3
Torture or other willful maltreatment of a child under 18 years of age	26-15-3
Aggravated child abuse	26-15-3.1
Prohibited acts in the offer, sale, or purchase of securities	8-6-17
Burglary 1st Degree	13A-7-5
Burglary 2nd Degree	13A-7-6
Theft of Property 1st Degree	13A-8-3
Theft of Property 2nd Degree	13A-8-4
Theft of Lost Property 1st Degree	13A-8-7
Theft of Lost Property 2nd Degree	13A-8-8
Theft of trademarks or trade secrets	13A-8-10.4
Robbery 1st Degree	13A-8-41
Robbery 2nd Degree	13A-8-42
Robbery 3rd Degree	13A-8-43
Forgery 1st Degree	13A-9-2
Forgery 2nd Degree	13A-9-3
Aggravated Theft by Deception	13A-8-2.1
Felony Committed against Election Official	13A-5-14
Any attempt to commit a crime of moral turpitude	13A-4-2
Any conspiracy to commit a crime of moral turpitude	13A-4-3 and 13A-4-4
Any solicitation to commit a crime of moral turpitude	13A-4-1
Any crime as defined by the laws of the United States or another state, territory, country, or other jurisdiction, which, if committed in this state, would constitute one of the listed Section 17-3-30.1 offenses	

Appendix E: Minimum Qualifications for Public Office

Office[1]	Minimum Age	State Resident	US Citizen	Term of Office	Number of Terms
US Senate[2]	30	1 day	9 years	6	no limit
US House of Representatives[3]	25	1 day	7 years	2	no limit
Governor[4, 6]	30	7 years	10 years	4	2
Lt. Governor [4, 6]	30	7 years	10 years	4	2
Secretary of State[5, 6]	25	5 years	7 years	4	2
Attorney General[5, 6]	25	5 years	7 years	4	2
State Auditor[5, 6]	25	5 years	7 years	4	2
State Treasurer[5, 6]	25	5 years	7 years	4	2
Commissioner of Agriculture and Industry[5, 6]	25	5 years	7 years	4	2
Public Service Commission[7, 8]	18	1 day	1 day	4	no limit
Supreme Court Justice[7, 9, 25]	18	1 day	1 day	6	no limit
	Must be licensed to practice law in Alabama. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been licensed by the Alabama State Bar a combined total of 10 years or more, or by any other state bar association for a combined total of 10 years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
Court of Criminal Appeals[7, 9, 26]	18	1 day	1 day	6	no limit
	Must be licensed to practice law in Alabama. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been licensed by the Alabama State Bar a combined total of 10 years or more, or by any other state bar association for a combined total of 10 years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				

Office[1]	Minimum Age	State Resident	US Citizen	Term of Office	Number of Terms
Court of Civil Appeals[7, 9, 26]	18	1 day	1 day	6	no limit
	Must be licensed to practice law in Alabama. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been licensed by the Alabama State Bar a combined total of 10 years or more, or by any other state bar association for a combined total of 10 years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
State Board of Education[7, 9, 10]	18	1 day	1 day	4	no limit
State Senate[7, 11]	25	3 years	1 day	4	no limit
	Must be a resident of the district for one year prior to the election				
State House of Representatives[7, 11]	21	3 years	1 day	4	no limit
	Must be a resident of the district for one year prior to the election.				
Circuit Judge[7, 9, 12, 27]	18	1 year	1 day	6	no limit
	Must be licensed to practice law in Alabama. Must have resided in the circuit in which candidate seeks to hold office one year prior to election. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been admitted by the Alabama State Bar a combined total of seven years or more, or by any other state bar association for a combined total of seven years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
District Judge[7, 9, 13, 28]	18	1 year	1 day	6	no limit
	Must be licensed to practice law in Alabama. Must have resided in the circuit in which candidate seeks to hold office for one year prior to election. No one may be elected or appointed to a judicial office after reaching the age of 70. Must have been admitted by the Alabama State Bar a combined total of four years or more, or by any other state bar association for a combined total of four years or more, prior to beginning a term of office or appointment to serve a vacant term of office.				
District Attorney[7, 14]	18	1 year	1 day	6	no limit
	Must be licensed to practice law in Alabama. Must have resided in the district in which candidate seeks to hold office for one year prior to election.				

Office[1]	Minimum Age	State Resident	US Citizen	Term of Office	Number of Terms
Judge of Probate[7, 9, 15, 30, 31]	18	1 year	1 day	6	no limit
	Must have resided in the county in which candidate seeks to hold office for one year prior to election. No one may be elected or appointed to a judicial office after reaching the age of 70.				
Circuit Clerk[7, 16]	18	1 day	1 day	6	no limit
Sheriff[7, 17, 29]	18	1 day	1 day	4	no limit
Coroner[7, 18, 24]	25	1 day	1 day	4	varies
County Superintendent of Education[7, 19]	18	1 day	1 day	varies	varies
	See Section 16-9-2 for qualifications.				
County Board of Education[7, 20]	18	1 day	1 day	4 & 6	no limit
	Must be a resident of the county which the candidate seeks to represent one year prior to election.				
County Commission[7, 21]	18	1 year	1 day	4 & 6	no limit
	Must be a resident of the county for at least one year prior to the date of taking office. If representing a specific district, must be a resident of the district for at least one year prior to the date of taking office.				
Mayor[7, 22]	18	90 days	1 day	4	no limit
	Must be a resident of the city for 90 days prior to election.				
City Council[7, 23]	18	90 days	1 day	4	no limit
	Must be a resident of the city or district for 90 days prior to election.				

Footnotes

1. All candidates participating in party primary elections must be registered voters. § 17-13-6.
2. U.S. Constitution, Art. I, § 3.
3. U.S. Constitution, Art. I, § 2.
4. Ala. Const. Art. V, § 117.
5. Ala. Const. Art. V, § 132.
6. Ala. Const. Art. V, § 116.
7. §§ 17-3-30 and 36-2-1.
8. § 37-1-3.
9. Ala. Const. Art. VI, §§ 146, 154, and 155
10. §§ 16-3-1 and 16-3-3.
11. Ala. Const. Art. IV, § 47.
12. § 12-17-22.
13. §§ 12-17-63 and 12-17-64 .
14. §§ 12-17-180 and 12-17-183.
15. §§ 12-13-30 and 12-13-31.
16. Ala. Const. Art. VI, § 160.
17. Ala. Const. Art. V, § 138.
18. § 11-5-1.
19. §§ 16-9-1 and 16-9-2.
20. §§ 16-8-1 and 16-8-2.
21. §§ 11-3-1 and 36-3-4.
22. §§ 11-43-1, 11-43-2, and 11-46-25.
23. §§ 11-43-63 and 11-46-25.
24. § 11-5-33.
25. § 12-2-1(b).
26. § 12-3-1.
27. § 12-11-1.
28. § 12-12-1.
29. Some counties, such as Hale County, St. Clair County, and Shelby County, provide for additional minimum qualifications for sheriff.
30. Some counties require the probate judge to be an attorney (variously described as "learned in the law," "member in good standing of the state bar," etc.).
31. Some counties have, by local amendment, provided for a different age limit for the judge of probate.

Appendix F: 2026 Candidate Filing Guide

Contents

Notes, Acknowledgements, and Disclaimers 2
Getting Started 3
Campaign Funds 18
Campaign Advertising 23
Frequently Asked Questions 30
Elected Officials 40
Appendix A: Independent Candidacy 42
Appendix B: Changes in Law 45

For General Questions and Obtaining Forms

Contact the Office of the Secretary of State

Mailing Address:	Elections Division Office of the Secretary of State P.O. Box 5616 Montgomery, Alabama 36103-5616
Telephone:	(334) 242-7210 or (800) 274-8683
General FAX:	(334) 242-2444
FAX for Reporting:	(334) 353-2295
Website:	alabamavotes.gov
E-mail:	alavoter@vote.alabama.gov

For Online Filing Questions

Website:	fcpa.alabamavotes.gov
Help Desk:	(866) 353-3468

For Ethics Act Compliance Questions

Contact the Alabama Ethics Commission

Telephone:	(334) 242-2997
Website:	ethics.alabama.gov

Appendix F: 2026 Candidate Filing Guide (continued)

SPECIAL NOTE FOR FEDERAL CANDIDATES

This filing guide applies to candidates for state, county, and municipal offices. Federal candidates must follow reporting guidelines and deadlines administered by the Federal Elections Commission (FEC). For more information, please contact the FEC at:

Federal Elections Commission
999 E Street Northwest
Washington, D.C. 20463
1 (800) 424-9530
www.fec.gov

PUBLICATION NOTES

FCPA CANDIDATE FILING GUIDE—NINETEENTH EDITION

Prepared by the Office of the Secretary of State

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Legal Disclaimer

This document is not a substitute for the *Code of Alabama 1975*. It is provided as a guide and is not intended to be an authoritative statement of law. For further legal information, please consult the *Code of Alabama 1975*, other appropriate legal resources, or your attorney.

Appendix F: 2026 Candidate Filing Guide (continued)

CHAPTER ONE

GETTING STARTED

The Fair Campaign Practices Act (FCPA), the state's campaign finance law, is found in the *Code Of Alabama 1975,* **§ 17-5-1 through § 17-5-21.** This act sets the rules for how and when candidates can raise and spend money. The law also specifies how campaign finance activities are reported.

MANDATORY CAMPAIGN FINANCE COMMITTEE

The law requires every candidate to organize a campaign finance committee and file an **APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE** form, which lists who serves on the committee. (§ 17-5-4)

The committee form must be filed within *five (5) days* of becoming a candidate. For purposes of the FCPA, the law defines two (2) ways to become a candidate, the first of either [See § 17-5-2(a)(1)]:

1. reaching the disclosure threshold by either receiving contributions in excess of $1,000 or making expenditures in excess of $1,000, regardless of the office sought; or
2. qualifying as a candidate with a political party or filing a petition as an independent candidate.

A candidate running for a municipal office is exempt from the filing requirements of Sections 17-5-4 and 17-5-8, unless and until the candidate receives contributions or makes expenditures in excess of one thousand dollars ($1,000). (§17-5-4.1)

A candidate may either serve as the sole member of their principal campaign committee or may appoint two (2) to five (5) persons. If a candidate serves as their own principal campaign committee, they are required to designate another person as their **COMMITTEE DISSOLUTION DESIGNEE**, a person responsible for dissolving the principal campaign committee in the event of the candidate's death or incapacity. If the designated person is unable to serve in this capacity at the time of the candidate's death or

Appendix F: 2026 Candidate Filing Guide (continued)

incapacity, the principal campaign committee shall be dissolved by the candidate's personal representative as appointed by the judge of probate. [§ 17-5-4(c)]

Candidates and PACs may also select a **DESIGNATED FILING AGENT** when appointing their campaign finance committee. That agent will be authorized to file all required reports for the candidate during the election cycle.

Political Action Committees need to fill out a **STATEMENT OF ORGANIZATION OF POLITICAL ACTION COMMITTEE** form online with the Secretary of State in order to register the PAC. Once a PAC raises or spends more than $1,000 towards influencing an election cycle, the filing of regular reports is required.

STATEMENT OF ECONOMIC INTERESTS

Except for federal candidates and office holders with a current **STATEMENT OF ECONOMIC INTERESTS** on file, candidates at every level of government must file a **STATEMENT OF ECONOMIC INTERESTS** form with the Alabama State Ethics Commission no more than five (5) days after the deadline to file a declaration of candidacy as provided in Alabama Code section 17-13-5. This form covers the previous calendar year. A candidate who has a current **STATEMENT OF ECONOMIC INTERESTS** form on file with the Ethics Commission does not have to file a duplicate form. For questions about filing the **STATEMENT OF ECONOMIC INTERESTS** form, please visit ethics.alabama.gov or contact them at (334) 242-2997.

If the individual becomes a candidate by qualifying with a political party, the **STATEMENT OF ECONOMIC INTERESTS** must be submitted to the State Ethics Commission no more than five (5) days after the date such candidate files their declaration of candidacy with the appropriate political party. (Ethics Commission Advisory Opinion 2016-17)

If the individual is seeking ballot access by submitting a petition for independent candidacy, the **STATEMENT OF ECONOMIC INTERESTS** must be submitted to the State Ethics Commission no more than five (5) days after the first primary election. § 36-25-15(a)

If the individual is a candidate for municipal office, **STATEMENT OF ECONOMIC INTERESTS** must be submitted to the State Ethics Commission no more than five (5) days after the deadline for the

Appendix F: 2026 Candidate Filing Guide (continued)

candidate to file his or her qualifyinq papers with the appropriate election official. § 36-25-15(a)

Each election official who receives a declaration of candidacy or petition to appear on the ballot shall, within five (5) days of receipt, shall notify the State Ethics Commission of the name of the candidate and the date on which the person became a candidate. The State Ethics Commission shall, within five (5) business days of receipt of such notification, notify the election official whether the candidate has complied with the requirement to submit a **STATEMENT OF ECONOMIC INTERESTS**. [§ 36-25-15(b)]

A filing that is properly addressed, postage prepaid, postmarked, and mailed on the date the candidate qualifies complies with the statute. A candidate may file a **STATEMENT OF ECONOMIC INTERESTS** form online. (Ethics Commission Advisory Opinion 2016-02)

If a candidate does not submit a **STATEMENT OF ECONOMIC INTERESTS** in accordance with the requirements of § 36-25-15, their name shall not appear on the ballot, and they shall be deemed not qualified as a candidate in that election. The appropriate election official shall remove the name of that candidate from the ballot. (AG

AFTER THE MANDATORY COMMITTEE FILING

While every candidate must appoint a principal campaign committee, candidates who have not reached the *$1,000* threshold are exempt from filing the monthly, weekly and daily FCPA reports until the threshold is reached. (AG Opinion 90-00343) Otherwise, these reports are due prior to an election. (§ 17-5-8)

After reaching the threshold, a candidate or PAC files each FCPA report at the required times. All contributions and expenditures, including those received or spent to reach the threshold, are reported. **It is important to note that the payment of any qualifying fee or other cost associated with qualifying to run for office is considered an expenditure of the campaign; therefore, it should be reported as such. If a candidate spends their own money on their campaign, each transaction must be reported as an in-kind contribution. [§ 17-5-2(a)(7)]**

Contributions from a single source and expenditures made to a

Appendix F: 2026 Candidate Filing Guide (continued)

single recipient that are greater than $100 must be itemized on these reports. Therefore, it is important for a candidate to maintain some type of internal record for contributions of $100 or less, since an additional donation from the same contributor could bring the total to more than $100 and result in a need to itemize that contributor's contributions. The same is true for expenditures of $100 or less.

Electronic filing is required for all candidates and all PACs. The online FCPA reporting system contains everything a candidate needs to record contributions and expenditures and to file the required reports. Act 2021-314, effective August 1, 2023, requires all candidates for any office, including municipal, to file electronically.

Candidates and PACs who spend more than *$1,000* on "electioneering communication" will have met the filing threshold for campaign finance reporting. In accordance with Code of Alabama 1975, § 17-5-8, the candidate or PAC must disclose their contributions and expenditures relating to the electioneering communication. However, the candidate or PAC is not required to duplicate any reporting. See CHAPTER THREE, CAMPAIGN ADVERTISING, for further information on electioneering communication.

Appendix F: 2026 Candidate Filing Guide (continued)

FILING LOCATIONS

1. Reports for County, District, Circuit, Legislative, and Statewide Offices

These candidates must submit their campaign finance reports and forms online at fcpa.alabamavotes.gov.

All Political Action Committees must also file their reports electronically.

2. Reports for Municipal Offices

A candidate running for a municipal office is exempt from the filing requirements of Sections 17-5-4 and 17-5-8, unless and until the candidate receives contributions or makes expenditures in excess of one thousand dollars ($1,000). If a municipal candidate does cross the $1,000 threshold, they are required to file all reports electronically with the Secretary of State's office. [§ 17-5-4.1]

Municipal candidates that recieve contributions or make expenditures in excess of $1,000 must submit their campaign finance reports and forms online at fcpa.alabamavotes.gov.

DEADLINES

According to the FCPA, forms must be received *on* or *before* the due date. The FCPA electronic system will send automatic generated reminders ahead of each deadline, but if a committee does not receive a reminder email, they are still responsible for filing reports timely. Complete FCPA filing calendars for each regularly scheduled election cycle are also available on the Secretary of State's website.

Appendix F: 2026 Candidate Filing Guide (continued)

FILING SCHEDULE

During the election cycle, but no earlier than twelve (12) months prior to an election, campaign finance disclosure reports are filed at specific times before the election.

The FCPA filing calendar for the current election year is available from the Secretary of State's Office and is published on its website. Please take careful note of all deadlines as they may be subject to change.

The online FCPA reporting system contains a filing calendar for each election cycle. Each candidate and PAC should select their election cycle and the system will automatically generate the correct calendar for the candidate or PAC to follow.

Additionally, principal campaign committees and PACs must disclose the receipt of any single contribution of *$20,000* or more within ***two (2) business days*** of receiving the contribution if the contribution is not reported in a monthly, weekly, or daily report. [§ 17-5-8.1(c)]

PRE-ELECTION REPORTS

1. Monthly Report

Monthly reports are due no later than the second business day of the following month and must include all reportable transactions for the previous full month. [§ 17-5-8(a)(1)]. The candidate's first monthly report must include all unreported activity to date.

2. Weekly Report

Weekly reports are due on the Monday of the following week for each of the four (4) weeks before the election date. For reporting purposes, a week is defined as running from a Saturday to a Friday. The first weekly report shall include all reportable transactions that occurred since the most recently filed prior report. [§ 17-5-8(a)(2)]

Appendix F: 2026 Candidate Filing Guide (continued)

3. Daily Report (if applicable)

Daily reports apply only to candidates for state legislature, state school board, and statewide offices. Daily reports do not apply to candidates for county and city offices or to candidates for district or circuit court, circuit clerk, or district attorney.

In some instances, campaign committees for state offices and PACs are required to file daily reports. Beginning on the eighth day prior to the election, daily reports are due for principal campaign committees or PACs that receive or spend *$5,000* or more on that day with a view toward influencing the election. [§ 17-5-8(a)(3)] To clarify, daily reports would only be due on those days that the *$5,000* daily threshold is met.

Daily reports are due each filing day by 11:59 PM, *including Saturday* and *Sunday*. The last daily report, if applicable, is due by 12:01 PM on the day before the election. [§ 17-5-8(a)(3)(a)]

4. Major Contribution Report (if applicable)

Principal campaign committees and PACs must disclose the receipt of any single contribution of *$20,000* or more within ***two (2) business days*** of receiving the contribution if it is not included in a monthly, weekly, or daily report. [§ 17-5-8.1(c)] The term "contribution" includes monetary and in-kind contributions, as well as loans and other transfers to the principal campaign committee or PAC.

If not included on a monthly, weekly, or daily report, the contribution is to be filed on a **MAJOR CONTRIBUTION REPORT** form available in the electronic filing system or from the Secretary of State's Elections Division.

5. Duplicate Reports

No duplicate reports are required by the law. A political action committee or principal campaign committee that is required to file a daily report is not required to also file a weekly report for the week preceding an election. A committee required to file a weekly report is not required to also file a monthly report in the month in which the election is held. A committee required to file a monthly report is not required to also file an annual report in the year in which the election is held. [§ 17-5-8(i)]

Appendix F: 2026 Candidate Filing Guide (continued)

ANNUAL REPORTS

An annual report covering each calendar year is due no later than January 31st of the succeeding year. [§ 17-5-8(b)]

Each principal campaign committee, political action committee, and elected state and local official subject to the requirements of the FCPA who has not closed their committee, shall file annually with the Secretary of State no later than January 31st of each year. [§ 17-5-8(b)]

No annual report is required to be filed by a person who holds office because they were appointed to serve the remainder of a term vacated by another person, until the person serving has created a principal campaign committee. [§ 17-5-8(b)]

PENALTIES

A candidate who intentionally violates a reporting requirement in §§ 17-5-4, 17-5-5 or 17-5-8 is guilty, upon conviction, of a Class A misdemeanor. [§ 17-5-19(b)]

A candidate who intentionally violates any section other than § 17-5-7 of the FCPA is guilty of a Class A misdemeanor. [§ 17-5-19(a)]

Any person who intentionally violates § 17-5-7, which addresses limits on candidates receiving campaign contributions and spending campaign money, is guilty, upon conviction, of a Class B felony. [§ 17-5-19(c)] See CHAPTER TWO, CAMPAIGN FUNDS, for further information on this section of the law.

The FCPA prohibits any candidate from accepting more than *$1,000* from a principal campaign committee of a federal candidate. [§ 17-5-15.1(a)] A candidate who intentionally violates this provision is guilty, upon conviction, of a Class C felony. [§ 17-5-15.1(b)]

The Secretary of State shall levy an administrative penalty against any person who fails to timely file a required report and who does not remedy the filing of the required report. The State Ethics Commission shall have the authority to levy an administrative penalty against any person who files a materially inaccurate report and who does not remedy the filing of the report. [§ 17-5-19.1(a)]

Appendix F: 2026 Candidate Filing Guide (continued)

Failure to file a timely report shall not be considered an offense or subjected to a civil penalty so long as it is the first failure by that candidate or political action committee for the election cycle and the report is filed within 48 hours of the time it was due. [§ 17-5-19.1(h)]

Civil penalties levied shall be paid to the Secretary of State within 45 days of the finality of any review. All penalties collected by the Secretary of State shall be distributed to the State General Fund. [§ 17-5-19.1(e-f)]

The schedule of civil penalties is as follows [§ 17-5-19.1(b)(1-3)]:

- ⇨ the lesser of $300 or 10% of the amount not properly reported for a first offense in an election cycle;
- ⇨ the lesser of $600 or 15% of the amount not properly reported for a second offense in an election cycle; or
- ⇨ the lesser of $1,200 or 20% of the amount not properly reported for a third and all subsequent offenses in an election cycle.

A fourth failure to properly file a required FCPA report creates a rebuttable presumption that the candidate is intentionally violating the reporting requirements. The Secretary of State shall notify the Attorney General and the appropriate district attorney of all persons who violate the filing requirements four (4) or more times in an election cycle. [§ 17-5-19.1(c)]

Any penalties assessed may be paid with campaign funds. [§ 17-5-19.1(i)]

Any person upon whom a civil penalty has been imposed may seek a review by filing written notice with the Secretary of State within 14 days after notification of the imposed penalty. The Secretary of State shall refer such review to the State Ethics Commission. [§ 17-5-19.2(a)]

The Commission may set aside or reduce a civil penalty upon a showing of good cause. The person seeking review shall bear the burden of proof. [§ 17-5-19.2(b)]

Any candidate who voluntarily files an amended report to correct an error without being prompted by the filing official will not be subjected to the civil penalty. In the case of a candidate, the correction must be filed prior to the election at issue. In the case of a political action committee, the correction must be filed prior to the close of the calendar year. [§ 17-5-19.1(g)]

Appendix F: 2026 Candidate Filing Guide (continued)

FILINGS

COMMITTEE FORMS

Candidates have two (2) committee filings, the **APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE** form, used to set up the committee, and the **STATEMENT OF DISSOLUTION,** filed when the committee is closed.

The importance of the mandatory committee filing has already been discussed on pages 4 and 5. Once a committee is formed and the $1,000 threshold is crossed, a candidate continues filing disclosure reports until the committee is dissolved.

CHANGES/UPDATES. Whenever a change takes place in the committee, such as the addition or removal of officers or members, change of phone number or address, or change of name for the political committee, candidates may provide the new information online by updating their **COMMITTEE ADMINISTRATION PAGE** at fcpa.alabamavotes.gov.

STATEMENT OF DISSOLUTION. Once a candidate determines that they will no longer receive contributions or make expenditures, a **STATEMENT OF DISSOLUTION** form must be filed. [§ 17-5-5(d)] This form should be accompanied by a **TERMINATION REPORT** which itemizes all contributions/ expenditures of more than $100 received or made since the last itemized report. The **TERMINATION REPORT** is filed using FORMS 1A-5, discussed under the **ANNUAL REPORT** and pre-election report forms sections on this and the following pages. If the **TERMINATION REPORT** is not filed with the **STATEMENT OF DISSOLUTION,** then the candidate must file the requisite **ANNUAL REPORT** covering the last year of activity.

The candidate must also disclose how any excess funds will be used. See pages 21 and 22 for information on the law and excess funds.

Appendix F: 2026 Candidate Filing Guide (continued)

FCPA DISCLOSURE FILINGS

Upon crossing the disclosure threshold by either raising or spending more than *$1,000*, a candidate is responsible for filing the following disclosure reports, itemizing contributions or expenditures of more than *$100*:

- **Monthly Reports** — due no later than the second business day of the following month and must include all reportable transactions for the previous full month.
- **Weekly Reports** — due on the Monday of the following week for each of the four (4) weeks before the election date. For reporting purposes, a week is defined as running from a Saturday to a Friday.
- **Daily Reports** — beginning on the eighth day prior to the election, daily reports are due for principal campaign committees and PACs that receive or spend *$5,000* or more on that day with a view toward influencing the election; on the eighth day (the day before the election) the daily report is due by 12:01 p.m. [§ 17-5-8(a)(3)] To clarify, daily reports would only be due on those days that the *$5,000* daily threshold is met. **Any contributions made or received after 12:01 p.m. on the eighth day (day before the election) will be reported on the next report. Daily reports do not apply to circuit, district, county, and municipal candidates.**
- **Major Contribution Report.** — Principal campaign committees and PACs must file a report disclosing the receipt of any single contribution of *$20,000* or more within ***two (2) business days*** of receiving the contribution if the contribution has not already been reported in a finance disclosure report.

Appendix F: 2026 Candidate Filing Guide (continued)

FCPA REPORT FORMS (FORMS 1-6)

Form 1: *Summary of Contributions and Expenditures:* This FCPA form must be signed by the candidate or elected official and notarized. However, for electronically filed reports, the form is electronically signed and does not require notarization.

Form 2: *Cash Contributions*: The FCPA requires that cash contributions of more than $100 be itemized. If they choose to do so, candidates may itemize contributions of $100 or less, but this is not required by law. However, if contributions of $100 or less are not itemized, the law does require that they be totaled and reported. They may be reported as "non-itemized" contributions on **FORM 1**.

As mentioned earlier, some type of campaign bookkeeping system should be used to track contributors making small donations of $100 or less per contribution. If the combined contributions from any one contributor total more than $100, an itemized entry on **FORM 2** is then required.

For purposes of reporting contributions, the date of receipt of a contribution shall be the first date the recipient of the contribution is able to make use of the contribution. In the case of a contribution in the form of a check, the date of the receipt is the earlier of: 1) ten (10) days from the date that the check came within the recipient's control; or 2) the date that the check was deposited into the recipient's account. [§ 17-5-2(a)(3)(c)]

A political action committee and a principal campaign committee shall maintain a checking account, money market account, or other similar banking account. (§ 17-5-6)

Form 3: *In-kind Contributions*: An "in-kind" contribution is made when equipment, furniture, office space, or some other item of value other than money is contributed or used. A reasonable market value should be listed. In-kind contributions do not affect the committee account balance.

Appendix F: 2026 Candidate Filing Guide (continued)

Form 4: *Receipts from Other Sources*: Receipts from other sources are usually funds received through interest payments on a political committee bank account, loans made to the committee, or refunds and returned contributions to the committee.

Form 5: *Expenditures*: The FCPA requires that expenditures of more than $100 be itemized. Candidates may itemize expenditures of $100 or less, but this is not required by law. However, if the expenditures of $100 or less are not itemized, the law does require that they be totaled and reported. They may be reported as "non-itemized" expenditures on **FORM 1.**

As with contributions, some type of campaign bookkeeping system should be used to track small expenditures. If expenditures to the same vendor total more than $100, an itemized entry on **FORM 5** is then required.

For purposes of reporting expenditures, the date an expenditure is made is the date the instrument authorizes the expenditure. In the case of an expenditure made by check or electronic payment, the date of expenditure is the date of the check or electronic payment. [§ 17-5-2(a)(7)(c)]

No expenditure of funds may be made by any such committee except by check drawn on such account, electronic transfer from such account, a credit card, the balance of which is paid from such account, or petty cash fund from which it may make expenditures not in excess of $100 to any person in connection with a single purchase transaction. (§ 17-5-6)

Form 6: *Expenditures on Line of Credit:* Committees may utilize a credit card or other line of credit to pay for expenditures, the balance of which must be paid from the committee checking account, money market account, or other similar banking account. (§ 17-5-6)

Appendix F: 2026 Candidate Filing Guide (continued)

Expenditures paid with a line of credit must be entered on **FORM 6**. These expenditures will not affect the committee account balance. A debt total must be entered on the applicable line on the **ANNUAL REPORT SUMMARY FORM 1A** and must be updated to reflect any expenditures on line of credit and any payments on the amount owed. Interest charges on the line of credit balance must be entered on this form.

ANNUAL REPORT

The FCPA requires PACs, candidates, and elected officials to file an **ANNUAL REPORT** by January 31st, which covers all contributions and expenditures for the campaign committee for the preceding calendar year. Each principal campaign committee, PAC, and elected state and local official who has not closed their committee shall annually file with the Secretary of State. [§ 17-5-8(b)]

Note: Persons who have been appointed to a public office are not required to file an **ANNUAL REPORT** until they become a candidate by either running for the same office or another office.

The **ANNUAL REPORT** is composed of the same forms as the other FCPA disclosure reports discussed in the previous section with one exception.

FORM 1 of the disclosure reports is replaced by **FORM 1A,** a form specifically designed for the purposes of the **ANNUAL REPORT. FORM 1A** is designed with two (2) sections.

Section I summarizes totals of contributions/expenditures since the last filing.

In the itemized sections of the **ANNUAL REPORT (FORMS 2-6),** candidates include those entries of more than $100 that have been received or spent since the last itemized report.

Section II is a **summary** of contributions/expenditures for January 1 – December 31 of the previous year.

Appendix F: 2026 Candidate Filing Guide (continued)

PUBLIC ACCESS

The FCPA requires the Secretary of State to make filed campaign finance reports available for public inspection during regular office hours. All reports are also publicly available at fcpa.alabamavotes.gov.

However, the law specifies that information copied from the reports may not be sold or used by any political party or any political committee to solicit contributions or for commercial purposes, without the express written permission of the candidate or the committee reporting such information. [§ 17-5-11(2)]

POINTS TO NOTE

Campaign Activities. The FCPA contains other provisions in addition to those dealing with campaign finance reporting. The Office of the Secretary of State recommends a complete reading of the act, which is contained in the Code of Alabama 1975, § 17-5-1 through § 17-5-21.

Prohibitions. Candidates should note the statutes on conduct are contained in § 17-17-33 and § 17-17-34 of the Code of Alabama. Among the prohibited activities are: making a contribution in someone else's name, buying votes, interfering with a person's right to freely cast a vote, soliciting money or anything of value by physical force, job discrimination, financial reprisal, threats, or fraudulently misrepresenting oneself as acting for a candidate. Other sections of state law also address campaign behavior. See pages 20 through 24 for highlights of those statutes.

Other sections of state law also address campaign behavior. See pages 19 through 23 for highlights of those statutes.

A Note for PACs. The Secretary of State shall have the authority to dissolve any political action committee that has maintained a zero (0) balance for one (1) calendar year. A certified letter will be sent to any such committee. If no response is received after 90 days, the Secretary of State may then terminate the committee. [§ 17-5-5(d)]

Appendix F: 2026 Candidate Filing Guide (continued)

CHAPTER TWO

CAMPAIGN FUNDS

The FCPA has strict controls on the purposes for which a candidate may solicit campaign funds, how the funds can be spent, and when candidates can raise money. In the 2010 Special Legislative Session, the Legislature, through Alabama Act 2010-765, enacted new rules regarding from whom a candidate may receive funds and to whom a candidate may make contributions.

Additionally, Act 2013-311 and Act 2015-495 revised a number of provisions relating to fundraising and contribution limits.

FUNDRAISING

1. Limitations on Campaign Committees

It is unlawful for one candidate's campaign committee to contribute to another candidate's campaign. However, a candidate is permitted to conduct a transfer of anything of value from one campaign committee to another campaign committee when the committees are for the same person. Political action committees (PACs) are permitted to make contributions to principal campaign committees (PCCs). [§ 17-5-15(b)]

State and local campaign committees are prohibited from receiving more than $1,000 from a principal campaign committee of a federal candidate. [§ 17-5-15.1(a)]

PAC
Political Action Committee

PCC
Principal Campaign Committee

At-a-Glance Contribution Guide*

PAC	→	PCC	☑
PAC	→	PAC	⊘
PCC	→	PCC	⊘
PCC	→	PAC	⊘

*Note—this guide is for general illustrative purposes only. Please refer to *Section 1* above for special circumstances.

Appendix F: 2026 Candidate Filing Guide (continued)

2. Accepting and Spending Campaign Funds

The law states that a candidate may only accept campaign contributions for three (3) purposes [§ 17-5-7(b)(1-4)], namely to:

- Influence the outcome of an election.
- Pay off a campaign debt or to reach the $1,000 qualifying threshold or both.
- Pay all expenses associated with an election challenge, including quo warranto challenges.

Campaign funds, including excess funds left after the election, may be spent only for the following purposes [§ 17-5-7(a)(1-7)]:

- Expenditures of the campaign.
- Expenditures that are reasonably related to performing the duties of the office held (does not include personal and legislative living expenses).
- Donations to the State General Fund, the Education Trust Fund, or equivalent county or municipal funds.
- Donations to an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U.S. Code.
- Inaugural or transitional expenses. Warning: the Ethics Act prohibits converting to personal use contributions from an inaugural or transitional fund. (§ 36-25-6)
- Donations to a legislative caucus organization registered with the Clerk of the House, Secretary of the Senate, or both in the case of a bicameral caucus, which does not operate as a political action committee. (§ 17-5-5.1)
- Legal fees and costs associated with any civil action,

Appendix F: 2026 Candidate Filing Guide (continued)

criminal prosecution, or investigation related to conduct reasonably related to performing the duties of the office held.

3. Use of Excess Campaign Funds While in Office

The FCPA permits a campaign committee, during a two-year period beginning on the day after each general election and ending on the day of the next regularly scheduled general election, to pay qualifying fees to a political party and pay up to a cumulative total of $5,000 to the political party for any tickets to party functions and state or local party dues. Campaign committees for independent candidates or write-in candidates can pay for similar expenses. [§ 17-5-7(d)]

FUNDRAISING PERIOD

Candidates may begin raising money twelve (12) months prior to the election in which they intend to be on the ballot. However, candidates for legislative and statewide offices cannot ***raise*** money while the Alabama Legislature is in session, except within 120 days of a primary, primary runoff, or general election. These restrictions do not apply to loans candidates make to their own committee. [§ 17-5-7(b)(2)]

The fundraising prohibition does not affect expenditures. Candidates may spend campaign funds more than twelve (12) months prior to their election. State candidates may continue to spend campaign funds while the Alabama Legislature is in session.

The fundraising prohibition does not apply to candidates for county or city offices. They may continue raising money when the Legislature is in session.

CONTRIBUTION LIMITS

State law limits state and local campaign committees from receiving more than $1,000 from a principal campaign committee of a federal candidate. [§ 17-5-15.1(a)]

Appendix F: 2026 Candidate Filing Guide (continued)

Act 2013-311 specifically repealed previous statutes that limited corporate contributions to $500 per candidate per election. [§ 17-5-14(a)]

State law prohibits contributions, transfers of funds, or expenditures to any political action committee, or 527 political organization, from any political action committee, 527 political organization, or a principal campaign committee. [§ 17-5-15(b)]

It also prohibits contributions from one campaign committee to another campaign committee, except where an individual is giving from their campaign committee for one office to their campaign committee for another office. [§ 17-5-15(b)]

A utility regulated by the Alabama Public Service Commission may not make any contribution to a candidate for the Public Service Commission. [§ 17-5-14(c)]

CAMPAIGN DEBT

Candidates should take particular note that the FCPA limits the fundraising period to clear campaign debts up to 120 days after the election. They are limited to raising only up to the amount of the debt plus the entire amount of the qualifying fee for that office. (AG Opinion 99-00090)

If candidates have no debt, candidates can only raise up to the entire amount of the qualifying fee for that office.

All contributions received after the election to retire any debt must be reported in the next regular report the campaign files:

> *"Under the FCPA, all contributions...by candidates, their principal campaign committees, and other political committees are to be reported regardless of the time when the contributions are received."* (AG Opinion 96-00120)

BRIBES AND CORRUPT INFLUENCE

The FCPA prohibits a candidate or campaign finance committee from accepting, soliciting, or receiving a contribution as a bribe or for the intention of corruptly influencing the official actions of a public official or a candidate for public office. [§ 17-5-7(c)]

Appendix F: 2026 Candidate Filing Guide (continued)

PENALTY

Any person who intentionally violates the section that governs how and when money can be raised is guilty, upon conviction, of a Class B felony. [§§ 17-5-7, 17-5-19(c)] A Class B felony carries a penalty of up to $30,000 and/or not less than 2 and not more than 20 years imprisonment. (§§ 13A-5-6, 13A-5-11)

In general, the statute of limitations for a violation of the Fair Campaign Practices Act (Title 17, Chapter 5 of the Code of Alabama) is 2 years from the commission of the offense. However, the statute of limitations for a violation of § 17-5-7 is four (4) years. [§ 17-5-19(e)]

Violators can be prosecuted by either a district attorney or the Attorney General. [§ 17-5-19(d)]

Appendix F: 2026 Candidate Filing Guide (continued)

CHAPTER THREE

CAMPAIGN ADVERTISING

The FCPA specifies that campaign advertising and electioneering communications appearing in print, broadcast, and electronic media must clearly and distinctly identify the entity responsible for paying for the advertisement or electioneering communication. [§ 17-5-12(a)]

Campaign literature and advertisements must carry this information and broadcast materials must be identified at the beginning, during, or the end of the radio or television spot. [§ 17-5-12(a)]

Act 2011-697 created the definition of "electioneering communication". Electioneering communication involves any of the following types of communication:

1. any communication circulated through federally regulated broadcast media;
2. any mailing or other distribution;
3. any electronic communication;
4. any phone bank; or
5. any publication. [§ 17-5-2(a)(6)]

These types of communication must also fulfill all of the four (4) following elements in order for them to meet the "electioneering communication" definition:

1. must contain the name or image of a candidate;
2. made within 120 days of an election in which the candidate's name appears on the ballot;
3. the only reasonable conclusion from the presentation and content of the communication is that it is intended to influence the outcome of the election; and
4. the expenditure exceeds $1,000. [§ 17-5-2(a)(6)]

Appendix F: 2026 Candidate Filing Guide (continued)

DISCLAIMER REQUIREMENT

The FCPA does not give a specific format for wording the disclaimer. However, the FCPA does state that political advertisements or electioneering communication must clearly and distinctly identify the entity responsible for paying for the advertisement or electioneering communication. The disclaimer must also be displayed on printed advertisements. Disclaimers for broadcasts must occur at the beginning, during, or end of a radio or television spot, stating that the communication was a paid advertisement and identifying the paying entity. [§ 17-5-12(a)]

Such words as "paid advertisement by," "paid for by," and "paid political ad" meet the requirements of the act; however, an advertiser is not limited to just those phrases. The attorney general has advised that:

> *"... words which indicate that the advertisement is a paid political advertisement meet the requirements of the law."* (AG Opinion 94-00227)

In addition, the disclaimer must contain the identification of the person, nonprofit corporation, principal campaign committee, or entity placing the ad. Under the FCPA, the term "identification" means *full name and complete address.* [§ 17-5-2(a)(7)] The Attorney General has stated that a complete address includes the street or post office box, city, and state. (AG Opinion 94-00227)

Refer to page 26 for sample illustrations of typical political advertisements with disclaimers.

Appendix F: 2026 Candidate Filing Guide (continued)

SAMPLE DISCLAIMER ADVERTISEMENTS

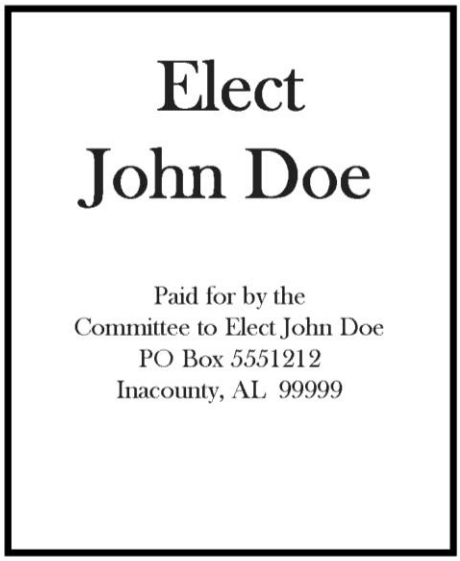


Figure 1: Example of a political advertisement with a disclaimer.

Figure 2: Example of a political advertisement with a disclaimer.

DISCLAIMER EXCEPTIONS

1. Act of Alabama 2011-697 lists nine (9) types of paid political advertisements and electioneering communications that

Appendix F: 2026 Candidate Filing Guide (continued)

are excluded from the identification requirement. The disclaimer requirements do not apply if the advertisement is:

a. Designed to be worn by a person; [§ 17-5-12(b)(1)]

b. Placed as a paid link on an Internet website, if the message does not exceed 200 characters in length, and the link directs the user to another Internet website that has a disclaimer; [§ 17-5-12(b)(2)]

c. Placed as a graphic or picture link where a disclaimer is not practical due to the size of the picture, and the link directs the user to another Internet website that has a disclaimer; [§ 17-5-12(b)(3)]

d. Placed at no cost on an Internet website where there is no cost to post content for public users; [§ 17-5-12(b)(4)]

e. Placed on an unpaid profile account available to the public without charge or a social networking website if the source of the message is obvious from the content or format of the message; [§ 17-5-12(b)(5)]

f. Distributed as a text message or other message via Short Messages Service if the message does not exceed 200 characters in length or requires the recipient sign up or opt in to receive it; [§ 17-5-12(b)(6)]

g. Connected with or included in a software application where the user actively chooses to access the application from or through a website that has a disclaimer; [§ 17-5-12(b)(7)]

h. Sent by a third-party from or through a campaign website that has a disclaimer; [§ 17-5-12(b)(8)]

i. Contained in or distributed through any other form of technology where a disclaimer is not practical due to its size or nature. [§ 17-5-12(b)(9)]

McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995).

A U.S. Supreme Court ruling in *McIntyre v. Ohio Elections Commission* seems to provide one very limited exception for advertising identification. In that case, the Court

Appendix F: 2026 Candidate Filing Guide (continued)

upheld the right of an individual to distribute anonymous leaflets opposing a proposed school tax levy. However, the impact on the FCPA disclaimer requirements is minimal. Alabama's Attorney General has written that the ruling:

> *"...is limited to individuals who distribute anonymous written material (particularly leaflets) in a non-candidate election."* (AG Opinion 95-00218)

In all other circumstances, the advertising must carry identification.

APPLICATION OF DISCLAIMER

The advertising disclaimer must be on all types of non-excluded advertising, such as billboards, yard signs, bumper stickers, and pencils.

ROBOCALL DISCLOSURE

Every automated or pre-recorded communication made through an automated telephone dialing service (often referred to as a robocall) must contain a clear notice at the end of the communication stating that it is a paid political advertisement and identifying the person or other entity that paid for the communication. [§ 17-5-16(b)]

PENALTY

The Attorney General or a district attorney may prosecute any person who violates the FCPA. [§ 17-5-19(d)] Failure to comply with the advertising requirements is a Class A misdemeanor and, upon conviction, is subject to a fine of not more than $6,000 and/or imprisonment of not more than one year. [§§ 13A-5-7, 13A-5-12, 17-5-19(a)]

Appendix F: 2026 Candidate Filing Guide (continued)

CAMPAIGN ADVERTISING AT THE POLLING PLACE

The FCPA requires that all campaign advertising must be clearly marked. Another section of law, § 17-9-50, prohibits anyone from campaigning within 30 feet of the polling place. Generally, that distance is interpreted as 30 feet from the door of the building in which the polling place is located. (AG Opinion 82-00113)

Candidates frequently ask if supporters may wear campaign T-shirts or buttons when they go to the polling place to vote or when campaign workers are asked to accompany a voter who has requested assistance. There is no provision that specifically prohibits an elector from wearing campaign buttons, badges, or T-shirts while inside the polling place to vote or assist another voter. (AG Opinion 93-00118)

Also, nothing prohibits a voter from taking a sample ballot into the polling place, but a sample ballot should not be left in the polling place.

It should be noted that poll watchers, who can be appointed by the candidate or a political party, are prohibited from campaigning while inside the polling place, and the Attorney General has held that wearing buttons, badges, or T-shirts suggests, either directly or may influence how a citizen should vote and therefore, constitutes campaigning. (AG Opinions 93-00118 and 84-00020)

OTHER CODE SECTIONS OF INTEREST

MISCELLANEOUS OFFENSES SECTIONS 17-17-36 THROUGH 17-17-45

This section of law prohibits illegal voting such as casting more than one ballot for the same office or knowingly attempting to vote when not entitled to do so.

Citizens are prohibited from bribing or attempting to influence voters, buying or selling votes, altering or changing the vote of an elector, or disturbing an elector on election day.

Appendix F: 2026 Candidate Filing Guide (continued)

A candidate convicted of bribing or attempting to influence a voter is not allowed to hold the office to which he or she was elected for that term.

RIGHTS OF CITY, COUNTY, STATE EMPLOYEES SECTION 17-1-4

City, county, and state employees have the right to participate in city, county, or state political activities to the same extent as any other citizen of the state, including endorsing candidates and contributing to campaigns. City, county, and state employees also have the right to join local political clubs and organizations and state and national political parties. They may also publicly support issues of public welfare.

IMPROPER USE OF STATE PROPERTY, TIME, ETC. FOR POLITICAL ACTIVITIES SECTION 17-17-5

No state, county, or city employee shall use public funds, property, or time for any political activity.

It is unlawful for any officer or public employee to solicit any type of political campaign contributions from other employees who work for the officer or employee in a subordinate capacity.

It is unlawful for an officer or public employee to coerce or attempt to coerce a subordinate employee to work for a political campaign or cause.

USE OF STATE-OWNED PROPERTY SECTIONS 36-12-60 THROUGH 36-12-64

It is unlawful for any state officer or employee to use or to permit the use of any state-owned property including stationery, stamps, office equipment, office supplies, or automobiles for political activity.

State employees are also prohibited from transporting campaign literature in either a state vehicle or in a private vehicle while mileage is being paid for by the state.

Appendix F: 2026 Candidate Filing Guide (continued)

CHAPTER FOUR

FREQUENTLY ASKED QUESTIONS

The Elections Division receives many questions from candidates regarding the FCPA and how it relates to a particular situation or set of circumstances. The following is a discussion of some of those questions that are asked most frequently.

Should you have a question that is not addressed in this section, please contact the Elections Division for further assistance.

What is the difference between a "state office" and a "statewide office?"

The term "state office" refers to any elected position that is an official in Alabama *state government*. The term includes constitutional officers, legislative members, state school board members, and circuit and district judges, to name a few. The term does not include those positions in *county or municipal government*, such as county commissioner, county school board member, mayor, or city council member.

The term "statewide office" refers to any state office that is elected in a statewide vote, such as Governor, Lieutenant Governor, Secretary of State, Treasurer, and Attorney General, to name a few.

"Statewide office" does not include any state offices that are elected by district, such as members of the Legislature, circuit or district judges, or state school board members.

I am a candidate and have met the filing threshold for the office I want to hold. However, I do not have any opposition in my election. Do I have to file a campaign finance report?

Yes. All candidates who have reached the filing threshold must file all campaign finance reports, even if the candidate has no opposition.

Appendix F: 2026 Candidate Filing Guide (continued)

Must I set up a separate bank account for my principal campaign committee?

Yes. The FCPA specifies that principal campaign committee funds must be segregated and that there can be no commingling of personal funds with campaign funds. (§ 17-5-6)

A political action committee and principal campaign committee shall maintain a checking account, money market account, or other similar banking account and shall deposit any contributions received by such committee into such account. No expenditure of funds may be made by any such committee except by check drawn on such account, electronic transfer from such account, a credit card the balance of which is paid from such account, or out of a petty cash fund from which it may make expenditures not in excess of $100 to any person in connection with a single purchase transaction. (§ 17-5-6)

Am I allowed to campaign before qualifying as a candidate for an office?

Alabama's elections laws do not place a restriction on when a candidate can begin campaigning for office. As a practical matter, the FCPA provides that a campaign can raise or receive funds only for a period of twelve (12) months prior to an election. This restriction does not apply to a loan from a candidate to their own campaign committee. [§ 17-5-7(b)(2)]

I am running for a federal office. Do I have to report under the FCPA?

No. Alabama participates in the FEC State Filing Waiver program that waives the requirement that campaign finance reports filed with the FEC also be filed with the state election office, provided that the state has an adequate system to serve the public with electronic access to and duplication of reports and statements.

Do I have to keep receipts for the expenditures made during the campaign?

Yes. The FCPA states that the political committee treasurer must keep a receipted bill or canceled check for every expenditure greater than $100 and for expenditures of $100 or less, if the aggregate amount of such expenditures to the same person or entity during a calendar year is greater than $100. The receipts should be kept for a period of two (2) years from the date of the expenditure.

Appendix F: 2026 Candidate Filing Guide (continued)

I charge many of my campaign expenses on a credit card. Can I itemize only the total amount I pay to the credit card company?

No. The FCPA requires itemization and identification (full name and complete address) of:

> *"each person to whom expenditures have been made... within the calendar year in an aggregate amount greater than $100.00, the amount, date and purpose of each such expenditure..."* [§ 17-5-8(c)(7)]

This issue is also addressed in AG Opinion 95-00132:

> *"Several expenditures should not be lumped together under a general heading of credit card expenses."*

If a candidate could legally enter only the name and full identification of the credit card company, many expenditures of more than $100 could be hidden.

Credit card expenditures to any person or entity in an aggregate that exceeds $100 must be itemized on **FORM 6**: Expenditures on Line of Credit. Any payments to the credit card company must be reported as an expenditure on **FORM 5**.

Do I have to file an APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE form even if I do not reach the campaign finance contribution/expenditure threshold of $1,000?

All statewide and county candidates must file an ***APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE*** *form within five (5) days of qualifying (with a political party or as an independent candidate) or within five (5) days of reaching the campaign finance contribution/expenditure threshold.*

A candidate running for a municipal office is exempt from the filing an Appointment of Prinicipal Campagin Committee form and monthly/weekly reports, unless and until the candidate receives contributions or makes expenditures in excess of one thousand dollars ($1,000). If a municipal candidate does cross the $1,000 threshold, they are required to file all reports electronically with the Secretary of State's office. *[§ 17-5-4.1]*

Appendix F: 2026 Candidate Filing Guide (continued)

I paid my qualifying fee out of my personal checking account. Does the qualifying fee go towards my filing threshold?

Yes. In-kind contributions, money paid on behalf or for the campaign from your personal checking account or credit card and any money paid by someone else outside the campaign account all go toward the filing threshold amount of $1,000. Once the filing threshold has been met, you must continue filing your campaign finance reports as long as you are a candidate or on the ballot. All active committees must file an Annual Report by January 31st of the succeeding year.

I currently have money in my campaign account from a previous election for the same office. I have not received any contributions, but I paid my qualifying fee and some other campaign expenses in excess of $1,000 out of my campaign account. Do I have to start filing reports?

Yes. You have met the threshold amount of $1,000. Once the filing threshold has been crossed, you must continue filing your campaign finance reports as long as you are a candidate or on the ballot. All active committees must file an Annual Report by January 31st of the succeeding year. When running for the same office, you can use the same account in each election cycle as long as the account remains active. Dissolving your committee after an election will require that you open a new account if you run for that office again.

I loaned my campaign committee $20,000. Is this considered a major contribution?

Yes. Committees must disclose the receipt of any single contribution of $20,000 or more within two (2) business days of receiving the contribution, if this transaction is not already included on a monthly, weekly, or daily report. [§ 17-5-8.1(c)] The term "contribution" includes monetary contributions, in-kind contributions, loans, and other transfers to the principal campaign committee or political action committee.

Appendix F: 2026 Candidate Filing Guide (continued)

I received an unwanted, unsolicited check from a PAC, and I returned it. Must I report that as a contribution?

Act 2013-311 specifically amended the FCPA to authorize the return or refund of any lawful campaign contribution. A refund is permitted so long as the original contribution was reported in an itemized manner and the refund is also itemized in a report. [§ 17-5-7.1(a)] If the contribution is not deposited in the committee's bank account, it may be returned without any reporting requirement. The new provision requires candidates or PACs to refund or return any unlawful contribution within ten (10) days of receipt. [§ 17-5-7.1(b)]

Does the FCPA require that I put the address of my political committee on a campaign button?

§ 17-5-12(b)(1) provides that disclaimer requirements do not apply if the advertisement is designed to be worn by a person. If the campaign button is designed to be worn by a person, a disclaimer is not required.

Is there any prohibition against my borrowing money from my campaign account, provided that I pay back the money plus the prevailing rate of interest?

The Ethics Act states in § 36-25-6:

> *"Contributions to an office holder, a candidate, or to a public official's inaugural or transitional fund* ***shall not be converted to personal use."***

The Office of the Secretary of State further believes that such action is also prohibited by these sections:

§ 17-5-7(b)(1) of the FCPA —

> *"...a candidate, public official, or principal campaign committee may only accept, solicit, or receive contributions:* ***to influence the outcome of an election."***

Appendix F: 2026 Candidate Filing Guide (continued)

§ 36-25-5(a) of the Ethics Act —

> *"No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain."*

§ 17-5-7(a) of the FCPA —

> *"...A candidate, public official, or treasurer of a principal campaign committee as defined in this chapter, may only use campaign contributions, and any proceeds from investing the contributions that are in excess of any amount necessary to defray expenditures of the candidates, public official, or principal campaign committee, for the following purposes:*
>
> 1. *Necessary and ordinary expenditures of the campaign.*
> 2. *Expenditures that are reasonably related to performing the duties of the office held. For purposes of this section, expenditures that are reasonably related to performing the duties of the office held do not include personal and legislative living expenses, as defined in this chapter.*
> 3. *Donations to the State General Fund, the Education Trust Fund or equivalent county or municipal funds.*
> 4. *Donations to an organization to which a federal income tax deduction is permitted under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U.S. Code.*

Appendix F: 2026 Candidate Filing Guide (continued)

5. *Inaugural or transitional expenses.*
6. *Donations to a legislative caucus organization registered under this chapter which does not operate as a political action committee.*
7. *Legal fees and costs associated with any civil action, criminal prosecution, or investigation related to conduct reasonably related to performing the duties of the office held."*

Does a write-in candidate have to comply with the FCPA?

Yes. As with other candidates, the contributions or expenditures must reach the filing threshold of $1,000 to trigger the **APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE** form and the reporting requirements. (AG Opinion 91-00084)

I have several groups, such as the Young Republicans or the Democratic Women, who want to work in my campaign. May I use campaign funds to donate to a group in return for its members' help?

No. A candidate may not transfer campaign funds to any political action committee or 527 political organization, which generally covers most political groups except county and state parties, which are recognized as political action committees under the FCPA. [§ 17-5-15(b)] Candidates can only transfer funds to a political party, as a political action committee, within the restrictions of § 17-5-7(d).

However, candidates are not prohibited from paying individuals directly who assist with the campaign.

I have several volunteers who work in my campaign. Must I assess a fair labor wage and report that as an in-kind contribution?

No. The FCPA lists several services that are not considered contributions, including:

- ⇨ Value of services provided by individuals who volunteer

Appendix F: 2026 Candidate Filing Guide (continued)

their time on behalf of a candidate.

- ⇨ The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual to a candidate when the voluntary personal service is on the individual's residential or business premises.
- ⇨ Any unreimbursed payment for travel expenses made by an individual who volunteered on behalf of a candidate.
- ⇨ The amount spent by a state or local political party for the preparation, display, mailing, or other distribution of a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office. (Note: this exemption does not extend to the costs incurred by the committee when such a listing is placed on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising.)
- ⇨ The value or cost of polling data and voter preference data and information, if provided to a candidate or political committee, unless the information was compiled with the advance knowledge of and approval of the candidate or the political committee. [§ 17-5-2(a)(3)(b)]

I am a member of the Alabama Legislature and am considering renting an apartment in Montgomery. Can I pay the rental expense from my campaign account?

No. The FCPA prohibits using campaign funds for personal or legislative living expenses. The Act lists such prohibited expenses as:

> *"Household supplies, personal clothing, tuition payments, mortgage, rent, or utility payments for a personal residence; admission to an entertainment event or fees for a country club or social club, unless tied to a specific campaign event or functions involving constituents; and any other expense, excluding food and beverages, that would exist irrespective of the candidate's campaign or duties as a legislator. Personal and legislative living expenses shall not include expenses for food, beverages, travel, or communication incurred by the legislator in the performance of the office held."* [§ 17-5-2(a)(12)]

Appendix F: 2026 Candidate Filing Guide (continued)

Can I pass out campaign materials on private property, such as an apartment complex, if there is a "no soliciting" sign?

That's a question that must be addressed with the property owner. Any enforcement of "no soliciting" would be between the owner and an individual who wishes to campaign. (AG Opinion 96-00306)

Is it legal to pass out sample ballots at the polling place?

Yes, provided that the individuals handing out the sample ballots are at least 30 feet from the door of the building in which the polling place is located. Also, individuals distributing sample ballots should not in any manner attempt to intimidate or harass voters. Voters may take marked sample ballots into the polling place for personal use but should not leave them in the polling place.

May a candidate assist a voter?

Yes. Under the *Harris v. Siegelman* federal court order, a voter may request assistance from anyone other than those persons prohibited by federal law. [700 F.Supp. 1083 (1988)] Federal law prohibits assistance from the voter's employer or an agent of the employer or from an officer or agent of the voter's union. § 17-9-13 was revised to incorporate this language and bring the text of this section into compliance with the terms of *Harris v. Siegelman*.

However, candidates should note that they may assist only if the voter requests the help. The voter is then required to sign the poll list in a designated column showing that assistance is requested, and the person providing the assistance must also sign the poll list. Additionally, candidates are not permitted to witness absentee ballots unless the candidate is unopposed. [§ 17-11-7(c)]

At the end of the campaign, what must I do to dispose of campaign property?

Property purchased by or contributed to a principal campaign committee with a value of $500 or more shall be liquidated at fair market value or donated to a qualified entity not more than 120 days following the election. Any funds generated by the liquidation of the property shall be deposited in the candidate's principal campaign committee account. [§ 17-5-7.2(a)]

Appendix F: 2026 Candidate Filing Guide (continued)

Property purchased by or contributed to a principal campaign committee that can be used by the person in the performance of their duties of the office they were elected to hold need not be liquidated as long as they hold office. [§ 17-5-7.2(b)]

Are there any additional requirements for running for office?

Some offices, such as county superintendent, may require additional documents to be filed when you qualify to run. Please check the Code of Alabama, 1975, or visit our website, sos.alabama.gov, for more information. You may also contact your local party chair to make sure that you have all of the necessary paperwork.

Judicial candidates should also remember to file their "Statement of Economic Interests" with both the Ethics Commission and the Clerk of the Alabama Supreme Court.

How do I report campaign travel?

The mileage traveled for campaign purposes needs to be reported. Please contact the Alabama Department of Finance for the current mileage reimbursement rate. Fuel transactions are only reported if using a designated campaign vehicle.

How do I change the committee members I have listed for my campaign?

You can change any information associated with your committee members by logging into your FCPA account. Click on the "Administration" tab and then you will see an option to update the committee registration.

I lost in the election, do I still need to file an annual report?

Any committee that has not filed a Statment of Dissolution and Terminiation Report before December 31st are required to file an annual report no later than January 31st of each year. If your committee remains open through December 31st after the election, then you must file the annual report.

I received a contribution after the 120 days to clear campaign debt, what should I do with the contribution?

Any committee that received a contribution after the 120 days to clear campaign debt cannot deposit the funds into the campaign account. The contribution must be returned.

Appendix F: 2026 Candidate Filing Guide (continued)

CHAPTER FIVE

ELECTED OFFICIALS

The Secretary of State congratulates each candidate who wins their election! Before getting immersed in the details of the job, each elected official should take a few minutes to note the information in this chapter.

COMMISSIONS

Certain state and county officials must be commissioned by the Secretary of State and Governor before assuming office. County officials who meet certain requirements may also receive commissions. For more information, please consult § 36-2-6.

The law dictates what documents must be filed and where for obtaining a commission. Generally, an elected official must file an oath and/or a bond at the state or county level, depending upon the office. County officials must also have a certification from their probate judge. The law requires the Office of the Secretary of State to charge a $5 commissioning fee.

Information packets providing the specific requirements for each office are available from the Government Support Division in the Office of the Secretary of State. You may contact the Government Support Division at (334) 242-7224.

FILING REQUIREMENTS

FCPA

All elected officials who have not closed their principal campaign committee must file an **ANNUAL REPORT** by January 31st each year, even if they have had no activity. [§ 17-5-8(b)] Remember, an **ANNUAL REPORT** is due not just for the year you are elected but for every year you are in office if your principal campaign committee has not been closed.

Appendix F: 2026 Candidate Filing Guide (continued)

No annual report is required to be filed by a person who holds office because they were appointed to serve the remainder of a term vacated by another person, until the person serving has created a principal campaign committee. [§ 17-5-8(b)]

STATEMENT OF ECONOMIC INTERESTS

All elected officials must file a **STATEMENT OF ECONOMIC INTERESTS** with the Ethics Commission every year by April 30th. For more information, contact the State Ethics Commission at (334) 242-2997.

JUDICIAL REPORTS

Judges have additional requirements and should consult Canons 6C and 7 of the Canons of Judicial Ethics relating to filing requirements and campaign conduct in general.

The requirement previously set forth in § 12-24-2(a) to file a statement of disclosure two (2) weeks prior to the commencement of the term of office for any judge or justice was repealed during the 2014 Legislative Session.

Appendix F: 2026 Candidate Filing Guide (continued)

APPENDIX A

INDEPENDENT CANDIDACY

Those not qualifying through a political party may obtain ballot access by submitting a petition on or before 5 PM on the date of the statewide primary election. [§ 17-9-3(a)(3)] In 2026, the statewide primary is scheduled for May 19th.

The petition must contain the required number of signatures of registered voters in the jurisdiction in which ballot access is sought (i.e., statewide, countywide, a district). The petition must be submitted to the Secretary of State, if seeking a state or federal office, or to the probate judge for a county office.

The appropriate election official will then verify the petition signatures and subsequently notify the petitioner as to whether they gained ballot access.

No qualifying fee is required.

SIGNATURES

FEDERAL CANDIDATES

A congressional candidate must submit a petition with enough signatures to meet or to exceed three percent of the qualified electors who cast ballots for the office of Governor in the last general election for the district in which they are running. [§ 17-9-3(a)(3)] For the number of signatures needed in each district, call the Office of the Secretary of State's Elections Division at (334) 242-7210. Candidates seeking a U.S. Senate seat would need the number of signatures for statewide candidacy.

STATE OR COUNTY CANDIDATES

The number of signatures on the petition must equal or exceed at least three (3) percent of the qualified electors who cast ballots for

Appendix F: 2026 Candidate Filing Guide (continued)

the office of Governor in the last general election in the statewide, county, district, or other political subdivision for which they are seeking ballot access. For the number of signatures needed for a particular state office, call the Office of the Secretary of State's Elections Division at (334) 242-7210. For the number of signatures needed for a particular county office, call the judge of probate in the county in which the office is located.

FAIR CAMPAIGN PRACTICES ACT

Independent candidates, except for federal candidates, should be aware of their obligation to file an **APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE** form at the time they submit their petition or within five (5) days of exceeding the monetary threshold amount set forth by the FCPA. Act 2013-311 established a uniform $1,000 threshold amount for all candidates in all races throughout the state.

ETHICS

Independent candidates must file a **STATEMENT OF ECONOMIC INTERESTS** with the State Ethics Commission no more than five (5) days after the date they file the ballot access petition to be a candidate. For information on filing the **STATEMENT OF ECONOMIC INTERESTS**, call the Alabama Ethics Commission at (334) 242-2997 or visit its website at www.ethics.alabama.gov.

PETITION REQUIREMENTS & SUGGESTIONS

A sample petition is available from the Secretary of State's Office. It may be downloaded from the website at alabamavotes.gov. The sample petition may be photocopied.

Appendix F: 2026 Candidate Filing Guide (continued)

Each petition must include the following information:

- a statement that includes the name of the independent candidate, the date of the general election for which ballot access is sought, and the name of the office sought, including district number, if applicable. Petitions for the establishment of independent candidacy in a special election shall not be required to include the date of the special election at the top of each page. [Ala. Admin. Code, Rule 820-2-4-.05(1)];
- numbered pages;
- requested information for each person signing, which includes: name, residential address, date of birth and signature. A signature is required but shall not be deemed invalid for lacking any portion of the requested information if the disclosed information is sufficient for determining the validity of the signature and that the voter is a qualified elector for the jurisdiction the petition covers.

The following are suggestions for the petition:

- Have the voter sign in ink and write legibly.
- Obtain signatures in excess of required number, as some signatures may not be valid or identifiable.
- Keep a copy of the petition.

FEDERAL PACS

If you believe you fall under the Federal Corporate PAC designation the following items may apply to you:

- Federal Corporate/nonprofit PACs shall file with the Secretary of State their Statement of Organization. Code of Ala.,§ 17- 5-14.1
- Corporate/nonprofit PACs that are currently filing with the Federal Election Commission (FEC) may file copies of the their FEC reports with the Secretary of State's FCPA reporting system. § 17- 5-14.1
- If a federal PAC is giving money to state or local candidates, they should register as a PAC with the Secretary of State and file campaign finance reports under the Alabama Fair Campaign Practices Act.

Please contact the Secretary of State at 334- 242-7210 for more guidance.

Appendix F: 2026 Candidate Filing Guide (continued)

APPENDIX B

CHANGES IN LAW

ACT OF ALABAMA 2025-22

In the 2025 session, the Alabama Legislature approved Senate Bill 48. The bill was signed by Governor Kay Ivey on March 4, 2025 and subsequently assigned Act number 2025-22.

Act 2025-22 further provides for the membership of the boards of registrars and the qualifications of registrars and establishes hours of operation; to increase the salary of each registrar; and to make nonsubstantive, technical revisions to update the existing code language to current.

ACT OF ALABAMA 2025-282

In the 2025 session, the Alabama Legislature approved House Bill 250. The bill was signed by Governor Kay Ivey on May 6, 2025 and subsequently assigned Act number 2025-282.

Act 2025-282 to provide further for the filing of statements of economic interests by candidates with the State Ethics Commission.

ACT OF ALABAMA 2025-283

In the 2025 session, the Alabama Legislature approved House Bill 258. The bill was signed by Governor Kay Ivey on May 6, 2025 and subsequently assigned Act number 2025-283.

Act 2025-283 changes the primary election in off-presidential years to the Tuesday in May preceding Memorial Day.

Appendix F: 2026 Candidate Filing Guide (continued)

ACT OF ALABAMA 2025-307

In the 2025 session, the Alabama Legislature approved Senate Bill 158. The bill was signed by Governor Kay Ivey on May 12, 2025 and subsequently assigned Act number 2025-307.

Act 2025-307 states the foreign national driver licenses may not be used as photo identification for voting purposes.

ACT OF ALABAMA 2025-424

In the 2025 session, the Alabama Legislature approved Senate Bill 142. The bill was signed by Governor Kay Ivey on May 19, 2025 and subsequently assigned Act number 2025-424.

Act 2025-424 removes the Electronic Registration Information Center as a voter registration database that the board of registrars or the Secretary of State may use to identify voters whose addresses may have changed; and to require the Secretary of State to conduct a voter registration list maintenance program through the Alabama Voter Integrity Database.

ACT OF ALABAMA 2024-104

In the 2024 session, the Alabama Legislature approved House Bill 156. The bill was signed by Governor Kay Ivey on April 23, 2024 and subsequently assigned Act number 2024-104.

Act 2024-104 states a candidate running for a municipal office is exempt from the filing requirements of Sections 17-5-4 and 17-5-8, Code of Alabama 1975, unless and until the candidate receives contributions or makes expenditures in excess of one thousand dollars ($1,000).

Appendix F: 2026 Candidate Filing Guide (continued)

ACT OF ALABAMA 2024-33

In the 2024 session, the Alabama Legislature approved Senate Bill 1. The bill was signed by Governor Kay Ivey on March 20, 2024 and subsequently assigned Act number 2024-33.

Act 2024-33 states to delete a provision allowing a handwritten request for an absentee ballot in lieu of completing, an absentee ballot application form; to prohibit prefilling of applications by another person; to prohibit a person from receiving a payment or providing a payment or gift to another person for distributing, ordering, collecting, prefilling, completing, obtaining or delivering an absentee ballot application of a voter in certain circumstances; to provide for criminal penalties; to provide for criminal penalties; and to make non substantive. technical revisions to update the existing code language to current style; and in connection therewith would have as its purpose or effect the requirement of a new or creased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022 code language to current style; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section of the Constitution of Alabama of 2022

ACT OF ALABAMA 2024-338

In the 2024 session, the Alabama Legislature approved House Bill 424. The bill was signed by Governor Kay Ivey on May 6, 2024 and subsequently assigned Act number 2024-424.

Act 2024-338 relates to elections to prohibit the use of any ranked-choice voting method in elections except for electors who vote by absentee ballot pursuant to the uniformed and Overseas Cicizens Absentee Voting Act.

Appendix F: 2026 Candidate Filing Guide (continued)

ACT OF ALABAMA 2024-341

In the 2024 session, the Alabama Legislature approved House Bill 100. The bill was signed by Governor Kay Ivey on May 15, 2024 and subsequently assigned Act number 2024-341.

Act 2024-341 relates to establish increase penalties for a crime committed against an election official that is motivated by the individual's role as an election official; to amend Section 17-3-30.1, Code of Alabama 1975, to establish that a felony committed against an election official which is motivated by an individual's role as an election official is a crime of moral turpitude.

ACT OF ALABAMA 2023-501

In the 2023 session, the Alabama Legislature approved House Bill 339. The bill was signed by Governor Kay Ivey on June 14, 2023 and subsequently assigned Act number 2023-501.

Act 2023-501 requires the revision of the date of the 2024 second or runoff election, and to provide that this is a onetime occurence.

ACT OF ALABAMA 2021-157

In the 2021 session, the Alabama Legislature approved Senate Bill 119. The bill was signed by Governor Kay Ivey on April 7, 2021 and subsequently assigned Act number 2021-157.

Act 2021-157 changes the date of regular municipal elections that were originally scheduled to occur in 2024 to 2025. This law does not affect municipalities that have a different election date set by statute.

Appendix F: 2026 Candidate Filing Guide (continued)

ACT OF ALABAMA 2021-164

In the 2021 session, the Alabama Legislature approved Senate Bill 31. The bill was signed by Governor Kay Ivey on April 6, 2021 and subsequently assigned Act number 2021-164.

Act 2021-164 changes the period for runoff elections to be four (4) weeks after the primary election for all special and municipal elections.

ACT OF ALABAMA 2021-314

In the 2021 session, the Alabama Legislature approved House Bill 154. The bill was signed by Governor Kay Ivey on April 29, 2021 and subsequently assigned Act number 2021-314.

Act 2021-314 requires candidates for municipal office to file campaign finance reports with the Secretary of State's Office. All filings must be done electronically.

ACT OF ALABAMA 2019-529

In the 2019 session, the Alabama Legislature approved House Bill 259. The bill was signed by Governor Kay Ivey on June 10, 2019 and subsequently assigned Act number 2019-529.

Act 2019-529 allows candidates to submit their Statement of Economic Interests with the Ethics Commission no more than five (5) days after the candidate qualifies with a party or files ballot access petitions with the appropriate election official.

Appendix G: Appointment of Principal Campaign Committee

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Appointment of Principal Campaign Committee

Please print in ink or type.

Full Name of Candidate

Office Sought (include district or circuit number, if applicable) | Political Party / Ballot Affiliation

Address of the Committee (street or post office box)

City | State | ZIP Code | Telephone Number

This form is due within **five** (5) calendar days of reaching the threshold amount, or within **five** (5) calendar days of qualifying with a political party, or within **five** (5) calendar days of filing a petition as an independent candidate.

Type of Committee (check one)

☐ I appoint myself as the sole member of my principal campaign committee.

☐ I hereby appoint the individuals listed below to act as my principal campaign committee.

If you are appointing others to serve as your committee, you must select at least two members. You may appoint up to five members. One member should be designated as the chairperson of the committee. A second member should be designated as the treasurer. Please clearly print their names and addresses in the spaces below. Each appointee *must* sign his or her name.

Candidates who choose to be the sole member of their principal campaign committee *must* choose a designee to dissolve the committee due to the possibility of death or incapacitation of the candidate.

Chairperson

Full Name | Email Address

Address (street or post office box)

City | State | ZIP Code

Signature of Appointee

Treasurer

Full Name | Email Address

Address (street or post office box)

City | State | ZIP Code

Signature of Appointee

Committee Member

Full Name | Email Address

Address (street or post office box)

City | State | ZIP Code

Signature of Appointee

Committee Member

Full Name | Email Address

Address (street or post office box)

City | State | ZIP Code

Signature of Appointee

Committee Member

Full Name | Email Address

Address (street or post office box)

City | State | ZIP Code

Signature of Appointee

Committee Dissolution Designee

Full Name | Email Address

Address (street or post office box)

City | State | ZIP Code

Signature of Appointee

Where to file this form ...

- State candidates file with the Office of the Secretary of State.*
- County candidates must file electronically at fcpa.alabamavotes.gov
- Municipal candidates file with the county judge of probate.

* This form does not establish electronic filing. To file electronically, visit fcpa.alabamavotes.gov and click "Committee Registration."

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of elected official or candidate | Date

FORM REVISED 6.19.2017

Appendix H: Campaign Advertising Guidelines 2024

Campaign Advertising Guidelines

Fair Campaign Practices Act ◆ Election 2024

Elections Division ◆ Office of the Secretary of State ◆ State of Alabama

Secretary of State Wes Allen

ELECTIONEERING COMMUNICATION

The Fair Campaign Practices Act (FCPA) defines "**electioneering communication**" as any communication disseminated through any federally regulated broadcast media, any mailing, or other distribution, electronic communication, phone bank, or publication which [*§ 17-5-2(a)(6)*]:

(i) contains the name or image of a candidate;

(ii) is made within 120 days of an election in which the candidate will appear on the ballot;

(iii) the only reasonable conclusion to be drawn from the presentation and content of the communication is that it is intended to influence the outcome of an election; and

(iv) entails an expenditure in excess of one thousand dollars ($1,000).

IDENTIFICATION OF RESPONSIBLE PARTY

The Fair Campaign Practices Act (FCPA) specifies that a political advertisement or electioneering communication appearing in print and broadcast in any electronic media must clearly identify the entity responsible for paying for the advertisement or electioneering communication.

Any printed campaign literature, political advertisement, or electioneering communication must contain a clear and unmistakable identification of the entity responsible for directly paying for the advertisement or electioneering communication.

Any political advertisement or electioneering communication appearing in broadcast media must contain a statement that the communication is a paid advertisement and must clearly identify the entity directly responsible for paying for the advertisement. These statements must appear at the beginning, during, or end of a radio or television spot.

EXCEPTIONS TO IDENTIFICATION REQUIREMENTS

The requirement to identify the entity responsible for paying for a campaign advertisement or electioneering communication does not apply to any political advertisement or electioneering communication used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- Designed to be worn by a person.
- Placed as a paid link on an Internet website, provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with the identification requirements.
- Placed as a graphic or picture link where compliance with the identification requirements are not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with the identification requirements.
- Placed at no cost on an Internet website for which there is no cost to post content for public users.
- Placed or distributed on an unpaid profile account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.
- Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with the identification requirements.
- Sent by a third-party user from or through a campaign or committee's website, provided the website complies with the identification requirements.
- Contained in or distributed through any other technology related item, service, or device for which compliance with the identification requirements is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with the identification requirements impracticable.

Appendix H: Campaign Advertising Guidelines 2024 (continued)

DOES THE FCPA SPECIFY WORDING FOR THE IDENTIFICATION STATEMENT?

No, the law does not give a specific format for wording the disclaimer. However, the FCPA does state that political advertisements must be identified or marked as a paid advertisement. Such words as *paid advertisement by, paid for by, and paid political ad* meet the requirements of the act. However, an advertiser is not limited to just those phrases. Attorney General's Opinion 94-227 states that "*words which indicate that the advertisement is a paid political advertisement meet the requirements of the law.*"

The disclaimer must contain the identification of the person, candidate, principal campaign committee, non-profit corporation, or other entity placing the ad or distributing the electioneering communication. Under the FCPA, the term ***identification* means full name and complete address.** Attorney General's Opinion 94-227 states that a complete address includes the street or post office box, city, and state.

DOES THE U.S. SUPREME COURT RULING IN MCINTYRE V. OHIO ELECTIONS COMMISSION AFFECT FCPA DISCLAIMER REQUIREMENTS?

That case, which involved an individual who distributed anonymous leaflets opposing a proposed school tax levy, has a very limited impact. Attorney General's Opinion 95-218 states the ruling "*is limited to individuals who distribute anonymous written material* (particularly leaflets) *in a non-candidate election.*" In all other circumstances, the advertising is subject to the identification requirements.

IS THERE A PENALTY FOR FAILING TO COMPLY?

The Attorney General or a district attorney may prosecute any person who violates the FCPA. Upon conviction, the penalty for failing to comply with the advertising requirements is a fine of not more than $6,000 and/or imprisonment of not more than one year. [§§ 13A-5-7, 13A-5-12, 17-5-19]

DISCLOSURE REQUIREMENTS FOR ELECTIONEERING COMMUNICATIONS

Any person, principal campaign committee, political action committee, non-profit organization, or other entity paying for an electioneering communication must disclose the contributions received for funding the electioneering communication and to whom payments are made related to the electioneering communication.

This disclosure of these contributions and expenditures is to be made on the same forms and at the time as required of political action committees.

Exemptions from Disclosure Requirements

The following entities are exempt from the disclosure requirements for electioneering communications:

- Churches, unless the church's expenditures are used to influence the outcome of an election. A church shall not be required to disclose the identities, donations, or contributions of members of the church. As used in FCPA, the term "church" is defined in accordance with and recognized by Internal Revenue Service guidelines and regulations.
- Any membership or trade organization, when using an electioneering communication to communicate with or inform its members, its members' families, or its members' employees.

HAVE QUESTIONS? CONTACT US

By email: alavoter@vote.alabama.gov

By telephone: 1-800-274-VOTE (8683)
(334) 242-7210

By mail: Elections Division
Office of Secretary of State
P.O. Box 5616
Montgomery, Alabama 36103-5616

By website: www.alabamavotes.gov

DISCLAIMER

This document is not a substitute for the Code of Alabama. This document is provided as a guide and is not intended to be an authoritative statement of law. For further legal information, please consult the Code of Alabama or other appropriate legal resources.

Appendix I: PAC Filing Guidelines 2024

PAC Filing Guidelines

Fair Campaign Practices Act • 2024 Election

Elections Division • Office of the Secretary of State • State of Alabama
Wes Allen, Secretary of State

POLITICAL ACTION COMMITTEE (PAC)

Alabama's Fair Campaign Practices Act (FCPA) defines a political action committee as:

Any political committee, club, association, political party, or other group of one or more persons, whether in-state or out-of-state, which receives or anticipates receiving contributions and makes or anticipates making expenditures to or on behalf of any Alabama state or local elected official, proposition, candidate, principal campaign committee, or other political action committee ... [Code of Alabama, 1975, § 17-5-2(a)(13)]

STATEMENT OF ORGANIZATION

A political action committee (other than a principal campaign committee formed by a candidate) must file a Statement of Organization with the Secretary of State's Office:

- ✓ within 10 days of receiving contributions or making expenditures towards influencing an election in aggregate that exceeds $1,000

  OR

- ✓ within 10 days of anticipating receiving contributions or making expenditures towards influencing an election in an aggregate that exceeds $1,000

PACs are required to file financial disclosure reports when they participate in an election, or have raised or spent more than $1,000 to influence the election.

FILING ELECTRONICALLY

1. Visit www.fcpa.alabamavotes.gov and select the "**Political Action Committee Registration**" button.
2. The Statement of Organization of Political Action Committee page will open. Please enter the date, committee name, address of committee, email, duration of PAC, purpose of PAC, manner in which residual funds will be disposed, and affiliated organization(s) information.
3. Add committee member information. After inputting each committee member's information, click the red "**Add Person**" button to save the individual's information.
4. After filing in all required PAC information and committee members have been saved, click the red "**Submit**" button at the bottom right-hand corner of the webpage.
5. If submission is successful, the screen will indicate that your registration has been submitted. Select the "**Click here to view and print a copy of this filing**" link. Print and sign the completed form. The Chairperson or Treasurer *must* sign the form. Mail the original signed form to the Elections Division:

   ELECTIONS DIVISION, ALABAMA SECRETARY OF STATE
   P. O. BOX 5616
   MONTGOMERY, AL 36103-5616

6. Once the signed Statement of Organization Form is received and approved, the committee will be made active. The committee members will each receive their login credentials (username and pin) in separate emails.

PAC POINTS

- The FCPA requires that receipts and canceled checks be kept for two years from the date of expenditure [§ 17-5-3(d)].
- The law specifies that the political committee's funds shall not be commingled with any personal funds of officers, members, or associates of the political committee [§ 17-5-3(b)].

ADVERTISING

When a PAC sponsors any political advertising for or against a candidate or ballot issue, the advertisement must clearly identify the PAC as the payee [§ 17-5-12]. For more information, see Campaign Advertising Guidelines available on the Secretary of State's website.

FEDERAL ELECTIONS

PACs participating in federal elections are subject to federal campaign finance laws and regulations. These PACs should contact the Federal Election Commission for further information.

Federal Election Commission
999 E. Street, NW
Washington, DC 20463

1-800-424-9530
www.fec.gov

PAC FILING GUIDELINES | FAIR CAMPAIGN PRACTICES ACT | UPDATED 7/14/2023

Appendix I: PAC Filing Guidelines 2024 (continued)

NOTIFICATION OF MATERIAL CHANGE

Changes in officers, phone number, address, or a name change for a political action committee must be reported within 10 days of the change [§ 17-5-5(c)]. PACs may submit updated information to the Secretary of State through the online FCPA filing system by selecting the red **"Update Registration"** button in the top-right corner of the Administration page, found under the Administration tab on the FCPA online reporting system.

FILING FINANCIAL DISCLOSURE REPORTS

PACs are required to file campaign finance reports when they have raised or spent more than $1,000 to influence the election. However, all active PACs must file the Annual Report, due by January 31st of the subsequent year [§ 17-5-8(b)]. All late filings are subject to civil penalties. See Code of Alabama 1975, § 17-5-19 for details on civil penalties that may be levied against a committee. FCPA Filing Calendars are available at www.alabamavotes.gov.

TYPES OF REPORTS

Pre-Election Reports

Finance reports are filed at specific times (§ 17-5-8):

- **Monthly Reports** are due on the second business day of the subsequent month beginning 12 months prior to any Primary, Runoff, Special, or General Election once the PAC receives contributions or makes expenditures in excess of $1,000 with a view toward influencing the election's result.
- **Weekly Reports** are due on the subsequent Monday for each of the four (4) weeks prior to an election. Weekly reports cover all reportable activities for the previous week, Saturday through Friday.
- **Daily Reports** are due on that day, beginning eight (8) days prior to an election, only if the PAC receives or spends funds in excess of $5,000 with a view toward influencing an election (applies only to a legislative, state school board, or statewide election).
- **Major Contribution Reports** are within two (2) days of receipt of any single contribution of $20,000 or greater (including a loan from the PAC), unless the contribution is already included in a scheduled monthly, weekly, or daily report.

On the summary page, the report should include the amount of cash on hand at the beginning of the reporting period, the total of all contributions, other receipts, and expenditures made during the reporting period, and the ending balance.

NOTE: *Once total contributions from or expenditures to a specific entity exceeds $100, contributions or expenditures received or expended during the reporting period are to be itemized (list name and address of contributor or payee) and will appear itemized on the report.*

Annual Reports

An **Annual Report** is required every year that a committee is active, unless the committee is filing monthly reports in a current election cycle. This **Annual Report** may be filed on or after January 1st, but must be filed no later than January 31st. ***All PACs that are active at the end of the calendar year and have not dissolved their political action committee must file this report, unless already filing scheduled monthly/weekly financial report***

Appendix I: PAC Filing Guidelines 2024 (continued)

DUPLICATE REPORTS

Each report must include all reportable transactions occurring since the most recent prior report; however, duplicate reporting is not required by this section.

- A political action committee that is required to file a daily report is not required to also file a weekly report for the week preceding the election.
- A political action committee required to file a weekly report is not required to also file a monthly report in the month in which the election is held.
- A political action committee required to file a monthly report is not required to also file an annual report in the year in which the election is held.

ELECTRONIC FILING SYSTEM INSTRUCTIONS

OPTING INTO AN ELECTION / FILING CALENDAR

1. Visit fcpa.alabamavotes.gov. Login to your committee's account by selecting the red "**Registered User Login**" button in the top right-hand corner of the webpage. Enter user credentials and select "**Login**".
2. Select the "File Reports" tab at the top of the webpage.
3. Located above the committee's Filing History, identify the text box stating "**Need to begin filing reports that are not shown in the Reports Due list below? Click Here**". Select the link.
4. Select the link for the appropriate reports you need added (First link is for Monthly/Weekly filing schedule, second link is for Daily Reports, third link is for Annual Reports).
5. From the "Participating in Election" dropdown menu, select the appropriate election.
6. Indicate which election the PAC is participating in by clicking on the corresponding button:
    - Primary and General
    - General Only
    - Runoff
7. Enter the date on which the PAC met the required filing threshold (the date in which the PAC raised in excess of $1,000 to influence an election or spent in excess of $1,000 to influence an election) in the "Need to report activity as of this date" section. A pop-up calendar will appear on the screen. Use the calendar to input the date.
8. Select the red "**Assign Schedule**" button. The PAC's filing schedule will now appear in the "Reports Due" section, found on the File Reports page.

INPUTTING CONTRIBUTIONS/INKIND, OTHER RECEIPTS, AND EXPENDITURES

1. Click on the "Transactions" tab and select "Contributions/InKind" from the drop-down menu.
    a. Click the red "**Add**" button
    b. Complete the required information for the contribution and then click the "**Save**" button
2. Click on the "Transaction" tab and select "Other Receipts" from the drop-down menu.
    a. Click the red "**Add**" button.
    b. Complete the required information for the other receipts transaction (loans, interest, refunds, etc.) and then click the "**Save**" button.
3. Click on the "Transaction" tab and select "Expenditures" from the drop-down menu.
    a. Click on the red "**Add**" button.
    b. Complete the required information for the expenditures and then click the "**Save**" button.

Appendix I: PAC Filing Guidelines 2024 (continued)

Credit Card Transactions *(PAC Credit Cards only)*: PACs which utilize a company credit card and list credit card expenditures on campaign finance reports are obligated to itemize credit card transactions. When adding an expenditure paid for via PAC credit card, select either "Itemized Line of Credit Expenditure" or "Non-Itemized Line of Credit Expenditure" from the "Expenditure Type" drop-down menu to report the actual date and purpose of a credit card transaction. Payments to the credit card company should be reported as a normal expenditure of the committee.

MAJOR CONTRIBUTIONS

When a major contribution of $20,000 or more is entered in as a Contribution or Other Receipt, the system will automatically add a Major Contribution Report as a report due under the "File Reports", unless the major contribution would be included in a scheduled monthly, weekly, or daily report. If the report is not automatically added to your reports due list, you can opt into the report manually (see previous page).

REVIEWING AND FILING REPORTS

1. Click on the "File Reports" tab at the top of the page.
2. Go to "Reports Due" then click on the red "**View/File**" for the report that is due.
3. Check to make sure all Contributions, Other Receipts, and Expenditures are listed on the report. To preview the full report, click on the red "**Preview**" button on the bottom-left corner of the webpage.
4. Click the red "**File**" button on the bottom-right corner of the webpage to file your report.

   ***Note**: If there are transactions listed below your report under "Unfiled Transactions Prior to this Reporting Period", you may need to amend the reports the transactions should have been included on prior to filing the current report.*
5. To view previously filed reports, select the "File Reports" tab and locate the "Filing History" section. The most recently filed reports will appear at the top of the list.

AMENDING REPORTS

1. Correct any errors by identifying the incorrect transaction under the Contributions/InKind, Other Receipts, and Expenditures tabs and selecting the blue "**Update**" option.
2. Once incorrect transactions have been updated, click on the "File Reports" tab and go to the Filing History section. Identify the report containing the updated transaction and click on the blue "**Amend**" link.
3. File the amended report by selecting the red "**File**" button at the bottom-right corner of the webpage.

*NOTE: If you delete a transaction after the report has already been filed, the system will create an offset to that transaction. You **must** amend the report on which the transaction was originally reported.*

DISSOLVING A POLITICAL ACTION COMMITTEE

Once a PAC becomes inactive, the chairperson should dissolve the committee by filing the Statement of Dissolution Form and Termination Report electronically. The Statement of Dissolution form **must** be accompanied by a Termination Report detailing all contributions and expenditures not previously reported and indicating how any excess funds will be distributed [§ 17-5-5(d)].

***NOTE:** The Secretary of State shall have the authority to dissolve or terminate any political action committee that has maintained a zero balance for one (1) calendar year after providing a 90-day notice of intent to do so by certified mail with return receipt [§ 17-5-5(d)].*

FILING THE STATEMENT OF DISSOLUTION AND TERMINATION REPORT

1. Ensure that all past due reports or any current reports are filed prior to dissolving.
2. Ensure that the committee's ending balance of the account is equal to **zero**. Account status, including the total amount in the committee's bank account, is viewable from the Committee Overview page.
3. Select the "File Reports" tab. Scroll to the bottom of the page to the "Supplemental Forms" section.

Appendix I: PAC Filing Guidelines 2024 (continued)

Locate the "Statement of Dissolution" and select the blue "**Submit**" link on the right side of that line.

4. Click within the white box under "Dissolution Date" and select the committee's date of dissolution from the pop-up calendar. Select the red "**Continue to Termination Report**" button in the bottom-right corner of the webpage.
5. Review the Termination Report for accuracy. Ensure that there is a **$0.00 balance** listed as the ending balance, located on line 7 of the report. Click the red "**File**" button in the bottom-right corner of the webpage.
6. After the Termination Report has been filed, select the "Administration" tab at the top of the screen. Confirm that the committee is listed as "Dissolved" (this should be indicated in small, black writing next to the committee name).

NOTE: If you do not properly dissolve/terminate the committee, you will be required to file Annual Reports by January 31st of each calendar year.

PROHIBITED SOURCES & DISTRIBUTION OF FUNDS

The FCPA prohibits a PAC from making expenditures to or receiving contributions from the following types of entities [§ 17-5-15(b)]:

- Other PACs
- 527 Organizations

NOTE: *A PAC that is not a principal campaign committee may make contributions, expenditures, or other transfers of funds to a principal campaign committee (PCC). However, the FCPA prohibits principal campaign committees (PCCs) from making contributions, expenditures, or other transfers of funds to PACs [§ 17-5-15(b)].*

FEDERAL PACS INFLUENCING ALABAMA ELECTIONS FOR STATE AND/OR LOCAL RACES

- All PACs that are raising or spending money to influence an election for a state office or local office in Alabama are required to file campaign finance reports with the Secretary of State, regardless of whether they currently file with the Federal Election Commission.
- If a federal PAC is giving money to state or local candidates, they should register as a PAC with the Secretary of State and file campaign finance reports under the Alabama Fair Campaign Practices Act.
- The Alabama Ethics Commission has interpretive authority over the Fair Campaign Practices Act. PAC's interested in an official opinion may seek one with the Ethics Commission.

FEDERAL CORPORATE PACS INFLUENCING ALABAMA ELECTIONS FOR STATE AND/OR LOCAL RACES [§ 17-5-14.1]

- Any incorporated business or nonprofit doing business in Alabama may give money or services for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund which can be utilized for the following political purposes:
  - to aid or promote the nomination or election to any candidate for political office.
  - to aid or promote the interest or success, or defeat of any political party or political proposition.
- Corporate/nonprofit PACs may solicit voluntary contributions to the fund only from the corporation's/affiliates/stockholders/families of stockholders/employees/families of employees. In the case of a nonprofit, they may accept from its members and employees. However, they may accept voluntary contributions from any individuals.
- Corporate/nonprofit PACs shall file with the Secretary of State their Statement of Organization as a PAC in the Secretary of State's campaign finance electronic reporting system (www.fcpa.alabamavotes.gov).
- Corporate/nonprofit PACs that are currently filing with the Federal Election Commission (FEC) may file **copies** of the reports required to be filed with the FEC instead of filing financial disclosure reports with the Secretary of State's campaign finance electronic reporting system.
- Corporate/nonprofit PACs that are not currently filing with the FEC must file disclosure reports with the Secretary of State in the Secretary of State's campaign finance electronic reporting system (www.fcpa.alabamavotes.gov).
- If you believe you fall under the Federal Corporate PAC designation, please contact the Secretary of State at **334-242-7210** for more guidance.

Appendix J: Statement of Organization of Political Action Committee

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Statement of Organization of Political Action Committee

This statement establishes the following political action committee:

Please print in ink or type.

This form is due within **ten** (10) days of raising or spending $1,000.00

Full Name of the Committee
Address of the Committee (street or post office box)
City / State / ZIP Code
Telephone Number / Acronym for Political Committee
Date Political Committee established

Type of Committee (check one)

- ☐ Statewide political action committee
- ☐ County political action committee
- ☐ Municipal political action committee

Duration of Committee (check one)

- ☐ Continuing (not short-term)
- ☐ Short term - Termination date: _____

Describe, as concisely as possible, the purpose of this committee and, if applicable, the identification of affiliated or connected organizations [pursuant to Code of Alabama 1975, §17-5-5(b)(2)-(3).] (if additional space is necessary, please use back of form or attach pages)
Please describe the manner in which residual funds will be disposed in the event of dissolution of the political committee [pursuant to Code of Alabama 1975, §17-5-5(b)(8).] (if additional space is necessary, please use back of form or attach pages)

Identify this Committee's Chairperson and Treasurer:

To identify other principal officers of the political action committee pursuant to Code of Alabama 1975, §17-5-5(b)(5), including members of any finance committee, please attach additional pages.

Chairperson
Full Name
Address (street or post office box)
City / State / ZIP Code
Telephone Number

Treasurer
Full Name
Address (street or post office box)
City / State / ZIP Code
Telephone Number

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of chairperson or treasurer of political committee _____ Date _____

Where to file this form ...

Political committees, except principal campaign commitees, which seek to influence an election for local office or to influence a proposition regarding a single county, shall file all reports and statements with the judge of probate of the county affected.

All other political committees that are not principal campaign committees shall file reports and statements with the Secretary of State. [Code of Alabama 1975, §17-5-9(b)]

In the event this information changes ...

Any material change in information reported on this Statement of Organization shall be reported to the Secretary of State or the county judge of probate within ten (10) days following the change.

"Material change" includes changes in the identity or address of the chairperson or treasurer, or changes in the name, address, purpose or intended duration of the political committee. [Code of Alabama 1975, §17-5-5(b)-(c)].

FORM REVISED 9.2.2011

Appendix K: Update Form for Political Action Committee

THIS AREA FOR OFFICIAL USE ONLY

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

Update Form for Political Action Committee

Please print in Ink or Type.

New (current) Information:

Current Name of the Committee
Address of the Committee (street or post office box)
City State ZIP Code
Telephone Number

This form is used by political action committees for the purpose of changing the name of the PAC or for reporting changes in address, chairperson, or treasurer.

Former Information (for reference purposes):

Former Name of the Committee
Address of the Committee (street or post office box)
City State ZIP Code
Telephone Number

New Information Only:

Chairperson
Full Name
Address (street or post office box)
City State ZIP Code
Telephone Number

Treasurer
Full Name
Address (street or post office box)
City State ZIP Code
Telephone Number

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of chairperson or treasurer of political committee | Date

Where to file this form ...

Political committees, except principal campaign commitees, which seek to influence an election for local office or to influence a proposition regarding a single county, shall file all reports and statements with the judge of probate of the county affected.

All other political committees that are not principal campaign committees shall file reports and statements with the Secretary of State. [Code of Alabama 1975, §17-5-9(b)]

In the event this information changes ...

Any material change in information reported on this Statement of Organization shall be reported to the Secretary of State or the county judge of probate within ten (10) days following the change.

"Material change" includes changes in the identity or address of the chairperson or treasurer, or changes in the name, address, purpose or intended duration of the political committee. [Code of Alabama 1975, §17-5-5(b)-(c)].

FORM REVISED 9.2.2011

Appendix L-1: Candidate & Elected Official Campaign Finance Report Monthly & Weekly Summary Form 1

MONTHLY & WEEKLY

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Candidate & Elected Official Campaign Finance Report SUMMARY FORM 1

Please Print in Ink or Type.

Name of Candidate or Elected Official	Political Party/Ballot Affiliation
Office Sought or Held (include district or circuit number, if applicable)	
Address ☐ Check box if reporting new address	
City / State / ZIP Code	Telephone Number

Type of Report (check one)

☐ Monthly ☐ Amended Monthly
☐ Weekly ☐ Amended Weekly

For Monthly Reports Month for which the report is filed.

For Weekly Reports Date of Friday in the week for which the report is filed.

Total Number of Pages in Report

Summary of activity since last filed report					
1	Beginning balance (ending balance from previous filing)			1	
	Cash Contributions				
2a	Itemized cash contributions (total from Form 2)	2a			
2b	Non-itemized cash contributions	2b			
2c	Total cash contributions (add lines 2a and 2b)			2c	0
	In-Kind Contributions				
3a	Itemized in-kind contributions (total from Form 3)	3a			
3b	Non-itemized in-kind contributions	3b			
3c	Total in-kind contributions (add lines 3a and 3b)	3c	0		
	Receipts from Other Sources				
4a	Itemized Receipts from Other Sources (total from Form 4)	4a			
4b	Non-itemized Receipts from Other Sources	4b			
4c	Total receipts from other sources (add lines 4a and 4b)			4c	0
	Expenditures				
5a	Itemized expenditures (total from Form 5)	5a			
5b	Non-itemized expenditures	5b			
5c	Total expenditures (add lines 5a and 5b)			5c	0
	Expenditures on Line of Credit				
6a	Itemized expenditures (total from Form 6)	6a			
6b	Non-itemized expenditures	6b			
6c	Total expenditures on credit (add lines 6a and 6b)	6c	0		
7	Ending balance (add lines 1, 2c, & 4c, then subtract line 5c)			7	NaN

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Candidate or Elected Official _____ Date _____

FORM REVISED 06.06.2017

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public _____

Print Notary's Name _____

Appendix L-2: Candidate & Elected Official Campaign Finance Report Daily Summary Form 1

DAILY

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Candidate & Elected Official Campaign Finance Report SUMMARY FORM 1

Please Print in Ink or Type.

Name of Candidate or Elected Official	Political Party/Ballot Affiliation
Office Sought or Held (include district or circuit number, if applicable)	
Address ☐ Check box if reporting new address	
City State ZIP Code	Telephone Number

Date Covered by Report

☐ Amended Daily Report

Total Number of Pages in Report

Summary of activity since last filed report					
1	Beginning balance (ending balance from previous filing)			1	
	Cash Contributions				
2a	Itemized cash contributions (total from Form 2)	2a			
2b	Non-itemized cash contributions	2b			
2c	Total cash contributions (add lines 2a and 2b)			2c	0
	In-Kind Contributions				
3a	Itemized in-kind contributions (total from Form 3)	3a			
3b	Non-itemized in-kind contributions	3b			
3c	Total in-kind contributions (add lines 3a and 3b)	3c	0		
	Receipts from Other Sources				
4a	Itemized Receipts from Other Sources (total from Form 4)	4a			
4b	Non-itemized Receipts from Other Sources	4b			
4c	Total receipts from other sources (add lines 4a and 4b)			4c	0
	Expenditures				
5a	Itemized expenditures (total from Form 5)	5a			
5b	Non-itemized expenditures	5b			
5c	Total expenditures (add lines 5a and 5b)			5c	0
	Expenditures on Line of Credit				
6a	Itemized expenditures on line of credit (total from Form 6)	6a			
6b	Non-itemized expenditures on line of credit	6b			
6c	Total expenditures on line of credit (add lines 6a and 6b)	6c	0		
7	Ending balance (add lines 1, 2c, & 4c, then subtract line 5c)			7	NaN

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Candidate or Elected Official

Date

FORM REVISED 5.22.2017

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public

Print Notary's Name

Appendix L-3: Candidate & Elected Official Campaign Finance Report Annual Summary Form 1A

ANNUAL

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

Candidate & Elected Official Campaign Finance Report SUMMARY FORM 1A

THIS AREA FOR OFFICIAL USE ONLY

Please Print in Ink or Type.

Name of Candidate or Elected Official	Political Party/Ballot Affiliation
Office Sought or Held (include district or circuit number, if applicable)	
Address ☐ Check box if reporting new address	
City State ZIP Code	Telephone Number

Calendar Year covered by this report.

☐ Amended Annual Report
☐ Termination Report

Total Pages in Report Include this page in your count.

SECTION I - Summary of activity from last filed report through December 31 of reporting year

1	Beginning balance (ending balance from previous filing)			1	
	Cash Contributions				
2a	Itemized cash contributions (total from Form 2)	2a			
2b	Non-itemized cash contributions	2b			
2c	Total cash contributions (add lines 2a and 2b)			2c	0
	In-Kind Contributions				
3a	Itemized in-kind contributions (total from Form 3)	3a			
3b	Non-itemized in-kind contributions	3b			
3c	Total in-kind contributions (add lines 3a and 3b)	3c	0		
	Receipts from Other Sources				
4a	Total itemized receipts from other sources (total from Form 4)	4a			
4b	Total non-itemized receipts from other sources	4b			
4c	Total receipts from other sources (add lines 4a and 4b)			4c	0
	Expenditures				
5a	Itemized expenditures (total from Form 5)	5a			
5b	Non-itemized expenditures	5b			
5c	Total expenditures (add lines 5a and 5b)			5c	0
	Expenditures on Line of Credit				
6a	Itemized expenditures on line of credit (total from Form 6)	6a			
6b	Non-itemized expenditures	6b			
6c	Total expenditures on line of credit (add lines 6a and 6b)	6c	0		
7	Ending balance (add lines 1, 2c, & 4c, then subtract line 5c)			7	NaN

SECTION II - Summary of activity for entire reporting year - January 1st through December 31st

8	Beginning balance (as of January 1 of reporting year)			8	
9	Total cash contributions for year			9	
10	Total in-kind contributions for year	10			
11	Total receipts from other sources for year			11	
12	Total expenditures for year			12	
13	Total expenditures on line of credit for year	13			
14	Ending balance (add lines 8, 9, & 11, then subtract line 12)			14	NaN
15	Total campaign debt (total debt owed as of December 31)	15			

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Candidate or Elected Official _____ Date _____

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public _____

Print Notary's Name _____

FORM REVISED 5.24.2017

Appendix L-4: Candidate & Elected Official Campaign Finance Report Form 2

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE & ELECTED OFFICIAL

FORM 2: Contributions received by candidate or elected official

NAME OF CANDIDATE OR ELECTED OFFICIAL:

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST in-kind contributions or loans on this form. Use Forms 3 and 4 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	SOURCE OF CONTRIBUTION (CHECK ONE)					DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION
		Business or Corporation	Individual	PAC	Other	Returned		
	TOTAL CASH CONTRIBUTIONS THIS PAGE							0

FORM REVISED 10.27.2011

Appendix L-5: Candidate & Elected Official Campaign Finance Report Form 3

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE/ELECTED OFFICIAL

FORM 3: In-Kind Contributions received by candidate or elected official

NAME OF CANDIDATE OR ELECTED OFFICIAL: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or loans on this form. Use Forms 2 and 4 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	NATURE OF CONTRIBUTION (CHECK ONE)										SOURCE (CHECK ONE)					DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION
		Administrative	Advertising	Consultants/ Polling	Equipment	Food	Rent	Transportation	Other	Business/ Corporation	Individual	PAC	Other					

Appendix L-6: Candidate & Elected Official Campaign Finance Report Form 4

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE/ELECTED OFFICIAL

FORM 4: Receipts from Other Sources loans, interest, and other sources of income

NAME OF CANDIDATE OR ELECTED OFFICIAL: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or in-kind contributions on this form. Use Forms 2 and 3 for those listings.

SOURCE OF RECEIPT (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	FORM OF RECEIPT			COMPLETE THIS BLOCK IF RECEIPT IS A LOAN		RECEIPT SOURCE (CHECK ONE)					DATE RECEIVED (mo./day/yr.)	AMOUNT OF RECEIPT
		Interest	Loan	Other	GUARANTORS [FCPA REQUIRES FULL NAME AND COMPLETE ADDRESS OF INDIVIDUAL(S) ENDORSING OR GUARANTEEING LOAN]		Lending Institution	PAC	Individual	Business	Other		
	TOTAL RECEIPTS THIS PAGE												$0.00

FORM REVISED 10.27.2011

Appendix L-7: Candidate & Elected Official Campaign Finance Report Form 5

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE & ELECTED OFFICIAL

FORM 5: Expenditures by candidate or elected official

NAME OF CANDIDATE OR ELECTED OFFICIAL: _____

When total expenditures to a single recipient exceed $100.00, the FCPA requires all expenditures to that recipient be itemized.

PERSON/GROUP/BUSINESS RECEIVING EXPENDITURE (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	PURPOSE OF EXPENDITURE (CHECK ONE)											DATE OF EXPENDITURE (mo./day/yr.)	AMOUNT OF EXPENDITURE
		Administrative	Advertising	Consultants/ Polling	Charitable Contribution	Food	Fundraising	Loan Repayment	Lodging	Transportation	OTHER GIVE BRIEF EXPLANATION			
	TOTAL EXPENDITURES THIS PAGE													$0.00

FORM REVISED 10.27.2011

Appendix L-8: Candidate & Elected Official Campaign Finance Form 6

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE

FORM 6: Expenditures On Line of Credit by political action committee

NAME OF POLITICAL ACTION COMMITTEE: _____

When total expenditures to a single recipient exceed $100.00, the FCPA requires all expenditures to that recipient be itemized.

PERSON/GROUP/BUSINESS RECEIVING EXPENDITURE (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	PURPOSE OF EXPENDITURE (CHECK ONE)											DATE OF EXPENDITURE (mo./day/yr.)	AMOUNT OF EXPENDITURE
		Administrative	Advertising	Consultants/ Polling	Contribution	Food	Fundraising	Lodging	Transportation	Interest	OTHER GIVE BRIEF EXPLANATION			
													TOTAL EXPENDITURES THIS PAGE	

FORM REVISED 05.24.2017

Appendix L-9: Candidate & Elected Official Campaign Finance Report Major Contribution Form

MAJOR CONTRIBUTION

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Candidate & Elected Official Campaign Finance Report SUMMARY FORM 1

Please Print in Ink or Type.

Name of Principal Campaign Committee			
Full Name of Candidate			Political Party
Office Sought (include district or circuit number, if applicable)			
Address			
City	State	ZIP Code	Telephone Number

☐ Amended Major Contribution Report

Date of this Report

Summary of Major Contribution Activity				
1	Beginning balance (ending balance from previous filing)		1	
2	Total Cash Contributions (total from Form 2)		2	
3	Total In-Kind Contributions (total from Form 3)		3	
4	Total Receipts from Other Sources (total from Form 4)		4	
5	Ending balance (add lines 1, 2, 3 and 4)		5	

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Candidate, Elected Official or Committee Member _____ Date _____

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public _____

Print Notary's Name _____

FORM REVISED 01.02.2018

Where to file this form ...

- **State Candidates and Elected Officials:** File this report electronically with the Office of the Secretary of State: http://fcpa.alabamavotes.gov

Do you have questions or need assistance? Contact the Elections Division:

Call us:	334-242-7210	Visit our office:	Write to us:
	800-274-8683	Elections Division	Elections Division
Email us:	alavoter@vote.alabama.gov	600 Dexter Avenue, Room E-210	P.O. Box 5616
		Montgomery, Alabama 36130	Montgomery, Alabama 36103-5616

Appendix L-9: Candidate & Elected Official Campaign Finance Report Major Contribution Form (continued)

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE & ELECTED OFFICIAL

FORM 2: Contributions received by candidate or elected official

NAME OF CANDIDATE OR ELECTED OFFICIAL: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST in-kind contributions or loans on this form. Use Forms 3 and 4 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	SOURCE OF CONTRIBUTION (CHECK ONE)					DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION
		Business or Corporation	Individual	PAC	Other	Returned		
	TOTAL CASH CONTRIBUTIONS THIS PAGE							

FORM REVISED 9.2.2011

Appendix L-9: Candidate & Elected Official Campaign Finance Report Major Contribution Form (continued)

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE/ELECTED OFFICIAL

FORM 3: In-Kind Contributions received by candidate or elected official

NAME OF CANDIDATE OR ELECTED OFFICIAL: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or loans on this form. Use Forms 2 and 4 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	NATURE OF CONTRIBUTION (CHECK ONE)										SOURCE (CHECK ONE)					DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION
		Administrative	Advertising	Consultants/ Polling	Equipment	Food	Rent	Transportation	Other	Business/ Corporation	Individual	PAC	Other					

Appendix L-9: Candidate & Elected Official Campaign Finance Report Major Contribution Form (continued)

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE/ELECTED OFFICIAL

FORM 4: Receipts from Other Sources loans, interest, and other sources of income

NAME OF CANDIDATE OR ELECTED OFFICIAL: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or in-kind contributions on this form. Use Forms 2 and 3 for those listings.

SOURCE OF RECEIPT (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	FORM OF RECEIPT			COMPLETE THIS BLOCK IF RECEIPT IS A LOAN		RECEIPT SOURCE (CHECK ONE)					DATE RECEIVED (mo./day/yr.)	AMOUNT OF RECEIPT
		Interest	Loan	Other	GUARANTORS [FCPA REQUIRES FULL NAME AND COMPLETE ADDRESS OF INDIVIDUAL(S) ENDORSING OR GUARANTEEING LOAN]		Lending Institution	PAC	Individual	Business	Other		

Appendix M-1: Political Action Committee Campaign Finance Report Monthly & Weekly Summary Form 1

MONTHLY & WEEKLY

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Political Action Committee Campaign Finance Report
SUMMARY FORM 1

Type of Report (check one)
☐ Monthly ☐ Amended Monthly
☐ Weekly ☐ Amended Weekly

Please Print in Ink or Type.

Name of Political Action Committee (as appears on statement of Organization)	Acronym for PAC

Address (as appears on Statement of Organization) ☐ Check box if reporting new address			
City	State	ZIP Code	Telephone Number

For Monthly Reports Month for which the report is filed.

For Weekly Reports Date of Friday in the week for which the report is filed.

Total Number of Pages in Report

Summary of activity since last filed report					
1	Beginning balance (ending balance from previous filing)			1	
	Cash Contributions				
2a	Itemized cash contributions (total from Form 2)	2a			
2b	Non-itemized cash contributions	2b			
2c	Non-itemized employee payroll contributions	2c			
2d	Total cash contributions (add lines 2a, 2b and 2c)			2d	0
	In-Kind Contributions				
3a	Itemized in-kind contributions (total from Form 3)	3a			
3b	Non-itemized in-kind contributions	3b			
3c	Total in-kind contributions (add lines 3a and 3b)	3c	0		
	Receipts from Other Sources				
4a	Itemized Receipts from Other Sources (total from Form 4)	4a			
4b	Non-itemized Receipts from Other Sources	4b			
4c	Total receipts from other sources (add lines 4a and 4b)			4c	0
	Expenditures				
5a	Itemized expenditures (total from Form 5)	5a			
5b	Non-itemized expenditures	5b			
5c	Total expenditures (add lines 5a and 5b)			5c	0
	Expenditures on Line of Credit				
6a	Itemized expenditures (total from Form 6)	6a			
6b	Non-itemized expenditures	6b			
6c	Total expenditures on credit (add lines 6a and 6b)	6c	0		
7	Ending balance (add lines 1, 2d, & 4c, then subtract line 5c)			7	NaN

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public

Print Notary's Name

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Chairperson or Treasurer of Political Committee

Date

FORM REVISED 05.23.2017

Appendix M-2: Political Action Committee Campaign Finance Report Daily Summary Form 1

DAILY

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Political Action Committee Campaign Finance Report
SUMMARY FORM 1

Please Print in Ink or Type.

Name of Political Action Committee (as appears on statement of Organization)	Acronym for PAC

Address (as appears on Statement of Organization) ☐ Check box if reporting new address

City	State	ZIP Code	Telephone Number

Date Covered by Report

☐ Amended Daily Report

Total Number of Pages in Report

Summary of activity since last filed report					
1	Beginning balance (ending balance from previous filing)			1	
	Cash Contributions				
2a	Itemized cash contributions (total from Form 2)	2a			
2b	Non-itemized cash contributions	2b			
2c	Non-itemized employee payroll contributions	2c			
2d	Total cash contributions (add lines 2a, 2b and 2c)			2d	0
	In-Kind Contributions				
3a	Itemized in-kind contributions (total from Form 3)	3a			
3b	Non-itemized in-kind contributions	3b			
3c	Total in-kind contributions (add lines 3a and 3b)	3c	0		
	Receipts from Other Sources				
4a	Itemized Receipts from Other Sources (total from Form 4)	4a			
4b	Non-itemized Receipts from Other Sources	4b			
4c	Total receipts from other sources (add lines 4a and 4b)			4c	0
	Expenditures				
5a	Itemized expenditures (total from Form 5)	5a			
5b	Non-itemized expenditures	5b			
5c	Total expenditures (add lines 5a and 5b)			5c	0
	Expenditures on Line of Credit				
6a	Itemized expenditures (total from Form 6)	6a			
6b	Non-itemized expenditures	6b			
6c	Total expenditures on credit (add lines 6a and 6b)	6c	0		
7	Ending balance (add lines 1, 2d, & 4c, then subtract line 5c)			7	NaN

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public

Print Notary's Name

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Chairperson or Treasurer of Political Committee

Date

FORM REVISED 05.23.2017

Appendix M-3: Political Action Committee Campaign Finance Report Annual Summary Form 1A

ANNUAL

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Political Action Committee Campaign Finance Report SUMMARY FORM 1A

Please Print in Ink or Type.

Name of Political Committee (as appears on Statement of Organization)	Acronym for PAC
Address (as appears on Statement of Organization) ☐ Check box if reporting new address	
City / State / ZIP Code	Telephone Number

Calendar Year covered by this report.

☐ Amended Annual Report
☐ Termination Report

Total Pages in Report Include this page in your count.

SECTION I - Summary of activity from last filed report through December 31 of reporting year					
1	Beginning balance (ending balance from previous filing)			1	
	Cash Contributions				
2a	Itemized cash contributions (total from Form 2)	2a			
2b	Non-itemized cash contributions	2b			
2c	Non-itemized employee payroll contributions	2c			
2d	Total cash contributions (add lines 2a, 2b and 2c)			2d	0
	In-Kind Contributions				
3a	Itemized in-kind contributions (total from Form 3)	3a			
3b	Non-itemized in-kind contributions	3b			
3c	Total in-kind contributions (add lines 3a and 3b)	3c	0		
	Receipts from Other Sources				
4a	Total itemized receipts from other sources (total from	4a			
4b	Total non-itemized receipts from other sources	4b			
4c	Total itemized receipts from other sources (add lines 4a and 4b)			4c	0
	Expenditures				
5a	Itemized expenditures (total from Form 5)	5a			
5b	Non-itemized expenditures	5b			
5c	Total expenditures (add lines 5a and 5b)			5c	0
	Expenditures on Line of Credit				
6a	Itemized expenditures (total from Form 6)	6a			
6b	Non-itemized expenditures	6b			
6c	Total expenditures (add lines 6a and 6b)	6c	0		
7	Ending balance (add lines 1, 2d, & 4c, then subtract line 5c)			7	NaN
SECTION II - Summary of activity for entire reporting year - January 1st through December 31st					
8	Beginning balance (as of January 1 of reporting year)			8	
9	Total cash contributions for year			9	
10	Total in-kind contributions for year	10			
11	Total receipts from other sources for year			11	
12	Total expenditures for year			12	
13	Total expenditures on line of credit for year	13			
14	Ending balance (add lines 8, 9, & 11, then subtract line 12)			14	NaN
15	Total campaign debt (total debt owed as of December 31)	15			

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Chairperson or Treasurer of Political Committee

Date

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public

Print Notary's Name

FORM REVISED 5.23.2017

Appendix M-4: Political Action Committee Campaign Finance Report Form 2

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE

FORM 2: Contributions received by political action committee

NAME OF POLITICAL ACTION COMMITTEE: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST in-kind contributions or loans on this form. Use Forms 3 and 4 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	SOURCE OF CONTRIBUTION (CHECK ONE)					DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION
		Business (not a corporation)	Corporation	Individual	Other	Returned		
	TOTAL CASH CONTRIBUTIONS THIS PAGE							$ 0.00

FORM REVISED 01.09.2017

Appendix M-5: Political Action Committee Campaign Finance Report Form 3

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE

FORM 3: In-Kind Contributions received by political action committee

NAME OF POLITICAL ACTION COMMITTEE: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash contributions or loans on this form. Use Forms 2 and 4 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	NATURE OF CONTRIBUTION (CHECK ONE)									SOURCE (CHECK ONE)					DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION
		Administrative	Advertising	Consultants/ Polling	Equipment	Food	Rent	Transportation	Other	Business (not a corporation)	Corporation	Individual	Other				

Appendix M-6: Political Action Committee Campaign Finance Report Form 4

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE

FORM 4: Receipts from Other Sources loans, interest, and other sources of income

NAME OF POLITICAL ACTION COMMITTEE: _____

When total contributions from a single source exceed $100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or in-kind contributions on this form. Use Forms 2 and 3 for those listings.

SOURCE OF RECEIPT (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	FORM OF RECEIPT			COMPLETE THIS BLOCK IF RECEIPT IS A LOAN		RECEIPT SOURCE (CHECK ONE)				DATE RECEIVED (mo./day/yr.)	AMOUNT OF RECEIPT
		Interest	Loan	Other	GUARANTORS [FCPA REQUIRES FULL NAME AND COMPLETE ADDRESS OF INDIVIDUAL(S) ENDORSING OR GUARANTEEING LOAN]		Lending Institution	Individual	Business	Other		
											TOTAL RECEIPTS THIS PAGE	$ 0.00

FORM REVISED 10.27.2011

Appendix M-7: Political Action Committee Campaign Finance Report Form 5

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE

FORM 5: Expenditures by political action committee

NAME OF POLITICAL ACTION COMMITTEE: _____

When total expenditures to a single recipient exceed $100.00, the FCPA requires all expenditures to that recipient be itemized.

PERSON/GROUP/BUSINESS RECEIVING EXPENDITURE (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	PURPOSE OF EXPENDITURE (CHECK ONE)										DATE OF EXPENDITURE (mo./day/yr.)	AMOUNT OF EXPENDITURE
		Administrative	Advertising	Consultants/ Polling	Contribution	Food	Fundraising	Loan Repayment	Lodging	Transportation	OTHER GIVE BRIEF EXPLANATION		
	TOTAL EXPENDITURES THIS PAGE												$ 0.00

FORM REVISED 10.27.2011

Appendix M-8: Political Action Committee Campaign Finance Report Form 6

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE

FORM 6: Expenditures On Line of Credit by political action committee

NAME OF POLITICAL ACTION COMMITTEE: _____

When total expenditures to a single recipient exceed $100.00, the FCPA requires all expenditures to that recipient be itemized.

PERSON/GROUP/BUSINESS RECEIVING EXPENDITURE (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	PURPOSE OF EXPENDITURE (CHECK ONE)											DATE OF EXPENDITURE (mo./day/yr.)	AMOUNT OF EXPENDITURE
		Administrative	Advertising	Consultants/ Polling	Contribution	Food	Fundraising	Lodging	Transportation	Interest	OTHER GIVE BRIEF EXPLANATION			
													TOTAL EXPENDITURES THIS PAGE	

FORM REVISED 05.24.2017

Appendix M-9: Political Action Committee Campaign Finance Report Major Contribution Form

MAJOR CONTRIBUTION

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Political Action Committee Campaign Finance Report SUMMARY FORM 1

Please Print in Ink or Type.

Name of Political Committee (as appears on Statement of Organization)	Acronym for PAC
Address (as appears on Statement of Organization) ☐ Check box if reporting new address	
City / State / ZIP Code	Telephone Number

☐ Amended Major Contribution Report
Date of this Report

Summary of Major Contribution Activity			
1	Beginning balance (ending balance from previous filing)	1	
2	Total Cash Contributions (total from Form 2)	2	
3	Total In-Kind Contributions (total from Form 3)	3	
4	Total Receipts from Other Sources (total from Form 4)	4	
5	Ending balance (add lines 1, 2, 3 and 4)	5	

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Signature of Chairperson or Treasurer of Political Committee _____ Date _____

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public _____

Print Notary's Name _____

FORM REVISED 9.28.2017

Where to file this form ...

- **State and County PACS:** File this report electronically with the Office of the Secretary of State:
  http://fcpa.alabamavotes.gov

  Do you have questions or need assistance? Contact the Elections Division:

  Call us: 334-242-7210
  800-274-8683
  Email us: alavoter@vote.alabama.gov

  Visit our office:
  Elections Division
  600 Dexter Avenue, Room E-210
  Montgomery, Alabama 36130

  Write to us:
  Elections Division
  P.O. Box 5616
  Montgomery, Alabama 36103-5616

- **Municipal PACs:** File this report with the Judge of Probate of the county in which the office is sought. The address for each county's Judge of Probate is available on the web site of the Secretary of State:
  http://www.alabamavotes.gov

Appendix N: Statement of Dissolution

FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Statement of Dissolution

FOR ELECTED OFFICIALS, CANDIDATES AND POLITICAL ACTION COMMITTEES

Please Print in Ink or Type.

Name of Candidate or Elected Official, or Political Committee			
Office Sought or Held (include district or circuit number, if applicable)			
Address ☐ Check box if reporting new address			
City	State	ZIP Code	Telephone Number

Report Status (check one)

☐ No report required because I have had no activity since the last reporting period

☐ Termination report attached

Note:
If you have had activity since the last report filed, you are responsible for filing the requisite **Annual Report** covering the last year of activity. However, the submission of a **Termination Report** along with the **Statement of Dissolution** will satisfy this requirement.

This statement dissolves the above-named Principal Campaign Committee or Political Action Committee as of the _____ day of _____ in the year _____.

Pursuant to §17-5-7(a) [Code of Alabama, 1975], any excess funds shall be disposed of in the following manner:

_____

_____

_____

_____

_____

_____

_____

As required by the Alabama Fair Campaign Practices Act, I hereby swear, or affirm, to the best of my knowledge and belief that this Statement of Dissolution is true and correct.

Signature of Candidate or Elected Official, or Chairperson or Treasurer of Political Committee	Date

FORM REVISED 9.2.2011

Appendix O: Online Filing System Guidelines

Online Filing System Guidelines

Fair Campaign Practices Act

Elections Division • Office of the Secretary of State • State of Alabama

Wes Allen, Secretary of State

ONLINE FILING SYSTEM REGISTRATION

1. Go to fcpa.alabamavotes.gov.
2. Select the appropriate registration for your committee type:
   A. Candidates will click on the red "Candidate Committee Registration" button, or
   B. PACs will click on the red "Political Action Committee Registration" button.
3. The Appointment of Principal Campaign Committee (PCC for candidates) or Statement of Organization (for PACs) will open. Please enter the date, then complete the required committee information.
4. Once the information has been entered, click the red "Submit" button at the bottom right corner of the page.
5. The screen will indicate "Your registration has been submitted." Click on the "**Click here to view and print a copy of this filing**" link.
6. Print and sign the completed form. Every committee member must sign the completed form. Make a copy of the signed form for your records.
7. Mail the original signed form to:

   ELECTIONS DIVISION
   ALABAMA SECRETARY OF STATE
   P. O. BOX 5616
   MONTGOMERY, AL 36103-5616

8. Once the original signed Appointment of Principal Campaign Committee Form or Statement of Organization is received and approved, the account will be activated. The committee members will each receive login credentials (username and pin) in two (2) separate emails.

Note: *If an FCPA report is due within five (5) days, an emergency activation can be granted. In this circumstance, a committee should call the Elections Division at 334-242-7210 and then fax a signed copy of the committee registration document to 334-242-2444. Once received, the account can be activated immediately. However, the signed original committee registration document should be mailed to the Elections Division on the same day.*

ONLINE FILING SYSTEM

The online filing system has topic sections located at the top of the screen. This guide will give an overview of the contents within each section, as well as a brief description regarding the most frequently used functions in the individual sections. For specific guidance, please call the Elections Division at 334-242-7210 or 1-800-274-8683. To reach the FCPA filing system HELP DESK, call 1-888-864-8910.

1. Committee Overview Page

- Account Status—gives an overview of account ending balance and pending transaction balances
- Transaction History—gives an overview of ending balances by transaction

ALABAMAVOTES.GOV • FCPA.ALABAMAVOTES.GOV • 800-274-8683 • 334-242-7210

Appendix O: Online Filing System Quick Overview (Continued)

- Reports Due—lists upcoming reports with the function to view and file sequential reports
- Document Images—contains function to save report images and add supplemental documents

2. Transactions Section

A. Contributions/InKind

- Contribution History—listing of posted contributions with the function to add new contributions or update existing contributions
- Contribution Maintenance—contains function to search by contributor and perform contributor informational changes

B. Other Receipts

- Receipt History—listing of posted receipts with the function to add new receipts or update existing receipts (i.e., loans/interest/other)
- Receipt Maintenance—contains function to search receipts and perform receipt source informational changes

C. Expenditures

- Expenditure History—listing of posted expenditures, only used for money spent out of the campaign account, with the function to add new expenditures or update existing expenditures
- Payee Maintenance—contains function to search by payee and perform payee informational changes

D. Transaction Search

- Transaction Search—contains function to quick-search posted transactions

3. File Reports Section

- Filing History—listing of previously filed reports with the function to view and amend filed reports
- Reports Due—lists upcoming reports with the function to view and file sequential reports
- Supplemental Forms—contains function to submit the "Statement of Dissolution"

4. Administration Section

- Committee—contains function to update or perform committee informational changes
- Officers—listing of current committee officers with the function to update or perform informational changes
- Campaign—contains function to add the filing schedule for an election cycle

Appendix O: Online Filing System Quick Overview (Continued)

- Filing Schedule—listing of all reports for an election cycle (includes all filed reports and reports due)
- Import Data Files—contains function to import data files

ADDING REPORTS NOT FOUND IN THE REPORTS DUE LIST

The option to add reports not found in the Reports Due list can be accessed in two places. On both the "Overview" page and the "File Reports" page, below the blue header, in the top center portion of the page, there is a note in plain text, which reads, "Need to begin filing reports that are not shown in the Reports Due list below? Click here". Click where it reads "Click here" to begin the process of adding additional reports not listed.

AMENDING REPORTS

To amend a transaction that has been previously reported, go to the corresponding "Transactions" heading and select the corresponding transaction type (contribution, other receipt, or expenditure) from the drop-down menu. Find the transaction that needs amending in the Transaction History section of the correct transaction type administration page. To update or delete a transaction, click on the links to the right of the transaction. Once the transaction entry page opens, correct the record and then click the red "Save" button on the lower right corner of the screen.

To add any previously omitted transactions, click the "Add" button in the corresponding transaction administration pages.

Make the necessary changes (additions, deletions, or updates) to the transactions prior to amending the previously filed reports. Then, click on the "File Reports" tab and locate the report that needs to be amended in the "Filing History" section of the "Filing Administration" page. Click on the "Amend" link for the report that corresponds to your earliest made amendment. The preview of the amended report will open. Please review the report. Once you are satisfied that all necessary changes are reflected in the report preview, then click the red "File" button on the bottom right to submit the amended report.

Important— The system will automatically amend any subsequent reports that were monetarily affected by an amendment to an individual transaction. For this reason, it is important to amend the reports in the order of the amended transactions.

PASSWORD RESET

If a user is unable to access the account due to an expired or lost PASSWORD/PIN, please call the Elections Division at 334-242-7210 or 1-800-274-8683. To reach the FCPA filing system HELP DESK, call 1-888-864-8910.

Appendix P-1: Application for Absentee Ballot

APPLICATION FOR ABSENTEE BALLOT

FORM AV-R1
Date Revised 06.13.2022

_____ COUNTY, ALABAMA

Return this application to:

- If you changed residence since you last voted, you must update your voter registration information at alabamavotes.gov or with your local Board of Registrars before submitting this application.
- **Please note that only one application may be placed in the same envelope.**
- **Please note that a copy of your valid photo identification must be submitted along with this application.**

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) | First Name | Middle or Maiden Name

Street Address (address where you are registered to vote; do not use PO box) | City | State | ZIP

Mailing Address you want to receive the requested ballot, if different from above

E-mail Address

Date of Birth (mm/dd/yyyy)

Home/Cell Telephone Number ( )

Work Telephone Number ( )

Driver's License Number — STATE | NUMBER

IF NO AL DRIVER'S LICENSE NUMBER — Last 4 digits of Social Security number

For all registered voters

I hereby make application for an absentee ballot so that I may vote in the following election:

☐ Primary Election
Select one: ☐ Democratic Party ☐ Other _____ ☐ Republican Party ☐ Amendments Only

☐ Primary Runoff Election
Select one: ☐ Democratic Party ☐ Other _____ ☐ Republican Party ☐ Amendments Only

☐ General Election

☐ Special Election (*specify*) _____
If a primary or runoff, check one: ☐ Democratic Party ☐ Republican Party

- **Absentee ballots for elections more than 42 days apart must be requested on separate applications, unless you are a member of the armed forces, or a spouse or dependent of such person, or you are a United States citizen residing overseas, or are permanently disabled.**
- **An application submitted by a member of the armed forces, or a spouse or dependent of such person, or a United States citizen residing overseas is valid for all county, state and federal elections in the current calendar year. An application submitted by a citizen with a permanent disability is valid for all municipal, county, state, and federal elections in the current calendar year.**

I am applying for an absentee ballot because (check at least one box):

☐ I expect to be out of the county or the state on election day.

☐ I am physically incapacitated and will not be able to vote in person on election day. *[ID Required]*

☐ I am physically incapacitated and will not be able to vote in person on election day. I am unable to access my assigned polling place due to a neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, or other life-altering disorder that affects my ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear or speak **AND**:

a) I am an elderly voter aged 65 or older; **OR**

b) I am a voter with a disability.

[ID Not Required]

☐ I expect to work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.

☐ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.

☐ I am a member of, or a spouse or dependent of a member of, the Armed Forces of the United States or am otherwise entitled to vote absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302. *[ID Not Required]*

This application for an absentee ballot will be valid for all county, state, and federal elections held during this calendar year unless you specify an earlier expiration date here: _____.

☐ I have been appointed as an election officer at a polling place which is not my regular polling place.

☐ I am a caregiver for a family member to the second degree of kinship by affinity or consanguinity and the family member is confined to his or her home.

☐ I am currently incarcerated in prison or jail and I have not been convicted of a felony involving moral turpitude. (See back for felonies involving moral turpitude.)

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature or Mark	Complete this section if voter signs by mark →	Witness Signature
		Print Witness Name

Only the voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975]. The use of Power of Attorney or any other third-party to sign and/or deliver this application on behalf of the voter is prohibited. Only medical emergency absentee applications may be submitted by a voter's designee.

READ PENALTIES ON BACK

Appendix P-2: Application for Municipal Absentee Ballot

APPLICATION FOR MUNICIPAL ABSENTEE BALLOT

FORM AV-M1
Date Revised 06.13.2022

_____ COUNTY, ALABAMA

- If you changed residence since you last voted, you must update your voter registration information at alabamavotes.gov or with your local Board of Registrars before submitting this application.
- Please note that only one application may be placed in the same envelope.
- Please note that a copy of your valid photo identification must be submitted along with this application.

Return this application to:

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) | First Name | Middle or Maiden Name

Street Address (address where you are registered to vote; do not use PO box) | City | State | ZIP

Mailing Address you want to receive requested ballot, if different from above

E-mail Address

Date of Birth (mm/dd/yyyy)

Home/Cell Telephone Number ( )

Work Telephone Number ( )

Driver's License Number — STATE | NUMBER

IF NO AL DRIVER'S LICENSE NUMBER — Last 4 digits of Social Security number

For all registered voters

I hereby make application for an absentee ballot so that I may vote in the following election:

☐ Municipal Election
☐ Special Municipal Election (*specify*) _____
☐ Municipal Runoff Election

■ **Absentee ballots for municipal elections more than 42 days apart must be requested on separate applications**

I am applying for an absentee ballot because (check at least one box):

☐ I expect to be out of the county or the state on election day.

☐ I am physically incapacitated and will not be able to vote in person on election day. ***[ID Required]***

☐ I am physically incapacitated and will not be able to vote in person on election day. I am unable to access my assigned polling place due to a neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, or other life-altering disorder that affects my ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear or speak **AND**:

a) I am an elderly voter aged 65 or older; **OR**

b) I am a voter with a disability.

[ID Not Required]

☐ I expect to work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.

☐ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.

☐ I am a member of, or a spouse or dependent of a member of, the Armed Forces of the United States or am otherwise entitled to vote absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302. ***[ID Not Required]***

This application for an absentee ballot will be valid for all county, state, and federal elections held during this calendar year unless you specify an earlier expiration date here: _____.

☐ I have been appointed as an election officer at a polling place which is not my regular polling place.

☐ I am a caregiver for a family member to the second degree of kinship by affinity or consanguinity and the family member is confined to his or her home.

☐ I am currently incarcerated in prison or jail and I have not been convicted of a felony involving moral turpitude. (See back for felonies involving moral turpitude.)

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature or Mark | Complete this section if voter signs by mark → | Witness Signature | Print Witness Name

Only the voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975]. The use of Power of Attorney or any other third-party to sign and/or deliver this application on behalf of the voter is prohibited. Only medical emergency absentee applications may be submitted by a voter's designee.

READ PENALTIES ON BACK

Appendix P-3: Application for Permanent Disability Absentee Ballot

APPLICATION FOR PERMANENT DISABILITY ABSENTEE BALLOT

FOR USE ONLY BY INDIVIDUALS VOTING ABSENTEE DUE TO A PERMANENT DISABILITY

FORM AV-D1
Date Revised 06/22/2021

Return this application to:

_____ COUNTY, ALABAMA

Please note only one application may be placed in the same envelope.

Please note that a copy of your valid photo identification must be submitted along with this application.

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) First Name Middle or Maiden Name | E-mail Address

Street Address (address where you are registered to vote; do not use PO box) City ZIP

If requesting mail delivery of a ballot, provide a mailing address, if different from the street address provided above

Precinct where you vote (name and/or location of your polling place)

Date of Birth Month Day Year

Driver's License Number ☐☐ STATE ☐☐☐☐☐☐☐☐ NUMBER

IF NO DRIVER'S LICENSE NUMBER Last 4 digits of Social Security number ☐☐☐☐

Home Telephone Number ( )

Work Telephone Number ( )

Type of Ballot (select one)

☐ Primary Election or Presidential Preference Primary
Select one: ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ Primary Runoff Election
Select one: ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ General Election

☐ Special Election (*specify*) _____
If a primary or runoff, check one: ☐ Democratic Party ☐ Republican Party

Reason for Applying to Vote Absentee

By signing this application, I am attesting that I am permanently disabled and unable to attend the polls. I am eligible to vote absentee pursuant to § 17-11-3.1.

I understand that this application will be valid for all county, state, and federal elections to be held during this calendar year. For election cycles that span multiple calendar years, this application will be valid for the entire election cycle.

I further understand that annual renewal of this application will be required.

☐ Deliver an absentee ballot to me by electronic transmission for all federal elections. I have provided an email address above.

Physician's Report (Please note that the physician's signature must be notarized.)

Physician shall describe and certify the circumstances as constituting the voter's condition. Electronic or remote notarization is not permitted.

_____

_____

_____

Sworn to and subscribed before me this _____ day of _____, 20___. I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

_____ Signature of Notarizing Official

_____ Title of Notarizing Official

_____ Physician's Signature _____ Date

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature	**Complete this section if voter signs by mark** →	Witness Signature
		Print Witness Name

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier. (§ 17-11-3 and § 17-11-4, Code of Alabama, 1975)

READ PENALTIES ON BACK

Appendix P-4: Application for Permanent Disability Municipal Absentee Ballot

APPLICATION FOR MUNICIPAL PERMANENT DISABILITY ABSENTEE BALLOT

FOR USE ONLY BY INDIVIDUALS VOTING ABSENTEE DUE TO A PERMANENT DISABILITY

FORM AV-D2
Date Revised 06.13.2022

Return this application to:

_____ COUNTY, ALABAMA

- Please note that only one application may be placed in the same envelope.
- **Please note that a copy of your valid photo identification must be submitted along with this application.**

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) | First Name | Middle or Maiden Name

Street Address (address where you are registered to vote; do not use PO box) | City | State | ZIP

Mailing Address you want to receive requested ballot, if different from above

E-mail Address

Date of Birth (mm/dd/yyyy)

Home/Cell Telephone Number ( )

Work Telephone Number ( )

Driver's License Number [ ][ ] STATE [ ][ ][ ][ ][ ][ ][ ] NUMBER

IF NO AL DRIVER'S LICENSE NUMBER
Last 4 digits of Social Security number [ ][ ][ ][ ]

Type of Ballot (select one)

☐ Municipal Election

☐ Municipal Runoff Election

☐ Special Municipal Election (specify) _____

Duration of Absentee Ballot Application

By signing this application, I am attesting that I am permanently disabled and unable to attend the polls. I am eligible to vote absentee pursuant to §17-11-3.1, Code of Alabama.

I understand that this application will be valid for all municipal elections to be held during this calendar year. For election cycles that span multiple calendar years, this application will be valid for the entire election cycle.

I further understand that annual renewal of this application will be required.

Physician's Report (Please note that the physician's signature must be notarized)

Physician shall describe and certify the circumstances as constituting the voter's condition. Electronic or remote notarization is not permitted.

_____

_____

_____

Sworn to and subscribed before me this _____ day of _____, 20___. I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

_____ Signature of Notarizing Official

_____ Physician's Signature

_____ Date

_____ Title of Notarizing Official

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature	Complete this section if voter signs by mark →	Witness Signature
		Print Witness Name

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975].

READ PENALTIES ON BACK

Appendix P-5: Application for Emergency Absentee Ballot

APPLICATION
FOR EMERGENCY ABSENTEE BALLOT

COUNTY, ALABAMA

FORM AV-E1
Date Revised 06.13.2022

Return this application to:

- **Please note that only one application may be placed in the same envelope.**
- **Please note that a copy of your valid photo identification must be submitted with this application.**

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) | First Name | Middle or Maiden Name

Street Address (address where you are registered to vote; do not use PO box) | City | State | ZIP

Mailing Address you want to receive requested ballot, if different from above

E-mail Address

Date of Birth (mm/dd/yyyy)

Home/Cell Telephone Number ( )

Work Telephone Number ( )

Driver's License Number — STATE | NUMBER

IF NO AL DRIVER'S LICENSE NUMBER — Last 4 digits of Social Security number

For all registered voters

I hereby make application for an absentee ballot so that I may vote in the following election:

☐ Primary Election or Presidential Preference Primary — *Select one:* ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ Primary Runoff Election — *Select one:* ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ General Election ☐ Municipal Election ☐ Special Election (*specify*) _____

If a primary or runoff, check one: ☐ Democratic Party ☐ Republican Party

- **Absentee ballots for elections more than 42 days apart must be requested on separate applications, unless you are a member of the armed forces, or a spouse or dependent of such person, or you are a United States citizen residing overseas, or are permanently disabled.**
- **An application submitted by a member of the armed forces, or a spouse or dependent of such person, or a United States citizen residing overseas is valid for all county, state and federal elections in the current calendar year. An application submitted by a citizen with a permanent disability is valid for all municipal, county, state, and federal elections in the current calendar year.**

I will be unable to vote at my regular polling place on election day because (check one reason):

☐ I have a medical emergency. Complete the Physician's Report below. The physician's report must be signed by a physician. [If the physician's report is on a separate document, attach it to this application. This application may be delivered by a designee. If assigning a designee, complete the designee section at the bottom of this form.]

☐ I am required by my employer under unforeseen circumstances within five (5) days before an election to be unavailable to vote at the polls on election day. [The voter must deliver the application by hand to the Absentee Election Manager no later than the day prior to the election.]

☐ I am a caregiver of a person who requires emergency treatment by a licensed physician within five (5) days prior to the election. [The voter must deliver the application by hand to the Absentee Election Manager no later than the day prior to the election.]

☐ A family member to the second degree of kinship by affinity or consanguinity died within five (5) days prior to the election. [The voter must deliver the application by hand to the Absentee Election Manager no later than the day prior to the election.]

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature | **Complete this section if voter signs by mark** → Witness Signature | Print Witness Name

Only in the case of a medical emergency may a voter forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975]. Also in the case of a medical emergency, the voter's designee may hand this application to the Absentee Election Manager.

READ PENALTIES ON BACK

PHYSICIAN'S REPORT FOR MEDICAL EMERGENCY

Physician shall describe and certify the circumstances as constituting the emergency.

Physician's Signature | Date

ASSIGNMENT OF DESIGNEE FOR DELIVERY OF APPLICATION

An application for an emergency medical absentee ballot may be forwarded to the Absentee Election Manager by the applicant or his or her designee. If assigning a designee, complete this section.

Printed Name of Designee | Signature of Designee

For Office Use Only

Appendix P-6: Application for Uniformed and Overseas Voters Absentee Ballot

UOCAVA APPLICATION FOR ABSENTEE BALLOT
FOR USE ONLY BY INDIVIDUALS VOTING PURSUANT TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT
FORM AV-U1
Date Revised: 06.13.2022

_____ COUNTY, ALABAMA

Return this application to:

Please note that only one application may be placed in the same envelope.

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) | First Name | Middle or Maiden Name

Street Address (address where you are registered to vote; do not use PO box) | City | State | ZIP

Mailing address you want to receive requested ballot, if different from above

E-mail Address

Date of Birth (mm/dd/yyyy)

Home/Cell Telephone Number ( )

Work Telephone Number ( )

Driver's License Number — STATE | NUMBER

IF NO AL DRIVER'S LICENSE NUMBER — Last 4 digits of Social Security number

Type of Ballot (select one)

☐ Primary Election or Presidential Preference Primary
Select one: ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ Primary Runoff Election
Select one: ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ General Election

☐ Special Election (*specify*) _____
If a primary or runoff, check one: ☐ Democratic Party ☐ Republican Party

Duration of Absentee Ballot Application

By signing this application, I am attesting that I am a member of, or spouse or dependent of a member of, the United States Armed Forces or I am a United States citizen residing overseas.

I understand that this application will be valid for all county, state and federal elections to be held during this calendar year. For election cycles that span multiple calendar years, this application will be valid for the entire election cycle.

If I wish to waive this right and have this application expire earlier, I am providing an expiration date below. *For example, I might choose an earlier expiration date if I expect a change of duty station effective after the next election but before the end of the year.*

This application should expire on _____ mm/dd/yyyy

Delivery of Ballot (select one)

☐ Deliver an absentee ballot to me by electronic transmission for all federal, state, and county offices and all state and county referenda. I have provided an e-mail address above.

☐ Deliver an absentee ballot to me by U.S. mail, or hand-delivery if requested in person, for all federal, state, and county offices and all state and county referenda.

Reason for Requesting to Vote by Absentee Ballot

I am applying for an absentee ballot because I am a member of, or a spouse or dependent of a member of, the Armed Forces of the U.S. or am a U.S. citizen residing overseas and am qualified to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302.

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature	Complete this section if voter signs by mark →	Witness Signature
		Print Witness Name

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975].

READ PENALTIES ON BACK

Election Officials' Affidavit for Identifying Qualified Elector

County of _____

State of Alabama

I, _____ (print name), and _____ (print name) who are both election officials in the above stated county, do hereby swear or affirm that _____ (print elector's name) does not have a valid Alabama photo identification in his/her possession at the polls. I further swear or affirm that said elector has been positively identified by me as a voter on the poll list who is eligible to vote.

I further swear or affirm under penalty of perjury that all information provided in the affidavit above is true and correct.

_____	_____	_____
(Date of Election)	(Signature of election official)	(Signature of election official)
	_____	_____
FORM PVI-03	(Printed name)	(Printed name)

Appendix R: Provisional Voting Affirmation

PROVISIONAL VERIFICATION STATEMENT - PB-3

1 MUST BE COMPLETED BY ELECTION OFFICIAL AT PRECINCT

Name of Election: _____

Election Date: _____

Precinct Number: _____

Ballot Style: _____

2 LINE NUMBER FROM ROSTER

3 REASON FOR PROVISIONAL BALLOT
- ▸ MUST BE COMPLETED BY POLL WORKER AT PRECINCT
- ▸ MARK ALL REASONS THAT APPLY

- ☐ Person's name does not appear on the list of registered voters.
- ☐ Person's registration status cannot be determined by the provisional ballot officer.
- ☐ Voter is unable to comply with voter identification requirement.
- ☐ The voter has requested but claims to have not voted an absentee ballot.
- ☐ Voter objects to the political party identified on the list of registered voters for the primary runoff election.
- ☐ Inspector has knowledge that the person is not entitled to vote at the precinct and challenges the person.
- ☐ Ballot is cast after the legal time for closing the polls due to a federal or state court order extending the hours of the polls.

4 SWORN AFFIRMATION OF PROVISIONAL VOTER
- ▸ MUST BE COMPLETED BY VOTER

State of Alabama, County of _____

I do solemnly swear (or affirm) that I am a registered voter in the precinct in which I am seeking to vote and that I am eligible to vote in this election.

Printed Name of Voter

Printed Residence Address of Voter

City | State | ZIP Code

Date of Birth (month/day/year) | Signature or Mark

Phone Number | Date (month / day / year)

Procedure for Precinct Official

1. Instruct voter to sign the **Provisional Roster**.
2. In **Box 1**, print the name of election, date of election, the precinct number and ballot style.
3. In **Box 2** and on the **PB-2 envelope**, print the line number as it appears beside the signature of the voter on the **Provisional Roster**.
4. In **Box 3**, check the reason the voter is casting a provisional ballot.
5. Instruct the voter to complete **Box 4**, the **"Sworn Statement of Provisional Voter"**.
6. Instruct the voter to complete the **"Voter's Reidentification/ Update Form"** below.
7. In the case of an Inspector's Challenge, attach **yellow copy of "Inspector's Statement of Challenge of Eligibility to Vote"**.
8. Issue the voter a **provisional ballot**, **secrecy envelope (PB-1)** and **outer envelope (PB-2)**.
9. Instruct the voter to place the **marked ballot** inside the **PB-1 envelope** and then insert the **PB-1 envelope** into the **PB-2 envelope**.
10. Instruct the voter to place the **PB-2 envelope** into the sealed **provisional ballot box**.
11. Once completed, place this **form PB-3** in the **PB-4 envelope**. In the case of an Inspector's Challenge, include the **"Inspector's Statement of Challenge of Eligibility to Vote"**.

VOTER - DO NOT DETACH REIDENTIFICATION FORM FROM PB-3

VOTER'S REIDENTIFICATION/UPDATE FORM

FOR USE WITH A PROVISIONAL BALLOT

NVRA-20PB

FOR USE BY U.S. CITIZENS ONLY ◆ FILL IN ALL BOXES ON THIS FORM ◆ PLEASE USE INK ◆ PRINT LEGIBLY

① Are you a citizen of the United States of America? ☐ Yes ☐ No ⬅ ATTENTION! If you answer "No" to either of these questions, do not complete this application.

② Will you be 18 years of age on or before election day? ☐ Yes ☐ No ⬅

③ Print Your Name: (First / Middle / Last / Suffix)

④ Print Maiden Name / Former Name (if reporting a change of name) (First / Middle / Last / Suffix)

⑤ Date of Birth (mm/dd/yyyy) | ⑥ Primary Telephone ( ) | ⑦ Email Address

Alabama Driver's License or Non-Driver ID Number: ☐☐ (STATE) ☐☐☐☐☐☐☐☐ (NUMBER)

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

Last four digits of Social Security number: ☐☐☐☐

☐ I do not have an Alabama driver's license or Alabama non-driver ID or a Social Security number.

⑧ Addresses

- Current — Address where you live: (Do not use post office box) — Home Address (include apartment or other unit number if applicable) / City / State / ZIP
- Current — Address where you receive your mail: — Mailing Address, if different from Home Address / City / State / ZIP
- Old — Address where you were last registered to vote: (Do not use post office box) — Former Address / City / County / State / ZIP

⑨ Race (check one)
☐ White ☐ Black ☐ Asian ☐ American Indian ☐ Hispanic ☐ Other

⑩ Sex (check one)
☐ Female ☐ Male

⑪ Place of Birth — City / County / State / Country

VOTER DECLARATION - READ AND SIGN

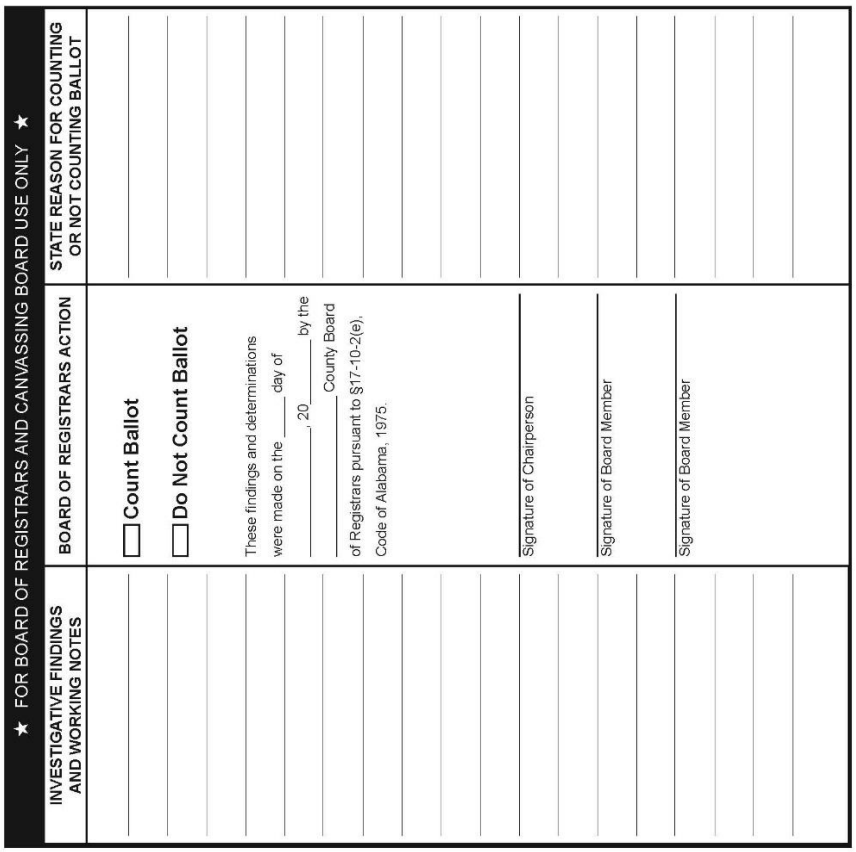
- ▸ I am a U.S. citizen
- ▸ I live in the State of Alabama
- ▸ I will be at least 18 years of age on or before election day
- ▸ I am not barred from voting by reason of a disqualifying felony conviction
- ▸ I have not been judged "mentally incompetent" in a court of law

I SOLEMNLY SWEAR OR AFFIRM TO SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF ALABAMA AND FURTHER DISAVOW ANY BELIEF OR AFFILIATION WITH ANY GROUP WHICH ADVOCATES THE OVERTHROW OF THE GOVERNMENTS OF THE UNITED STATES OR THE STATE OF ALABAMA BY UNLAWFUL MEANS AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE, SO HELP ME GOD.

WARNING! If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

Your Signature: _____ Date: _____

Appendix R: Provisional Voting Affirmation (continued)



★ FOR BOARD OF REGISTRARS AND CANVASSING BOARD USE ONLY ★

INVESTIGATIVE FINDINGS AND WORKING NOTES	BOARD OF REGISTRARS ACTION	STATE REASON FOR COUNTING OR NOT COUNTING BALLOT
	☐ Count Ballot ☐ Do Not Count Ballot These findings and determinations were made on the ____ day of _____, 20____ by the _____ County Board of Registrars pursuant to §17-10-2(e), Code of Alabama, 1975. Signature of Chairperson Signature of Board Member Signature of Board Member	

VOTER - DO NOT DETACH REIDENTIFICATION FORM FROM PB-3

VERIFICATION
(to be completed by election official)

The voter's eligibility and registration were confirmed by _____

_____

_____

on the _____ **day of** _____, **20**_____.

_____
Printed Name of Poll Official

_____
Signature of Poll Official

Map/diagram: If your house has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

North

REGISTRARS USE ONLY

DATE ☐ APPROVED ☐ DENIED

_____ (mm/dd/yyyy)

Board member

County Pct _____ Board member

City Pct _____ Board member

Appendix S-1: Poll Watcher Authorization for Primary Election

Letter of Appointment for Poll Watcher in a Primary Election

I, _____, a candidate in the _____ Party

Primary Election to be held on _____, do hereby appoint _____

to serve as a poll watcher on my behalf at the following polling place in _____ County.

_____

_____

_____
Signature of Candidate

_____
Date

Appendix S-2: Poll Watcher Authorization for General Election

Letter of Appointment for Poll Watcher in a General Election

I, _____, the Chair or an authorized representative of the Chair of the _____ Party, do hereby appoint _____ to serve as a poll watcher on the _____ Party's behalf at the General Election to be held on _____,at the following polling place in _____ County.

_____

_____

_____
Signature of Political Party Chair or Authorized Representative

_____
Date

Appendix T: Election Official's Instructions

ELECTION OFFICIAL'S INSTRUCTIONS

Prepared by
ELECTION SYSTEMS & SOFTWARE
Birmingham, Alabama

ELECTRONIC VOTE COUNTING SYSTEM
POLLING PLACE COUNTER
DS200 / ExpressVote

Revised 2021

Appendix T: Election Official's Instructions (Continued)

ELECTION SYSTEMS & SOFTWARE
Birmingham, Alabama

TABLE OF CONTENTS

I	**DUTIES OF EACH ELECTION OFFICIAL**	2
	A. INSPECTOR	2
	B. REGISTRATION LIST CLERK	2
	C. POLL LIST CLERK	2
	D. BALLOT COUNTER CLERK	2
II	**BEFORE THE POLLS OPEN**	3
	A. WHEN TO REPORT TO THE POLLING PLACE	3
	B. IF AN ELECTION OFFICIAL FAILS TO REPORT TO THE POLLING PLACE	3
	C. WHAT TO DO BEFORE THE POLLS OPEN	3
III	**KEY CODES**	4
IV	**SETTING UP THE BALLOT COUNTER**	5-6
V	**ExpressVote – OPENING & OPERATING**	7-8
VI	**ELECTION DAY OVERVIEW**	9
	A. VOTER IDENTIFICATION	9
	B. SIGNING THE POLL LIST AND GIVING OUT BALLOTS	9
	C. HOW AND WHERE THE VOTER SHOULD VOTE	9
	D. PLACING BALLOT IN THE BALLOT COUNTER	9
	E. INSTRUCTING THE VOTER	9
	F. TIME LIMITATIONS	9
	G. IF A VOTER'S NAME IS NOT ON THE LIST OF ACTIVE REGISTERED VOTERS	10
	H. REPORT OF VOTER'S CHANGE OF RESIDENCE OR DEATH NVRA-24	10
	I. SPOILED BALLOTS	10
	J. POLLING PLACE LINES	10
	K. PROVISIONAL BALLOTS	11
VII	**PREPARING TO CLOSE THE POLLS**	12-13
VIII	**ExpressVote CLOSING**	14
IX	**CLOSING THE POLLS**	15-16
X	**PRECINCT TROUBLESHOOTING**	17-18
XI	**ELECTIONEERING**	19
XII	**LOITERING**	19
XIII	**DISTURBANCES**	19
XIV	**POLL WATCHERS**	19

Appendix T: Election Official's Instructions (Continued)

I DUTIES OF EACH ELECTION OFFICIAL

A. INSPECTOR — The inspector shall be in charge of the precinct. He or she will serve as the precinct returning officer.

B. REGISTRATION LIST CLERK — The registration list clerk shall ensure voters have photo identification. (Refer to the electronic pollbook vendor instructions for voter processing). If this device is not being used, the clerk shall then check the name and address of voters against the list of registered voters and mark off the names of those who vote in order to prevent double voting. If the voter's name does not appear on the ACTIVE or INACTIVE lists, write the voter's name and the last four digits of their social security number on a piece of paper, and call the Board of Registrars, Probate Judge, Circuit Clerk, or Sheriff to verify the voter's status.

C. POLL LIST CLERK — The Poll List Clerk shall ensure that each voter signs in to Vote. (Refer to the electronic pollbook vendor instructions for voter processing). If this device is not being used, **the Clerk must then sign the voter's name on the Clerk's Poll List.** This should be entered on the same line the voter signed in on. (Refer to Voters Poll List) The Poll List Clerk will then give a ballot, a secrecy folder and a marking device to the voter, instructing the voter to use **only** that marking device to mark the ballot, where to go to mark the ballot and where the ballot counter is located for the voter to deposit his or her ballot in after marking it. The Poll List Clerk shall give the ballot to voter, being sure that the stub remains attached to the ballot pad. The ballots shall be given out in sequence beginning with the lowest numbered ballot. If you have multiple ballot styles at your precinct make sure voter is given the correct style which is listed beside their name.

D. BALLOT COUNTER CLERK — The Ballot Counter Clerk shall give the voter any assistance that is needed in depositing the ballot in the ballot counter, and then ask the voter for their marking device and secrecy folder.

Page: 2

Appendix T: Election Official's Instructions (Continued)

II BEFORE THE POLLS OPEN

A. **WHEN TO REPORT TO THE POLLING PLACE** — Alabama law states that the polls must open at 7:00 A.M. and shall remain open for voting until 7:00 P.M. **All Election Officials must be at the Polling Place 30 minutes before the polls open.**

B. **IF AN ELECTION OFFICIAL FAILS TO REPORT TO THE POLLING PLACE** — If some election officer(s) fail to report to their appointed voting place in time to perform their official duties, the inspectors are authorized by law to appoint the needed officials from the qualified voters of that precinct. These newly appointed officials should take the oath and serve just as regular officials would. If none of the appointed officials are present, any three electors who are qualified to vote at that polling place may open the polls.

C. **WHAT TO DO BEFORE THE POLLS OPEN** — The following steps must be taken before the polls open.

1. **SET UP THE POLLING PLACE** — Place the tables where the voters will sign in and receive their ballot near the entrance. Place the tables or voting booths (whichever is used for the voter to vote on) and the ballot counter in a place that is easy to see and that causes the voters to flow through the polling place in an orderly manner.

2. **SIGN THE OATH OF OFFICE SHEET AS DIRECTED.**

3. **REGISTRATION LIST CLERK** — If you are furnished a list of voters that have applied for an absentee ballot, on your list of Registered Voters place an A beside the name and mark through it. These voters will not be eligible to vote at the precinct except by Provisional Ballot. Do not take an absentee ballot at the voting center. The voter will return the ballot to the Absentee Center for the election.

   If you have multiple ballot styles in your precinct, separate ballots by ballot style with the lowest number on top. Your ballot style is located on the label outside your ballot box.

4. **FILL OUT TOP SECTION OF "BALLOT ACCOUNTING CERTIFICATE"**
   This form is located in the Record of Election Box.
   Make sure you list **ALL** Ballot Styles including ExpressVote Cards.

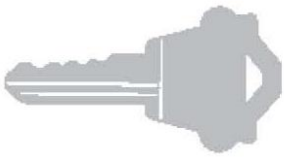
5. **LOCATE KEYS** — (Barrel and Silver).

6. **LOCATE THE BALLOT COUNTER** — Proceed with steps beginning on Page 5.

Appendix T: Election Official's Instructions (Continued)

III KEY CODES

The Barrel Key opens the DS200 and the ExpressVote.



The Silver Key opens the Ballot Box Doors.

At the close of the polls, please make sure ALL KEYS are placed into **Envelope 11** and returned with your other return envelopes.

Page: 4

Appendix T: Election Official's Instructions (Continued)

IV SETTING UP THE BALLOT COUNTER

1

Open both doors on the ballot box and confirm that the ballot box and emergency bin are empty of ballots.

2

Use the Silver Ballot Box Key to unlock the rear panel of the DS200 Ballot Box to access the power cord and plug unit into power source. **Important:** Make sure the DS200 is plugged into a working power source before opening the unit.

3

Remove seal from ballot box lid. Use the Silver Ballot Key to unlock the top of the case and then release the two latches on the front of the case and lift the lid.

4

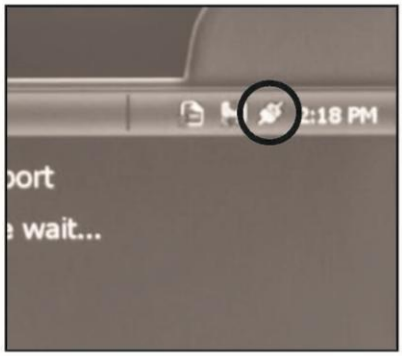
Use Barrel Key to unlock DS200 unit and then lift the LCD screen. When the screen is raised, the unit will begin to power up, shortly after a configuration report will print. **Leave all reports attached.**

Page: 5

Appendix T: Election Official's Instructions (Continued)

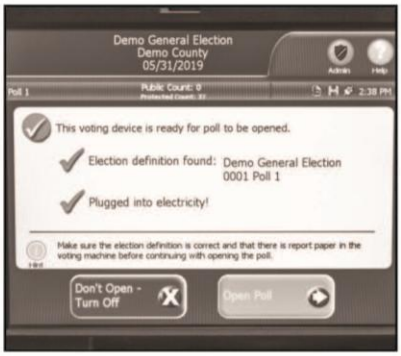
IV SETTING UP THE BALLOT COUNTER

5



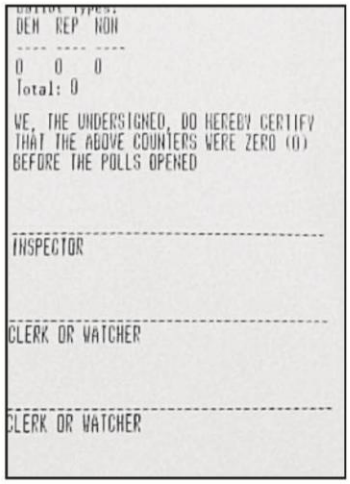
Verify the plug icon is showing two connected plugs.

6



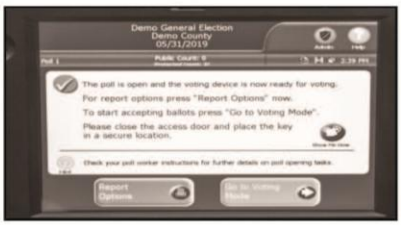
Select Open Polls. Wait for zero tape to print and compare the zero totals with the ballot styles and verify that all of the offices and/or issues on this report apply to your precinct. Verify that there are no votes cast for any candidate or issue.

7



Sign the Zero Totals report attesting that the information matches the polling place ballot styles. **DO NOT REMOVE THIS TAPE.** Tuck the tape between the DS200 unit and case.

8



Select Go to Voting Mode.

9

Announce The Polls Are Open.
You are now ready for voting.

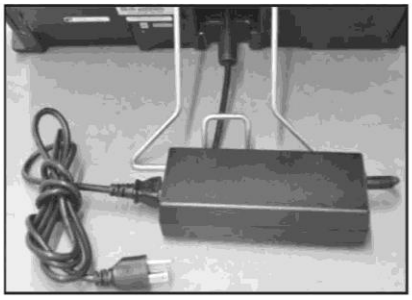
Page: 6

Appendix T: Election Official's Instructions (Continued)

V ExpressVote - OPENING & OPERATING

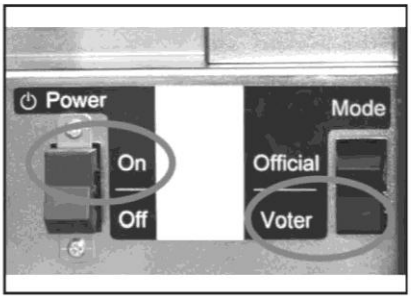
Before starting the ExpressVote Open Procedures, be sure you have the barrel key and election password.

1



Plug the ExpressVote power cord into an AC outlet.

2



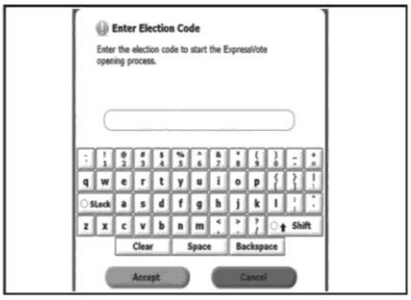
Flip the Power Switch to the On position, and flip the Mode Switch to Voter.

Note: The system startup can take several minutes.

3

For accessible voting, plug in the keypad in the left side access compartment and headphones on the front of the unit.

4



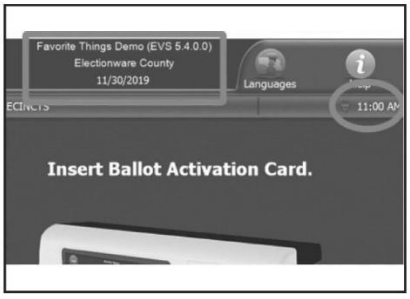
Enter the Election Code on the bootup screen.

Page: 7

Appendix T: Election Official's Instructions (Continued)

V ExpressVote - OPENING & OPERATING

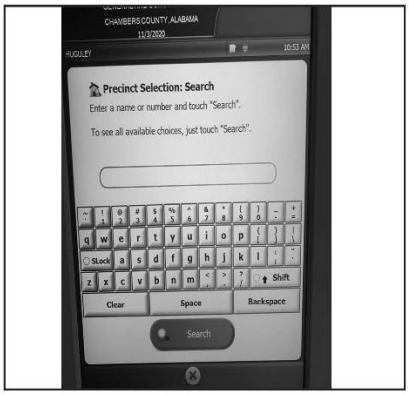
5



On the Welcome Screen:

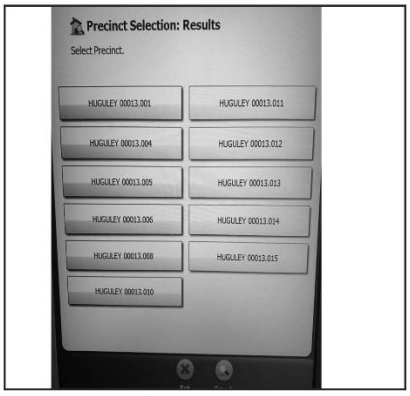
a. Confirm the unit is plugged into AC power. When plugged in, there will be a gray plug icon at the top of the screen and the green indicator light will be lit on the front of the unit (near the headphone jack).
b. Confirm the date, time, election and poll names are accurate.

6



If your precinct has more than one ballot style. After you insert the card this screen will appear, select search button.

7



You will then see several different groups of numbers (see example). Find the number that matches from the electronic pollbook after identifying the voter or if not using this device call your election officials office in your county or city.

8

REMAIN AVAILABLE TO ASSIST THE VOTER

After the ExpressVote has marked the voter's ballot and the ballot has been returned to the voter, be available if requested to assist the voter in placing the marked ballot into a secrecy folder and assist the voter in locating the ballot tabulator and inserting the ballot in the tabulator.

Page: 8

Appendix T: Election Official's Instructions (Continued)

VI Election Day Overview

DURING THE POLLING HOURS

A. VOTER IDENTIFICATION — Alabama Law now requires each voter to present photo identification. If a voter does not have a photo identification with them, they may still vote a Provisional Ballot.

B. SIGNING THE POLL LIST AND GIVING OUT BALLOTS — Once the voter is identified, if using Electronic Pollbook refer to vendor instructions for voter processing. If you're not using this device the Registration List Clerk will mark his/her name off the List of Registered Voters. This is accomplished by drawing a line through the voter's name. Next instruct the voter to sign on the Voters Poll List. The **Poll List Clerk watches the voter sign the Poll List**. The **Poll List Clerk** will then give the voter the correct ballot style. The **Poll List Clerk** will remove the ballot from the pad of ballots so that the stub remains attached to the pad. Ballots shall be given out in sequential order starting with the lowest number of that ballot style.

NOTE: In Primary Elections the voter must sign in on the Electronic Pollbook **or** Voters Poll List of the Party for which he/she wishes to vote in.

C. **HOW AND WHERE THE VOTER SHOULD VOTE** — The **Poll List Clerk** will give the voter a marking device and a Secrecy Folder and instruct the voter where to go to mark their ballot. The Poll List Clerk or any other of the election officials may instruct the voter how to mark the ballot before the voter begins marking his/her ballot. The voter should be instructed to mark the ballot by filling in the oval next to the voter's choice like this, ⬬. The voter shall be directed to the tables or voting booths, whichever are provided, to mark his/her ballot.

D. PLACING BALLOT IN THE BALLOT COUNTER

The voter may place his or her ballot in the Ballot Counter in any orientation. Ballot Counter error messages will appear on the display screen.

E. INSTRUCTING THE VOTER

1. **INSTRUCTION IN VOTING** — Officials are allowed to instruct voters in voting. No records or forms are required for such instruction.
2. **VOTING ASSISTANCE** — If a voter wishes assistance, he or she may receive assistance as follows:
   1. The voter signs the Electronic Pollbook **or** Poll List in Column 2;
   2. The voter selects any person other than their employer, agent of their employer, official or agent of the union of the voter's affiliation to assist;
   3. The person assisting then signs the Electronic Pollbook **or** Voters Poll List in Column 3.

F. TIME LIMITATIONS — Any voter remaining in voting station, including, but not limited to, a voting machine, table, booth, or device that permits a voter to complete a ballot in privacy, for four minutes or longer may be asked by a poll official if he or she requires assistance. At the same time, the voter shall be reminded that he or she has the right to have the assistance of any other person as permitted by law in this section, and that the poll officials may assist the voter if he or she so desires. If the voter does not desire assistance, the voter shall be permitted to remain in the voting station for no less than one additional minute. At the end of this additional minute, and if there exists a line of individuals waiting to vote, the voter may be informed that time is up and be asked to leave. If there is no line, the voter shall have as much time as necessary to finish voting. If the voter does request assistance, the voter may have the assistance of any person of his or her choosing currently in the voting place, as permitted by law in this section, and may have no less than an additional five minutes to vote. At the end of this additional five minutes, and if there exists a line of individuals waiting to vote, the voter may be informed that the time is up and be asked to leave the voting station. If there is no line, the voter shall have as much time as necessary to finish voting. Before an assigned voter exits the voting place, the voters' poll list must be revised to reflect that assistance was received.

Appendix T: Election Official's Instructions (Continued)

G. IF A VOTER'S NAME IS NOT ON THE LIST OF ACTIVE REGISTERED VOTERS — Take the following steps:

1. **A)** If using the electronic pollbook and it indicates the voter is INACTIVE, the voter will complete a **Voter Reidentification Form** and return it to the clerk. The Clerk should check the **Update Box** on the **Voter Reidentification Form**. Follow the Electronic pollbook vendor or county officials instructions as to how to correctly update the information. The voter will then be given a ballot that he or she will mark and place into the machine. The **Voter Reidentification Form** and all lists of registered voters must be returned in the Envelope 1A marked Board of Registrars. The voter will, upon return of election materials, be restored to the active voter list.

   B) If you are Not Using an electronic Pollbook, You must check the INACTIVE list of voters. Some counties have only 1 (one) list with the letter I beside inactive voters indicating inactive voter. If the name appears on this list, or has the letter I beside it, he or she will complete a **Voter Reidentification Form** and return it to the clerk. The clerk should check the **Update Box** on the **Voter Reidentification Form**. The voter will then write his/her name on the poll list and the clerk will mark the voter's name off the INACTIVE voter list, ***without marking through the bar code at the end of the name (if applicable)***. The voter will then be given a ballot that he or she will mark and place into the machine. The clerk should then write the voter's name on the Clerk's Poll List. This should be entered on the same line the voter signed in on. (Refer to Voter Poll List). **The Voter Reidentification Form** and all lists of registered voters must be returned in the Envelope 1A marked Board of Registrars. The voter will, upon return of election materials, be restored to the active voter list.

2. If the voter's name does not appear on either the ACTIVE or INACTIVE list, contact the Board of Registrars, Probate Judge, Circuit Clerk, or Sheriff, to determine if the voter is eligible to vote at your precinct. If the voter is verified to vote at your precinct, have the voter complete a **Voter Reidentification Form**. The election official should check the **Verification Box** on the front and complete the shaded portion on the back of the **Voter Reidentification Form** and place it in Envelope 1A. The voter is then entitled to vote a regular ballot at the precinct. If the election officials are unable to verify the voter's eligibility, the voter must cast a Provisional Ballot.

REIDENTIFICATION — Act 89-649 passed in May 1989 requires the Boards of Registrars to purge and clean up voter lists. You have been supplied with a computer list of voter names marked ACTIVE, and a computer list of names marked INACTIVE. Some counties have only one (1) list with the letter (I) beside Inactive voters, indicating Inactive voters. If an active voter has not voted in a four year period, his name will be placed on the INACTIVE voter list. A person appearing to vote who has been placed on the INACTIVE voter list will be allowed to vote; however, he/she must first complete a **Voter Reidentification Form**. This form will be used to restore the voter to an active status. **Be sure the Update Box is checked for all voters completing the Reidentification Forms.**

H. IF A VOTER'S NAME IS ON THE LIST OF ACTIVE REGISTERED VOTERS, BUT YOU KNOW THE VOTER HAS MOVED OR IS DECEASED:

Complete the form **Report of Voter's Change of Residence or Death NVRA-24** as thoroughly as possible.

Make sure correct box is checked and signed by the person providing information about the voter. This form can be filled out by a family member of the voter, the inspector of the voter's precinct, Judge of Probate, Sheriff or Circuit Clerk of the county in which the voter is registered to vote.

Once this form is completed and signed, place it in Envelope 1A marked Board of Registrars.

Note: All lists and forms are required by law to be returned to the Board of Registrars (for these purposes). *Do not remove any pages from these lists.*

I. SPOILED BALLOTS

If a voter makes a mistake in marking his or her ballot, they may return the spoiled ballot and receive a new ballot. **The Spoiled Ballot shall not be destroyed.** The Spoiled Ballot is then placed in the Envelope marked "SPOILED BALLOTS" which is provided in the election supplies.

J. POLLING PLACE LINES

Upon the voter's request, Election Officials are required to allow any voter who is mobility disabled or over the age of 70 to move to the front of the line at the polling place. §17-9-13(c), Code of Alabama.

Page: 10

Appendix T: Election Official's Instructions (Continued)

K. PROVISIONAL BALLOTS

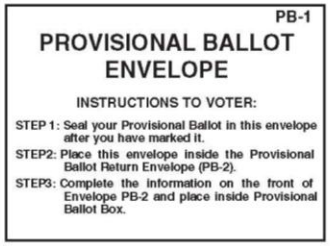
A voter shall be required to cast a Provisional Ballot when:

1. Person's name does not appear on the list of registered voters.
2. Person's registration status cannot be determined by the Provisional ballot officer.
3. Voter is unable to comply with voter identification requirement.
4. The voter has requested but claims to have not voted an absentee ballot.
5. Voter objects to the political party identified on the list of registered voters for the primary runoff election.
6. Inspector has knowledge that the person is not entitled to vote at the precinct and challenges the person.
7. Ballot is cast after the legal time for closing the polls due to a federal or state court order extending the hours of the polls.

Your Provisional Ballot Supply Kit contains detailed instructions on Provisional Ballots. Please take time to review these instructions and the supplies required to complete the Provisional Ballot process.

Provisional Ballot Supply Kit includes the following:

- Roster for persons casting Provisional Ballot (per party in Primary).
- Inspector's Statement of Challenge of Eligibility Forms.
- Voter Instruction/Information Sheets.
- PB-1 Provisional Ballot Envelope.
- PB-2 Provisional Ballot Return Envelope.
- PB-3 Provisional Verification Statement.
- PB-4 Precinct Provisional Return Envelope.
- Provisional Ballot Box Seal.
- Record of Election Seals.


PB-1

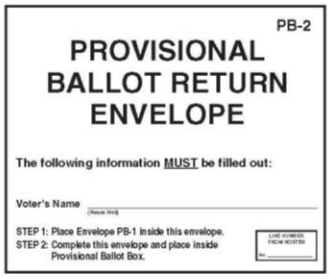
PROVISIONAL BALLOT ENVELOPE

INSTRUCTIONS TO VOTER:

STEP 1: Seal your Provisional Ballot in this envelope after you have marked it.

STEP2: Place this envelope inside the Provisional Ballot Return Envelope (PB-2).

STEP3: Complete the information on the front of Envelope PB-2 and place inside Provisional Ballot Box.


PB-2

PROVISIONAL BALLOT RETURN ENVELOPE

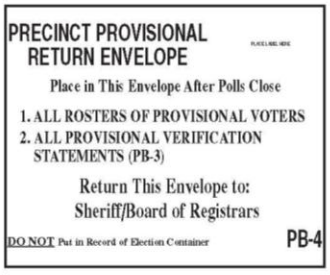
The following information MUST be filled out:

Voter's Name _____

STEP 1: Place Envelope PB-1 inside this envelope.

STEP 2: Complete this envelope and place inside Provisional Ballot Box.

PROVISIONAL VERIFICATION STATEMENT - PB-3


PRECINCT PROVISIONAL RETURN ENVELOPE

Place in This Envelope After Polls Close

1. ALL ROSTERS OF PROVISIONAL VOTERS
2. ALL PROVISIONAL VERIFICATION STATEMENTS (PB-3)

Return This Envelope to:
Sheriff/Board of Registrars

DO NOT Put in Record of Election Container

PB-4

Appendix T: Election Official's Instructions (Continued)

VII PREPARING TO CLOSE THE POLLS

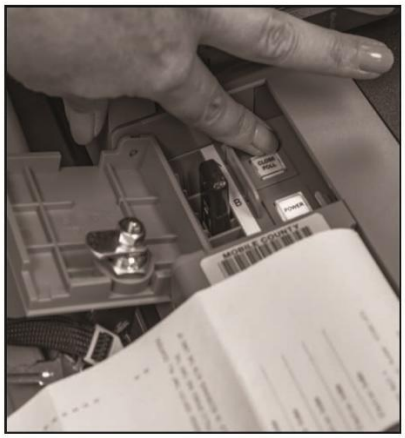
1

Run ballots placed in the emergency bin through the DS200.

2

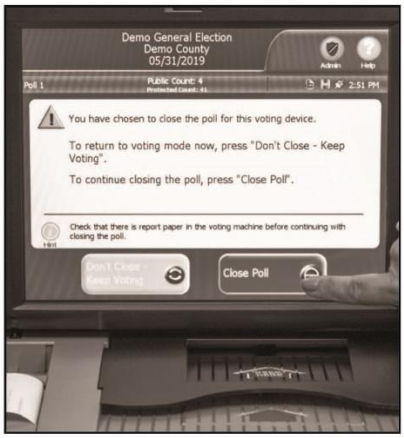
Insert DS200 Barrel Key into the USB access door, unlock and lift.

3



Briefly press the Close Polls button.

4



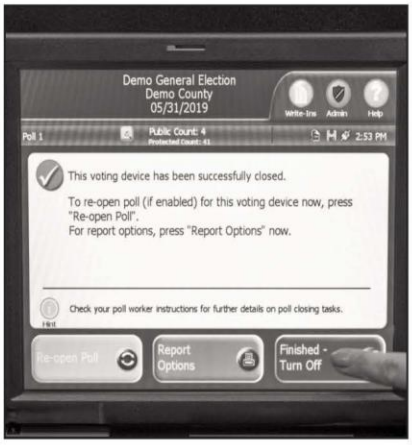
Press Close Poll (On Screen)

Page: 12

Appendix T: Election Official's Instructions (Continued)

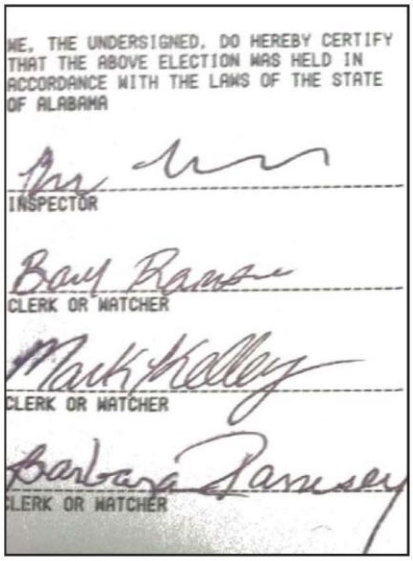
VII PREPARING TO CLOSE THE POLLS

5



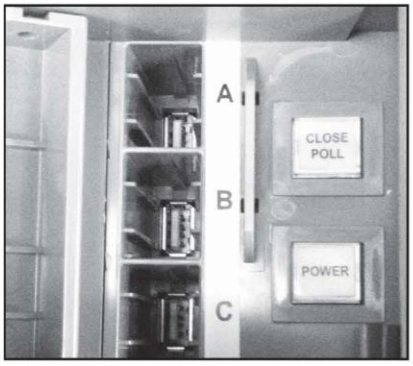
After all printouts are finished the following screen appears, select Finished - Turnoff, then continue power down.

6



Remove reports from DS200 and sign.

7



Once DS200 is completely powered down, and power light is off, remove Memory Stick. **NOTE: POWER LIGHT MUST BE COMPLETELY OFF BEFORE REMOVING MEMORY STICK.**

Place Memory Stick in Envelope #10.

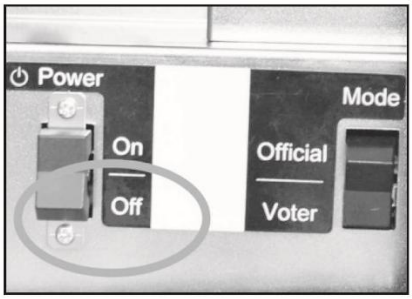
Place Ballots in Voted Ballots Box.

Page: 13

Appendix T: Election Official's Instructions (Continued)

IX ExpressVote CLOSING

1



To power off the unit, open the left side access compartment and flip the Power Switch to the **Off** position.

2

Unplug the unit, and if applicable, unplug the headphones and keypad. Return the unit and ADA accessories to the soft-sided case.

Page: 14

Appendix T: Election Official's Instructions (Continued)

X CLOSING THE POLLS

READ INSTRUCTIONS ON EACH ENVELOPE TO DETERMINE WHAT THAT ENVELOPE SHOULD CONTAIN.

ENVELOPE INVENTORY

Place the following items in Envelopes:

Place the following in **Envelope 1A:**

- Voter Reidentification Forms used to update or verify voter.
- All NVRA-24 Forms
- **Return any List(s) of Registered Voters furnished by Board of Registrars, along with this envelope.**
- **Do not place Voter Reidentification Forms completed by Provisional Voters in Envelope 1A.**

1st Printout with Zero Totals ..... Envelope 5
and Ballot Accounting Certificate

Printout ..... Envelope 6

In **Primary Elections:** Cut or tear **one** of the printouts apart. (Fill in precinct, area and location on each tape cut apart.) Place in **correct** envelopes.

Democratic Primary Results ..... Envelope 7D

Republican Primary Results ..... Envelope 7R

Constitutional Amendment Results ... (If necessary) Envelope 7CA

General/Special or Municipal Election Results ..... Envelope 7

Printout ..... Envelope 8

Printout .....(Municipal only) Envelope 9

Printout and Memory Card ..... Envelope 10

Key to Machine ..... Envelope 11

Extra Supplies ..... Envelope 12

One Printout should be placed outside for public viewing.

Items listed below are in the Emergency Kit. Envelope 13 ONLY used if directed by Election Official

Place Poll Lists in correct envelopes.

The Poll List(s) signed by voters:

Democratic Voters Poll List — **ENVELOPE 1D.**
Republican Voters Poll List — **ENVELOPE 1R.**
Constitutional Amendment Voters Poll List — **ENVELOPE 1CA** (If Necessary).
General/Special or Municipal Voters Poll List — **ENVELOPE 1.**

The Poll List(s) signed by Clerks:

Democratic Clerks Poll List — **ENVELOPE 2D.**
Republican Clerks Poll List — **ENVELOPE 2R.**
Constitutional Amendment Clerks Poll List — **ENVELOPE 2CA** (If Necessary).
General/Special or Municipal Clerks Poll List — **ENVELOPE 2.**

Page: 15

Appendix T: Election Official's Instructions (Continued)

X CLOSING THE POLLS

READ INSTRUCTIONS ON EACH ENVELOPE TO DETERMINE WHAT THAT ENVELOPE SHOULD CONTAIN.

1

PROVISIONAL INVENTORY

PROVISIONAL BALLOTS — Determine the total number of Provisional Ballots cast and complete the Provisional Ballot Box Seal and place the seal over the Ballot Box opening. Return the Provisional Ballot Box with your other returns.

Place all Provisional Verification Statements (PB-3) and all Provisional Ballot Rosters in the Precinct Provisional Return Envelope (PB-4).

Return Envelope PB-4 with all other white envelopes.

2

ELECTION BOX INVENTORY

Place the following items in the **Record of Election Box.**

Envelope 2	Clerk's Poll List
Envelope 6	Printout (Record of Election)
	All VOTED ballot stubs
	All partial ballot pads
	Spoiled ballot envelope
	All Election Official Affidavit Identify Voter

3

VOTED BALLOTS

Remove all cast ballots from machine and place all voted ballots into one of the boxes the ballots were received in, seal box with Record of Election seals and place Voted Ballots Label supplied to you on outside of box.

Page: 16

Appendix T: Election Official's Instructions (Continued)

XI PRECINCT TROUBLESHOOTING

PROBLEM 1 **Ballot will not feed into the DS200.**

Solution Without turning off or unplugging the DS200 equipment, go to the back of the DS200 Ballot Box to access the Power Cord Compartment. Move the silver bar to the down or to the "unlocked" position. The DS200 Precinct Scanner can now process ballots.

PROBLEM 2 **The scanner has been turned on and the message "Election Definition Not Found" appears.**

Solution Assure the USB memory drive is installed correctly in A or B of the slots available. If the DS200 is still unable to detect the USB memory device, contact Election Central for another USB memory device. The DS200 will not be ready for voters to use until a working USB memory device is obtained, as the poll opening process cannot be completed, utilize the Emergency/Uncounted Ballot Bin until the alternate USB memory device is delivered and installed.

PROBLEM 3 **After turning on the DS200 the screen displays a red X through the power icon on the top right of the screen.**

Solution Assure all power cords are plugged in securely.
Reminder: there are two parts to the DS200 power supply, make sure the transformer is plugged into the cord.

PROBLEM 4 **The reports are generating, but no printing is visible on the paper.**

Solution The DS200 printer uses thermal paper and heat transfer to print the information. Printer functionality without visible print means the paper roll is inserted incorrectly. Reinsert the paper roll. Reprint report(s) as necessary.

To reprint reports:

Once Polls are closed, before you select Finished-Turn Off select Report Options, select Voting Results, change Report Format from Public to Detailed, then ✔ Include Affidavit then Select print report. You will need to select it again if you need a second report to print out.

To replace Paper Roll:

1. Use the barrel key to unlock the USB access door, located above the printer. This will provide access to the blue printer release lever.
2. Press the blue lever to unlock the printer door. Located below the Power button.
3. Pull the end of the paper roll out past the adhesive glue area and tear off.
4. Open the printer door.
5. Drop the paper into the printer paper compartment
   a. Note: Make sure the glossy side of the thermal paper is facing the thermal printer. (Away from the teeth)
6. Pull the end of the paper roll out toward the input tray of the DS200.
7. Close the printer door and press firmly on the door to make sure it locks into place.
8. Lock the access door above the printer.

Page: 17

Appendix T: Election Official's Instructions (Continued)

XI PRECINCT TROUBLESHOOTING

PROBLEM 5 **Jammed Ballot**

Solution

1. With the silver key ring, unlock the lock to the right of the DS200 inside the machine case.
2. Lower the front of the case and pull the DS200 toward you until you can retrieve the ballot.
3. Retrieve ballot from the back of DS200.
4. Slide the DS200 back in the case (make sure the power cord lies in the cutout in the back of the case.
5. Raise the front of the case and relock the lock to the right of the DS200 inside the machine case.
6. If the ballot has been counted place it in the ballot box with the other counted ballots.
7. If the ballot has not been counted, refeed ballot or if ballot is too damaged issue another ballot and place damaged ballot in the spoiled ballot envelope.
8. Press OK on the display.

Page: 18

Appendix T: Election Official's Instructions (Continued)

XII ELECTIONEERING

ELECTIONEERING: The polling place must be run in a strictly **impartial manner**. Election officials (and watchers) must not attempt to influence voters. Campaign material left inside polling places by voters should be picked up and thrown away. Voting booths and tables should be checked for campaign materials left in them. Election officials (and watchers) should not wear campaign buttons, ribbons, etc.

XIII LOITERING

LOITERING: No loitering is allowed within 30 feet of the polling place. Only voters, persons assisting voters (after formal request for assistance), election officials (including watchers), the sheriff, and deputies are allowed in the polling place. Voters and persons assisting voters must immediately leave the polling place after voting.

XIV DISTURBANCES

DISTURBANCES: Intoxication or disorderly conduct is not permitted in the polling place.

In case of ELECTIONEERING, LOITERING, or DISTURBANCES, ask the person to stop or to leave the polling place as appropriate. If the person refuses to leave, **call the sheriff**.

XV POLL WATCHERS

NUMBER: In **primaries** each candidate may have a single watcher in the voting place.

APPOINTMENT: In **primaries** a watcher must have a written appointment signed by a candidate.

NUMBER: In **general elections** there may be one watcher in the voting place for each party or organization which has nominated candidates.

APPOINTMENT: In **general elections** a watcher must be "duly appointed" by the chairman of a party's county executive committee, or by a nominee, or by a beat committeeman.

OATH: The watcher shall be sworn to faithfully observe the rule of law prescribed for the conduct of elections.

PRIVILEGES: Watchers may remain in the voting place and see all activities and records throughout the day.

LIMITATIONS:

(a) Poll watchers must not disturb or attempt to influence voters, campaign, or electioneer. They must not display buttons or other campaign materials for any candidate or cause.

(b) Poll watchers may not act as election officials.

Page: 19

Appendix T: Election Official's Instructions (Continued)

IN CASE OF PROBLEMS ON ELECTION DAY

FOR COUNTY ELECTIONS
PLEASE CALL:

ABSENTEE ELECTION MANAGER _____

BOARD OF REGISTRARS _____

CIRCUIT CLERK _____

CITY CLERK (MUNICIPAL) _____

PROBATE JUDGE _____

SHERIFF/POLICE _____

VOTING MACHINE CUSTODIAN_____

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook

Authority Category	Authority	Date	Topics Covered	Description
Alabama Legislative Acts (2024 & 2025)	Act No. 2024-122 HB 89 (Mooney)	4/25/2024	Shelby County; Library Board Elections	• Provides for the election of members of the Shelby County library board by the Shelby County Legislative Delegation. • Establishes the minimum qualifications and term lengths for library board members.
	Act No. 2024-341 HB 100 (Clarke)	5/15/2024	Crimes; Crimes against Election Officials	• Establishes increased penalties for a crime committed against an election official that is motivated by an individual's role as an election official. • Amends Section 17-3-30.1 to establish that a felony committed against an election official which is motivated by an individual's role as an election official is a crime of moral turpitude and includes additional convictions to the list of crimes which involve moral turpitude for the purpose of an individual's voting rights.
	Act No. 2024-92 HB 101 (Clarke)	4/18/2024	Elections; Expenses & Reimbursements	• Amends Section 17-16-2 to include the following as election expenses that the state must reimburse counties for: (1) the cost of necessary training and travel expenses for the absentee election manager, (2) the costs incurred by the county commissioner in using electronic poll books and electronic voting, and (3) rental payments for a facility used as a polling place. • Provides time restraints for submitting requests for reimbursement and for which elections these parameters apply.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
	Act No. 2024-133 HB 106 (Clouse)	4/30/2024	Dale County; Judge of Probate	Proposes a constitutional amendment authorizing a person, who is not over the age of 75 at the time of qualification, to be elected or appointed as Judge of Probate of Dale County.
	Act No. 2024-135 HB 109 (Clouse)	4/30/2024	Houston County; Judge of Probate	Proposes a constitutional amendment authorizing a person, who is not over the age of 75 at the time of qualification, to be elected or appointed as Judge of Probate of Houston County.
	Act No. 2024-104 HB 156 (Robertson)	4/23/2024	Municipal Candidates; FCPA Reporting Exemptions	Provides that a candidate running for a municipal office is exempt from making the filing the SOS for establishing his or her principal campaign committee and from filing campaign finance reports until the candidate receives contributions or makes expenditures greater than $1,000.
	Act No. 2024-349 HB 172 (Chestnut)	5/15/2024	Crimes; Distribution of Materially Deceptive Media	• Provides that the distribution of materially deceptive media in an attempt to influence an upcoming election is a crime. • Authorizes certain parties to seek permanent injunctive relief against anyone who distributes materially deceptive media in an attempt to influence an upcoming election.
	Act No. 2024-419 HB 180 (Shirey)	5/17/2025	Mobile County; Compensation of Election Workers; Appointment of Computer Technical Assistants	• Increases the compensation of Mobile County election officers for holding elections and for attending any mandatory school or training session. • Authorizes the Mobile County Election Official Appointment Board, with the approval of the Mobile County Commission, to appoint computer technical assistants, whose compensation will be determined by the Mobile County Commission.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
	Act No. 2024-33 SB 1 (Gudger)	3/20/2024	Elections; Absentee Voting; Absentee Ballots & Ballot Applications	• Deletes a provision of current law allowing a handwritten request for an absentee ballot in lieu of completing an absentee ballot application form. • Establishes that it is unlawful for any person to order, request, collect, prefill, obtain, or deliver an absentee ballot application or absentee ballot other than their own. • Provides criminal penalties. • Provides exceptions to the prohibition when an individual is in need of assistance. • States that a person may not receive payment or provide a payment or gift to another person to distribute, order, request, collect, prefill, complete, obtain, or deliver an absentee ballot application or absentee ballot.
	Act No. 2024-165 SB 142 (Bell)	5/2/2024	St. Clair County; Pell City Board of Education	• Changes the membership of the Pell City Board of Education from an elected board to an appointed board. • Establishes minimum qualifications for board members.
	Act No. 2024-338 SB 186 (Orr)	5/10/2024	Elections; Ranked-Choice Voting	Provides that ranked-choice voting may not be used in electing or nominating any candidate to a local, state, or federal office unless the individual is an elector who is entitled to an absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).
	Act No. 2024-168 SB 324 (Coleman)	5/2/2024	Elections; Campaign & Candidate Deadlines	Amends Sections 17-6-21, 17-9-3, 17-13-22, and 17-14-31 to revise deadlines to qualify for a general election to accommodate national political party conventions.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
	Act No. 2024-434 SB 310 (Kelley)	5/17/2024	Calhoun County; Jacksonville Board of Education	• Revises the election dates for Place 3, Place 4, and Place 5 of the Jacksonville Board of Education to coincide with the municipal elections. • Revises the election dates for Place 1 and Place 2 of the Jacksonville Board of Education to occur two years after the Place 3, Place 4, and Place 5 elections.
	Act No. 2025-282 HB 250 (Underwood)	5/6/2025	Elections; Candidate Filing of Statements of Economic Interests (SEI)	• Amends Section 36-25-15 to provide that candidates must file their SEI forms with the Ethics Commission within five days of: (1) the deadline for filing a declaration of candidacy with their political party, or (2) for municipal candidates, the deadline for filing qualifying papers with election officials. • Candidates who have already filed an SEI for other purposes (e.g., a current office holder) must provide proof to the Ethics Commission that a current SEI is already on file by the deadline.
	Act No. 2025-283 HB 258 (Carns)	5/6/2025	Elections; Primary Elections	Amends Section 17-3-3 to provide that primary elections in non-presidential election years will be held on the Tuesday before Memorial Day.
	Act No. 2025-22 SB 48 (Singleton)	3/4/2025	Elections; Board of Registrars	• Amends Section 17-3-2, 17-3-5, and 17-3-8 regarding Boards of Registrars. • Requires Registrars to possesses additional skills including communication skills, expertise in computer programs, spreadsheet proficiency, and general technology skills. • Raises Registrar salary to $115 per day (from $80 per day). • Provides that on any day designated as a Registrar "working day" the Board shall both: (1) be open the same hours as the courthouse or

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
				open whatever hours it establishes and communicates to the public, and (2) have a Registrar or staff member present during those hours of operation.
	Act No. 2025-50 SB 139 (Livingston)	3/19/2025	Jackson County; Scottsboro Municipal Elections	Extends terms of office in Scottsboro for the Mayor, City Council, and the Board of Education and revises the election dates of each office.
	Act No. 2025-424 SB 142 (Kitchens)	5/19/2025	Elections; Statewide Voter Registration Database	Amends Sections 17-4-30, 17-4-38.1, and 17-4-39 to remove the Electronic Registration Information Center (ERIC) and requires the Secretary of State to implement a voter registration list maintenance program.
	Act No. 2025-307 SB 158 (Barfoot)	5/12/2025	Driver Licenses; Photo Identification	Amends Section 36-6-10.1 to prohibit foreign national driver licenses from being used as identification when voting.
	Act No. 2025-396 SB 271 (Allen)	5/14/2025	Counties & Municipalities; Voter Approval of Municipal Increases of Certain Franchise Fees	• Amends Section 11-49-1 related to certain utility obligations to pay certain franchise fees. • Municipalities are prohibited from further increasing certain franchise fees after December 31, 2025 unless the increases are approved by voters residing in the municipality.
	Act No. 2025-295 SB 310 (Waggoner)	5/7/2025	Jefferson County; County Commission Vacancies and Special Elections	Amends Sections 45-37-72.20 and 45-37-72.21 related to Jefferson County Commission vacancies and special elections.
Alabama Attorney General Advisory Opinions	AG AO 2024-035 Daniel Rosser, Probate Judge, Colbert County	6/11/2024	Candidates; Superintendents of Education; Political Parties; Elections	A political party may not substitute a candidate on the general education allot for the position of Colbert County Superintendent of Education when the party failed to place the name of a candidate in nomination for that office.
	AG AO 2024-044 Jason B. Sturdivant, Probate Judge, Choctaw County	7/16/2024	Elections; Election Officials; Relatives of Candidates	A prospective poll worker is not eligible to serve in a primary election when he or she is related within the second degree to a candidate who is unopposed in the primary election even though the candidate is not on the primary ballot.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
	AG AO 2024-019 Ken Wesson, Mayor, City of Childersburg	2/6/2024	Municipalities; Dissolution; Annexation; Talladega County	• The City of Childersburg may not annex any portion of property that lies within the boundaries of Bon Air using Section 11-42-21 of the Code of Alabama. • The town of Bon Air may be dissolved, the charter may be forfeited, or the town may consolidate with the City of Childersburg. • After the town has been dissolved or the charter forfeited, the Legislature may, by a local act, annex any portion of that territory into the City of Childersburg.
	AG AO 2024-047 Tom Parker, Chief Justice, Supreme Court of Alabama	08/6/2024	Appointments; Circuit Judges; Vacancies; Supreme Court of Alabama	The Chief Justice is required to fill the vacancy in the office of judge of the tenth judicial circuit from the list of persons nominated by the judicial commission and must do so in a timely manner.
	AG AO 2025-020 Howard E. Waters, Mobile County Constable	3/10/2025	Constables; Officers and Offices; Identification Cards; Mobile County	A constable is not required to obtain a special identification card as proof of his or her commission under Section 36-2-6.
	AG AO 2024-007 J.C. Love, Probate Judge, Montgomery County	10/26/2023	Probate Court; Employers; Employment; Clothing; Uniforms; Montgomery County	The Probate Judge of Montgomery County may use public funds for the purchase of uniforms for his employees if he reasonably determines that such clothing is necessary to maintain public confidence in elections.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
	AG AO 2025-011 Raymond Wiggins, Chairman, Escambia County Commission	11/7/2024	Escambia County Commission; Hospital; Ad Valorem Taxes; Special Elections;	• The Escambia County Commission may hold an election under Section 215.02 of the Constitution for the purpose of imposing an additional four mills of hospital tax. • Escambia County has approved and imposed four mills of hospital tax pursuant to Section 27-10.20 of the Escambia County Local Constitutional Amendments; accordingly, the County Commission is not authorized to hold another election under that section.
	AG AO 2024-049 Chester Sowell, Chairman, Houston County Health Care Authority	9/12/2024	Political Activities; Funds; Healthcare Authorities, Houston County	• The Houston County Health Care Authority is a governmental body as defined in Section 17-17-5.1 of the Code and is not authorized to expend public funds from any source for activities to advocate in favor or against a statewide or local ballot measure. • Because the Authority's CEO may only exercise those powers given to the Authority and its Board members, the CEO has no authority to expend hospital funds under the control of the Authority in favor of or against a statewide or local ballot measure. • The CEO would be subject to actions seeking reimbursement of the funds expended outside the scope of his authority. The Board members, as public officials under Section 17-17-5.1, may be subject to a demand for repayment of the funds under this section as well as other actions seeking reimbursement of funds if Board members allow funds to be spend by the CEO outside the scope of his authority.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
Alabama Ethics Commission Advisory Opinions	Ethics AO 2024-03 Andrew Sorrell, State Auditor	4/3/2024	Fair Campaign Practices Act (FCPA); Political Action Committee (PAC); Principal Campaign Committee (PCC); Use of Campaign Funds; Investment of Campaign Funds	• The FCPA prohibits PACs and PCCs from converting funds to personal use. • PCCs may only use campaign funds for the specific purposes described in Section 17-5-7. • The FCPA is silent regarding the investment of funds provided the above restrictions are maintained. • There is no limit provided in the FCPA on the amount of money or the length of time that a PAC or PCC could purchase a CD. • There is no requirement that part or all of the money be insured by the FDIC. • In the event that the loaned money is lost there is not an obligation on the part of the candidate or chairman of the PAC to repay the money. • There is no prohibition on the money being loaned to an entity other than a bank. • There is no prohibition on which banks or private companies a PAC or PCC could loan to outside of the restriction against the comingling of funds or conversion of funds to personal use. • There are no restrictions on the types of investments a PAC or PCC could participate in – in addition to buying a bank CD or loaning money to earn interest.
	Ethics AO 2024-01 Sheena Gamble, Director of Communications, Alabama Democratic Party	2/7/2024	Candidates; Statement of Economic Interest (SEI); Removal of Name from Ballot	• The term "ballot" in Section 36-25-15(c) applies to the ballot of both the primary and the general election. • A party may not re-nominate a candidate for any office who has been removed from the ballot for failing to file an SEI.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
Notable Court Decisions	*Plunk v. Reed*, No. SC-2024-0021, 2025 WL 225197 (Ala. Jan. 17, 2025)	1/17/2025	Candidates; Statement of Economic Interest (SEI); Elections	• Candidate for county commission made claims against the Director and Chairman of the Ethics Commission and the Secretary of State claiming that they had misapplied Section 36-25-15, which requires candidates to file SEIs within five days after submitting qualifying papers. • Candidate claimed that she was ill and should have been given an extension beyond the statutory "5 additional days," denial of which had resulted in her failing to be certified and appear on the ballot. • The Circuit Court agreed with candidate and directed that candidate be certified and thus added to ballot. • The Supreme Court stayed that ruling and later held that the candidate's claim was moot because the primary election had already occurred.
	Ala. Coal. for Immigrant Just. v. Secretary of State & *United States v. Alabama*, 2024 WL 4510476 (N.D. Ala. Oct. 16, 2024).	10/16/2024	Registration; non-citizens; NVRA	• Private Plaintiffs and the United States challenged Secretary of State Allen's 2024 noncitizen letter process, which he had announced in August 2024, and which placed registered Alabama voters on a path to removal. • The United States alleged the process violated the NVRA's 90-day bar, while the private Plaintiffs pressed that claim as well as others. • In October 2024, the district court held a hearing and then entered a preliminary injunction which expired after the 2024 General Election. The injunction was based solely on the 90-day claim. • Both cases were voluntarily dismissed in March 2025.

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
	Ala. State Conf. of the NAACP v. Allen, Case No. 2:21-cv-01531-AMM (N.D. Ala.).	Pending	State Senate redistricting	• This lawsuit started as a constitutional challenge to multiple State Senate and State House Districts drawn after the 2020 Census. • The lawsuit was amended over time and went to trial in November 2024 as a Voting Rights Act challenge to selected Senate Districts in the Montgomery and Huntsville areas. • There were no preliminary injunction proceedings, so the Legislature's map was used in 2024. • The court has not yet ruled after trial.
	Singleton v. Allen & *Milligan v. Allen*, 2025 WL 1342947 (N.D. Ala. May 8, 2025) (three-judge court) & *Caster v. Allen*, 2025 WL 1643532 (N.D. Ala. May 8, 2025)	05/08/2025 (Pending appellate review)	Congressional redistricting	• Three lawsuits challenge Alabama's redistricting map for Congress. • In 2021, after the Census data were released, the Legislature drew a new map. The district court entered a preliminary injunction, and the U.S. Supreme Court affirmed in June 2023. • Thereafter, the Alabama Legislature drew a new map, and the district court again entered a preliminary injunction. The court imposed a map, which was used for the 2024 elections. • In early 2025, the cases went to trial. In May 2025, the district court ruled for the Plaintiffs on their Voting Rights Act claim, as well as for the *Milligan* Plaintiffs on their constitutional claim. • The trial court considered whether to 'bail-in' the State for purposes of Congressional redistricting (such that preclearance would be needed for the post-2030 Census plan) but did not. • The State Defendants have appealed. If the State Defendants win on appeal, the Legislature's

Appendix U: Table of Election-Related Legal Authorities Issued Since Publication of the Prior Edition of the Alabama Election Handbook (continued)

Authority Category	Authority	Date	Topics Covered	Description
				2023 map will be used. If the State Defendants lose, the district court's 2024 map will continue to be used.

Absentee Ballot, 39, 103, 159, 176, 250-260
Absentee Election Manager, 39, 107, 204, 249
  Compensation, 250
  Delivery of Absentee Ballots, 257
  Emergency Absentee Ballots, 254
  List of Absentee Voters, 258
  List of Qualified Electors, 193, 257
  Obtaining Ballots, 251
  Office, 250
  Provisional Absentees, 260
  Receiving Absentee Ballots, 257
  Regular Absentee Ballots, 252
  Sending Absentee Ballots, 255
  Uniform and Overseas Absentee Voting, 260
Absentee Poll Workers, 258
Absentee Provisional Ballots, 111, 260
Absentee Voting, 97
  Application, 98
  Delivery, Counting and Reporting Absentee Ballots, 103
  Disqualification of Circuit Clerk, 107
  Emergency Absentee Ballot, 99
  Military & Oversees Ballots, 100
  Municipal Elections, 107
  Penalty, 108
  Provision of Ballots and Supplies, 107
  Qualifications, 97
  Voter List, 102, 181
Accessibility, 121
Address Verification, 242
Agency-Based and "Motor Voter" Registration, 84
Alternate Poll Workers, 77, 113
Appointing Board, 75
Arriving at the Polls, 118
AVID, 93, 244
Ballots, 72
  Absentee Ballot, 106
  Arrangement of Offices, 73
  Completing the Ballot, 127
  General Election Ballots, 74
  Materials, 115, 117
  Military & Overseas, 100
  Paper, 221
  Primary Election Ballots, 73
  Provisional Ballot, 38, 111, 125, 160
  Return - General, 138
  Return - Primaries, 137
  Secrecy, 120
  Separate Ballots for Each Party, 73
  Supplies, 72, 115, 137, 144, 191
Ballot Harvesting, 108, 253
Board of Registrars, 83, 227
  Appointing Board, 75
  Appointment, 228
  Approval of Applications, 238
    Appeal, 241
    Notice, 242
    Residence, 236
  Assigning or Changing Precincts, 234
  College Registration, 232
  Compensation, 229
  County Commission Office Space, 233
  Deciding on Applications, 235
  Supervisor of Voter Registration, 227
  Inactive File, 244
  Inactive List, 243
  List of Registered Voters, 246
  Meeting Days, 230
  Meeting of the Board, 230
  More Than One Courthouse, 233
  Membership, 228
  Oath, 228
  Permanent Legislative Committee on Reapportionment, 234
  Powers, 229

Precinct and Reapportionment, 234
Provided Clerk, 233
Provisional Ballots, 247
Ballot Officer, 164
Duties of Officers, 164
Municipal Elections, 169
Procedure, 164
Provisional Voting, 157
Qualifications, 228
Quorum, 229, 230
Receives Oath, 228
Redistricting, 234
Removal for Cause, 228
Secretary of State, 227
Removes, 228
Supervision of Voter Registration, 227
Suspense File, 242
Staffing, Space and Equipment, 233
Taking Applications, 235
Term, 228
Transfer Between Precincts, 234
Voter Identification Cards, 234
Working Days and Meetings, 230
Candidate Qualifying, 184, 186
Candidates, 45
Automatic Recounts, 147, 148, 149
Candidate Declines Run-off, 56
Challenge to Qualifications, 150
Examination, 139
Independent and Minor Party Candidates, 54
Qualifying Fees of Candidate for Party Nomination, 55
Requirements, 45
Canvassing, 141
Board, 141
Circuit Clerk, 203
General Elections, 142
Municipal Elections, 144
Party Officials, 263
Primary Elections, 270
Probate Judge, 183
Sheriff, 207
State and County Elections, 142
Canvassing Board, 141
Certificates of Result, 136
Challenges, 146
Circuit Clerk, 203
City Employees, 58
Closing the Polls, 134
College Registration, 232
Commissions, Bonds and Oaths, 61
Constitutional Amendments, 357
Constitutional Convention, 359
Contested Elections, 150
Appeal, 156
Automatic Recount, 148, 149
Challenge, 146
Different Methods of Contest, 151
Filing, 152
Recount, 147
Contributions and Expenditures, 298
Convicted Felon Restoration of Voting Rights, 89
Corporation Contributions, 301
County Commission, 213
Board of Registrars Office Space, 233
Precinct Changes, 216
County Employees, 58
County Offices, 267
Crossover Voting, 123
Declarations of Candidacy, 266
County Offices, 268
Other State Offices, 267
Presidential Preference Primaries, 269
Delivery, Counting and Reporting of Absentee Ballots, 103
Disqualifications, 56
Disqualifying Offenses, 92
Distribution of Records after Polls Close, 144
Districts and Precincts, 71
Election Contests, 150
Primary, 150

Election Costs, 145
Election Day Checklist for Probate Judges, 199
Election Expense Reimbursement Committee, 25, 214
Election Officials, 75
  Appointment, 75
  Municipal Elections, 79
  Neglect of Duty, 79
  Notification of Election Officials, 80
Election Preparation, 71
Election Results, Validation of, 198
Election Supplies, 72, 115, 137, 144, 191, 208
Elections, Contested
  See Contested Elections
Electronic Voting, 117, 208, 224
  County Commission, 213
  Sheriff, 207
  Voting Place Administration, 114
Fair Ballot Commission, 368
Fair Campaign Practices Act, 295
    Candidate, 296
    Corporation Contributions, 301
    Disclosure, 305
    Filing, 307
    General Provisions, 308
    Penalties, 311
    Reports of Contributions and Expenditures, 305
    Solicitation of Contributions, 299
    Statement of Economic Interest, 314
    Political Action Committees, 297
    Principal Campaign Committees, 302
Federal Elections, 62
Federal Elections Requirements, 62
  Registration, 62
  U.S. Constitutional Requirements for Office, 45
General Election, 28, 142
  Ballot Qualifications, 38
  Certificates of Result, 136
  Return of Ballots and Other Supplies, 137
  Sealing Records, 135
  Selecting Poll Workers, 75
  Time of Elections and Term of Office, 59
General Qualifications for Primary Office, 55
Help America Vote Act, 172
Independent and Minor Party Candidates, 54
Inspectors, 81
Judge of Probate, 183
  Election Day Checklist for Probate Judges, 199
Leaving the Polling Place, 130
List of Absentee Voters, 258
List of Municipal Voters, 95
List of Registered Voters, 92, 246
    Updating List, 175
List of Qualified Voters, 122
Local Bond Elections, 361
Local Sales Tax, 362
Mail-in Voter Registration, 85
Materials
  Ballots and Other Supplies, 72
  Sheriff, 207
Mayor-Council Form of Government, 68
Mental Incompetence, 237
Methods of Voting, 122
Military Overseas Ballots, 42, 100
Minor Parties, 54, 187
Motor Voter Registration, 84
Municipal Elections, 29, 66
  Commission Form of Government, 62
  Election Officials, 80
  Fair Campaign Practices Act, 67
  Lists of Municipal Voters, 95
  Mayor-Council Form of Government, 68
  Political Activity of Municipal Employees, 69

Provisions Applicable to Municipalities Generally, 67
Recounts, 149
No Loitering Around Polls, 119, 199
Nomination by Political Party, 27
Notice of Election, 80, 183
Oath
Office of Registrar, 227
Poll Watchers, 132
Precinct Election Officials, 112
Paper Ballots, 221
Party Officials, 263
Penalties, 119, 280, 311
Permanent Legislative Committee on Reapportionment, 216, 234
Personal Registrations
Exceptions, 84
Photographs, 121
Political Action Committee, 297
Political Parties, 24, 298
Candidates, 29
Canvassing Returns, 270
Qualifications, 265
Poll Watchers, 81
Poll Workers, 75
Alternates, 77
Appointment, 75
Compensation, 213
Election Officials in Municipal Elections, 79
Failure to Serve, 113
Qualifications, 87
Polling Hours, 230
Polling Places, 72
Post Election, 156
Precinct, 71
Assignments, 193
Boundaries, 190
Presidential Preference Primary, 27
Primaries, 24
Certificates of Results, 143
Elections, 23
Poll Workers and Watchers, 269
Presidential Preference Party, 27
Primary Election Contest, 150
Return of Ballots and Other Supplies, 137
Sealing Records, 135
Second (Runoff) Primary, 26
Separate Ballots for Each Party, 73
Principal Campaign Committees, 63
Provisional Ballots, 142
After the Polls Close, 167
Duties of Elected and Appointed Officials, 168
Election Officials Duties if No Provisional Ballots are Cast in Precinct, 167
Establishing Procedure, 160
Extension of Voting Hours, 167
Procedure for Provisional Ballot Officer, 164
Requirements, 157
Voting in Municipal Elections, 169
Qualifications for a Specific Office, 49
Qualifications of Electors, 33
List of Qualified Electors, 193
Qualifications of Registrars, 228
Qualification of Voters, 33
Recount
Automatic Recount in General Elections, 148
Generally, 147
Recount in Municipal Elections, 149
Redistricting and Reapportionment, 234
Registration, 34
Nature of Registration, 34
Address Verification, 242
Reports of Contributions and Expenditures, 298
Restoration of Voting Rights of Convicted Felon, 89, 241
Return of the Ballots and Other Election Supplies: General, 138
Return of Ballots and Other Supplies: Primaries, 137

Rulemaking Authority, 171
Runoff, 26
Sales Tax, 362
Sealing Records, 135
Second (Runoff) Primary, 26
  Candidate Declines, 56
Secretary of State, 171
  Board of Registrars, 175
Selecting Polling Places, 218
Sheriff, 207
Special Elections, 30
Split Ticket, 128
State and County Elections, 23
  Candidate Declines, Runoff, 56
  Commissions, Bonds, and Oaths, 61
  Corporation Contributions, 301
  Disqualification, 56
  General Presidential Election, 65
  General Provisions, 111
  General Qualifications for Office, 45-48
  Independent and Minor Party Candidates, 54
  Nomination by Political Party, 27
  Political Parties, 24
  Qualifications for a Specific Office, 49
Qualifying Fees of Candidates for Party Nomination, 67
  Reports of Contributions and Expenditures, 305
  Solicitation of Contributions, 299
  State Employees, 58
  Terms of Office, 59
  Time of Election, 59
State Employees, 58
State Reimbursement, 214
Statements of Dissolution, 64
Storage and Disposal of Records, 272
Straight and Split Primary Ballots, 128
Straight Ticket, 129
  With Exceptions, 129
System of Canvassing, 139
The National Voter Registration Act of 1993, 84
Tie Votes, 197, 272
Time Limit for Voting, 37, 130
Vacancies in Nomination, 267
Validation of Election Results, 197
Votes
  Counting, 134
  Counting During Elections, 134
Voter Assistance, 37, 129
Voter File Maintenance, 192, 239
Voter Identification, 35, 125
Voter List, 102, 124
  Continuous Purging of Voter List, 94, 241
Voter Re-identification Cards, 193
Voter Registration, 83
    Agency-Based & Motor Voter Registration, 84
    Applications, 85
    Judicial Review, 92
    Mail-in Registration, 85
    National Voter Registration Act of 1993, 84
    Official List of Registered Voters, 92
    Qualification for Registration of a Voter, 34
Voter Residence, 36
Voting, 122
Voting Assistance, 37, 129
Voting Centers, 219
Voting Districts, 219
Voting Equipment, 117, 220
Voting History, 245
Voting Hours, 130, 167, 226
Voting Machine, 114
Voting Machine Specialist, 224
Voting Place Administration, 114, 196
Voting Procedures, 122
Voting Supplies, 72, 137
Voting Systems, 114
Voting Time Limit, 37
Wet/Dry Elections, 362
Write-in Votes, 38

Notes

Notes

Notes

Notes

Administrative Rules

The Secretary of State and the Electronic Voting Committee have promulgated rules under the Alabama Administrative Act on the following areas of law:

Procedures for Electronic Vote Counting Systems
Chapter 307-X-1 1

General Implementation of the Help America Vote Act
Chapter 820-2-1 21

Voter Registration
Chapter 820-2-2 25

Absentee Voting
Chapter 820-2-3 73

Ballot Access for Political Parties and Independent Candidates
Chapter 820-2-4 79

Procedure to Complain about Violations of the Title III of the Federal Help America Vote Act of 2002
Chapter 820-2-5 85

Provisional Voting
Chapter 820-2-6 95

Cross-Over Voting
Chapter 820-2-6.1 103

Fair Campaign Practices Act Filing Regulations
Chapter 820-2-8 105

Implementation of Alabama Photo Voter Identification Law
Chapter 820-2-9 109

Procedures for Implementing the Uniformed and Overseas Citizens Voting Act (UOCAVA)
Chapter 820-2-10 125

Electronic Poll Books
Chapter 820-2-11 141

Permanent Disability Absentee Voting
Chapter 820-2-12 143

For information, contact the Secretary of State's office by telephone at (334) 242-7210 or visit the Secretary of State's website at: http://www.sos.alabama.gov/. Then, follow the "Administrative Code" link under the "Records" tab

Chapter 307-X-1

Procedures for Electronic Counting Systems

307-X-1-.01 Definitions
307-X-1-.02 Application Of Law
307-X-1-.03 Application To Municipal Elections
307-X-1-.04 Testing Of Precinct Ballot Counters
307-X-1-.05 Testing Of Central Ballot Counters
307-X-1-.06 Ballots
307-X-1-.07 Custody And Transportation Of Equipment
307-X-1-.08 Voters Per Precinct
307-X-1-.09 Provision Of Voting Stations
307-X-1-.10 Appointment And Duties Of Poll Officials
307-X-1-.11 Opening The Polls
307-X-1-.12 Ballot Accounting Certificates
307-X-1-.13 Number Of Voters In Polling Place
307-X-1-.14 Spoiled Ballots
307-X-1-.15 Challenged Ballots
307-X-1-.16 Write-In Votes
307-X-1-.17 Counting Of Votes
307-X-1-.18 Certificate Of Results
307-X-1-.19 Disposition Of Forms
307-X-1-.20 Retest
307-X-1-.21 Recount
307-X-1-.22 Absentee Voting
307-X-1-.23 Direct Recording Electronic Voting Devices

307-X-1-.01 Definitions. Unless otherwise clearly indicated the following terms shall be given the following interpretations.

(1) BALLOT CONFIGURATION: The particular combination and arrangement of offices, candidates and questions for a precinct or subdivision thereof.

(2) BALLOT LABEL: A card, paper, booklet, or other material that contains the names of the offices and candidates and statements or questions to be voted on.

(3) CENTRAL BALLOT COUNTER: A marksense ballot counter that reads and tabulates marksense ballots at a central location to which ballots are transported after the polls close. There may be more than one central counter in a county.

(4) COMMITTEE: The Alabama Electronic Voting Committee, established

by Act 83-200.
(5) DIRECT RECORDING ELECTRONIC VOTING DEVICE: An electronic device that records and tabulates electronic ballots.
(6) ELECTRONIC BALLOT: A ballot that utilizes electronic media or computerized systems for presenting the names of the offices and candidates and statements of questions to be voted on and for recording votes.
(7) HEADER CARD: A card or ballot which is coded to indicate to a central counter the precinct identity of the marksense ballots that follow immediately.
(8) MARKSENSE BALLOT: A machine-readable ballot which utilizes paper for presenting the names of the offices and candidates and statements of questions to be voted and on which the voter marks his or her choices in designated voting response locations.
(9) MARKSENSE BALLOT COUNTER: An electronic vote counting device that reads and tabulates marksense ballots.
(10) MEMORY PACK: A device capable of storing electronically the totals of a precinct ballot counter.
(11) MEMORY PACK TABULATOR: A device capable of reading precinct returns from memory packs and totaling these returns for the county and other electoral districts.
(12) OVER-VOTE: An attempt to vote for more than the allowed number of candidates for one office.
(13) PRECINCT: The smallest unit of the electoral system. As used in these rules the term refers to a single ballot counter or ballot box where voters cast their ballots. For example, if three ballot counters and their attendant officials are housed in the same building and the list of registered voters is divided geographically or alphabetically so that each voter is assigned to a single counter, then there are three separate precincts voting in the same building. However, where voting centers have been adopted, more than one precinct counter can be used in the same precinct.
(14) PRECINCT BALLOT COUNTER: A marksense ballot counter that reads and tabulates marksense ballots at the precinct where they are cast.
(15) PRIVACY BOOTH: A stand used to provide privacy for voters in completing their ballots.
(16) VOTING CENTER: An arrangement authorized by local legislation whereby multiple voting machines may be used in a single precinct.
(17) VOTE RECORDER: A device into which a ballot card is inserted and which is used by the voter to punch holes in the card for the purpose of recording votes.
(18) VOTING STATION: A table, booth, or device that permits a voter to complete a ballot in privacy. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed

February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.02 Application Of Law. Except as provided in these rules, the use of marksense ballots in all elections shall be governed by the law governing the use of paper ballots and the use of direct recording electronic voting devices shall be governed by the law governing voting machines including, where local legislation permits, the use of voting centers. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.03 Application To Municipal Elections. To the extent practicable, these rules shall apply in all municipal elections that are conducted using direct recording electronic voting devices or marksense ballot counting systems. The duties assigned in these rules to a state or county election official shall be performed by the corresponding municipal official. Where there is no corresponding municipal official, these duties shall be performed by the municipal clerk or other election official where the clerk is ineligible to perform these duties. Where these rules refer to a statutory provision or Act that conflicts with a statutory provision or Act specifically applicable in municipal elections, the provision governing municipal elections shall prevail. For purposes of municipal elections, references in these rules to the county governing body shall mean the municipal governing body. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.04 Testing Of Precinct Ballot Counters.

(1) The probate judge shall have each precinct ballot counter tested to ascertain that it will accurately count the votes cast for all official and all measures. Each counter shall be publicly tested before each election in which it is to be used. The date of the public test shall be as close as is practical to the date of the election and not more than fourteen
(14) days [required by §17-24-9] before the election. Public notice of the time and place of the test shall be given.

(2) Test ballots are to be marked as such and shall be marked so that each candidate and each position on each amendment or other proposition shall receive at least two (2) votes. There shall be at least one over-vote in each race. In general elections, some of the ballots shall be voted straight ticket and others split ticket; and there shall be at least one write-in vote for each contested office. To facilitate the testing of precinct counters, duplicate sets

of test ballots may be prepared. These duplicate test ballots may be validated either by hand counting or by counting on a piece of equipment that has correctly tabulated the original test ballots. The test ballots shall be hand counted and the results recorded and retained.

(3) At the time appointed for the public test, the probate judge and the county chairman of each party having candidates in the election, or their authorized representatives, shall meet and shall collectively prepare a sufficient number of test ballots. Party chairman may choose to waive their right to mark ballots and accept in lieu thereof ballots marked by the Probate Judge or his or her designee. Each piece of equipment shall be tested using the test ballots, and the results shall be compared with the record of the hand count. The manufacturer's prescribed test procedure may be substituted for the procedure outlined in this paragraph upon written approval by the Electronic Voting Committee.

(4) As an alternative to the public testing of all precinct counters, the following procedure may be used. The probate judge or his designee shall test each counter prior to the public test and shall see that the cause of any discrepancies are corrected. Representatives of candidates and parties participating in the election may attend this test. The test materials and printed output of this test shall be attached to the counters, which shall subsequently be assembled for the public test. At the public test a sample of counters shall be selected for retesting by drawing lots. At least one counter shall be selected and tested for each ballot configuration. Each candidate in a primary and each party in a general election may select an additional machine representing each ballot type for public testing. If any precinct counter fails to produce a completely accurate count, all counters using the same ballot configuration shall be tested.

(5) The causes of any discrepancies shall be corrected before the equipment is sealed and certified ready for the election. Immediately after each piece of equipment has correctly tabulated the test ballots, the operator shall clear the machine, setting all counters to zero and making the machine ready for use on election day. Then the equipment shall be sealed by the probate judge or his representative and certified ready for use.

(6) Where memory packs and memory pack tabulators are used, these devices shall be tested along with the precinct counters. The data from each memory pack shall be read into the tabulator, and the total shall be compared with a total that is hand tabulated from the printed output of the precinct counters for at least one countywide office, which is to be selected at the time of the test by a random procedure. Candidates for other offices, or their representatives, shall be permitted to audit the test totals for their offices if they so desire. The causes of any discrepancies shall be corrected before the equipment is sealed and certified ready for use. After the test, all test materials (including the results of the hand count, the test ballots, and

the printed output from each counter) shall be sealed in a box or envelope and given to the sheriff to be maintained unopened for use in the event of contests.
(7) All proceedings of the public test, from the beginning of the test to the conclusion of the same, shall be open to the public. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b).
History: New Rule: Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.05 Testing Of Central Ballot Counters. Each central ballot counter shall be tested in the same manner as required for precinct counters except that there shall be a set of test ballots, together with any necessary header cards for each ballot configuration to be voted on in the county or section of the county to which the central counter is assigned. In addition to the pre-election test prescribed for precinct counters, all central ballot counters will be tested on election day before and after the ballots from the precincts are counted. The tests on election day shall be conducted by the poll officials assigned to the central counter using the same test ballots that were used by the probate judge in the pre-election test. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17 1998.

307-X-1-.06 Ballots.
(1) Marksense ballots shall, so far as practicable, be in the same order of arrangement as provided by Sections 17-8-4 and 17-8-5 for paper ballots, except that they shall be of the size and design required by the marksense ballot counters and may be printed upon one or more separate pages or cards. Marksense ballots shall not contain the square for the voters' numbers as provided in Sections 17-8-13 and 17-8-35, and seals shall not be provided for each ballot. Marksense ballots shall be manufactured with one detachable stub and numbered sequentially within each county with the sequence number printed on the stub but not on the ballot itself. There shall be printed on each marksense absentee and precinct ballot (both for precinct count and central count ballots) the ballot style number. This ballot style number shall represent the political race makeup of the ballot.
(2) In primary elections, constitutional amendments may be printed on party ballots, provided that sufficient ballots containing only the constitutional amendments are available for these voters who do not wish to sign the pledge for a party ballot.
(3) Secrecy envelops or folders shall be provided in sufficient quantity for use by voters in transporting their completed ballots from the voting stations to the precinct counter or ballot box. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala., 1975, §17-24-7(b). **History: New**

Rule: Filed February 10, 1998; Effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.07 Custody And Transportation Of Equipment. Sections 17-9-36 and 17-9-37, which provide for the custody and transportation of voting machines, shall apply to marksense ballot counters as well. In addition to the custodian now authorized by law, a county may employ electronic voting specialists to serve as troubleshooters during elections. These persons are to be trained in the operation of electronic voting equipment and in these procedures. They may be sent to assist in any precinct, but they shall not assume the title or authority of the regular poll workers assigned to a precinct. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.08 Voters Per Precinct. In assigning voters to voting equipment as provided by Sections 17-5A-3 through 17-5A-6, the county commission shall not be bound by the limits of 300 voters per ballot box or 600 voters per voting machine. The county commission shall provide sufficient precinct counters, or ballot boxes where central counters are used, to ensure that all qualified voters shall be given an opportunity to vote without undue delay. There shall be at least one precinct counter, or ballot box where central counters are used, for each 2400 expected voters or fraction thereof. The number of expected voters shall be the largest number of votes cast in that precinct during the last four years. If the manufacturer's recommended maximum number of ballots is less than 2400, then that recommended number shall be used to determine the number of counters. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998.

307-X-1-.09 Provision Of Voting Stations. The county commission shall provide sufficient voting stations so that each voter shall be given the opportunity to vote in privacy without undue delay. At no time shall the number of voters permitted in the voting area exceed the number of private voting stations available, unless the voter chooses to vote without utilizing a private voting station. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.10 Appointment And Duties Of Poll Officials.
(1) The poll officials to be appointed in accordance with Section 17-6-1

shall be at least one inspector and three clerks. The inspector shall be in charge of the precinct, shall serve as official challenger in accordance with Section 17-12-2, and shall serve as precinct returning officer in accordance with Section 17-6-1.
(2) The registration list clerk shall check the name of voters against the list of registered voters and mark off the names of those who vote in order to prevent double voting. If any persons whose names does not appear on the list of registered voters are permitted to vote only by means of a certificate as provided in Sections 17-4-127 and 17-16-23, or by means of a challenged ballot as provided in Chapter 17-12 and Sections 17-16-23 and 17-16-24, the registration list clerk shall legibly print their names and addresses on the list of registered voters, mark through the names that these persons have voted, and record by the names the means by which they voted, i.e. certificate (with source and date) or challenged ballots.
(3) The poll list clerk shall ensure that each voter signs the poll list as provided in Sections 17-7-15 and 17-16-14. The second poll list provided for by Sections 17-8-34 and 17-9-23 is not mandatory. However, if the voter's signature is illegible, a clerk shall print the voter's name on the same or a duplicate list so that the signature can be identified. The poll list clerk shall give a marksense ballot to the voter, being sure that the stub remains attached to the ballot pad. The ballots shall be given out in sequence beginning with the lowest numbered ballot.
(4) Upon the request of a voter, the ballot clerk shall assist the voter as necessary to deposit the ballot in the precinct ballot counter or, where central counters are used, in the ballot box, taking care to preserve the secrecy of the ballot box.
(5) A county may employ additional poll officials, as necessary to serve at any precincts and at a central ballot counter or memory pack tabulator where these are used. These additional poll officials shall be appointed in the same manner and serve under the same conditions as the poll officials named in this section. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.11 <u>Opening The Polls</u>.
(1) All poll officials shall report to the voting place at least 30 minutes before the polls open. Where precinct ballot counters are used, each counter must be tested in accordance with the manufacturer's instructions to ensure that all vote counters are set at zero and to prepare the equipment for voting. The test shall be performed in the presence of two watchers of opposite interests, if they are present. Any error must be reported to the custodian and no vote shall be tabulated on the equipment until it is repaired or a

substitute is provided. A malfunction of a precinct counter shall not prevent the opening of the polls, and the receipt of ballots shall proceed using the procedure described under "equipment failure" below. When the test has been satisfactorily completed, the inspector, the ballot clerk, and the watchers, if any are present, shall sign a certificate to that effect.

(2) Where vote recorders are used, the poll officials shall compare the ballot pages of each recorder with a sample ballot for that precinct to determine that they agree and shall also vote every position of a specially marked demonstration ballot and compare the punches with the pages of the recorder to determine that they agree. No recorder may be used in a precinct until it has been so verified.

(3) Where central ballot counters are used, the Judge of Probate, Sheriff, and Circuit Clerk are to inspect the ballot boxes to be used in the election to determine that they are empty. They then shall lock and seal the ballot boxes prior to the boxes being issued to the Inspectors of the respective precincts. The locks used shall be the type that utilizes a key or combination, and the seals used may be plastic, metal, or other material; however they shall be numbered. The design of the ballot box should enable the lock to be placed on the portion of the ballot box which would cause no contents to be removed without removing the lock. The numbered seal is placed on the insertion door of the ballot box whereby the numbered seal would have to be removed prior to any ballot being placed into the ballot box. The locking and sealing of the ballot boxes shall be done in public and the sheriff shall give proper notification. Also present at the locking and sealing of the ballot boxes may be a representative of any political party who has a candidate whose name is contained on the ballot of the election which is to be held, and any other witnesses that may be present. The Judge of Probate, Sheriff, and Circuit Clerk shall prepare a statement which certifies that the ballot boxes were empty, locked, and sealed prior to the election, and prior to the ballot box being delivered to the Inspector of the respective precincts. This statement shall also list the date, time, and place of the locking and sealing, and shall have included the seal numbers imprinted on the seals which are placed on the ballot boxes. The original copy of this statement shall be made part of the permanent record of election file and kept on file with the Judge of Probate. The duplicate copy of this statement shall be filed with the Sheriff.

(4) Prior to opening the polls, the Inspector of the precinct along with one other election official, shall remove the numbered seal from the insertion portion of the ballot box and verify that the ballot box was empty. If for any reason the ballot box seal has been broken or the ballot box contains any material, the Inspector shall immediately call the Sheriff, prior to the opening of the polls. The numbered seal that has been removed from the insertion portion of the ballot box shall be placed in an envelope and the

"Ballot Box Inspection Report" shall be completed. (This form shall state that the ballot box was empty prior to the polls being opened and be signed by the Inspector and the other polling officials of the respective precinct.) Under no circumstances shall the ballot box be opened at the precinct. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; Effective March 17 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.12 Ballot Accounting Certificates.
(1) As soon as the marksense ballots are issued to a precinct, the issuing authority, or his representative, and the inspector shall complete and sign the following statement:
"Marksense ballots numbered sequentially from _____ (lowest numbered ballot) through _____ (highest numbered ballot) were issued to _____ (name of precinct) at _____ (time) on _____ (date)."

(2) Immediately after the last vote has been cast, the poll officials shall complete the following statement:

"Total number of unused ballots _____

Number of spoiled ballots _____

Number of votes from public counter of machine (precinct counter only) _____

Number of marksense ballots voted _____ (central counters only)" **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.13 Number Of Voters In Polling Place. The limit of ten electors per polling place prescribed by Section 17-8-29 shall not apply where either marksense ballot counters or direct recording electronic voting equipment are used. In precincts utilizing marksense ballot counting systems, at no time shall the number of voters permitted in the voting area exceed the number of private voting stations available unless the voter chooses to vote without utilizing the private voting stations. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.14 Spoiled Ballots. Spoiled ballots shall be retained in a separate container. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998;

effective March 17, 1998.

307-X-1-.15 Challenged Ballots.
(1) The procedure for challenging voters shall be the same as prescribed in Chapter 17-12 and Sections 17-16-23 and 17-16-24. After the challenged voter has signed the poll list, the poll list clerk shall: take a regular marksense ballot, write on it the number adjacent to the voter's name on the poll list, disable the ballot so that it cannot be counted electronically, and give it to the challenged voter. A challenged ballot may also be cast on a paper ballot as now prescribed by law. When the challenged voter has completed the ballot, it shall be deposited in a separate box or envelope maintained for that purpose by the ballot clerk. In central count systems, challenged ballots shall be counted by hand after the central count poll officials at the central count location have been closed the polls. In precinct count systems, challenged ballots shall be counted by hand by the precinct poll officials at the precincts and the results shall be handwritten on the tape printed by the precinct ballot counter which contains the totals.
(2) Where multiple poll lists are used in a voting center, a separate challenged voters' poll list shall be used so that each number can be associated with only one name. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.16 Write-In Votes. Write-in votes shall be permitted only in non-municipal general elections. The ballot must be constructed so that the voter can mark or punch a write-in vote for each office in the same manner that votes are registered for regular candidates. In order to cast a valid write-in vote, the voter must: (1) write the name on the ballot or secrecy envelope and (2) register the vote by a mark or punch in the space designated for that office. A write-in shall not be counted if the vote is not registered as provided above. Over-votes caused by write-ins shall be treated in the following manner. If a voter registers a vote for a name on the ballot and then writes in another name for the same office but fails to register the write-in vote, the ballot shall be treated as if no write-in had occurred and the regular vote shall be counted. If a properly registered write-in causes an over-vote, it shall be treated as any other over-vote; and none of the votes for the over-voted office shall be counted. However, the remainder of the ballot shall be counted. When counting write-in votes, poll officials must check for over-votes if the marksense ballot counter does not perform the function. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective

March 14, 2002.

307-X-1-.17 Counting Of Votes.

(1) An elector's ballot shall be counted for each office to be filed except for each office where it is impossible to determine the elector's choice for that office. The inability to determine the voter's choice for any particular office to be filled shall not cause the rejection of votes for other offices where the elector's choice may be determined. No ballot shall be rejected for any technical error which does not make it impossible to determine the elector's choice.

(2) (a) In precincts utilizing precinct ballot counters, the counters shall be programmed to return the ballot to the elector if the elector has marked more names than there are persons to be elected to a particular office. The elector shall be provided the opportunity to review his or her ballot and to correct the ballot.

(b) It the elector chooses to correct the ballot, the original ballot shall be spoiled by a poll worker and the elector shall be issued a new, blank ballot.

(c) If the elector chooses not to correct the ballot, the elector shall deposit the ballot into a ballot box or other suitable container. After the close of the polls, polling officials shall count said ballot by hand as described in Sections 17-13-1 and 17-13-2. The determination of the elector's choice shall be governed by paragraph (4) of this rule. Poll watchers of opposing interests and members of the media, if any are present, shall be permitted to witness this process.

(3)(a) In counties utilizing central ballot counters, the counters shall be programmed to return a ballot to poll officials if the elector has marked more names than there are persons to be elected to a particular office. Each returned ballot shall be counted by hand pursuant to this section.

(b) Each ballot shall be reviewed by polling officials to determine the elector's choice for each office to be filled. This determination shall be made pursuant to the standards set forth in paragraph (4) of this rule.

(c) Upon determining the elector's choice for each office, the polling officials shall manually add the elector's votes to the total votes for each candidate for the offices to be filled.

(4) In determining the elector's choice, polling officials shall consider the ballot as a whole and determine the manner in which the elector marked his or her choices on the ballot. Only those choices marked consistently in this manner shall be counted for each office to be filled. As used herein, "marked consistently" pertains to the manner in which the voter expresses his or her choice and not the pattern of candidates selected as between political parties on the ballot. If the polling officials are unable to determine the manner in which an elector marked his or her choices, the ballot shall be rejected in its

entirety.

(5) (a) If a precinct ballot counter should malfunction, the poll shall remain open and voters shall deposit their ballots in a ballot box or other suitable container. The inspector shall notify the custodian, who shall attempt to repair or replace the equipment, and the probate judge, who shall maintain a public list of all precincts in which equipment failure has occurred.

(b) If the precinct ballot counter cannot be repaired, after the polls close the ballot box shall be opened and the ballots counted either by hand as described in Sections 17-13-1 and 17-13-2 or by feeding the ballots into an operable precinct ballot counter. If counted by hand, the determination of the elector's choice shall be governed by paragraph (4) of this rule. Poll watchers of opposing interests and members of the media, if any are present, shall be permitted to witness this process.

(c) In counties utilizing precinct ballot counters, any ballot returned by the machine in a post-election recount must be counted by hand following the rules for central ballot counters as provided in paragraph (3) of this rule. The results of this hand count shall be added to the certificate of results, and the ballots shall be bound separately and returned with the other ballots.

(6) If a central ballot counter should malfunction, the count shall be suspended until the equipment is repaired or replaced or the ballots are counted by hand as described in Sections 17-13-1 and 17-13-2. If counted by hand, the determination of the elector's choice shall be governed by paragraph (4) of this rule. Poll watchers of opposing interests and members of the media, if any are present, shall be permitted to witness this process.

(7) (a) In counties utilizing precinct ballot counters, if a ballot is defective and the counter is unable to accept or read the ballot, the ballot shall be spoiled and the elector shall be issued a new ballot.

(b) In counties utilizing central ballot counters, if a ballot is defective and the counter is unable to accept or read the ballot, the ballot shall be counted by hand as described in Sections 17-13-1 and 17-13-2. If counted by hand, the determination of the elector's choice shall be governed by paragraph (4) of this rule. Poll watchers of opposing interests and members of the media, if any are present, shall be permitted to witness this process. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.18 Certificate Of Results.

(1) Where precinct counters are used. After closing the polls and sealing the required records, the poll officials shall follow the manufacturer's

instructions to lock the equipment against further voting and to obtain printouts of the votes on each office and question. The first printout shall be torn from the equipment so that all printing during the day, from the initial test before the polls opened through the first printout of results shall be on one continuous sheet or roll of paper. Then, other printouts of the results shall be produced and torn out. To each certificate shall be added, if it is not automatically printed, the following information:

(a) The name of the precinct.

(b) The date.

(c) The identifying number (serial number) of tabulating equipment.

(d) The value of the public counter (indicating the number of votes cast).

(e) The name of each candidate next to the total number of votes cast for that candidate.

(f) The number and short title of each proposition next to the number of votes for or against the proposition.

The challenged ballots and, in general elections only, any write-in votes shall be counted and the totals added to the certificates of result. All poll officials shall sign each certificate of result.

(2) Where central ballot counters are used.

(a) The poll officials shall record on the Ballot Accounting Certificate the following information:

1. The total number of each ballot style issued to the precinct.

2. The total number of voted ballots.

3. The total number of signatures in voters poll list book.

4. The total number of spoiled ballots.

5. The total number of challenged ballots.

6. The total number of unused ballots of each style.

(b) The Ballot Accounting Certificate shall be in a form that provides for proper accountability of all voted and not voted ballots. All challenged ballots from the precinct shall not be counted at the precinct and shall be placed in a Challenged Ballot Envelope, along with one copy of the Challenged Ballot Oath and returned to the central count location. The central count location poll workers shall hand count all challenged ballots and record those results on a Challenged Ballot Certificate of Result form. The Challenged Ballot Certificate of Result form shall be verified and

signed by the central count poll workers. The original copy of the Challenged Ballot Certificate of Result form is to be forwarded to the Canvassing Board, and the duplicate copy is to remain with the record of election container. In General Elections only, the write-in votes for each office shall be tabulated by the central count poll workers. These write-in votes shall be recorded on a write-in certificate of result to be provided for that purpose. The write-in certificate of result shall be verified and signed by the central count poll workers.

(c) After the polls close, the Inspector of the precinct shall immediately close and seal the ballot box that contains the voted ballots with a numbered seal provided for in the election supplies. This sealing of the ballot box shall be verified by all other polling officials. The sealed and unopened ballot box containing the voted ballots and the election supplies shall be returned to the central count location by the Inspector and at least one other polling official. These officials shall remain at the central count location and assist in the processing of their precinct's ballots until the certificate of result for their precinct is produced. These officials along with at least one central count poll official shall verify and sign this certificate of result. (The results should correspond with the total number of persons voting previously recorded on the Ballot Accounting Certificate). The signed certificate of result shall be distributed as follows: The original to the Judge of Probate who shall keep it for public inspection and/or an election contest, one copy for each party participating in the primary, and one copy shall be sealed with counted ballots and all other pertinent election supplies in the record of election container and given to the authority holding for storage the record of election container. The posting of a certificate of result at the polling place/precinct shall not be required where central ballot counters are used. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.19 <u>Disposition Of Forms</u>. After completing and signing the certificate of result, the election officials shall seal the ballots, certificates, and other records as follows:

(1) Where precinct ballot counters are used:

(a) The list of registered voters, the record of assisted voters, the ballot accounting certificate(s) and the first copy of the certificates of result shall be placed in an envelope addressed to the judge of probate who shall keep them for public inspection and/or election contest, and the list of registered voters or a copy thereof may be used by the board of registrars in updating their records.

(b) All used marksense ballots (both voted and spoiled), all challenged ballots, one copy of the certificate of result, the poll list (already

sealed in a separate envelope), one copy of each challenged voter's affidavit and each witness' affidavit, and all requests for assistance in voting shall be placed in a large envelope or box, which will be sealed and signed across the seal by all inspectors. The inspector shall retain possession of the memory pack until it is read into the tabulator.

1. Each envelope or box shall be sealed and signed across the seal by the inspectors. On the outside of each envelope the inspectors shall record the precinct or district and date of the election. The envelopes or boxes shall remain unopened and be returned by the inspector or returning officer immediately in the manner provided for by law.
2. The State Records Commission is requested to develop and keep current a schedule for the retention and disposition of election records for the guidance of the officials to whom these records are sent.

(2) Where central counters are used, the procedure for precinct ballot counters shall be followed except that the certificate of result will not be produced at the precinct, and a copy of the certificate of result will not be posted at the polling place. After the polls close, the ballot box insertion door will be resealed with a numbered seal provided for in the election supplies. The Inspector and at least one other poll official shall deliver the sealed and unopened ballot box to the central count location for processing and counting. A copy of the ballot accounting certificate shall be delivered with the ballot box to the central count location. After the count, the ballots of each precinct shall be sealed in a separate envelope or box which shall be labeled with the name of the precinct, the date of the election, the type of ballots and the total number contained therein. One copy of the Ballot Accounting Certificate and one copy of the certificate of result shall also be sealed in this envelope or box by the central count polling officials, and it shall be delivered to the authority holding the records of election container.
(3) In primary elections, the marksense ballots, certificates and other records shall be distributed as required in general elections except there shall be one canvassing envelope for each party participating in the primary, and the poll list of each party shall be delivered to the county executive committee of that party to be obtained unopened for use in the event of a contest as provided by Section 17-16-25. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.20 Retest. The probate judge may order, pursuant to Section 17-24-9, a post-election retest of any precinct ballot counter, central ballot counter, direct recording electronic voting device or memory pack tabulator using the same procedures prescribed for the pre-election test. If the retest shows a malfunction or error in the equipment or its program, the probate

judge shall order a recount as described below at county expense. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.21 Recount.

(1) Any person may petition a county canvassing authority for a recount of any or all precinct returns for offices in the election that the person was a qualified elector. The time period for requesting a recount begins with the production of the certificate of result and ends forty-eight (48) hours after the official canvass of county returns. This county canvassing authority is the county canvassing board in general elections and the county executive committee in a party primary. The petitioner must be prepared to pay the cost of the recount and should be required to give security to cover these costs. The county canvassing authority is to set the amount of the security based upon an estimate of actual costs. There being a public interest in fair and accurate elections, these costs shall be kept to a minimum by using county personnel or volunteer workers whenever possible. However, the recount must be conducted under the supervision of a trained and certified poll official and/or Probate Judge of the County where the recount is conducted so long as the recount is not for the election of a Probate Judge. Representatives of opposing interests shall be given at least twenty-four (24) hours notice and shall be invited to participate in the recount.

(2) The recount should be conducted as simply as the type of equipment and local conditions permit provided that the following minimum safeguards are observed. The box or envelope holding the ballots shall be delivered unopened to the supervising official in charge of the re-count. A representative of the county canvassing authority having custody of the ballots shall be present during the recount. The marksense ballot counter shall be re-tested before the recount. The recount shall consist of reading the ballots through the counter. Any ballot that was counted in the original election but is rejected by the counter in the recount shall be counted by hand. Representatives of opposing interests have the right to participate in the hand count, and any unresolved disputes over the interpretation of the voter's choice may be appealed to the canvassing authority.

(3) When the recount has been completed, the ballots shall be returned to their container along with a printout of the recount results. The ballot container shall be sealed and signed by the inspector conducting the recount and the representative of the county canvassing authority having custody of the ballots.

(4) If the recount produces a change in precinct totals of sufficient magnitude to alter the result of the election, the outcome shall constitute grounds for an election contest as now prescribed by law. If the recount of

the resulting contest alters the result of the election, the cost of the recount shall be borne by the county. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.22 Absentee Voting. Marksense ballot counters may be used to count absentee ballots. Absentee poll officials are to be appointed and trained in the same manner as prescribed for regular precinct poll officials in these rules. The statute requiring one set of poll workers for each 200 absentee ballots (Section 17-10-11) does not apply where marksense ballot counters are used. The number of poll officials shall be determined by the number of marksense ballot counters provided. The county commission may provide more than one counter based upon the recommendation of the absentee election manager. Beginning not earlier than noon on election day, the absentee poll officials shall perform the duties prescribed in Section 17-10-11. Where more than 200 absentee ballots are to be counted on one marksense ballot counter, the absentee election manager may authorize poll officials to open the ballot box and begin processing ballots through the counter before the polls close provided that:

(1) Sealed affidavit envelopes are to remain sealed, not counted, and otherwise handled in accordance with state law if one or more of the following conditions are established:

(a) Duplicate votes from the same registered voter;

(b) Failure to have the affidavit notarized or witnessed by two witnesses;

(c) Failure to identify the voter's place of residence;

(d) Failure to identify the voter's reason for voting absentee;

(e) Failure to contain the voter's signature or mark.

(2) All other sealed affidavit envelopes have been opened and checked in accordance with law and all inner envelopes containing the ballots have been placed in a sealed ballot box before the ballot box is opened and any ballots are processed, and

(3) The absentee election manager takes security measures to prevent the vote totals from being printed before the polls close. The prohibition on counting before the polls close contained in §17-10-11 applies to any attempt to tally votes as the ballots are read into the marksense ballot counter. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

307-X-1-.23 Direct Recording Electronic Voting Devices.

(1) Except for the following listed rules, the use of electronic voting devices shall be not be governed by Rules 307-X-1-.03 through 307-X-1-.22 but shall be governed by this rule:

(a) Rule 307-X-1-.03, Application to Municipal Elections.

(b) Rule 307-X-1-.07, Custody and Transportation of Equipment.

(c) Rule 307-X-1-.18, Certificates of Result for Precinct Ballot Counters.

(d) Paragraph (1) of Rule 307-X-1-.19, Disposition of Forms, except as applied to marksense ballots and that there shall be no ballot accounting certificate.

(e) Rule 307-X-1-.21, Recount, except as provided for in Paragraph (6) of this Rule.

(f) Rule 307-X-1-.22, Absentee Voting.

(2) Keys. Unless the direct recording electronic voting device is designed to be locked with a key, the requirements in Chapter 17-9 relating to a key and key envelope shall not apply. However, each device shall be sealed before delivery to the polling place and after the polls close as required by Sections 17-9-17 and 17-9-33.

(3) Testing. The probate judge shall have each direct recording electronic voting device tested to ascertain that it will accurately count the votes cast for all offices and all measures. Each direct recording electronic voting device shall be publicly tested before each election in which it is to be used. The date of the public test shall be as close as is practical to the date of the election and not more than fourteen (14) days [required by §17-24-9] before the election. Public notice of the time and place of the test shall be given. The device shall be tested by casting votes so that each candidate and each position on each amendment or other proposition shall receive at least two (2) votes. There shall be at least one over-vote in each race. In general elections, the device shall be tested for straight ticket and split ticket voting; and there shall be at least one write-in vote for each contested office. For auditing purposes, the Probate Judges shall have produced a paper record of each individual test vote cast which shall be retained with the records of the election associated with that voting device.

(4) Opening the polls. The poll officials shall follow the manufacturer's instructions to open the equipment and prepare it for voting. They shall produce a printout showing the initial values of the vote registers. The poll officials and at least two poll watchers of opposing interests (if such there be) shall check the printout to verify that the registers are set at zero and shall sign the same. The printout shall remain attached to the paper roll so that all events of the day shall be recorded on one continuous roll of paper. If any vote registers are not set on zero or if the ballot face is incorrect, the inspector shall immediately notify the probate judge or his designee. Voting

shall not be permitted on such device until it has been repaired. Voters may be permitted to vote on a substitute device or use paper ballots.
(5) Challenged ballots. The procedure for challenging voters shall be the same as prescribed in Rule 307-X-1-.15 except that the votes placed on the challenged ballots are to be counted by hand by the precinct polling officials after the polls are closed. The results shall be handwritten on the tape containing the totals from the direct recording electronic vote counters. The challenged ballots shall then be placed inside an envelope and otherwise handled in accordance with state law.
(6) Recount.

(a) Where a direct recording electronic voting device system is not capable of producing a recount of individual votes cast in an election, the county canvassing authority shall provide for a retest of the direct recording electronic voting devices using the procedure provided for in Paragraph (3) of this Rule. If any of the direct recording electronic voting devices fail the retest, and if the machines failing the retest recorded a sufficient number of votes on election day to effect the result of the election, such failure shall constitute grounds for an election contest as now prescribed by law and the cost of the retest shall be borne by the county.

(b) Where a direct recording electronic voting device system is capable of producing receipts of individual votes cast, such receipts shall be deposited by the voter into a sealed container preserved for the performance of a recount or use in an election contest. Such receipts may be recounted either manually or electronically as the technology of the system provides. At the conclusion of the recount, the receipts shall be re-deposited into the container, resealed and preserved with the records of the election. **Author:** Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-24-7(b). **History: New Rule:** Filed February 10, 1998; effective March 17, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002.

CHAPTER 820-2-1

General Implementation of the Help America Vote Act

820-2-1-.01 Help America Vote Act Administrative Rules
820-2-1-.02 Definition of a Vote
820-2-1-.03 Help America Vote Act Reimbursement

820-2-1-.01 Help America Vote Act Administrative Rules. This chapter consists of various administrative rules designed to implement the Help America Vote Act and is promulgated under Code of Ala. 1975, §17-1-8, unless otherwise noted. This chapter shall apply to all elections except municipal elections. The rules in this chapter are severable from one another. **Author:** Adam L. Bourne **Statutory Authority:** Code of Ala. 1975, §§17-1-8.**History: New Rule:** Filed May 5, 2006; effective June 9, 2006.

820-2-1-.02 Definition Of A Vote.

(1) This rule serves to fulfill the requirement of defining what constitutes a vote under the Help America Vote Act("HAVA"), Public Law 107-252; and Code of Ala. 1975, §17-25-4.

(a) This rule shall not supersede any other law.

(b) This rule shall not apply to a vote cast in a municipal election.

(c) This rule shall be construed in favor of counting a cast vote.

(2) For the purpose of this rule:

(a) "Electronic voting system" means any Direct Recording Electronic Voting System or optical scan voting system, as defined in this rule.

(b) "Direct Recording Electronic Voting System/DRE Voting System" means a voting system certified by the Electronic Voting Committee that allows a voter to cast his or her vote using a touch-screen, a keypad, Voter With Disability device, or other input device.

(c) "Question" means any item on a ballot or paper ballot, as defined in this rule, other than a candidate.

(d) "Touch-screen" means a video screen that is part of a voting system certified by the Electronic Voting Committee that a voter can manipulate by touching or otherwise applying pressure.

(e) "Identifiable write-in selection" means a real and reasonably distinctive name of a person entered into a ballot line or touch-screen field designated for a write-in candidate.

(f) "Voter With Disability Device/VWD" means a device that is part

of a voting system certified by the Electronic Voting Committee, which, when plugged into a normal DRE unit, enables a voter with a disability to vote without assistance.

(g) "Optical scan voting system" means a voting system certified by the Electronic Voting Committee that electronically accepts and reads a specially printed ballot.

(h) "Approved marking device" means a writing utensil or a marking machine used to mark a ballot designed for an optical scan voting system, that is provided by, manufactured by, recommended by, or approved by the manufacturer or provider of the optical scan voting system. This may include, but is not limited to, a Direct Recording Electronic Voting System designed to mark a ballot for an optical scan voting system.

(i) "Tabulating machine" means any central or precinct-based electronic system that is part of a voting system certified by the Electronic Voting Committee that is capable of accepting, reading, and counting a vote.

(j) "Ballot" means an official ballot provided for by Code of Ala. 1975, §17-8-1-45.

(k) "Spoiled ballot" means a ballot that is disregarded in accordance with Code of Ala. 1975, §17-8-33.

(l) "Stray mark" means an unidentifiable design on a ballot or paper ballot, as defined in this rule, that is not clearly associated with any candidate or question on the ballot or paper ballot.

(m) "Paper ballot" means a ballot which is designed to be marked and read manually.

(n) "Erasure" means any mark on a ballot or paper ballot that appears to a reasonable person to have been erased by a voter in favor of a new vote or a non-vote.

(3) A voter shall cast a countable vote on a Direct Recording Electronic ("DRE") voting system by either:

(a) Pressing the appropriate place on the DRE voting system's touch-screen to cause an "X" or similar designation to display adjacent to the name of the candidate or answer to a question for which the voter desires to vote;

(b) Typing on the DRE voting system's touch-screen the name of an identifiable write-in selection whose name is not otherwise printed on the ballot in accordance with the instructions for voting on the DRE unit;

(c) In the case of a voter using a Voter With Disability ("VWD") device attached to the DRE unit, pressing the appropriate buttons on the DRE voting system's keypad; or

(d) Using a VWD or other device designed for the DRE voting system to perform the aforementioned functions.

(4) A voter shall cast a countable vote on an optical scan voting system by

either:

(a) Using an approved marking device to fill in the oval or complete the arrow adjacent to the name of the candidate or answer to a question on the ballot for which the voter desires to vote; or

(b) Using an approved marking device to fill in the oval or complete the arrow adjacent to the write-in space and writing the name of an identifiable write-in selection whose name is not otherwise printed on the ballot in the space on the ballot that is specified in the instructions for voting the ballot; and

(c) Placing the completed ballot into the optical scan voting system's receptacle in accordance with the instructions posted at the polling place or relayed by a poll worker.

(5) The following special rules govern the manual review of a vote cast on an optical scan voting system where the ballot upon which the vote is cast is rejected or otherwise not read by the tabulating machine and not spoiled:

(a) If the voter fills in the oval or completes the arrow adjacent to the name of a candidate printed on the ballot and fills in the oval or completes the arrow adjacent to the write-in space for the same office, the properly cast vote for the candidate on the ballot shall be counted and the write-in vote shall be ignored.

(b) If it appears that there is a properly cast vote and that a stray mark has caused the tabulating machine to reject the vote for the office, the properly cast vote shall be counted and the stray mark shall be ignored.

(c) If a voter marks his or her ballot in a manner other than that specified by law and this rule, the vote shall be counted if the voter clearly and without question indicates the candidate or answer to a question for which the voter desires to vote. The following are specific but non-exclusive situations where a vote should not be or should be counted:

1. If a voter marks in the same manner more names than there are persons to be elected to an office, then no vote shall be counted for that office. If a voter marks in the same manner more answers than a particular question calls for, then no vote shall be counted for that question.

2. If a voter marks with a cross, "X," checkmark, or other similar mark within the oval or arrow adjacent to the name of the candidate or answer to a question for which the voter desires to vote, the vote shall be counted. Underlining or circling the candidate or answer to a question for which the voter desires to vote also constitutes a countable vote. An apparent erasure of an aforementioned mark shall not be counted if the voter makes another mark in accordance with this rule or other applicable law.

(6) In any event where a voter casts a vote using a paper ballot under Code of Ala. 1975, §17-9-28; the vote shall be counted in accordance with Code of Ala. 1975, §§17-8-15-21.**Author:** Adam L. Bourne **Statutory**

Authority: Code of Ala. 1975, §§17-1-8(a);17-25-4(f).**History: New Rule:** Filed May 5, 2006; effective June 9, 2006.

820-2-1-.03 Help America Vote Act Reimbursement.

(1) This rule is promulgated under Code of Ala. 1975,§§17-1-8 and 17-25-4. This rule is intended to provide the Secretary of State with the information necessary to make a decision as to whether a county is eligible for reimbursement under Code of Ala. 1975, §17-25-4 and other applicable law. Any county that seeks reimbursement under Code of Ala. 1975,§17-25-4 must strictly comply with this rule.

(2) To be eligible for reimbursement under Code of Ala. 1975, §17-25-4, a county must respond within ten (10) days to any request for information from the Secretary of State or his/her designee(s).**Author:** Adam L. Bourne **Statutory Authority:** Code of Ala. 1975, §§17-1-8, 17-25-4.**History: New Rule:** Filed May 5, 2006; effective June 9, 2006.

CHAPTER 820-2-2

Voter Registration

820-2-2-.01	**Applicability Of The National Voter Registration Act To State And Local Elections**
820-2-2-.02	**Voter Registration Agency Defined**
820-2-2-.03	**State-Designated Voter Registration Agencies**
820-2-2-.04	**Provision Of Voter Registration Services By Agencies**
820-2-2-.05	**Design Of Voter Registration Forms**
820-2-2-.06	**Acceptance/Declination Forms**
820-2-2-.07	**Training Materials**
820-2-2-.08	**Filing Of Voter Registration Procedures**
820-2-2-.09	**Transmittal Of Voter Registration Forms**
820-2-2-.10	**Delivery Of Voter Registration Materials**
820-2-2-.11	**Mail Registration Form Distribution Sites**
820-2-2-.12	**Processing Voter Registration Forms**
820-2-2-.13	**Procedures For Voting Who Have Moved From Address In Area Covered By One Precinct Or Polling Place To Address Covered By Second Precinct Or Polling Place Within Same Board Of Registrars' Jurisdiction And Have Not Updated Voter Registration Record Prior To An Election**
820-2-2-.14	**Filing Changes Of Address With Agencies By Phone**
820-2-2-.15	**Voter Registration Statistics**
820-2-2-.16	**Cooperation With Federal Voting Assistance Program**
820-2-2-.17	**Voter Registration Instructions For Voter Registrars To Assess Eligibility Of Voter Registration Applicant**
820-2-2-.18	**Electronic Voter Registration**
820-2-2-.19	**Affidavit And Application For Certification Of Free Alabama Birth Record For Voter Registration Use**
820-2-2-.20	**Citizenship Document Inconsistency Affidavit Form**
820-2-2-.21	**Form For Notification Of Insufficiency Of Proof Of Citizenship**
820-2-2-.22	**Procedure For County Boards Of Registrars To Determine Applicant's Citizenship For Voting Purposes**
820-2-2-.23	**Application Form To The Board Of Registrars For Hearing To Determine Applicant's Citizenship For Voting Purposes**
820-2-2-.24	**Agency-Based Voter Registration Form**
820-2-2-.25	**Mail-In Voter Registration Form**
820-2-2-.26	**Domestic Violence Voter Affirmation Form**

820-2-2-.27 Procedures For Boards Of Registrars For Domestic Violence Voter Protection
820-2-2-.28 Procedures For Absentee Election Managers For Domestic Violence Voter Protection
820-2-2-.29 Procedures For Municipal Clerks For Domestic Violence Voter Protection
820-2-2-.30 Procedures For Disseminating Information From Statewide Voter File For Domestic Violence Voter Protection
820-2-2-.31 Report Of Voter's Change Of Residence Or Death Form

820-2-2-.01 Applicability Of The National Voter Registration Act. The provisions of the National Voter Registration Act of 1993 [Public Law 103-31, 42 U.S. Code 1973gg et seq.] shall apply to all elections for state and local government offices in the State of Alabama. Copies of the National Voter Registration Act of 1993 may be obtained without charge from the Secretary of State's office, Elections Division, State Capitol, Room E-201, Montgomery, Alabama 36130. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.01, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.02 Voter Registration Agency Defined. For the purposes of this chapter, a voter registration agency shall be any state or local governmental entity designated to provide voter registration services pursuant to Section 17-4-250, paragraphs (b), (d), and (f), Code of Ala. 1975, and 820-2-2-.03. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.02, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.03 State-Designated Voter Registration Agencies.
The following offices shall be state-designated voter registration agencies for the purposes of the National Voter Registration Act of 1993 [42 U.S. Code 1973gg-5(a)(3)] and shall provide voter registration services pursuant to Section 17-4-250, paragraph (f), Code of Ala. 1975, and the National Voter Registration Act of 1993 [42 U.S. Code 1973gg-5]:
(1) The probate office in each county, except in those counties in which driver's licensing is conducted by a License Commissioner;
(2) The license commissioner's office in those counties in which driver's

licensing is conducted by a License Commissioner; and
(3) All public libraries, including branch libraries, in each municipality with a population exceeding ten thousand (10,000) and all public libraries in each county, including branch libraries. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.03, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.04 Provision Of Voter Registration Services By Agencies.
(1) Each voter registration agency shall offer voter registration services to its clients when said clients apply for services or recertify for services provided by the registration agency, or file a change of address with the voter registration agency.
(2) Voter registration agencies shall provide the same level of assistance to clients with respect to completing voter registration forms that they provide to clients with respect to other services rendered by the voter registration agency. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.04, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.05 Design Of Voter Registration Forms.
(1) The Secretary of State shall prescribe all voter registration forms to be used in voter registration activities provided for in Code of Ala. 1975, Section 17-4-60.
(2) Any content related to voter registration that is incorporated into a form prescribed by a voter registration agency so that said form may serve as a voter registration application or voter registration update form shall be subject to review by, and the approval of, the Secretary of State.
(3) Voter registration agencies may develop computer-assisted voter registration forms in conjunction with the Secretary of State. All computer-assisted voter registration forms developed under this paragraph are subject to review by, and the approval of, the Secretary of State.
(4) The following forms prescribed by the Alabama Law Enforcement Agency, in consultation with the Secretary of State, shall be valid for applying for voter registration or for submitting a change of address for voter registration purposes:
(a) "Application for Renewal or Duplicate License for Alabama Drivers Temporarily Out of State"
(b) "Driver License or Identification Card Change of Address" **Authors:** Edward Packard, R. Joel Laird, Jr., Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §17-4-63. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001. **Amended:** Filed February 5, 2016; effective March 21, 2016.
Ed. Note: Formerly Rule 820-X-8-.05, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.06 Acceptance/Declination Forms.
(l) Voter registration forms used in voter registration agencies other than those agencies designated pursuant to 820-2-2-.03 shall include a detachable section in which individuals shall indicate their acceptance or declination of voter registration services. This acceptance/declination section shall include, verbatim, statements required by the National Voter Registration Act of 1993 [42 U.S. Code 1973gg-3(c)(2)(D)(ii), 1973gg-3(c)(2)(D)(iii), 1973gg-5(a)(6)(B)].
(2) In the event that a client does not indicate an acceptance or declination of voter registration services, the agency representative shall write "REFUSED" in block letters across the acceptance/declination section and print the client's name and the date on the form.
(3) Each voter registration agency shall maintain for a period of two (2) years all acceptance/declination sections of the voter registration forms.

(a) Procedures for maintaining the acceptance/ declination sections shall be determined by each voter registration agency and filed with the Secretary of State. Each voter registration agency shall, in a timely manner, file with the Secretary of State any changes or amendments to said procedures.

(b) Procedures developed pursuant to 820-2-2-.06(3)(a) shall not be implemented until said procedures are reviewed and pre-cleared by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 [42 U.S. Code 1973aa et seq.].

(c) The Secretary of State shall have access to all acceptance/declination sections for program evaluation purposes and to investigate voter registration complaints filed with the Secretary of State. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001. **Ed. Note:** Formerly Rule 820-X-8-.06, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.07 Training Materials. The Secretary of State shall prepare and disseminate training materials to inform voter registration agencies of their responsibilities pertaining to voter registration services. Voter registration agencies may prepare and disseminate their own materials, for internal use only, provided that any such materials are submitted to the Secretary of State for review and approval before being disseminated. **Authors:** Edward

Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.07, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.08 Filing Of Voter Registration Procedures.
(1) Each voter registration agency shall file with the Secretary of State procedures for conducting voter registration in its offices. Each voter registration agency shall, in a timely manner, file with the Secretary of State any changes or amendments to said procedures.
(2) Procedures developed pursuant to 820-2-2-.08(1) shall not be implemented until said procedures are reviewed and pre-cleared by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 [42 U.S. Code 1973aa et seq.]. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.08, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.09 Transmittal Of Voter Registration Forms.
(1) Each voter registration agency shall sort by each applicant's county of residence all completed voter registration forms submitted to the voter registration agency and transmit the forms by mail or courier to each county's Board of Registrars within five (5) days of submission, except that all voter registration forms received by the voter registration agency by the official close of registration shall be transmitted no later than the day of the official close of registration.
(2) Each package of voter registration forms being transmitted to a Board of Registrars shall include a packing slip specifying 1) the name and address of the agency transmitting the voter registration forms, 2) the name and phone number of the agency representative who prepared the package for transmittal, and 3) the number of voter registration forms being transmitted.
(3) Each voter registration agency shall develop procedures for transmitting voter registration forms to the various Boards of Registrars and file those procedures with the Secretary of State. Each agency shall, in a timely manner, file with the Secretary of State any changes or amendments to said procedures.
(4) Procedures developed pursuant to paragraph 820-2-2-.09(3) shall not be implemented until said procedures are reviewed and pre-cleared by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 [42 U.S. Code 1973aa et seq.].
(5) The Secretary of State shall provide each voter registration agency with

envelopes and packing slips for transmitting the voter registration forms to the Boards of Registrars. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001. **Ed. Note:** Formerly Rule 820-X-8-.09, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.10 Delivery Of Voter Registration Materials. All voter registration forms, transmittal envelopes, and packing slips required for voter registration agencies to fulfill their voter registration duties shall be provided by the Secretary of State and delivered to 1) each agency's headquarters in Montgomery, Alabama, in the cases of agencies designated under Section 17-4-250, paragraphs (b) and (d), Code of Ala. 1975; 2) the probate office of each county; and 3) each public library. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.10, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.11 Mail Registration Form Distribution Sites.
(1) The following public organizations shall serve as distribution sites for the mail voter registration form: 1) public schools and 2) four-year institutions of higher learning, and 3) public libraries, including branch libraries, in each municipality with a population equal to or less than ten thousand (10,000).
(2) Through cooperative agreements, the Secretary of State may distribute the mail voter registration form through additional public and private sector organizations.
(3) The Secretary of State and the Boards of Registrars shall make the mail voter registration form available for use in organized voter registration drives. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001. **Ed. Note:** Formerly Rule 820-X-8-.11, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.12 Processing Voter Registration Forms.
(l) Voter registration forms submitted at a voter registration agency pursuant to Section 17-4-60, paragraphs (b), (d), (e), and (f), Code of Ala. 1975, not later than the official close of registration shall be processed by the Boards of Registrars in the same manner as voter registration forms received by the Boards of Registrars not later than the official close of registration.

(2) Voter registration forms received through the mail pursuant to Section 17-4-60, paragraph (c), Code of Ala. 1975, and postmarked not later than the official close of registration shall be processed by the Boards of Registrars in the same manner as voter registration forms received by the Boards of Registrars not later than the official close of registration.
(3) Voter registration forms received through the mail pursuant to Section 17-4-60, paragraph (c), Code of Ala. 1975, not later than three (3) days after the official close of registration with no postmark or an unreadable postmark shall be processed in the same manner as voter registration forms received by the Boards of Registrars not later than the official close of registration.
(4) (a) When a voter registration form is received by the county board of registrars, the registrars shall examine the form to determine whether it has been completed in its entirety. If the form does not contain all of the information needed to complete the voter registration process, the registrars shall attempt to contact the applicant to inform such person that his or her voter registration form is incomplete if the application contains a means of contacting the applicant, such as an address, telephone number, email address, or other contact information.

(b)1. The minimum age at which a citizen may submit a voter registration form to the board of registrars ("board") is seventeen and one-half (17½) years. Any applications that are received before the applicant has reached the age of eighteen years shall be placed in the suspense file of the statewide voter registration system by the applicable board until the applicant has reached the age of eighteen years, at which time the applicant shall be placed in the active voter file if he or she meets all other eligibility requirements for voter registration**.**

2. If a board of registrars ("board") receives a voter registration form from an applicant who is not seventeen and one-half (17½) years old at the time the application is received, the board shall reject the application, but the board shall keep the application as a permanent record. The board shall not enter the applicant in the suspense file of the statewide voter registration system. The board shall notify the applicant in writing that he or she has not attained the minimum age for processing the application and further notify the applicant that once the applicant has reached the minimum age of seventeen and one-half (17½) years, he or she may file a new voter registration application with the board. The applicant shall also be notified that after the submission of a new application upon attaining the age of at least 17 ½ years, his or her voter registration will become active once he or she has reached the age of eighteen years if he or she meets all other eligibility requirements for voter registration.
(5) In order to receive applications for registration and to expedite and administer the same:

(a) the county board of registrars office shall be open on their

working days the same hours as the courthouse in their county,

(b) the county board of registrars office shall maintain at least one registrar in the office at all times during open hours,

(c) each registrar shall complete any additional training on cybersecurity as required by the Secretary of State.

Authors: Edward Packard, Jean Brown, Brent Beal, David Brewer, John Bennett, Clay Helms **Statutory Authority:** Code of Ala. 1975, §§17-4-63; 17-3-1. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001. **Amended:** Filed November 6, 2014, effective December 11, 2014. **Amended:** Filed June 3, 2016; effective July 18, 2016. **Amended:** Filed September 18, 2017, effective November 2, 2017. **Amended:** Filed January 5, 2018, effective February 19, 2018. **Ed. Note:** Formerly Rule 820-X-8-.12, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.13 Procedures For Voters Who Have Moved From Address In Area Covered By One Precinct Or Polling Place To Address Covered By Second Precinct Or Polling Place Within Same Board Of Registrars' Jurisdiction And Have Not Updated Voter Registration Record Prior To An Election.

(1) A voter who has changed his or her domicile from an address in the area covered by one precinct or polling place to an address covered by a second precinct or polling place within the same Board of Registrars' jurisdiction and who has failed to notify the Board of Registrars of the change of address prior to the date of an election shall not be allowed to cast a ballot at the former polling place. In such cases the poll workers shall obtain the voter's new precinct or polling place information from either the Board of Registrars or the Judge of Probate and instruct the voter to go to the new precinct or polling place to vote.

(a) Because in such instances the voter's name will not appear on the poll list at the new precinct or polling place, an inspector at the new polling place shall notify the voter that he or she may cast a provisional ballot in the election.

(b) If the inspector has knowledge and belief that a voter has changed his or her domicile but the voter refutes the inspector's allegation and asserts that he or she is eligible to vote at the polling place where he or she has presented himself or herself to vote, the inspector shall require the voter to cast a provisional ballot based on the inspector's knowledge that the voter is not qualified to vote in the precinct in which he or she is seeking to vote. The inspector shall complete a challenge statement setting forth the facts which the inspector believes to support his or her contention that the voter is not qualified to vote in the precinct in which he or she is seeking to vote.

(c) Any provisional ballot issued pursuant to this rule shall be

governed by the procedures set forth in Section 17-10-2, Code of Ala. 1975, and Chapter 820-2-6, Alabama Administrative Code.

(d) The voter shall cast the provisional ballot and place it into a sealed ballot box separately identified and utilized for containing provisional ballots.

(2) For absentee ballot applicants required to reidentify because they do not appear in the new voting place for which they seek to vote but do appear within the state voter registration list in another voting place at a former address covered by a second precinct or polling place within the same Board of Registrars' jurisdiction, the absentee election manager shall provide to the voter a provisional ballot along with a voter reidentification form in accordance with Code of Ala. 1975, Sections 17-11-9 and 17-10-2.

(a) The term "Provisional" shall be marked on the second or affidavit envelope prior to transmitting the ballot to the voter.

(b) The absentee election manager shall provide as a provisional ballot the ballot style for the new voting place in which the applicant is seeking to vote. In such cases the absentee election manager shall obtain the applicant's ballot style for the new voting place from either the Board of Registrars or the Judge of Probate.

(c) Any provisional ballot issued pursuant to this rule shall be governed by the procedures set forth in Section 17-10-2, Code of Ala. 1975, and Chapter 820-2-6, Alabama Administrative Code. **Authors:** Edward Packard, Jean Brown, William Sutton **Statutory Authority:** Code of Ala. 1975, §§7-4-63 (2007); 17-6-5 (2007); 17-9-10 (2007); 17-10-3 (2007). **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001. **Repealed:** Filed July 1, 2014; effective August 5, 2014. **New Rule:** Filed September 5, 2014; effective October 10, 2014.

Ed. Note: Formerly Rule 820-X-8-.13, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.14 <u>Filing Changes Of Address With Agencies By Phone</u>.

If a voter registration agency designated under Section 17-4-250, paragraphs (b), (d), or (f), Code of Ala. 1975, accepts change of address information by telephone, said voter registration agency shall mail the client filing the change of address a mail voter registration form. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-8-.14, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.15 Voter Registration Statistics.

(1) Beginning February 1995, the Board of Registrars shall submit to the Secretary of State on a monthly basis the following information:

(a) The total number of new valid voter registration forms accepted for the respective month, excluding all applications that are duplicates, rejected, or that report only a change of name or address.

(b) The total number of voter registration forms received from the following sources: 1) all driver's license offices, 2) mail, 3) all public assistance agencies, 4) Rehabilitation Services offices, 5) all armed forces recruitment offices, 6) state-designated voter registration agencies (public libraries and probate offices), and 7) all other means (in person at the office of the Board of Registrars, by deputy registrars, by voter registration drives delivering the forms directly to the Board of Registrars).

(c) The total number of duplicate registration applications that were received from each of the following sources: 1) all driver's license offices, 2) mail, 3) all public assistance agencies, 4) Rehabilitation Services offices, 5) all armed forces recruitment offices, 6) state-designated voter registration agencies (public libraries and probate offices), and 7) all other means (in person at the office of the Board of Registrars, by deputy registrars, by voter registration drives delivering the forms directly to the Board of Registrars).

(2) Beginning in 1996, in December of each even-numbered year, the Board of Registrars shall submit to the Secretary of State the following information:

(a) The total number of registered voters, whether designated "active" or "inactive", in the last Federal general election.

(b) The total number of registrants that were designated "inactive" at the close of the last Federal general election.

(c) The total number of registrations that were deleted from the registration list between the last two (2) Federal general elections.

(d) The total number of address confirmation notices mailed out between the past two Federal general elections and the total number of responses received to these notices during that same period.

(3) The Secretary of State shall prescribe and provide forms for use by the Board of Registrars to file with the Secretary of State the information required in 820-2-2-.15(1) and 820-2-2-.15(2). **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-8-.15, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-2-.16 Cooperation With Federal Voting Assistance Program. The Secretary of State shall work in cooperation with the Federal Voting Assistance Program to provide voter registration in armed forces recruitment offices pursuant to Section 17-4-250, paragraph (e), Code of Ala. 1975, and the National Voter Registration Act of 1993 [42 U.S. Code 1973gg-5(c)]. **Authors:** Edward Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-4-255. **History**: **New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-8-.16, as per certification filed January 10, 2001; effective February 14, 2001.

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 _oard 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 Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History: New Rule:** Filed September 31, 2013; effective March 7, 2013.

820-2-2-.18 Electronic Voter Registration.
(1) Pursuant to the Uniform Electronic Transactions Act, codified at Code of Ala. 1975, Sections 8-1A-1 et seq., the Secretary of State and voter registration agencies may develop and implement electronic voter registration. All electronic voter registration forms developed and implemented under this paragraph are subject to review by, and the approval of, the Secretary of State.
(2) As required by Rule 820-2-2-.05, the Secretary of State shall prescribe all voter registration forms to be used in voter registration activities provided for in Code of Ala. 1975, Section 17-4-60, paragraphs (b), (c), (d), and (f).
(3) The county boards of registrars shall accept and process electronic voter registration forms through the electronic system developed pursuant to paragraph (2), supra.
(4) The data collected through the electronic voter registration process shall be subject to all of the same protections as paper-based voter registration applications as provided for in Code of Ala. 1975, Section 17-3-52 and any applicable regulations.
(5) If the electronic voter registration form originates from an electronic voter registration process developed by a voter registration agency, said agency shall maintain the electronic signature of the voter registration applicant. Said signature shall be made available for law enforcement and/or forensic purposes. **Authors:** Edward Packard; Jean Brown; R. Joel Laird, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-4-63, 8-1A-1 et seq., Attorney General's Opinion No. 2009-084. **History: New Rule:** Filed March 4, 2016; effective April 18, 2016.
Ed. Note: New Rule 820-2-2-.18 was adopted and original rules .18 through .30 was renumbered as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.19 Affidavit And Application For Certification Of Free Alabama Birth Record For Voter Registration Use.
The board of registrars shall provide the following form ("Form HS-89") for use by an Alabama citizen who wishes to register to vote but does not

have a certified copy of his or her birth certificate and does not possess any of the documents listed on said form. If the applicant qualifies for a birth certificate under Code of Alabama, section 31-13-28 (2011), said birth certificate shall be provided electronically to the county board of registrars at no cost to the applicant.

Upon the applicant's completion of this form, the board of registrars shall expeditiously forward the form (by fax, mail, or email) to the Alabama Center for Health Statistics ("CHS") whereupon the CHS will search for the birth record. If located, the CHS will expeditiously provide the requested information to the county board of registrars via the method used to transmit the form to the CHS. If the record is not located, the CHS will provide information stating that the record was not found.

AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA BIRTH RECORD

FOR ALABAMA VOTER REGISTRATION USE

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am over the age of 16 and I plan to register to vote in the State of Alabama and that I do NOT possess any of the following documents that constitute evidence of U.S. citizenship:

1. Driver's license or nondriver's ID card issued by division or 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 in the U.S. (i.e., U.S. citizenship) as a condition of issuance of the driver's license or nondriver's ID card. **Alabama driver's license or nondriver's ID must be a "Star" license or ID.**
2. Birth certificate indicating birth in the U.S. or one of its territories.
3. Pertinent pages of a valid or expired U.S. passport, or original passport.
4. U.S. naturalization documents or the number of the certificate of naturalization
5. Other documents issued by the Federal Government proving U.S. citizenship, pursuant to the immigration and Nationality Act of 1952.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad of U.S. citizen.
8. Certificate of citizenship issued by the U.S. Citizenship and Immigration Services.
9. Certification of report of birth issued by the U.S. State Department.
10. American Indian card, with KIC classification, issued by the U.S. Department of Homeland Security.
11. Final adoption decree showing name and U.S. birthplace
12. Official U.S. military record of service showing place of birth in the U.S.
13. Extract from a U.S. hospital record of birth created at the time of birth indicating place of birth in the U.S.
14. Copy of declaratory judgment by a U.S. court confirming citizenship under 8 U.S.C. §1373.

_____

Printed Name of Applicant

_____ Notary Seal or Stamp

Signature of Applicant

_____

Signature of Notary
Sworn to and subscribed before me on

_____

Date

Information to Locate Birth Record: PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST

Full Name as Listed on Birth Record: _____
First Middle Last

Date of Birth: _____ County of Birth: _____

Mother's Full MAIDEN Name: _____
First Middle Last

Father's Full Name: _____
First Middle Last

Voter Registration Office Information:

County of Voter Registration Office: _____

Mailing Address: _____

City: _____ State: Alabama Zip: _____ E-mail Address: _____

_____ _____

Signature of Voter Registration Official Date of Request

Phone number with area code: (_____) _____ - _____ Fax number with area code: (_____) _____ - _____

ADPH –HS-89.1.20.2012

Authors: Jean Brown; Edward Packard; Julie Sinclair **Statutory Authority:** Code of Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History:** **New Rule:** Filed September 31, 2013; effective March 7, 2013.
Ed. Note: Original Rule .18 was renumbered .19 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.20 Citizenship Document Inconsistency Affidavit Form. The following form ("Form C-2") shall be used in instances where evidence of U.S. citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as evidence of U.S. citizenship and the name or sex provided on the voter registration application.

CITIZENSHIP DOCUMENT INCONSISTENCY AFFIDAVIT

(Form C-2)

THIS AFFIDAVIT IS TO BE USED IN INSTANCES WHERE EVIDENCE OF U.S. CITIZENSHIP IS DEEMED TO BE UNSATISFACTORY DUE TO AN INCONSISTENCY BETWEEN THE DOCUMENT SUBMITTED AS EVIDENCE OF U.S. CITIZENSHIP AND THE NAME OR SEX PROVIDED ON THE VOTER REGISTRATION APPLICATION.

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 APPLICATION FOR REGISTRATION. IF SUCH AN AFFIDAVIT IS SUBMITTED BY THE APPLICANT, THE REGISTRARS SHALL ASSESS THE ELIGIBILITY OF THE APPLICANT WITHOUT REGARD TO ANY INCONSISTENCY REGARDING DATE OF BIRTH STATED IN THE AFFIDAVIT.

STATE OF ALABAMA

_____COUNTY

Before me, a notary public, personally appeared _____(print name) who, being duly sworn, says as follows:

There is an inconsistency between the document I have submitted as evidence of U.S. citizenship and the (check one) ____name or ____sex provided on my voter registration application. The inconsistency is as follows:

(Attach additional sheets if necessary)

I swear and affirm under oath and under penalty of perjury that despite the inconsistency, I am the individual reflected in the document I have provided as evidence of U.S. citizenship.

_____

(Signature of Voter Registration Applicant)

Sworn to and subscribed before me this _____ day of _____, 2_____

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

_____
(Signature of Notary Public)

_____
(Printed name of Notary Public)

Authors: Jean Brown; Edward Packard; Julie Sinclair **Statutory Authority:** Code of Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History: New Rule:** Filed September 31, 2013; effective March 7, 2013.
Ed. Note: Rule .19 was renumbered .20 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.21 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 Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History: New Rule:** Filed September 31, 2013; effective March 7, 2013. **Ed. Note:** Rule .20 was renumbered .21 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.22 Procedure For County Boards Of Registrars For Hearing To Determine Applicant's Citizenship For Voting Purposes.

(1) If an applicant is a U.S. citizen but does not have any of the documentation listed in Code of Alabama, section 31-13-28 (k), the applicant may submit any evidence that the applicant believes demonstrates his or her U.S. citizenship. Among the documents that may be submitted when the applicant does not have any of the documents listed in Code of Alabama, section 31-13-28(k), are:

(a) Religious record, such as family Bible, certificate of baptism or confirmation, or other similar record showing either the date of birth or the person's age when the record was made;

(b) Marriage certificate showing a U.S. place of birth;

(c) Life, health, or other insurance record showing a U.S. place of birth;

(d) Early school record showing a U.S. place of birth;

(e) Newspaper birth announcement showing a U.S. place of birth;

(f) Affidavits signed under penalty of perjury by three (3) people;

(g) Military dependent's identification card showing U.S. citizenship;

(h) If none of the aforementioned evidence of U.S. citizenship is available, three or more corroborating documents may be accepted if said documents establish U.S. citizenship by a preponderance of the evidence.

(2) Any applicant seeking an assessment of evidence under this section may directly contact the county board of registrars by submitting a state voter registration application or the national voter registration application and any supporting evidence of U.S. citizenship. The county board of registrars shall give the applicant an opportunity for a hearing, upon the applicant's request in writing, and an opportunity to present any additional evidence to the county board of registrars. Notice of such hearing shall be given to the applicant at least five days prior to the hearing date. An applicant shall have the opportunity to be represented by counsel at such hearing. The county board of registrars shall assess the evidence provided by the applicant to determine whether the applicant has provided satisfactory evidence of U.S. citizenship. If the county board of registrars finds proof of U.S. citizenship by a preponderance of the evidence for an applicant whose voter registration application was received before the close of registration for the next scheduled election, said applicant shall be able to vote in that election.

(4) Standard of Proof and Majority Vote. The standard of proof for establishing U.S. citizenship before the county board of registrars shall be proof by a preponderance of the evidence. A decision of the county board of registrars shall be determined by majority vote.

(5) If the county board of registrars finds that the evidence presented

by an applicant does not constitute satisfactory evidence of U.S. citizenship, the applicant shall have the right to appeal such determination by instituting an action under 8 U.S.C. §1503. Any negative assessment of an applicant's eligibility by a county board of registrars shall be reversed if the applicant obtains a declaratory judgment pursuant to 8 U.S. C. § 1503, demonstrating that the applicant is a citizen of the United States. **Authors:** Jean Brown; Edward Packard; Julie Sinclair **Statutory Authority:** Code of Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History: New Rule:** Filed September 31, 2013; effective March 7, 2013.
Ed. Note: Rule .21 was renumbered .22 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.23 Application Form To The Board Of Registrars For Hearing To Determine Applicant's Citizenship For Voting Purposes. The Following Application Form ("Form C-4") To The county board of registrars shall be completed and submitted by applicants who desire to have a hearing or to submit additional evidence after a board of registrars determines that an applicant has not submitted satisfactory documentary proof of citizenship as required under Code of Ala. 1975, Section 31-13-28 (2012).

APPLICATION TO THE COUNTY BOARD OF REGISTRARS FOR HEARING TO DETERMINE APPLICANT'S CITIZENSHIP FOR VOTING PURPOSES (Form C-4)

Complete and submit only if applicant has not submitted satisfactory documentary proof of citizenship.

I, _____, hereby request a hearing with the county Board of Registrars. In support thereof, I affirm as follows:

I am a United States citizen but do not possess or have access to any of the following documents showing United States Citizenship:

(1) A driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of any state within the United States 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 identification card. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**

(2) A birth certificate indicating birth in the U.S. or one of its territories.

(3) Pertinent pages of a valid or expired passport identifying me and my passport number, or presentation of my U.S. passport.

(4) United States naturalization documents or the number of the certificate of naturalization.

(5) Other documents or methods of proof of United States citizenship issued

by the federal government pursuant to the Immigration and Nationality Act of 1952, and amendments thereto.
(6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
(7) A consular report of birth abroad of a citizen of the United States of America.
(8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.
(9) A certification of report of birth issued by the United States Department of State.
(10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
(11) A final adoption decree showing my name and United States birthplace.
(12) An official United States military record of service showing my place of birth in the United States.
(13) An extract from a United States hospital record of birth created at the time of my birth indicating my place of birth in the United States.
(14) Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.

I believe that I am a United States citizen based upon the following information:
(Provide the details as to why or how you became a citizen of the United States.)

I submit herewith the following documentation that proves that I am a United States citizen:
(Attach copies of any documentation that you believe demonstrates citizenship, such as newspaper birth announcements, family Bible entries, certificate of foreign birth if it reflects U.S. citizenship, affidavits signed by three U.S. citizens who know you are a U.S. citizen and have known you for 10 years or more, etc.)
NOTICE OF RIGHT TO HEARING BEFORE THE COUNTY BOARD OF REGISTRARS

I understand that I am entitled to a hearing before the Board of Registrars and an opportunity to testify and to present witnesses and additional evidence of citizenship if the Board does not determine that I have provided satisfactory evidence of citizenship based upon the information that I have supplied above. I understand that I have the right to have counsel, provided at my own expense, present at said hearing. I understand that notice of the hearing will be mailed to the address that I have provided at least five days prior to the hearing date.

_____Signature of applicant

Mail completed form and attached documents to your local Board of Registrars.

Authors: Jean Brown; Edward Packard; Julie Sinclair **Statutory Authority:** Code of Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History:** **New Rule:** Filed September 31, 2013; effective March 7, 2013.

Ed. Note: Rule .22 was renumbered .23 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.24 Agency-Based Voter Registration Form.

(a) Pursuant to 52 U.S.C. 20504, the following form shall be used in all offices in the State that issue driver's licenses and nondriver's identification cards and all state-designated voter registration agencies designated in Rule 820-2-2-.03.

State of Alabama Voter Registration Application

Instructions Regarding Proof of Citizenship for the Purpose of Registering to Vote

You must provide satisfactory evidence of U.S. citizenship when registering to vote in the State of Alabama.

You do not need proof of citizenship if you are registered to vote and you are using this form to update your registration record.

1) 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:

   - 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) 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.**
   - Birth certificate indicating birth in the U.S. or one of its territories.
   - Pertinent pages of a valid or expired U.S. passport identifying applicant and applicant's passport number, or presentation of U.S. passport to Board of Registrars.
   - 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).
   - 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.
   - Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
   - Consular report of birth abroad of U.S. citizen.
   - Certificate of citizenship issued by U.S. Citizenship and Immigration Services.
   - Birth certificate issued by U.S. State Department.
   - American Indian card with KIC classification issued by U.S. Dept. of Homeland Security.
   - Final adoption decree showing applicant's name and U.S. birthplace.
   - Official U.S. military record of service showing applicant's place of birth in the U.S.
   - Extract from U.S. hospital birth record created at time of birth showing applicant's U.S. place of birth.
   - Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.

2) If you were born in Alabama and do not have one of the documents listed in section 1, the Alabama Department of Public Health will send a birth certificate to your county Board of Registrars at no cost to you. Please fill out the attached Form HS-89, "Affidavit and Application for a Certification of an Alabama Birth Record for Alabama Voter Registration Use," and submit it to your county Board of Registrars.

3) If you believe you have proof of U.S. citizenship that is not listed in section 1, you may apply to your county Board of Registrars for a hearing to determine your U.S. citizenship for voting purposes. Please fill out the attached Form C-4 and submit it to your county Board of Registrars.

State of Alabama Agency-Based Voter Registration Form

NVRA-1B
[FORM REVISION DATE]

FOR USE BY U.S. CITIZENS ONLY ◆ FILL IN ALL BOXES ON THIS FORM ◆ PLEASE USE INK ◆ PRINT LEGIBLY

To register to vote in the State of Alabama, you must:

- ▶ Reside in Alabama and be a citizen of the United States.
- ▶ Provide satisfactory evidence of U.S. citizenship. You do not need proof of citizenship if you are registered to vote and you are using this form to update your registration record.
- ▶ Be at least 18 years of age on or before election day.
- ▶ Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ▶ Not have been declared "mentally incompetent" by a court.

FOR USE BY AGENCY OFFICIAL ONLY

Check one (1) box:

☐ Registrars
☐ Motor Voter
☐ State Designated Agency
☐ Agency-Based
☐ Disabilities Services Office

Signature of Agency Representative

Business Phone of Agency Representative

PROOF OF CITIZENSHIP REQUIRED: You must send with this application a legible photocopy or a copy in digital or other electronic format one of the documents listed on the Instruction Sheet. **IDENTIFICATION REQUIREMENT:** You will be required to present a valid form of ID when you vote absentee or at your polling place.

① Are you a citizen of the United States of America?	☐ Yes ☐ No	ATTENTION! If you answer "No" to either of these questions, do not complete this application.
② Will you be 18 years of age on or before election day?	☐ Yes ☐ No	

③ Print Your Name:

First | Middle | Last | Suffix

Alabama Driver's License or Non-Driver ID Number: ☐☐ STATE ☐☐☐☐☐☐☐☐ NUMBER

④ Print Maiden Name / Former Name (if reporting a change of name)

First | Middle | Last | Suffix

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

Last four digits of Social Security number: ☐☐☐☐

⑤ Date of Birth (mm/dd/yyyy) | **⑥ Primary Telephone** ( ) | **⑦ Email Address**

☐ I do not have an Alabama driver's license or Alabama non-driver ID or a social security number.

⑧ Addresses

Current	Address where you live: (Do not use post office box)	Home Address (include apartment or other unit number if applicable)	City	State	ZIP
Current	Address where you receive your mail:	Mailing Address, if different from Home Address	City	State	ZIP
Old	Address where you were last registered to vote: (Do not use post office box)	Former Address	City / County	State	ZIP

⑨ Sex (check one)

☐ Female ☐ Male

⑩ Race (check one)

☐ White ☐ Black
☐ Asian ☐ American Indian
☐ Hispanic ☐ Other

⑪ Place of Birth City | County | State | Country

⑫ Map / Diagram

If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑬ Did you receive assistance?

If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

REGISTRARS USE ONLY

County Pct _____

City Pct _____

CITIZENSHIP PROOF PER _____

DATE ☐ APPROVED ☐ DENIED

_____ (mm/dd/yyyy)

_____ Board member

_____ Board member

_____ Board member

Voter Declaration - Read and Sign Under Penalty of Perjury

- ▶ I am a U.S. citizen
- ▶ I live in the State of Alabama
- ▶ I will be at least 18 years of age on or before election day
- ▶ I am not barred from voting by reason of a disqualifying felony conviction
- ▶ I have not been judged "mentally incompetent" in a court of law

I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.

YOUR SIGNATURE _____ DATE (mm/dd/yyyy) _____

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.

[THIS SPACE FOR NAME OF CURRENT SECRETARY OF STATE]

Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA **BIRTH RECORD** FOR ALABAMA VOTER REGISTRAR'S USE ONLY

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am over the age of 16 years and plan to register to vote in the State of Alabama and that I do NOT possess any of the following documents that constitute evidence of United States citizenship.

1. United States naturalization documents or the number of the certificate of naturalization.
2. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
3. Driver's license or non driver's identification card issued by the State of Alabama or a government entity of another state within the United States which indicates on the driver's license or non driver's identification card that the person has provided satisfactory proof of United States citizenship.
4. Valid or expired United States passport.
5. United States naturalization documents or the number of the certificate of naturalization.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad.
8. Certificate of citizenship issued by the United States Citizenship and Immigration Services.
9. Certification of report of birth issued by the United States Department of State.
10. American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
11. Other documents issued by the federal government proving United States Citizenship, pursuant to the Immigration and Nationality Act of 1952.
12. Final adoption decree showing name and United States birthplace.
13. Official United States military record of service showing place of birth in the United States.
14. Extract from a United States hospital record of birth created at the time of birth indicating place of birth in the United States.
15. Birth certificate that verifies United States citizenship.

Printed Name of Applicant

NOTARY AFFIX SEAL OR STAMP HERE

Signature of Applicant

Signature of Notary

Date

Sworn to and subscribed before me on

Information to Locate Birth Record: PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST.

Full Name as Listed on Birth Record: First _____ Middle _____ Last _____

Date of Birth: _____ County of Birth: _____

Mother's Full MAIDEN Name: First _____ Middle _____ Last _____

Father's Full Name: First _____ Middle _____ Last _____

Voter Registration Office Information:

County of Voter Registration Office: _____ Email Address: _____

Mailing Address: _____

City: _____ State: Alabama Zip: _____

Signature of Voter Registration Official

Date of Request

Phone Number: ( ) _____ Fax Number: ( ) _____

ADPH.HS.89.11.18.2013.KB

APPLICATION TO THE COUNTY BOARD OF REGISTRARS FOR HEARING TO DETERMINE APPLICANT'S CITIZENSHIP FOR VOTING PURPOSES (Form C-4)

Complete and submit only if applicant has not submitted satisfactory documentary proof of citizenship.

I, _____, hereby request a hearing with the county Board of Registrars. In support thereof, I affirm as follows:

I am a United States citizen but do not possess or have access to any of the following documents showing United States Citizenship:

(1) A driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of any state within the United States 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 identification card. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**

(2) A birth certificate indicating birth in the U.S. or one of its territories.

(3) Pertinent pages of a valid or expired passport identifying me and my passport number, or presentation of my U.S. passport.

(4) United States naturalization documents or the number of the certificate of naturalization.

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

(6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

(7) A consular report of birth abroad of a citizen of the United States of America.

(8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.

(9) A certification of report of birth issued by the United States Department of State.

(10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.

(11) A final adoption decree showing my name and United States birthplace.

(12) An official United States military record of service showing my place of birth in the United States.

(13) An extract from a United States hospital record of birth created at the time of my birth indicating my place of birth in the United States.

(14) Federal confirmation of U.S. citizenship under 8 U.S.C. § 1373.

I believe that I am a United States citizen based upon the following information:

(Provide the details as to why or how you became a citizen of the United States.)

I submit herewith the following documentation that proves that I am a United States citizen:

(Attach copies of any documentation that you believe demonstrates citizenship, such as newspaper birth announcements, family Bible entries, certificate of foreign birth if it reflects U.S. citizenship, affidavits signed by three U.S. citizens who know you are a U.S. citizen and have known you for 10 years or more, etc.)

NOTICE OF RIGHT TO HEARING BEFORE THE COUNTY BOARD OF REGISTRARS

I understand that I am entitled to a hearing before the Board of Registrars and an opportunity to testify and to present witnesses and additional evidence of citizenship if the Board does not determine that I have provided satisfactory evidence of citizenship based upon the information that I have supplied above. I understand that I have the right to have counsel, provided at my own expense, present at said hearing. I understand that notice of the hearing will be mailed to the address that I have provided at least five days prior to the hearing date.

_____
Signature of applicant

Mail completed form and attached documents to your local Board of Registrars.

(b) Pursuant to 52.U.S.C. 20506, the following form shall be used in all offices in the State that provide public assistance and all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

STATE OF ALABAMA
AGENCY-BASED VOTER REGISTRATION APPLICATION
NVRA-1A

IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY?

☐ I want to apply to register to vote today.

☐ I want to change my address for voting purposes by use of this form.

☐ I do not want to apply to register to vote today.

IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.

Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application in private.

Name_____ Date_____ Signaure _____

Please detaoh lower portion and give to applicant

IF YOU DECIDE TO APPLY TO REGISTER TO VOTE, THE OFFICE WHERE YOU ARE SUBMITTING YOUR APPLICATION WILL REMAIN CONFIDENTIAL AND WILL BE USED FOR VOTER REGISTRATION PURPOSES ONLY.

IF YOU DECLINE TO REGISTER TO VOTE, YOUR DECISION WILL REMAIN CONFIDENTIAL AND WILL BE USED FOR VOTER REGISTRATION PURPOSES ONLY.

IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE OR YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT STATE CAPITOL, 600 DEXTER AVENUE, SUITE E-208, MONTGOMERY, ALABAMA, 36130 OR BY CALLING 334-242-7210 OR 1-800-274-VOTE (1-800-274-8683).

State of Alabama Agency-Based Voter Registration Form

NVRA-1B
[FORM REVISION DATE]

FOR USE BY U.S. CITIZENS ONLY ♦ FILL IN ALL BOXES ON THIS FORM ♦ PLEASE USE INK ♦ PRINT LEGIBLY

To register to vote in the State of Alabama, you must:

- Reside in Alabama and be a citizen of the United States.
- Provide satisfactory evidence of U.S. citizenship. You do not need proof of citizenship if you are registered to vote and you are using this form to update your registration record.
- Be at least 18 years of age on or before election day.
- Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- Not have been declared "mentally incompetent" by a court.

FOR USE BY AGENCY OFFICIAL ONLY

Check one (1) box:

☐ Registrars
☐ Motor Voter
☐ State Designated Agency
☐ Agency-Based
☐ Disabilities Services Office

Signature of Agency Representative

Business Phone of Agency Representative

PROOF OF CITIZENSHIP REQUIRED: You must send with this application a legible photocopy or a copy in digital or other electronic format one of the documents listed on the Instruction Sheet. **IDENTIFICATION REQUIREMENT:** You will be required to present a valid form of ID when you vote absentee or at your polling place.

① Are you a citizen of the United States of America? ☐ Yes ☐ No ⬅ **ATTENTION! If you answer "No" to either of these questions, do not complete this application.**

② Will you be 18 years of age on or before election day? ☐ Yes ☐ No ⬅

③ Print Your Name: (First / Middle / Last / Suffix)

Alabama Driver's License or Non-Driver ID Number: (STATE / NUMBER)

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

④ Print Maiden Name / Former Name (if reporting a change of name) (First / Middle / Last / Suffix)

Last four digits of Social Security number:

☐ I do not have an Alabama driver's license or Alabama non-driver ID or a social security number.

⑤ Date of Birth (mm/dd/yyyy) | ⑥ Primary Telephone ( ) | ⑦ Email Address

⑧ Addresses

Current

Address where you live: (Do not use post office box) — Home Address (include apartment or other unit number if applicable) / City / State / ZIP

Address where you receive your mail: — Mailing Address, if different from Home Address / City / State / ZIP

Old

Address where you were last registered to vote: (Do not use post office box) — Former Address / City / County / State / ZIP

⑨ Sex (check one)

☐ Female ☐ Male

⑩ Race (check one)

☐ White ☐ Black
☐ Asian ☐ American Indian
☐ Hispanic ☐ Other

⑪ Place of Birth — City / County / State / Country

⑫ Map / Diagram

If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑬ Did you receive assistance?

If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

REGISTRARS USE ONLY

County Pct _____

City Pct _____

CITIZENSHIP PROOF PER_____

DATE ☐ APPROVED ☐ DENIED

_____ (mm/dd/yyyy)

_____ Board member

_____ Board member

_____ Board member

Voter Declaration - Read and Sign Under Penalty of Perjury

- I am a U.S. citizen
- I live in the State of Alabama
- I will be at least 18 years of age on or before election day
- I am not barred from voting by reason of a disqualifying felony conviction
- I have not been judged "mentally incompetent" in a court of law

I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.

YOUR SIGNATURE _____ DATE (mm/dd/yyyy) _____

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.

[THIS SPACE FOR NAME OF CURRENT SECRETARY OF STATE]

Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA **BIRTH RECORD** FOR ALABAMA VOTER REGISTRAR'S USE ONLY

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am over the age of 16 years and plan to register to vote in the State of Alabama and that I do NOT possess any of the following documents that constitute evidence of United States citizenship.

1. United States naturalization documents or the number of the certificate of naturalization.
2. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
3. Driver's license or non driver's identification card issued by the State of Alabama or a government entity of another state within the United States which indicates on the driver's license or non driver's identification card that the person has provided satisfactory proof of United States citizenship.
4. Valid or expired United States passport.
5. United States naturalization documents or the number of the certificate of naturalization.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad.
8. Certificate of citizenship issued by the United States Citizenship and Immigration Services.
9. Certification of report of birth issued by the United States Department of State.
10. American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
11. Other documents issued by the federal government proving United States Citizenship, pursuant to the Immigration and Nationality Act of 1952.
12. Final adoption decree showing name and United States birthplace.
13. Official United States military record of service showing place of birth in the United States.
14. Extract from a United States hospital record of birth created at the time of birth indicating place of birth in the United States.
15. Birth certificate that verifies United States citizenship.

Printed Name of Applicant

NOTARY AFFIX SEAL OR STAMP HERE

Signature of Applicant

Signature of Notary

Date

Sworn to and subscribed before me on

Information to Locate Birth Record: PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST.

Full Name as Listed on Birth Record: First _____ Middle _____ Last _____

Date of Birth: _____ County of Birth: _____

Mother's Full MAIDEN Name: First _____ Middle _____ Last _____

Father's Full Name: First _____ Middle _____ Last _____

Voter Registration Office Information:

County of Voter Registration Office: _____ Email Address: _____

Mailing Address: _____

City: _____ State: Alabama Zip: _____

Signature of Voter Registration Official

Date of Request

Phone Number: ( ) _____ Fax Number: ( ) _____

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APPLICATION TO THE COUNTY BOARD OF REGISTRARS FOR HEARING TO DETERMINE APPLICANT'S CITIZENSHIP FOR VOTING PURPOSES (Form C-4)

Complete and submit only if applicant has not submitted satisfactory documentary proof of citizenship.

I, _____, hereby request a hearing with the county Board of Registrars. In support thereof, I affirm as follows:

I am a United States citizen but do not possess or have access to any of the following documents showing United States Citizenship:

(1) A driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of any state within the United States 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 identification card. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**

(2) A birth certificate indicating birth in the U.S. or one of its territories.

(3) Pertinent pages of a valid or expired passport identifying me and my passport number, or presentation of my U.S. passport.

(4) United States naturalization documents or the number of the certificate of naturalization.

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

(6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

(7) A consular report of birth abroad of a citizen of the United States of America.

(8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.

(9) A certification of report of birth issued by the United States Department of State.

(10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.

(11) A final adoption decree showing my name and United States birthplace.

(12) An official United States military record of service showing my place of birth in the United States.

(13) An extract from a United States hospital record of birth created at the time of my birth indicating my place of birth in the United States.

(14) Federal confirmation of U.S. citizenship under 8 U.S.C. § 1373.

I believe that I am a United States citizen based upon the following information:

(Provide the details as to why or how you became a citizen of the United States.)

I submit herewith the following documentation that proves that I am a United States citizen:

(Attach copies of any documentation that you believe demonstrates citizenship, such as newspaper birth announcements, family Bible entries, certificate of foreign birth if it reflects U.S. citizenship, affidavits signed by three U.S. citizens who know you are a U.S. citizen and have known you for 10 years or more, etc.)

NOTICE OF RIGHT TO HEARING BEFORE THE COUNTY BOARD OF REGISTRARS

I understand that I am entitled to a hearing before the Board of Registrars and an opportunity to testify and to present witnesses and additional evidence of citizenship if the Board does not determine that I have provided satisfactory evidence of citizenship based upon the information that I have supplied above. I understand that I have the right to have counsel, provided at my own expense, present at said hearing. I understand that notice of the hearing will be mailed to the address that I have provided at least five days prior to the hearing date.

_____
Signature of applicant

Mail completed form and attached documents to your local Board of Registrars.

Authors: Jean Brown; Edward Packard; William Sutton **Statutory Authority:** Code of Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History: New Rule:** Filed September 31, 2013; effective March 7, 2013. **Repealed and New Rule:** Filed April 13, 2015; effective May 18, 2015. **Amended:** Filed May 13, 2019; effective June 27, 2019. **Ed. Note:** Rule .23 was renumbered .24 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.25 Mail-In Voter Registration Form.

State of Alabama Voter Registration Application

Instructions Regarding Proof of Citizenship for the Purpose of Registering to Vote

You must provide satisfactory evidence of U.S. citizenship when registering to vote in the State of Alabama.

You do not need proof of citizenship if you are registered to vote and you are using this form to update your registration record.

1) 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:

- 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) 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.**
- Birth certificate indicating birth in the U.S. or one of its territories.
- Pertinent pages of a valid or expired U.S. passport identifying applicant and applicant's passport number, or presentation of U.S. passport to Board of Registrars.
- 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).
- 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.
- Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
- Consular report of birth abroad of U.S. citizen.
- Certificate of citizenship issued by U.S. Citizenship and Immigration Services.
- Birth certificate issued by U.S. State Department.
- American Indian card with KIC classification issued by U.S. Dept. of Homeland Security.
- Final adoption decree showing applicant's name and U.S. birthplace.
- Official U.S. military record of service showing applicant's place of birth in the U.S.
- Extract from U.S. hospital birth record created at time of birth showing applicant's U.S. place of birth.
- Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.

2) If you were born in Alabama and do not have one of the documents listed in section 1, the Alabama Department of Public Health will send a birth certificate to your county Board of Registrars at no cost to you. Please fill out the attached Form HS-89, "Affidavit and Application for a Certification of an Alabama Birth Record for Alabama Voter Registration Use," and submit it to your county Board of Registrars.

3) If you believe you have proof of U.S. citizenship that is not listed in section 1, you may apply to your county Board of Registrars for a hearing to determine your U.S. citizenship for voting purposes. Please fill out the attached Form C-4 and submit it to your county Board of Registrars.

State of Alabama Voter Registration Form

NVRA-2
2023.2.1

FOR USE BY U.S. CITIZENS ONLY ◆ FILL IN ALL BOXES ON THIS FORM ◆ PLEASE USE INK ◆ PRINT LEGIBLY

You can use this form to:

- ► Register to vote in Alabama.
- ► Update your voter registration record, if you have changed your name or address.

Deadline for submitting application:

Voter registration and updating of voter records is closed during the 14 days prior to each election in Alabama.

To register to vote in the State of Alabama, you must:

- ► Be a citizen of the United States.
- ► Live in Alabama.
- ► Be at least 18 years of age on or before election day.
- ► Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- ► Not have been declared "mentally incompetent" by a court.

ID requested: You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.alabamavotes.gov or call the Elections Division: 800-274-8683.

① Are you a citizen of the United States of America? ☐ Yes ☐ No

② Will you be 18 years of age on or before election day? ☐ Yes ☐ No

ATTENTION! If you answer "No" to either of these questions, do not complete this application.

③ Print Your Name: (First / Middle / Last / Suffix)

④ Print Maiden Name / Former Name (if reporting a change of name) (First / Middle / Last / Suffix)

⑤ Date of Birth (mm/dd/yyyy) | ⑥ Primary Telephone ( ) | ⑦ Email Address

Alabama Driver's License or Non-Driver ID Number: STATE / NUMBER

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

Last four digits of Social Security number: ☐☐☐☐

☐ **I do not have an Alabama driver's license or Alabama non-driver ID or a Social Security number.**

⑧ Addresses

Current	Address where you live: (Do not use post office box)	Home Address (include apartment or other unit number if applicable)	City	State	ZIP
Current	Address where you receive your mail:	Mailing Address, if different from Home Address	City	State	ZIP
Old	Address where you were last registered to vote: (Do not use post office box)	Former Address	City / County	State	ZIP

⑨ Sex (check one)

☐ Female ☐ Male

⑩ Race (check one)

☐ White ☐ Black
☐ Asian ☐ American Indian
☐ Hispanic ☐ Other

⑪ Place of Birth: City / County / State / Country

⑫ Map / Diagram

If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑬ Did you receive assistance?

If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

REGISTRARS USE ONLY

DATE ☐ APPROVED ☐ DENIED

_____ (mm/dd/yyyy)

County Pct _____

City Pct _____

_____ Board member

_____ Board member

_____ Board member

Voter Declaration - Read and Sign Under Penalty of Perjury

- ► **I am a U.S. citizen**
- ► **I live in the State of Alabama**
- ► **I will be at least 18 years of age on or before election day**
- ► **I am not barred from voting by reason of a disqualifying felony conviction**
- ► **I have not been judged "mentally incompetent" in a court of law**

I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.

☐ **OPTIONAL:** Because of a sincerely held belief, I decline to include the final four words of the oath above.

YOUR SIGNATURE _____ **DATE** (mm/dd/yyyy) _____

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.

Wes Allen - Secretary of State

Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

To mail, put the address of your county Board of Registrars on the lines below.

AUTAUGA COUNTY
PO Box 680036
Prattville 36068-0036
(334) 358-6740

BALDWIN COUNTY
PO Box 1507
Bay Minette 36507-1507
(251) 937-0305

BARBOUR COUNTY
405 E Barbour St Rm A-165
Eufaula 36027
(334) 687-1585

BIBB COUNTY
8 Court Square W
Centreville 35042
(205) 926-3102

BLOUNT COUNTY
220 Second Ave E Rm B-5
Oneonta 35121
(205) 625-4182

BULLOCK COUNTY
217 Prairie St N Rm 101
Union Springs 36089-1659
(334) 738-5372

BUTLER COUNTY
201 South Conecuh St
Greenville, 36037
(334) 382-5685
(334) 382-6829

CALHOUN COUNTY
1702 Noble St Ste 113
Anniston 36201-3889
(256) 241-2930

CHAMBERS COUNTY
18 Alabama Ave E Rm 101
LaFayette 36862
(334) 864-4313

CHEROKEE COUNTY
260 Cedar Bluff Rd Ste 106
Centre 35960-1403
(256) 927-5336

CHILTON COUNTY
PO Box 640
Clanton 35046-0640
(205) 755-3820

CHOCTAW COUNTY
117 S Mulberry Ave Ste 1
Butler 36904-0132
(205) 459-2531

CLARKE COUNTY
PO Box 10
Grove Hill 36451-0010
(251) 275-3062

CLAY COUNTY
PO Box 446
Ashland 36251-0446
(256) 354-7815

CLEBURNE COUNTY
120 Vickery St Rm 103
Heflin 36264-1166
(256) 463-5299

COFFEE COUNTY
1065 East McKinnon St
#6 County Complex
New Brockton 36351-9791
(334) 894-5547

COLBERT COUNTY
201 N Main St
Tuscumbia 35674-2095
(256) 386-8535

CONECUH COUNTY
111 Court St Rm 102
Evergreen 36401
(251) 578-7024

COOSA COUNTY
PO Box 218
Rockford 35136-0218
(256) 377-2418

COVINGTON COUNTY
228 Hillcrest Dr
Andalusia 36420-2570
(334) 428-2685

CRENSHAW COUNTY
PO Box 328
Luverne 36049-0328
(334) 335-6568 x251
(334) 335-6568 x252
(334) 335-6568 x253

CULLMAN COUNTY
500 2nd Ave SW Rm 112
Cullman 35055-4135
(256) 775-4750
(256) 775-4697

DALE COUNTY
PO Box 1101
Ozark 36361-1101
(334) 774-9038

DALLAS COUNTY
PO Box 987
Selma 36702-0987
(334) 874-2534

DEKALB COUNTY
111 Grand Ave SW Ste 105
Fort Payne 35967
(256) 845-8598

ELMORE COUNTY
100 E Commerce St Rm 100
Wetumpka 36092-2746
(334) 567-1150

ESCAMBIA COUNTY
PO Box 557
Brewton 36427-0557
(251) 867-0243
(251) 867-0312

ETOWAH COUNTY
800 Forrest Ave Ste 206
Gadsden 35901-3651
(256) 549-5384

FAYETTE COUNTY
103 First Ave NW Ste 4
Fayette 35555
(205) 932-5432

FRANKLIN COUNTY
PO Box 70
Russellville 35653-0070
(256) 332-8849

GENEVA COUNTY
PO Box 430
Geneva 36340-0480
(334) 684-5655

GREENE COUNTY
PO Box 224
Eutaw 35462-0224
(205) 372-9669

HALE COUNTY
905-D Centerville St
Greensboro 36744
(334) 624-5628

HENRY COUNTY
101 Court Square Ste K
Abbeville 36310
(334) 585-6080

HOUSTON COUNTY
PO Box 6406
Dothan 36302-6406
(334) 677-4776

JACKSON COUNTY
102 E Laurel St
Scottsboro 35768
(256) 574-9339
(256) 574- 9335

JEFFERSON COUNTY
716 R Arrington Jr Blvd N
Ste A-410
Birmingham 35203-0115
(205) 325-5550

LAMAR COUNTY
PO Box 338
Vernon 35592-0338
(205) 695-6348
(205) 695-9197

LAUDERDALE COUNTY
PO Box 1059
Florence 35631-1059
(256) 760-5840
(256) 760-5841

LAWRENCE COUNTY
14451 Market Street Ste 340
Moulton 35650
(256) 974-2460

LEE COUNTY
PO Box 1530
Opelika 36803-1530
(334) 737-3635

LIMESTONE COUNTY
100 Clinton St S Ste E
Athens 35611-2665
(256) 233-6405

LOWNDES COUNTY
PO Box 311
Hayneville 36040-0311
(334) 548-2389
(334) 548-2080

MACON COUNTY
101 E Rosa Parks Ave Ste 100
Tuskegee 36083-1735
(334) 724-2617

MADISON COUNTY
1918 North Memorial Pkwy
Huntsville 35801
(256) 532-3510

MARENGO COUNTY
PO Box 480715
Linden 36748-0715
(334) 295-2249
(334) 295-2086

MARION COUNTY
PO Box 964
Hamilton 35570-0964
(205) 921-3625

MARSHALL COUNTY
424 Blount Ave Ste 106A
Guntersville 35976-1122
(256) 571-7740

MOBILE COUNTY
151 Government St Ste 165
Mobile 36602
(251) 574-8586
(251) 574-8587

MONROE COUNTY
PO Box 972
Monroeville 36461-0972
(251) 575-8141

MONTGOMERY COUNTY
PO Box 1667
Montgomery 36102-1667
(334) 832-1215

MORGAN COUNTY
PO Box 668
Decatur 35602-0668
(256) 351-4660
(256) 351-4663

PERRY COUNTY
PO Box 555
Marion 36756-0555
(334) 683-2218 x5

PICKENS COUNTY
PO Box 173
Carrollton 35447-0173
(205) 367-2071

PIKE COUNTY
120 W Church St Rm B2
Troy 36081-1913
(334) 566-1757
(334) 566-6449

RANDOLPH COUNTY
PO Box 215
Wedowee 36278-0215
(256) 357-2138

RUSSELL COUNTY
PO Box 700
Phenix City 36868-0700
(334) 298-1443
(334) 448-1508

SHELBY COUNTY
PO Box 1542
Columbiana 35051-1642
(205) 669-3913

ST. CLAIR COUNTY
1815 Cogswell Ave Ste B-25
Pell City 35125
(205) 338-3954

SUMTER COUNTY
PO Box 783
Livingston 35470-0783
(205) 652-7902

TALLADEGA COUNTY
PO Box 6170
Talladega 35161-6170
(256) 761-2131
(256) 761-2132

TALLADEGA COUNTY
400 N Norton Avenue
Sylacauga 35150-2010
(256) 249-1007

TALLAPOOSA COUNTY
125 N Broadnax St Rm 20
Dadeville 36853-1371
(256) 825-1081

TUSCALOOSA COUNTY
2501 7th St Ste 200
Tuscaloosa 35401-1801
(205) 464-8415

WALKER COUNTY
PO Box 1472
Jasper 35502-1472
(205) 384-7279

WASHINGTON COUNTY
PO Box 1224
Chatom 36518-1224
(251) 847-3255

WILCOX COUNTY
PO Box 661
Camden 36726-0661
(334) 682-9753

WINSTON COUNTY
PO Box 459
Double Springs 35553-0459
(205) 489-3966

SECRETARY OF STATE ELECTIONS DIVISION
PO Box 5616
Montgomery 36103
(334) 242-7210
(800) 274-8683

YOUR ADDRESS:

PUT FIRST CLASS STAMP HERE

MAIL TO:

BOARD OF REGISTRARS

AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA **BIRTH RECORD** FOR ALABAMA VOTER REGISTRAR'S USE ONLY

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am over the age of 16 years and plan to register to vote in the State of Alabama and that I do NOT possess any of the following documents that constitute evidence of United States citizenship.

1. United States naturalization documents or the number of the certificate of naturalization.
2. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
3. Driver's license or non driver's identification card issued by the State of Alabama or a government entity of another state within the United States which indicates on the driver's license or non driver's identification card that the person has provided satisfactory proof of United States citizenship.
4. Valid or expired United States passport.
5. United States naturalization documents or the number of the certificate of naturalization.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad.
8. Certificate of citizenship issued by the United States Citizenship and Immigration Services.
9. Certification of report of birth issued by the United States Department of State.
10. American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
11. Other documents issued by the federal government proving United States Citizenship, pursuant to the Immigration and Nationality Act of 1952.
12. Final adoption decree showing name and United States birthplace.
13. Official United States military record of service showing place of birth in the United States.
14. Extract from a United States hospital record of birth created at the time of birth indicating place of birth in the United States.
15. Birth certificate that verifies United States citizenship.

Printed Name of Applicant

NOTARY AFFIX SEAL OR STAMP HERE

Signature of Applicant

Signature of Notary

Date

Sworn to and subscribed before me on

Information to Locate Birth Record: PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST.

Full Name as Listed on Birth Record: First Middle Last

Date of Birth: County of Birth:

Mother's Full MAIDEN Name: First Middle Last

Father's Full Name: First Middle Last

Voter Registration Office Information:

County of Voter Registration Office: Email Address:

Mailing Address:

City: State: Alabama Zip:

Signature of Voter Registration Official

Date of Request

Phone Number: ( )

Fax Number: ( )

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APPLICATION TO THE COUNTY BOARD OF REGISTRARS FOR HEARING TO DETERMINE APPLICANT'S CITIZENSHIP FOR VOTING PURPOSES (Form C-4)

Complete and submit only if applicant has not submitted satisfactory documentary proof of citizenship.

I, _____, hereby request a hearing with the county Board of Registrars. In support thereof, I affirm as follows:

I am a United States citizen but do not possess or have access to any of the following documents showing United States Citizenship:

(1) A driver's license or nondriver's identification card issued by the division of motor vehicles or the equivalent governmental agency of any state within the United States 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 identification card. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**

(2) A birth certificate indicating birth in the U.S. or one of its territories.

(3) Pertinent pages of a valid or expired passport identifying me and my passport number, or presentation of my U.S. passport.

(4) United States naturalization documents or the number of the certificate of naturalization.

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

(6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

(7) A consular report of birth abroad of a citizen of the United States of America.

(8) A certificate of citizenship issued by the United States Citizenship and Immigration Services.
(9) A certification of report of birth issued by the United States Department of State.

(10) An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.

(11) A final adoption decree showing my name and United States birthplace.

(12) An official United States military record of service showing my place of birth in the United States.

(13) An extract from a United States hospital record of birth created at the time of my birth indicating my place of birth in the United States.

(14) Federal confirmation of U.S. citizenship under 8 U.S.C. § 1373.

I believe that I am a United States citizen based upon the following information:

(Provide the details as to why or how you became a citizen of the United States.)

I submit herewith the following documentation that proves that I am a United States citizen:

(Attach copies of any documentation that you believe demonstrates citizenship, such as newspaper birth announcements, family Bible entries, certificate of foreign birth if it reflects U.S. citizenship, affidavits signed by three U.S. citizens who know you are a U.S. citizen and have known you for 10 years or more, etc.)

NOTICE OF RIGHT TO HEARING BEFORE THE COUNTY BOARD OF REGISTRARS

I understand that I am entitled to a hearing before the Board of Registrars and an opportunity to testify and to present witnesses and additional evidence of citizenship if the Board does not determine that I have provided satisfactory evidence of citizenship based upon the information that I have supplied above. I understand that I have the right to have counsel, provided at my own expense, present at said hearing. I understand that notice of the hearing will be mailed to the address that I have provided at least five days prior to the hearing date.

_____
Signature of applicant

Mail completed form and attached documents to your local Board of Registrars.

Authors: Jean Brown; Edward Packard; William Sutton **Statutory Authority:** Code of Ala. 1975, §§31-13-28 (2012), 17-3-1 (2006). **History: New Rule:** Filed September 31, 2013; effective March 7, 2013. **Repealed and New Rule:** Filed April 13, 2015; effective May 15, 2015. **Amended:** Filed May 13, 2019; effective June 27, 2019. **Ed. Note:** Rule .24 was renumbered .25 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.26 Domestic Violence Voter Affirmation Form. The following affidavit form shall be used by election officials in the State to omit the residential and mailing address of a registered voter on any generally available list of registered voters, except for those lists provided to federal and state agencies, who is or has been the victim of domestic violence, has legal custody of a minor who is or has been the victim of domestic violence, or when a domestic violence order is or has been issued by a judge or magistrate pursuant to the Domestic Violence Protection Order Enforcement Act. The affidavit form shall be filed in the county Board of Registrar's office where the individual is registered or intends to register to vote.

State of Alabama
Domestic Violence Voter Affirmation

In accordance with *Code of Alabama, 1975, Section 17-4-33(b),* this form serves as notification to election officials to omit residential and mailing addresses from publicly available lists of registered voters who are victims of domestic violence or who are the custodian of a minor victim of domestic violence.

When completed, return this form to the Board of Registrars office in the county where the individual is registered or intends to register to vote.

Check one of the following options.

I swear or affirm that:

☐ I am a registered voter who is or has been the victim of domestic violence as provided in Article 7, commencing with Section 13A-6-130, of Chapter 6 of Title 13A.

☐ I am a registered voter who has a minor in my legal custody who is or has been the victim of domestic violence as provided in Article 7, commencing with Section 13A-6-130, of Chapter 6 of Title 13A.

☐ I am a registered voter and a domestic violence order is or has been issued by a judge or magistrate pursuant to the Domestic Violence Protection Order Enforcement Act, to restrain access to myself or a minor who is in my legal custody.

Signature of Voter _____ Date of Affirmation _____

Printed Name of Voter _____ Voter Date of Birth _____

County of Registration _____

For office use only

Date of Receipt _____

Registrant ID Number _____

Notes

Authors: Jean Brown, Brandon Walters, Ed Packard **Statutory Authority:** Code of Ala. 1975, §17-4-33(2014). **History: New Rule:** Filed October 9, 2014; effective November 13, 2014. **Ed. Note:** Rule .25 was renumbered .26 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.27 Procedures For Boards Of Registrars For Domestic Violence Voter Protection. The county Board of Registrars shall issue a Domestic Violence Voter Affirmation form upon an individual's request. The individual shall return the completed affidavit form to the Board of Registrars in the county where the individual is registered or intends to register to vote. The Board of Registrars, upon receipt of a completed Domestic Violence Voter Affirmation for, shall mark the registrant in the

voter registration system as "protected". Information publicly available for voters in protected status shall include only the name and omit the residential and mailing address of a registered voter pursuant to Code of Ala. 1975, §17-4-33(b)(2014). Following all primary, special, general, and municipal elections in the state, a copy of the list of registered voters that is a public record while in the possession of the Board of Registrars shall be available for public inspection after the residential and mailing addresses of voters in protected status have been redacted from the list by the Board of Registrars. The original and copies of the list of registered votes shall be returned to the city clerk in municipal elections and the judge of probate in all other elections. Lists without redaction may be made available to federal and state agencies upon request. The Board of Registrars shall provide in writing the identification of protected voters to the Secretary of State, county judge of probate, county absentee election manager, and municipal clerk, to assist in the redaction or omission of the residential and mailing addresses from voter registration and other lists available from those offices. **Authors:** Jean Brown, Brandon Walters, Ed Packard **Statutory Authority:** Code of Ala. 1975, §§17-4-33(2014); 17-9-15(1)(2014). **History: New Rule:** Filed November 6, 2014; effective December 11, 2014. **Ed. Note:** Rule .26 was renumbered .27 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.28 Procedures For Absentee Election Managers For Domestic Violence Voter Protection. The county absentee election manager shall redact or omit the residential and mailing address for voters in protected status pursuant to Code of Ala. 1975, §17-4-33(b)(2014) from any copy of an absentee voter list to be posted or otherwise made a public record, except poll lists used at local precincts. **Authors:** Jean Brown, Brandon Walters, Ed Packard **Statutory Authority:** Code of Alabama 1975, §§17-4-33 (2014); 17-9-15(1) (2014). **History: New Rule:** Filed November 6, 2014; effective December 11, 2014.
Ed. Note: Rule .27 was renumbered .28 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.29 Procedures For Municipal Clerks For Domestic Violence Voter Protection. Following each election, the municipal clerk shall make a copy of that portion of the poll list to be made a public record and shall maintain the original in his or her office. The municipal clerk shall redact or omit the residential and mailing address for voters in protected status pursuant to Code of Ala. 1975, §17-4-33(b)(2014) from any copy to be made a public record, except poll lists used at local precincts. **Authors:** Jean Brown, Brandon Walters, Ed Packard **Statutory Authority:** Code of Ala. 1975, §§17-4-33(2014); 17-9-15(1)(2014). **History: New Rule:** Filed

November 6, 2014; effective December 11, 2014.
Ed. Note: Rule .28 was renumbered .29 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.30 Procedures For Disseminating Information From Statewide Voter File For Domestic Violence Voter Protection.
The Secretary of State, judge of probate, and registrar shall include the name and omit the residential and mailing address of a registered voter on any list of registered voters compiled from the statewide voter file and generally available pursuant to §17-3-53, §17-4-33(10), §17-4-35(10), and §17-4-38, except for those lists provided to federal and state agencies, pursuant to Code of Ala. 1975, §17-4-33(b)(2014). **Authors:** Jean Brown, Brandon Walters, Ed Packard **Statutory Authority:** Code of Ala. 1975, §§17-4-33(2014); 17-9-15(1)(2014). **History: New Rule:** Filed November 6, 2014; effective December 11, 2014.
Ed. Note: Rule .29 was renumbered .30 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.31 Report Of Voter's Change Of Residence Or Death Form.
The following form is for use by a family member of a voter, the inspector of a voter's election precinct, judge of probate, sheriff, or clerk of the circuit court to report that a voter in the statewide voter file is deceased or has become a nonresident of the precinct in which he or she is registered to vote. Further, the form is for use by the inspector of the voter's election precinct, judge of probate, sheriff, or clerk of the circuit court to provide a statement as to the source and nature of the information supporting the report that the voter is deceased or has become a nonresident of the precinct in which he or she is registered to vote.

Report of Voter's Change of Residence or Death FORM NVRA-24

FOR REGISTRARS USE ONLY

Purpose

This form is intended to provide notification to the Board of Registrars that a registered voter is no longer a resident of the precinct in which he or she is registered to vote due to the voter's change of residence or death (§17-4-6.1, Code of Alabama, 1975).

Who May Use this Form

This form is for use by a family member of the voter, the inspector of the voter's election precinct, or the Judge of Probate, Sheriff, or Clerk of the Circuit Court of the county in which the voter is registered to vote.

Instructions

Complete this form as thoroughly as possible. Requested information will be used to ensure that the Board of Registrars can identify the correct voter. Sign the form and then submit it to the Board of Registrars of the county in which the voter is registered.

Information about Voter

Reason for completing this form: ☐ Voter has moved outside of precinct ☐ Death of Voter				
Last Name	First Name	Middle Name	Suffix	
Date of Birth	Date of Death (if deceased)	Gender ☐ Male ☐ Female	Last 4 Digits of SSN	Driver License or ID No.
Voter's Address on Voter Registration Record		City	State	ZIP Code
Voter's Address (if voter has moved outside of precinct)		City	State	ZIP Code

Person Providing Information about Voter

☐ Family Member ☐ Inspector of Election Precinct ☐ Judge of Probate, Sheriff, or Clerk of Circuit Court

Full Name		
Address		
City	State	Zip Code
Relationship to Voter (if family member)	Title (if public official)	
Signature	Date Signed	

FOR USE BY INSPECTOR OF ELECTION PRECINCT, JUDGE OF PROBATE, SHERIFF OR CLERK OF THE CIRCUIT COURT - Please describe the source and nature of the information upon which you believe this voter is deceased or has become a nonresident of the precinct.

Authors: Edward Packard, William Suttom **Statutory Authority:** Code of Ala. 1975, §17-4-6.1. **History: New Rule:** Filed December 8, 2015; effective January 22, 2016. **Ed. Note:** Rule .30 was renumbered .31 as per certification filed March 4, 2016; effective April 18, 2016.

820-2-2-.32 Oath on The Voter Registration Form. Pursuant to 17-3-52 of the Code of Ala., voter registration applicants must sign a voter registration form that contains an oath to support and defend the Constitution of the United States and the State Constitution of Alabama.

Currently, that oath ends with the phrase "so help me God." If an applicant objects to that phrase due to sincerely held beliefs, the applicant may strike through that phase and then sign the registration form. If the applicant is otherwise qualified to vote, the Board of Registrars shall accept a valid voter registration form when the phrase "so help me God" is stricken through by the applicant. Striking through this phrase is the only modification that applicants may make to the language of the voter registration form. **Authors:** David Brewer, Hugh Evans, Clay Helms, Jeff Elrod **Statutory Authority:** Code of Ala. 1975, §17-3-52. **History: New Rule:** Published January 29, 2021; effective March 15, 2021.

CHAPTER 820-2-3

ABSENTEE VOTING

820-2-3-.01	**Contents Of The Absentee Ballot And Accompanying Affidavit Envelope**
820-2-3-.02	**Completion Of The Ballot Style And Serial Number Blanks On The Affidavit Envelope**
820-2-3-.03	**List Of Qualified Voters**
820-2-3-.04	**Forms For Overseas And Military Absentee Voting**
820-2-3-.05	**Definition of Commercial Carrier**

820-2-3-.01 Contents Of The Absentee Ballot And Accompanying Affidavit Envelope.

(1) Each ballot style shall have its own designation. A ballot style is a printed ballot showing a specific group of races, candidates and/or propositions. To the extent of any variation in the printed races, candidates and/or propositions among printed ballots, each variety shall be distinctly designated.

(2) Each ballot shall have a pre-printed serial number. Ballot serial numbers shall correspond to the number of ballots printed in a particular ballot style. While serial numbers any be duplicated between separate ballot styles, serial numbers may not be duplicated within a ballot style.

(3) Each affidavit envelope shall contain designated blanks for the purpose of permitting the absentee election manager to write-in the ballot style designation and serial number of the associated ballot.

Author: Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-10-22. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-10-.01, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-3-.02 Completion Of The Ballot Style And Serial Number Blanks On The Affidavit Envelope. The Absentee Election Manager shall identify on the affidavit envelope in writing both the ballot style designation and the ballot serial number for the associated ballot prior to providing the affidavit envelope and ballot to the voter. Where absentee envelopes and ballots are provided to election officials for on-site absentee voting, the

election officials shall be responsible for writing-in the ballot style designation and the ballot serial number of the associated ballot on the affidavit envelope prior to providing the affidavit envelope and associated ballot to the voter.
Author: Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-10-22. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-10-.02, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-3-.03 List Of Qualified Voters. The list of qualified voters shall identify the correct ballot style designations for each voter. In the case of a primary election, ballot style designations for each party participating in the primary and a non-partisan ballot style designation shall be printed on the list of qualified voters. The absentee election manager and on-site absentee election officials shall use the ballot style designations printed on the list of qualified voters to identify the correct ballot style to provide a voter in an election. A voter claiming to qualify for a ballot style in conflict with the ballot style designation printed on the list of qualified voters may vote by challenged ballot.
Author: Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §17-10-22. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-10-.03, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-3-.04 Forms For Overseas And Military Absentee Voting.

(1) This rule is intended to provide any form or ballot by which an absentee election manager or registrar shall administer the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §20301. Any form or ballot described in this rule may be used in any primary or general election.

(2) The State of Alabama adopts any form or ballot issued or promulgated by the federal government to implement the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301. Any form or ballot issued or promulgated by the federal government in the future to implement the Act is adopted prospectively. Any form or ballot described in this rule may be used by a voter covered by the Act in lieu of any form or ballot issued or promulgated by the State of Alabama for absentee voting, such as the Standard State Application Form for Absentee Voting described in Paragraph 4 of this rule. The scope of this paragraph shall include, but is not limited to, the Federal Write-In Absentee Ballot, FWAB SF-186.

(3) Absentee ballot material sent to a voter by an absentee election manager pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §20301, to vote in a primary election shall include a Federal Write-In Absentee Ballot, FWAB SF-186, to vote for any federal candidate in a second primary election. Absentee ballot material sent to a voter by an absentee election manager pursuant to this paragraph shall also be accompanied by an instruction provided by the Secretary of State explaining that the Federal Write-In Absentee Ballot, FWAB SF-186, may be used to vote in a second primary election.

(4) The State of Alabama adopts a Standard State Application Form for Absentee Voting; which may be used by a voter covered by the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §20301. The form may also be used by any other voter who applies to vote absentee. The form shall appear as follows:

Front side of Application

APPLICATION FOR ABSENTEE BALLOT

FORM AV-R1
Date Revised 06.13.2022

_____ COUNTY, ALABAMA

Return this application to:

- If you changed residence since you last voted, you must update your voter registration information at alabamavotes.gov or with your local Board of Registrars before submitting this application.
- **Please note that only one application may be placed in the same envelope.**
- **Please note that a copy of your valid photo identification must be submitted along with this application.**

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) | First Name | Middle or Maiden Name

Street Address (address where you are registered to vote; do not use PO box) | City | State | ZIP

Mailing Address you want to receive the requested ballot, if different from above

E-mail Address

Date of Birth (mm/dd/yyyy)

Home/Cell Telephone Number ( )

Work Telephone Number ( )

Driver's License Number — STATE | NUMBER

IF NO AL DRIVER'S LICENSE NUMBER — Last 4 digits of Social Security number

For all registered voters

I hereby make application for an absentee ballot so that I may vote in the following election:

☐ Primary Election
Select one: ☐ Democratic Party ☐ Other _____ ☐ Republican Party ☐ Amendments Only

☐ Primary Runoff Election
Select one: ☐ Democratic Party ☐ Other _____ ☐ Republican Party ☐ Amendments Only

☐ General Election

☐ Special Election (*specify*) _____
If a primary or runoff, check one: ☐ Democratic Party ☐ Republican Party

- **Absentee ballots for elections more than 42 days apart must be requested on separate applications, unless you are a member of the armed forces, or a spouse or dependent of such person, or you are a United States citizen residing overseas, or are permanently disabled.**
- **An application submitted by a member of the armed forces, or a spouse or dependent of such person, or a United States citizen residing overseas is valid for all county, state and federal elections in the current calendar year. An application submitted by a citizen with a permanent disability is valid for all municipal, county, state, and federal elections in the current calendar year.**

I am applying for an absentee ballot because (check at least one box):

☐ I expect to be out of the county or the state on election day.

☐ I am physically incapacitated and will not be able to vote in person on election day. *[ID Required]*

☐ I am physically incapacitated and will not be able to vote in person on election day. I am unable to access my assigned polling place due to a neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, or other life-altering disorder that affects my ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear or speak **AND**:

a) I am an elderly voter aged 65 or older; **OR**

b) I am a voter with a disability.

[ID Not Required]

☐ I expect to work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.

☐ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.

☐ I am a member of, or a spouse or dependent of a member of, the Armed Forces of the United States or am otherwise entitled to vote absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302. *[ID Not Required]*

This application for an absentee ballot will be valid for all county, state, and federal elections held during this calendar year unless you specify an earlier expiration date here: _____.

☐ I have been appointed as an election officer at a polling place which is not my regular polling place.

☐ I am a caregiver for a family member to the second degree of kinship by affinity or consanguinity and the family member is confined to his or her home.

☐ I am currently incarcerated in prison or jail and I have not been convicted of a felony involving moral turpitude. (See back for felonies involving moral turpitude.)

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature or Mark

Complete this section if voter signs by mark →

Witness Signature

Print Witness Name

Only the voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975]. The use of Power of Attorney or any other third-party to sign and/or deliver this application on behalf of the voter is prohibited. Only medical emergency absentee applications may be submitted by a voter's designee.

READ PENALTIES ON BACK

Back side of Application

PENALTIES

§17-17-24, Code of Ala. 1975, as amended

(a) Any person who willfully changes an absentee voter's ballot to the extent that it does not reflect the voter's true ballot, any person who willfully votes more than once by absentee ballot in the same election, any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes illegal absentee voting, shall be guilty, upon conviction, of a Class C felony. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and regular ballot at any election shall be similarly punished.
(b) Upon request by the local District Attorney or the Secretary of State, the Attorney General shall provide investigating assistance in instances or absentee ballot or voting violations.
(c) Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.

Author: Adam L. Bourne, William Sutton, Jean Brown, Ed Packard, Brent Beal, David Brewer, Jeff Elrod. **Statutory Authority:** Code of Ala. 1975, §§17-11-4, 17-11-5(d); Act 2019-507. **History: New Rule:** Filed February 10, 2006; effective March 17, 2006. **Amended:** Filed February 5, 2008; effective March 11, 2008. **Amended:** Filed May 4, 2018; effective June 18, 2018. **Amended:** Published October 31, 2019; effective December 15, 2019.

820-2-3-.05 Definition of Commercial Carrier. A commercial carrier shall be defined as a business licensed and regulated (pursuant to § 37-3-5) in the area(s) in which it operates that advertises to the public and is engaged in the business of trade or traffic and commerce.
Authors: Jeff Elrod, Hugh Evans. **Statutory Authority:** Act 2019-507. **History: New Rule:** Filed October 31, 2019. Effective December 15, 2019.

CHAPTER 820-2-4

Ballot Access for Political Parties and Independent Candidates

820-2-4-.01 Definitions
820-2-4-.02 Purpose
820-2-4-.03 Scope
820-2-4-.04 Effective Date
820-2-4-.05 Petition Requirements
820-2-4-.06 Random Sample of Signatures
820-2-4-.07 Random Sampling Formula For Verification of Elections Petitions
820-2-4-.08 Certification Of Election Petition
820-2-4-.09 Procedures For Amendment Of Certifications Of Candidates By Political Parties

820-2-4-.01 Definitions. Unless otherwise clearly indicated, the following terms shall be given the following interpretations:
(1) Election petition. A petition submitted for any of the purposes identified in 820-2-4-.03(1) or 820-2-4-.03(2).
(2) Verifying authority. The entity charged with the responsibility for verifying petition signatures or providing assistance in the verification of petition signatures.
(3) Raw Count. The total number of unverified signatures affixed to an election petition and submitted to the verifying authority.
(4) Random sample of signatures. Signatures selected at random using a computerized random numbers generator.
Authors: Edward P. Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-11-.01, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.02 Purpose. The purpose of this section is to establish procedures for the submission, verification and certification of election petitions.
Authors: Edward P. Packard, Charles E. Grainger, Jr.
Statutory Authority: Code of Ala. 1975, §§17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099.
History: New Rule: Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-11-.02, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.03 Scope. This section shall apply to the verification of signatures on the following types of petitions:
(1) Petitions for the establishment of independent candidacy submitted to a verifying authority pursuant to §§17-7-1(a)(3) and 17-19-2, Code of Ala. 1975, as amended, and
(2) Petitions for the establishment of ballot access for a political party submitted to a verifying authority pursuant to §17-8-2.1(a), Code of Ala. 1975, as amended.
Authors: Edward P. Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-11-.03, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.04 Effective Date. The provisions of this section shall become effective for the first general or special election scheduled to occur after the U.S. Department of Justice notifies the State of Alabama that preclearance for this section is granted pursuant to Section 5 of the Voting Rights Act of 1965.
Authors: Edward P. Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-11-.04, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.05 Petition Requirements.
(1) Petitions for the establishment of independent candidacy shall include at the top of each page of said petition pagination and a statement that includes the name of the prospective independent candidate, the type of election for which ballot access is sought (e.g., general or special), the date of the general election for which ballot access is sought, the name of the political subdivision for which ballot access is sought, including district or place number, if applicable, and the name of the office sought, including district or place number, if applicable. Petitions for the establishment of independent candidacy in a special election shall not be required to include the date of the special election at the top of each page.
(2) Petitions for the establishment of ballot access for a political party shall include at the top of each page of said petition pagination and a statement that includes the name of the political party seeking ballot access, the type of election for which ballot access is sought (e.g., general or special), the date of the general election for which ballot access is sought, and the name

of the political subdivision for which ballot access is sought, or the name of the office for which ballot access is sought, including district or place number, if applicable. Petitions for the establishment of ballot access for a political party in a special election shall not be required to include the date of the special election at the top of each page.
(3) An election petition shall request the following information for each person signing said petition: name, residential address, date of birth, and signature. A signature shall not be deemed invalid for lacking any portion of the requested information if the disclosed information is sufficient for determining the validity of a signature.
Authors: Edward P. Packard, David Brewer, Brent Beal, Clay Helms, Hugh Evans, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-6-22, 17-9-3; Attorney General Opinion Nos. 90-00223 and 99-00099. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001. **Amended:** Filed January 8, 2015; effective February 12, 2015. **Amended:** Filed October 9, 2018; effective November 23, 2018.
Ed. Note: Formerly Rule 820-X-11-.05, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.06 Random Sample Of Signatures.
(1) A verifying authority may, at its option, elect to use the random sampling procedure set forth in this section or may conduct a verification of all signatures affixed to an election petition, provided that the verifying authority utilizes the same method of verifying signatures for all petitions submitted for the same election.
(2) A random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the verifying authority shall be given equal opportunity to be included in the sample.
(3) The number of signatures to be verified by random sample shall be equal to one hundred (100) signatures or five percent (5%) of the raw count, whichever is greater. In the event that a petition contains less than one hundred signatures, one hundred percent (100%) of the signatures shall be verified.
(4) (a) Petitions may be submitted in whole or continuously in parts to the verifying authority, provided that no petition or part thereof may be submitted after the applicable statutory deadline for submitting the petition in its entirety. The verifying authority shall be under no obligation to verify partial submissions of petition signatures until the submission is complete but may do so at the option of the verifying authority.
(b) In the event that a petition is submitted continuously in parts to the verifying authority, the random sampling procedure set forth in 820-2-4-.07 may be applied to each portion of the petition. The sample size for each portion is to be determined as provided for in subparagraph (b).

Authors: Edward P. Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-11-.06, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.07 Random Sampling Formula For Verification Of Elections Petitions.
(1) Signature verification. The following steps shall be followed when verifying signatures on an election petition:

(a) Determine the number of signatures to be sampled, as provided for in 820-2-4-.06(3).

(b) Draw the random sample of signatures, as provided for in 820-2-4-.06(2).

(c) Verify the signatures in the sample and determine the number of valid signatures in that sample.

(d) Divide the number of valid signatures in the sample by the total number of signatures in the sample. Compute as a percentage to two (2) decimal places.

(e) Multiply the raw count by the number computed in paragraph 820-2-4-.07(1)(d), above. Round up to nearest whole number.
(2) Withdrawn signatures. A person who has signed an election petition may withdraw his or her signature from the petition prior to the petition's being filed with the verifying authority. If the withdrawn signature is selected as part of the random sample, the signature is treated as a signature that is deemed not valid.
(3) Duplicate signatures.

(a) Divide the raw count by the sample size to determine the value of each signature. Compute to four (4) decimal places.

(b) To determine the weight to be assigned to each duplicate signature found in the sample, multiply the value of each signature computed in 820-2-4-.07(3)(a), above, times the value of each signature, as determined in 820-2-4-.07(3)(a), minus one.

(c) To determine the estimated number of duplicate signatures in the entire petition, multiply the number of duplicate signatures found in the random sample by the weight established in 820-2-4-.07(3)(b). Round up to the nearest whole number.
(4) Number of valid signatures based on the verification of a sampling of the signatures. To determine the estimated number of verified signatures on the petition based on the random sampling, subtract the estimated number of duplicate signatures (i.e., the value calculated in 820-2-4-.07(3)(c)) from

the number of estimated valid signatures (i.e., the value calculated in 820-2-4-.07(1)(e)).
Authors: Edward P. Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-11-.07, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.08 Certification Of Election Petition.
(1) An election petition shall be certified as being sufficient if the number of valid signatures determined pursuant to 820-2-4-.07(4) is in excess of the number of required signatures.
(2) If an election petition fails to be certified under 820-2-4-.08(1) and the difference between the valid number of signatures and the required number of signatures is 5% or less of the required number of signatures, the verifying authority shall automatically conduct a second random sample verification of the election petition. If a second random sample verification of the election petition fails to produce a sufficient number of valid signatures as identified in 820-2-4-.08(1), the election petition shall not be certified.
Authors: Edward P. Packard, Charles E. Grainger, Jr. **Statutory Authority:** Code of Ala. 1975, §§17-7-1, 17-8-2.1; Attorney General Opinion Nos. 90-00223 and 99-00099. **History: New Rule:** Filed January 10, 2001; effective February 14, 2001.
Ed. Note: Formerly Rule 820-X-11-.08, as per certification Filed January 10, 2001; effective February 14, 2001.

820-2-4-.09 Procedures For Amendment Of Certifications Of Candidates By Political Parties.
(1) The following definitions are applicable to this Rule:
(a) "Certification of candidates" means a written listing provided by a political party of candidates legally qualified and entitled to appear on the ballot in a primary, special or general election.
(b) "Political party" is an organization of qualified electors seeking to elect candidates to public office and meeting the requirements of Sections 17-8-2.1, Code of Ala. 1975, or 17-16-2, Code.
(c) "Amendment of certification" means a written modification of a previously submitted certification of candidates submitted before or after a deadline for submitting a certification of candidates but, unless otherwise provided by law or order of a court of competent jurisdiction, prior to the printing of ballots in support of absentee voting.
(2) The following findings of fact and law are made in support of this rule:

(a) The Secretary of State finds that a long-standing practice of permitting amendments to certifications has functioned to correct and modify certifications of candidates by political parties. These amendments are designed to correct errors in certifications (such as name spellings and the office sought) and exercise the authority of the political party in determining candidates for office through correcting omissions, disqualifications, and the filling of vacancies.

(b) Generally, political parties will certify candidates for a primary election or nominees for the general election. Due to the brief time frames often involved and the scope of the political party's responsibility, errors in the certifications and a variety of other changes may compel changes to the certification. Examples include misspelled names, subsequent withdrawal of candidates and subsequent disqualification of candidates. Amending the certification provides a formal process consistent with practice which ensures the accuracy of the ballot.

(c) While silent on a procedure for amending certifications of candidates, Alabama's statutes providing for certifications of candidates are not in conflict with an opportunity to amend such certifications.

(d) The deadline for amending certifications, as a practical matter, occurs when the ballots for a particular race have been printed.

(3) Election officials are authorized to submit, accept and otherwise act on amendments to certifications of candidates to the full extent permitted by the circumstances or until the applicable ballots are printed, whichever occurs first.

Author: Charles E. Grainger, Jr. **Statutory Authority:** §1 of Act No. 2003-313; Attorney General Opinion No. 97-00109. **History: New Rule:** Filed September 26, 2003; effective October 31, 2003.

Chapter 820-2-5

Procedure to Complain about Violations of Title III of the Federal Help America Vote Act of 2002

820-2-5-.01 Purpose and Definitions
820-2-5-.02 Complaint
820-2-5-.03 Standard of Proof
820-2-5-.04 Right to Hearing
820-2-5-.05 Procedures If Complainant Fails To Request Hearing
820-2-5-.06 Procedures If Complainant Requests Hearing
820-2-5-.07 Record
820-2-5-.08 Alternative Dispute Resolution
820-2-5-.09 Final Determination

820-2-5-.01 Purpose and Definitions.

(1) This Chapter is established pursuant to the Alabama Code Section 17-2-3 to provide for the submission and review of complaints regarding the administration of Title III of the Help America Vote Act of 2002 (HAVA), 52 U.S.C. §21081 et seq.

(2) In this Chapter, the following terms have the following meanings:

(a) "Complaint" means the document a complaining person files to initiate proceedings pursuant to this Chapter.

(b) "Complainant" means the person who files or intends to file a complaint pursuant to this Chapter, including persons whose complaints are later consolidated by the Secretary of State pursuant to this Chapter.

(c) "Respondent" means any state or local election official, board, or entity against whom a complaint is filed pursuant to this Chapter.

(d) "Title" means Title III of HAVA, U.S.C. §21081 et seq.

(e) "The Secretary of State" means the Secretary of State or his or her designee.

(f) "Violation" means an occurrence, practice, or procedure that results or imminently shall result in noncompliance with requirements of the Title.

Author: Charles E. Grainger, Jr., Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, §17-2-3. **History: New Rule:** Filed September 26, 2003; effective October 31, 2003. **Repealed and New Rule:** Published July 31, 2024; effective September 14, 2024.

820-2-5-.02 Complaint.

(1) Right to File. Any aggrieved person may file a complaint with the Secretary of State's office alleging a violation of the Title.

(2) Consolidation of Complaints. The Secretary of State may consolidate complaints if such are determined to relate to the same alleged violation(s) or if they raise common questions of law or fact. The Secretary of State shall notify the parties of consolidated complaints within a reasonable period of time. Upon consolidation, the filing date shall be considered the filing date of the last complaint filed of the consolidated complaints.

(3) Date Complaint is Filed. A complaint is deemed filed upon receipt by the Secretary of State, not upon mailing or postmark. Complaints may be delivered to the Secretary of State in person, by U.S. Mail, or common carrier at the following address:

Alabama Secretary of State
State Capitol Building – Suite S-105
600 Dexter Avenue
P.O. Box 5616
Montgomery, Alabama 36103-5616

Or a complaint may be electronically submitted through the official Secretary of State's website (www.sos.alabama.gov), using the oline HAVA Complaint form.

For filing to be considered complete, the Complainant(s) shall also mail or deliver a copy of the complain to each Respondent no later than the date the complaint is filed with the Secretary of State, submitting proof of delivery of the same to the Secretary of State.

(4) Form. A complaint under this Chapter and shall be in writing, signed and sworn by the Complainant(s), and notarized on the prescribed HAVA Complaint form available online through the official website of the Secretary of State (www.sos.alabama.gov). Incomplete or illegible forms will not be considered filed. Complaints attempted over the phone or by electronic email transmission will not be considered official complaints unless or until they are submitted in writing, signed and sworn by the Complainant(s), and notarized, on the requisite complaint form.

(5) Substance. A complaint filed pursuant to this Chapter shall:

(a) Identify the alleged violated section or sections of the Title. If multiple violations are alleged, each must be clearly identified in relation to a section or sections of the Title;

(b) List the first and last name(s) of the Respondent(s) as well as applicable title(s), if known;

(c) To the extent known, list the first and last name(s) of the individual(s) the Complainant(s) allege(s) failed to comply with the Title;

(d) To the extent known, identify the location(s) where the alleged violation(s) of the Title occurred;

(e) Include a short and plain statement describing the facts of the occurrence(s), procedure(s), or practice(s) allegedly violative of a particular section of the Title; and

(f) Explain how the alleged facts are violative of (a) particular section(s) of the Title.

(g) Identify the Complainant(s) by first and last name and provide current contact information, including a mailing address, email address, and telephone number for each.

(6) Consequences of Improper Form or Substance. The Secretary of State will review each complaint filed to determine whether the complaint:

(a) states a violation of the Title; and

(b) complies with the other requirements of this Rule.

If the complaint fails to state a violation of the Title or does not otherwise comply with Rule requirements, then the Secretary of State shall dismiss the complaint without further action and notice of the dismissal will be provided to the Complainant(s). A Complainant whole complaint has been dismissed pursuant to this Rule may re-file the complaint only one time.

Author: Charles E. Grainger, Jr., Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, §17-2-3. **History: New Rule:** Filed September 26, 2003; effective October 31, 2003. **Repealed and New Rule:** Published July 31, 2024; effective September 14, 2024.

820-2-5-.03 Standard of Proof. A determination of whether a violation of the Title has been established will be based on the preponderance of the evidence standard. The Complainant shall bear the burden of proving a violation of the Title by a preponderance of the evidence.

Author: Charles E. Grainger, Jr., Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, §17-2-3. **History: New Rule:** Filed September 26, 2003; effective October 31, 2003. **Repealed and New Rule:** Published July 31, 2024; effective September 14, 2024.

820-2-5-.04 Right to Hearing. A Complainant may request a hearing and must communicate the request in the filed complaint. A Complainant fails to exercise the right to request a hearing if the complaint does not clearly contain a request or if the request for a hearing is communicated in any other manner. If the Complainant exercises the right to request a hearing, the Secretary of State shall schedule and conduct the hearing pursuant to 820-2-5-.06.

Author: Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, § 17-2-3. **History: New Rule:** Published July 31, 2024; effective September 14, 2024

820-2-5-.05 Procedures If Complainant Fails To Request Hearing. If a Complainant fails to exercise the right to request a hearing, the complaint shall be reviewed in the following manner:
(1) The Secretary of State shall direct the review and investigation of the complaint by an appropriate staff member, who shall issue a written report and recommendation within 60 days of the filing of the complaint.
(2) Upon review of the report and recommendation, additional information or further investigation may be directed by the Secretary of State. Additional information and, if applicable, a supplemental report and/or recommendation shall be promptly submitted.
(3) Within 90 days of the filing of the complaint, and after receiving a final report and recommendation, the Secretary of State shall issue a final determination pursuant to 820-2-5-.09 or initiate alternative dispute resolution pursuant to 820-2-5-.08.
The final report and recommendation directed by the Secretary of State pursuant to this Rule will be the official record of the fact-finding process conducted in the event of no hearing.
Author: Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, §17-2-3. **History: New Rule:** Published July 31, 2024; effective September 14, 2024.

820-2-5-.06 Procedures If Complainant Request Hearing.
(1) Hearing Officer. The Secretary of State may elect to serve as the Hearing Officer or appoint a Hearing Officer to conduct the hearing. The Hearing Officer shall be fair and impartial. A Hearing Officer may be appointed from within the Office of the Secretary of State, another state or local government agency, a list of eligibles maintained on a register by the State Personnel Department, or otherwise in accordance with applicable Alabama law and subject to requisite approval(s).
(2) Audio or Visual Recording. Hearings held pursuant to this Chapter shall either be video or audio recorded and the option of the Hearing Officer. No transcription shall be made as a matter of course. Any party or interested person may obtain a copy of the audio or video recording at his/her own expense. If a transcript is produced at the expense of a party, a copy of the same shall be filed with the Secretary of State and be included in the official record of the proceedings.
(3) Scheduling. A hearing shall be scheduled by the Hearing Officer as soon as practicable but no later than 45 days from the filing of the complaint.

(4) Notice. At least 5 days' advance notice of the date, time, and place of the hearing shall be provided by U.S. mail or electronic means to the Complainant(s) and the Respondent(s). Notice of the hearing will also be made online through the Open Meetings Act webpage (www.openmeetings.alabama.gov).

(5) Virtual Hearing. At the discretion of the Hearing Officer, the hearing may be held via telephone or video conference and, in such case, the notice shall so state and provide the technical details for participating.

(6) Powers of the Hearing Officer. The Hearing Officer will preside over the hearing for the purpose of making factual determinations and recommendations. Generally, the Hearing Officer shall hold broad discretion. The following is a non-exhaustive list of the Hearing Officer's powers:

(a) Conduct a prehearing conference, if deemed appropriate;

(b) Permit or deny the parties' requested witness(es) to testify;

(c) Call a witness or witnesses to testify if deemed appropriate, even if said witness(es) were not requested by either party;

(d) Exclude a potential witness or potential witnesses, unless a party to the proceedings, from being physically present at the hearing or accessing a virtual hearing prior to testifying;

(e) Allow the parties the equal opportunity to present witness testimony, question, and/or cross examine (a) witness(es);

(f) Limit questioning and/or cross examination of (a) witness(es);

(g) Question and/or cross examine (a) witness(es) directly;

(h) Allow parties to introduce documentary or other evidence through (a) witness(es);

(i) Accept and exclude evidence;

(j) In the case of consolidated complaints, require parties on either or both sides of the dispute to designate a single party to advocate for their side at the hearing; and

(k) Exercise other such powers as necessary to conduct an efficient hearing.

(7) Conducting the Hearing. Fact finding hearings held pursuant to this Chapter are intended solely for the purpose of receiving evidence to refute or substantiate an alleged violation of the Title and shall proceed as follows:

(a) Reading of all allegations contained in the complaint;

(b) Presentation of evidence that substantiates the allegations, including witness testimony and other evidence by the Complainant(s);

(c) Presentation of evidence that refutes the allegations, including witness testimony and other evidence by the Respondent(s);

(d) If desired by the Complainant(s), presentation of any rebuttal evidence, limited to witness testimony not yet presented or evidence, data, or other records not yet introduced; and

(e) Summation by the parties, if desired by them.

(8) Witnesses. The parties may submit to the Secretary of State a list of proposed witnesses along with their complaint. The list shall contain the first and last name and contact information of each witness, including a current mailing address, telephone number, and email address. The list shall also provide a brief description of each witness's relation to the allegations and their anticipated testimony. Parties are entitled to testify as witnesses and should indicate whether they intend to be included on the witness list in the complaint. The Hearing Officer may indicate which witnesses the parties will be allowed to call in advance of the hearing or the Hearing Officer may reserve the decision for the hearing. Regardless, the parties shall be responsible for notifying their respective proposed witnesses, if any, and coordinating their hearing attendance.

(9) Testimony and Evidence. In taking testimony and in considering the evidence, the Hearing Officer shall follow accepted legal procedure insofar as is practicable but shall not be bound by technical Rules of Evidence or Rules of Procedure observed in courts of law. The Hearing Officer may listen to hearsay testimony and may accept affidavits if such testimony is material and relevant to the issues.

(10) Legal Counsel. The parties may retain legal counsel at their own expense to represent them at the hearing; however, the parties shall be present at the hearing and may be required to provide testimony directly at the discretion of the Hearing Officer.

(11) Failure to Appear. If a Complainant fails to appear at the hearing, the right to a hearing is waived. In such event, the Secretary of State shall dismiss the complaint with prejudice pursuant to 820-2-5-.09.

(12) Post-hearing Briefs. At the discretion and only upon the request of the Hearing Officer, the parties may file written briefs after the conclusion of the hearing by the deadline established by the Hearing Officer. The Hearing Officer shall accept only one post-hearing brief from each side of the dispute. The filing of briefs shall not be the opportunity for the parties to present or otherwise address evidence that was not introduced at the hearing.

(13) Written Report and Recommendation. The Hearing Officer shall provide a written report summarizing the evidence received at the hearing to the Secretary of State no later than 15 days following the conclusion of the hearing. Evidence introduced at the hearing as exhibits shall be incorporated into the report, as appropriate. The report shall determine whether the allegation(s) was/were supported by sufficient evidence and, if so, recommend an appropriate resolution or appropriate resolutions. The Hearing Officer's report will be the official record of the fact-finding process conducted in the event of a hearing.

Author: Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, §17-2-3. **History: New Rule:** Published July 31, 2024; effective September 14, 2024.

820-2-5-.07 Record. The Hearing Officer's report and all exhibits attached to it or, in the event of no hearing, the report and recommendation submitted pursuant to Rule 820-2-5-.05, shall be combined with the following items or copies thereof, as applicable, to create the official record of the complaint proceedings to be maintained by the Office of the Secretary of State:
(1) The complaint filed by the Complainant(s) and any supplemental submissions;
(2) Submissions by the Respondent(s) in response to the complaint;
(3) Written orders of the Secretary of State;
(4) Pre-hearing correspondence between and among the Hearing Officer and the parties;
(5) Copies of any public notifications made in connection to the complaint and/or hearing;
(6) A copy of the transcript produced for any party and submitted in accordance with this Chapter;
(7) Orders issued by the Hearing Officer to the parties or otherwise;
(8) Responsive filings/post-hearing briefs submitted to the Hearing Officer by the parties;
(9) Any record of alternate dispute resolution initiated by the Secretary of State; and
(10) The Secretary of State's final determination issued pursuant to this Chapter.
Author: Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, § 17-2-3. **History: New Rule:** Published July 31, 2024; effective September 14, 2024.

820-2-5-.08 Alternative Dispute Resolution.
(1) Initiation. If the Secretary of State is unable to render a final determination on a complaint filed pursuant to 820-2-5-.02 within 90 days, the Secretary of State shall immediately issue a written order initiating alternative dispute resolution, selecting 3 arbitrators to serve as a panel. Arbitrators shall be selected from the Arbitrator Roster maintained by the Alabama Center for Dispute Resolution.
(2) Notice. The Secretary of State shall notify the Complainant(s) and Respondent(s) of the initiation of alternative dispute resolution within a reasonable period of time following initiation.
(3) Duties of the Arbitration Panel. Within 45 days from initiation, the Arbitration Panel shall:

(a) Review the official hearing record compiled pursuant to 820-2-5-.07 or, in the event of no hearing, review the Rule 820-2-5-.05 report and recommendation;

(b) By majority vote, agree on an appropriate resolution or appropriate resolutions; and

(c) Issue a written recommendation to the Secretary of State as to the manner in which the complaint should be resolved.

(4) Limitation on Arbitration Panel. The Arbitration Panel shall be limited in its review to the Rule 820-2-5-.07 Record, which must include either the fact-finding hearing record complied pursuant to 820-2-5-.06 or the report complied pursuant to 820-2-5-.05, as applicable.

Author: Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, § 17-2-3. **History: New Rule:** Published July 31, 2024; effective September 14, 2024.

820-2-5-.09 Final Determination.

(1) The Secretary of State may issue a final determination by written order:

(a) Following the receipt of a written report and recommendation provided without a hearing pursuant to 820-2-5-.05;

(b) Following receipt of a report and recommendation provided by an appointed Hearing Officer pursuant to 820-2-5-.06; or

(c) In lieu of providing a recommendation, having served as the Hearing Officer directly, and after having conducted a hearing and compiled a Hearing Officer report pursuant to 820-2-5-.06.

(2) The Secretary of State shall issue a final determination by written order:

(a) After finding grounds for dismissal pursuant to 820-2-5-.02;

(b) After finding grounds for dismissal pursuant to 820-2-5-.06; and

(c) Following receipt of a written recommendation provided by an alternative dispute resolution panel pursuant to 820-2-5-.08.

(3) Any written order of final determination by the Secretary of State shall address:

(a) Whether a complaint is dismissed, with or without prejudice, and the basis; or

(b) Whether a violation or violations of the Title has/have occurred, and if so, prescribe a remedy or remedies as appropriate.

(4) Effect of Final Determination. A final determination issued by the Secretary of State pursuant to this Rule has the effect of:

(a) Dismissing a complaint, with or without prejudice; or

(b) Declaring a violation or violations of the Title and prescribing a remedy or remedies.

(5) Limitation on Remedies. Prescribed remedies shall be directed to the improvement of processes and/or procedures governed by the Title and relevant Alabama Law. Any remedy so prescribed shall not provide for the:

(a) Award of monetary damages;
(b) Payment of costs, penalties, or attorneys' fees;
(c) Invalidation of any vote or ballot; or
(d) Disqualification of any candidate.

(6) Notice and Publication. The final determination of the Secretary of State shall be posted on the website of the Secretary of State within 150 days of complaint filing. Notice of the same shall promptly be issued to the parties of record.

(7) Availability of Appeal. A final determination issued pursuant to this Chapter is not subject to appellate review in any state or federal court or any other forum.

Author: Michael L. Jones, Jr., Meridith H. Blackburn, Andrew Mount **Statutory Authority:** Code of Ala. 1975, § 17-2-3. **History: New Rule:** Published July 31, 2024; effective September 14, 2024.

Chapter 820-2-6

Procedures For Provisional Voting

820-2-6-.01 Applicability Of The Help America Vote Act And Provisional Voting
820-2-6-.02 Provisional Voter
820-2-6-.03 Provisional Ballot Officer
820-2-6-.04 Voter Eligibility Verification
820-2-6-.05 Notice To Provisional Voter
820-2-6-.06 Provisional Ballot Roster
820-2-6-.07 Provisional Verification Envelope
820-2-6-.08 Provisional Voting Documents
820-2-6-.09 Provisional Ballot
820-2-6-.10 Provisional Voting Instruction Sheet
820-2-6-.11 Sworn Statement Of Provisional Voter
820-2-6-.12 Provisional Voter Reidentification "Update" Form And Inspector Challenge Form
820-2-6-.13 Provisional Ballot Completion
820-2-6-.14 Provisional Voting Poll Closing Procedure
820-2-6-.15 Provisional Voting Verification Procedure

820-2-6-.01 Applicability Of The Help America Vote Act And Provisional Voting. This administrative regulation is promulgated to comply with the requirements of the Help America Vote Act of 2002, Public Law 107-252, Section 302; and Alabama Acts 2003-313 and 2006-281, mandating provisional voting in federal, state, county and municipal elections. The statutory requirement of provisional voting is codified in Section 17-10A-1 et seq. Code of Ala. 1975 and replaces the state's previous voting practice utilizing challenged ballots. Copies of the Help America Vote Act may be obtained without charge from the Secretary of State's Office, State Capitol, Room S-105, Montgomery, Alabama 36130. The Help America Vote Act (HAVA) requires that Provisional Voting be utilized in Alabama Elections after January 1, 2004.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown
Statutory Authority: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2.
History: New Rule: Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.02 Provisional Voter. During an election, a poll worker should direct a prospective voter to the provisional ballot officer for special assistance if the poll worker
(a) determines that the name of the individual does not appear on the official list of eligible voters for the precinct in which the individual seeks to vote,
(b) receives notice by an inspector that the individual is not entitled to vote at that precinct and challenges the individual,
(c) concludes that the individual is unable to meet the statutory requirements of voter identification, or
(d) believes that the individual applied for but did not return an absentee ballot for said election.
Author: Roy Wylie Granger, III; Ed Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.03 Provisional Ballot Officer. Each county appointing board or, in a municipal election, municipal governing body shall designate at least one election official in each precinct to serve as the provisional ballot officer. The provisional ballot officer shall administer all requirements of provisional voting in the precinct.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.04 Voter Eligibility Verification. In the event an individual's name does not appear on the list of eligible voters for the precinct, the provisional ballot officer shall in the presence of that individual use reasonable efforts to contact the county board of registrars and/or members of the appointing board to determine whether the individual is eligible to vote in that precinct. In a municipal election, the provisional ballot officer shall first contact the city clerk to determine whether the individual is eligible to vote in that precinct. The individual may request voting assistance from another person and such person shall be allowed to accompany and assist the individual during the process of provisional voting. If the provisional ballot officer verifies the individual's registration and/or eligibility to vote in that precinct, the provisional ballot officer shall write the source of verification in the designated area of a voter reidentification form which shall be completed by the individual or by the person providing voting assistance to the individual. Then the individual shall be directed to the appropriate poll worker so that he or she can vote a regular ballot. The individual will be directed to give the appropriate poll

worker so that he or she can vote a regular ballot. The provisional ballot officer will give the poll worker the completed reidentification form so that the form will be maintained with other election materials as prescribed by state and federal law.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended**: Filed May 20, 2010; effective June 24, 2010.

820-2-6-.05 Notice To Provisional Voter. A provisional ballot officer, who cannot confirm an individual's registration or eligibility to vote in that precinct shall inform the voter of his or her legal right to vote a provisional ballot. The provisional ballot officer shall explain to the individual the process of voting a provisional ballot.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.06 Provisional Ballot Roster. The voter shall sign a provisional ballot roster prescribed by the Secretary of State, which shall provide space for the name and number of precinct, the name of the county, city, or town in which the election is being held, the name of the election, the date of the election, the voter's printed name and signature and, when a person provides assistance to the provisional voter, the printed name and signature of the person providing assistance. The roster shall also contain a statement to be completed and signed by the provisional ballot officer certifying that the roster contains the names of all persons casting a provisional ballot in the precinct. The lines on the provisional ballot roster shall be numbered in a uniform manner. The line numbers shall include, in the case of primaries, party affiliation. Each voter's provisional ballot roster number shall be clearly written by the provisional ballot officer upon the respective provisional voter's provisional verification statement and upon the outer ballot envelope given to the provisional voter. Upon the closing of polls, the provisional ballot officer shall sign each provisional roster to certify that the name of each person casting a provisional ballot appears on a provisional ballot roster. If electronic poll books are used at the precinct, poll workers may use that equipment to record provisional voting data, provided that the electronic poll books capture the same information as required for the paper roster.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown; Jeff Elrod **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3-(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004.

Amended: Filed May 20, 2010; effective June 24, 2010. **Amended:** Published March 29, 2024; effective May 13, 2024.

820-2-6-.07 Provisional Verification Envelope.
(1) Before giving the provisional voter his or her provisional verification statement, which shall be prescribed by the Secretary of State, the provisional ballot officer shall write on said statement

(a) the election date,

(b) precinct number, and

(c) ballot style.

(2) The provisional ballot officer shall then check the appropriate box next to the reason for issuing the provisional ballot. The list of reasons shall include:

(a) voter's name does not appear on the list of registered voters,

(b) voter's registration status cannot be determined by the provisional ballot officer,

(c) voter is unable to provide identification,

(d) the voter requested but has not returned an absentee ballot,

(e) an inspector has knowledge that the person is not entitled to vote at the precinct and challenges the person, or

(f) the ballot is cast after the legal time for closing the polls due to a federal or state court order extending polling hours.

(g) Voter objects to the political party identified for the voter on the list of registered voters for the primary runoff election.

Author: Roy Wylie Granger, III; Edward Packard; Jean Brown; Brent Beal; Clay Helms; David Brewer **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010. **Amended:** Filed September 18, 2017; effective November 2, 2017. **Amended:** Filed January 5, 2018; effective February 19, 2018.

820-2-6-.08 Provisional Voting Documents. The provisional ballot officer shall give the provisional voter the following documents, all prescribed by the Secretary of State:

(a) a provisional verification statement,

(b) a provisional ballot,

(c) a provisional ballot inner envelope,

(d) a provisional ballot outer envelope,

(e) a voter reidentification form, and

(f) an instructional sheet.

Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New**

Rule: Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.09 Provisional Ballot. Any ballot used as a provisional ballot shall be printed and plainly marked as a "Provisional Ballot". The provisional ballot officer shall disable the provisional ballot to ensure that the provisional ballot is rejected by electronic tabulation equipment if the provisional voter places his or her provisional ballot in tabulation equipment on the day of the election. The provisional ballot may be disabled by 1) cutting or clipping the upper left corner of the provisional ballot, 2) placing an official provisional ballot label over the timing marks on the ballot, or 3) by shading or coloring in a bubble or other area on the ballot that will identify the ballot as a provisional ballot to the tabulation equipment.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.10 Provisional Voting Instruction Sheet. The provisional voting instruction sheet shall explain the procedure for casting a provisional ballot and shall include information explaining when and where the provisional voter must forward documents of identification. The instructions shall contain user-friendly guidelines for the voter to follow when responding to the challenge of a poll inspector and how to determine whether or not his or her vote was counted.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.11 Sworn Statement Of Provisional Voter. To cast a provisional ballot, an individual shall complete and execute the provisional verification statement including the written sworn affirmation prescribed by § 17-10-2(b), Code of Ala., 1975.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.12 Provisional Voter Reidentification "Update" Form And Inspector Challenge Form. The provisional voter shall complete a voter reidentification form. The provisional voter shall then return the completed but unsealed provisional verification statement and the reidentification

form to the provisional ballot officer. If the basis of the provisional ballot results from an inspector's challenge, the provisional ballot officer shall separate the multi-part challenge statement and place the original in the provisional ballot box, give one copy of the challenge statement to the provisional voter, and attach one copy of the challenge statement to the provisional verification statement.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.13 Provisional Ballot Completion. The provisional voting officer shall then direct the provisional voter to a designated voting area where he or she shall cast a provisional ballot. After completing his or her ballot, the provisional voter shall place the provisional ballot in the provisional ballot inner envelope and seal the envelope. The provisional voter shall then place the sealed provisional ballot inner envelope in the provisional ballot outer envelope and seal the envelope. The provisional ballot officer shall direct the provisional voter to the location of the provisional ballot box. The provisional voter shall place the sealed provisional ballot outer envelope into the sealed ballot box for provisional ballots.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.14 Provisional Voting Poll Closing Procedure. Upon the closing of the polls, the provisional ballot officer shall complete the administrative responsibilities of collecting the provisional verification statements, the provisional ballot roster or rosters, and related forms and shall place these documents in a precinct verification envelope which shall be given to the Sheriff, or the municipal clerk in a municipal election, and addressed to the county board of registrars. Before giving the Sheriff or the municipal clerk the provisional ballot box, the provisional ballot officer shall determine from the provisional ballot roster a tally of the number of provisional ballots cast and shall write the total number of provisional ballots cast upon the sealed provisional ballot box. In the event no provisional ballots are cast in the precinct, the provisional ballot officer shall indicate that fact on the precinct verification envelope and on the provisional ballot roster. The provisional ballot officer shall then place the provisional ballot roster in the precinct verification envelope and seal.
Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-a-3(a) and 17-10-2. **History: New**

Rule: Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

820-2-6-.15 Provisional Voting Verification Procedure.

(1) In an election for federal, state or county offices or proposed constitutional amendments or referenda, the Sheriff shall deliver the precinct verification envelope from each precinct in the county to the county board of registrars. In a municipal election, the municipal clerk shall deliver the precinct verification envelope from each precinct in the municipality to the board of registrars. Upon receipt of all the precinct verification envelopes, the board of registrars shall tally the number of provisional verification statements received in each precinct verification envelope. The number of provisional voters identified on the provisional ballot roster from the precinct should equal the total number of provisional verification statements. If the roster listing and tally correctly correspond, the board of registrars shall begin updating the state voter registration list using the voter reidentification form contained in each provisional verification envelope.

(2) When a discrepancy exists between the roster listing and tally, the board of registrars shall notify members of the county appointing board, or the municipal clerk in a municipal election, of the discrepancy and request assistance from the county appointing board or the municipal clerk, as appropriate, to resolve the matter. If the discrepancy remains unresolved at the time of designated for the county board of registrars to delivers its findings to the judge of probate, or the municipal clerk in a municipal election, the appointing board, or the municipal clerk in a municipal election, shall create a written record of the discrepancy and a majority of the members of both the appointing board or the governing body in a municipal election and the county board of registrars shall attest to the same. The written record of the discrepancy shall be provided to the canvassing board or the municipal governing body with a copy included in the container housing the records of the election as mandated by federal and state law.

(3) The board of registrars shall first identify all provisional ballots that were cast as a result of a challenge statement from an inspector. When all the provisional ballots resulting from a challenge statement are identified, the board of registrars shall promptly mail notice statements, as prescribed by the Secretary of State, addressed to each "inspector-challenged" provisional voter and provide him or her with additional information on how he or she may respond to the challenge from the poll inspector.

(4) The board of registrars shall use reasonable efforts to determine whether or not the ballot of each provisional voter shall be counted. The absentee election manager should be contacted to resolve matters involving an absentee ballot request that triggered a provisional ballot. For provisional ballots cast in a municipal election, the board of registrars shall consult with

the clerk of the municipality to resolve issues related to residency in the municipality. When a final determination is made that a vote shall or shall not be counted, a brief statement explaining the board of registrars findings shall be written in the designated area of the provisional verification statement. If the board of registrars creates any work papers or other correspondence in the verification process, a copy of such papers and correspondence shall be placed inside the provisional verification statement which shall be stored in the records of election. A majority of the board of registrars shall sign the findings of the board by certification and such certification shall include the printed name and signature of each registrar signing the findings.

Author: Roy Wylie Granger, III; Edward Packard; Jean Brown **Statutory Authority**: Code of Ala. 1975, §§ 17-1-3(a) and 17-10-2. **History: New Rule:** Filed May 27, 2004; effective July 1, 2004. **Amended:** Filed May 20, 2010; effective June 24, 2010.

Chapter 820-2-6.1

Cross-Over Voting

820-2-6.1-.01 Cross-Over Voting

820-2-6.1-.01 <u>Cross-Over Voting.</u>

(1) When a person presents himself or herself to vote at a polling place in a primary election, the registration list clerk as provided for is Section 17-8-1(b)(2) shall determine if the person is eligible to vote in the primary election.

(2) Upon a determination that the person is eligible to vote in the primary election, the voter shall declare to the registration list clerk in which political party's primary he or she desires to cast a ballot

(3) (a) The registration list clerk shall highlight or otherwise mark off the voter's name from the list of registered voters as provided for in Section 17-8-1(b)(2).

(b) The registration list clerk shall notate by the voter's name on the list of registered voters in which political party's primary the voter is participating. The registration list clerk shall clearly notate the political party preference by using an abbreviation for the political party's name, such as "Dem" for "Democrat" or "Rep" for "Republican". At the discretion of the judge of probate, the registration list clerk may be provided with a stamp with the name of each political party for notating the voter's political party preference on the list of registered voters.

(c) For voters casing a non-partisan, issue-only ballot in a special referendum election held at the same time as a primary election and who are not participating in a political party primary election, the registration list clerk shall make a notation of "NP" for non-partisan next to the voter's name on the list of registered voters. At the discretion of the judge of probate, the registration list clerk may be provided a stamp containing the term "non-partisan" for notating on the list of registered voters that the voter participated only in the special referendum election.

(4) If the registration list clerk is unable to determine the eligibility of the person to vote in the primary election or primary runoff election or the voter objects to the party listed for the runoff, the person shall be required to cast a provisional ballot as provided for in Section 17-10-2 and determined by the Secretary of State according to Act No.2017-340. In addition to the procedures for provisional balloting provided for in Section 17-10-2 and Chapter 820-2-6 of the Alabama Administrative Code, the provisional ballot officer shall mark the person's political party preference on the face

of the sworn statement of provisional voter provided for in the Rule 820-2-6-11 for use by the Board of Registrars.
(5) In precincts utilizing electronic poll books in lieu of a paper list of registered voters, the registration list clerk shall identify in the electronic poll book the voter's political party preference, or non-partisan status if voting in a special referendum election held at the same time as a primary election, after determining the voter is eligible to vote in the primary election.
(6) After the primary election, the Board of Registrars of each country shall keep the list of registered voters until after a decision has been made on all provisional ballots by the registrars of the county for the primary runoff election.
(7) The Board of Registrars shall record each voter's party preference when recording voter history.
(8) In administering absentee voting for an election pursuant to Title 17, Chapter 11, the duties assigned to the registration list clerk pursuant to this section shall be assigned to the absentee election manager for each county.
Authors: Brent Beal, David Brewer, Ed Packard, Clay Helms **Statutory Authority:** Code of Ala. 1975 §§ 17-8-1, 17-10-2, Act No. 2017-340. **History: New Rule:** Filed September 18, 2017; effective November 2, 2017. **Amended:** Filed January 5, 2018; effective February 19, 2018.

Chapter 820-2-8

Fair Campaign Practices Act Filing Regulations

820-2-8-.01 Fair Campaign Practices Act Reports
820-2-8-.02 Monthly Reports
820-2-8-.03 Weekly Reports
820-2-8-.04 Daily Reports
820-2-8-.05 Major Contribution Reports
820-2-8-.10 Electronic Registration Required
820-2-8-.11 Form and Method of Electronic Registration
820-2-8-.12 Expedited Method of Registration
820-2-8-.13 Fair Campaign Practices Act Reports
820-2-8-.14 Emergency FCPA Reporting Period
820-2-8-.15 Public Access to Computer Station

820-2-8-.01 Fair Campaign Practices Act Reports. (Repealed) **Authors:** Julie Sinclair; Jean Brown. **Statutory Authority:** Code of Ala. 1975, §17-5-8 (2012). **History: New Rule:** Filed August 27, 2013; effective October 1, 2013. **Repealed:** Published August 13, 2020; effective October 15, 2020.

820-2-8-.02 Monthly Reports. If a monthly report is due on an election day, that report shall be due on the last business day preceding the day of the election. For this report, the principal campaign committee or political action committee shall close its books two business days prior to the last business day preceding the day of the election. For a report filed by mail, the certified mail deadline shall be two business days prior to the last business day preceding the day of the election. **Authors:** Julie Sinclair; Jean Brown; Edward Packard **Statutory Authority:** Code of Ala. 1975, §17-5-8 (2012). **History: New Rule:** Filed August 27, 2013; effective October 1, 2013. **Amended:** Published August 31, 2020; effective October 15, 2020.

820-2-7-.03 Weekly Reports. For purposes of filing weekly reports, a "week" is defined as running from a Saturday to a Friday. The first weekly report shall include all reportable transactions that occurred since the most recently filed prior report. Weekly reports shall be filed on the Monday of the succeeding week.
If a weekly report is due on a Monday holiday, that report shall be due the next business day. If a weekly report is due on a Monday holiday, and the next business day after the holiday is the day of the election for which the report is being filed, the report shall be due on the Monday holiday. If the

report is to be filed by mail, the certified mail deadline shall be the Friday preceding the election. **Authors:** Julie Sinclair; Jean Brown; Edward Packard; Clay Helms; Hugh Evans; David Brewer; Jeff Elrod. **Statutory Authority:** Code of Ala. 1975, §17-5-8 (2012). **History: New Rule:** Filed August 27, 2013; effective October 1, 2013. **Amended:** Published August 31, 2020; effective October 15, 2020.

820-2-7-.04 Daily Reports. (Repealed)
Authors: Julie Sinclair; Jean Brown **Statutory Authority:** Code of Ala. 1975, §17-5-8 (2012). **History: New Rule:** Filed August 27, 2013; effective October 1, 2013. **Repealed:** Published August 31, 2020; effective October 15, 2020.

820-2-8-.05 Major Contribution Reports. (Repealed)
Authors: Adam Thompson; Julie Sinclair; Jean Brown **Statutory Authority:** Code of Ala. 1975, §17-5-8.1(c) (2012). **History: New Rule:** Filed September 18, 2013; effective October 23, 2013. **Repealed:** Published August 31, 2020; effective October 15, 2020.

820-2-8-.10 Electronic Registration Required. (Repealed)
Authors: Julie Sinclair; Ed Packard; Jean Brown **Statutory Authority:** Code of Alabama 1975, § 17-5-8.1 (2011). **History: New Rule:** Filed June 21, 2013; effective July 26, 2013. **Repealed:** Published August 31, 2020; effective October 15, 2020.

820-2-8-.11 Form And Method of Electronic Registration. Electronic registration shall be implemented by logging onto the electronic FCPA website provided by the Secretary of State's office and completing the registration form. Registration is complete when a printed copy of the form is signed and delivered to the Elections Division of the Secretary of State's office. The Secretary of State shall review each registration and activate a Principal Campaign Committee's or a Political Action Committee's electronic account after a printed copy of the electronic registration form has been received.

Authors: Julie Sinclair; Ed Packard; Jean Brown **Statutory Authority:** Code of Alabama 1975, § 17-5-8.1 (2011). **History: New Rule:** Filed June 21, 2013; effective July 26, 2013.

820-2-8-.12 Expedited Method of Registration.
(1) Upon completion of the online registration process, to receive expedited activation, a Principal Campaign Committee or Political Action Committee may

(a) deliver the signed form to the Elections Division of the Secretary of State's Office in person, or

(b) if activation is needed within 5 days of a reporting deadline, transmit the form by facsimile and/or call the Elections Division for immediate activation during normal business hours. Nothing in this expedited registration process supersedes the requirement of sending a signed original form to the Secretary of State as provided in 820-2-8-.02.
Authors: Julie Sinclair; Ed Packard; Jean Brown **Statutory Authority:** Code of Alabama 1975, § 17-5-8.1 (2011). **History: New Rule:** Filed June 21, 2013; effective July 26, 2013.

820-2-8.13 Fair Campaign Practices Act Reports. (Repealed)
Authors: Julie Sinclair; Ed Packard; Jean Brown **Statutory Authority:** Code of Alabama 1975, § 17-5-8.1 (2011). **History: New Rule:** Filed June 21, 2013, effective July 26, 2013. **Repealed:** Published August 31, 2020; effective October 15, 2020.

820-2-8-.14 Emergency FCPA Reporting Period.
(1) If the electronic FCPA reporting system is not functioning at the state level due to system failure or environmental, structural or other adverse conditions at the facility where the reporting system is hosted, any report then due shall be filed within two business days after access to the electronic system is restored.
(2) The Secretary of State shall apply to any report filed pursuant to paragraph (a) a date of receipt that reflects the original deadline of the report, and the report shall be considered timely filed.
Authors: Julie Sinclair; Ed Packard; Jean Brown **Statutory Authority:** Code of Alabama 1975, § 17-5-8.1 (2011). **History: New Rule:** Filed June 21, 2013; effective July 26, 2013.

820-2-8-.15 Public Access to Computer Station. The Elections Division of the Secretary of State's office shall provide at least one computer station accessible to the general public for retrieving electronic FCPA reports and filings. The computer station shall also be available for submitting FCPA reports and other filings by candidates or the chair or treasurer of a Political Action Committee. The computer station shall be available to the general public during regular business hours of the Secretary of State's office. Persons wishing to use the computer station shall provide the following information on a "Sign In" sheet placed on the desk where the computer station is located: name, physical address, the date and time of use of the computer station, and the purpose for use of the computer station.

Authors: Julie Sinclair; Ed Packard; Jean Brown **Statutory Authority:** Code of Alabama 1975, § 17-5-8.1 (2011). **History: New Rule:** Filed June 21, 2013; effective July 26, 2013.

Chapter 820-2-9

Implementation of the Alabama Photo Voter Identification Law

820-2-9-.01 Purpose
820-2-9-.02 Effective Date Of Alabama Photo Voter Identification
820-2-9-.03 Instructions And Application Form For Free Alabama Photo Voter Identification Card
820-2-9-.04 Free Nondriver Identification Card Application Form
820-2-9-.05 Locations Where Alabama Electors Can Obtain Free Nondriver Identification Card Or Free Alabama Photo Voter Identification Card
820-2-9-.06 Processing Applications For Free Alabama Photo Voter Identification Card
820-2-9-.07 Cancellation And Surrender Of Free Alabama Photo Voter Identification Card Or Receipt
820-2-9-.08 Replacement Of Alabama Photo Voter Identification Card
820-2-9-.09 Validity Of Alabama Photo Voter Identification Card Or Nondriver Identification Card
820-2-9-.10 Voting By Provisional Ballot
820-2-9-.11 Identification By Two Election Officials And Affidavit Form
820-2-9-.12 Inapplicability Of Photo Voter Identification Requirement To Voters Entitled To Vote By Absentee Ballot Pursuant To The Uniformed And Overseas Citizens Absentee Voting Act And Voters Entitled To Vote By Absentee Ballot Pursuant To The Voting Accessibility For The Elderly And Handicapped Act Or Any Other Federal Law
820-2-9-.13 Application For Issuance Of Free Alabama Birth Or Marriage Certification To Obtain Free Alabama Photo Voter ID Card

820-2-9-.01 Purpose.
The purpose of this chapter is to establish procedures for Alabama voters to obtain a free Alabama photo voter identification card or free nondriver identification card. An Alabama photo voter identification card shall be valid only for the purposes of voter identification and said card shall so state. No fee shall be charged or collected from an Alabama elector for the

application for or issuance of an Alabama photo voter identification card. Likewise, if an Alabama elector does not possess any of the forms of valid photo identification set forth in Rule 820-2-9-.03, and said elector completes an application so stating, no fee shall be charged or collected from an Alabama elector for the application for or issuance of an Alabama nondriver identification card by the office located within the elector's county of residence where driver's licenses/ nondriver identification cards are issued or renewed. **Authors**: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.02 Effective Date Of Alabama Photo Voter Identification. Beginning with the first statewide primary election for 2014, unless specifically exempted pursuant to Code of Alabama, section 17-9-30 (c) and Rule 820-2-9-.12, each Alabama elector shall be required to provide valid photo identification to an appropriate election official prior to voting. Unless specifically exempted pursuant to Code of Alabama, section 17-9-30 (c) and Rule 820-2-9-.12, voters casting an absentee ballot shall also be required to submit with the ballot a copy of one of the forms of valid photo identification set forth in Rule 820-2-9-.03. **Authors**: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.03 Instructions And Application Form For Free Alabama Photo Voter Identification Card.

(1) The following instructions and form shall be used by Alabama electors who do not have any of the following forms of valid photo identification:

(a) a valid Alabama driver's license;

(b) a valid Alabama nondriver identification card which was properly issued by the appropriate state or county department or agency;

(c) a valid Alabama photo voter identification card;

(d) a valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

(e) a valid U.S. passport;

(f) a valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the U.S. government, the State of Alabama, or any county, municipality, board, authority, or other entity of this state;

(g) a valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional

school located within the State of Alabama, provided that such identification card contains a photograph of the elector;

(h) a valid U.S. military identification card, provided that such identification card contains a photograph of the elector; or

(i) a valid tribal identification card containing a photograph of the elector.

(2) As used in these rules, the term "valid" means having legal strength, force, and effect.

INSTRUCTIONS FOR FREE ALABAMA PHOTO VOTER IDENTIFICATION CARD

If you are a registered voter and you are eligible for a free Alabama photo voter identification card, you can apply for the identification card at your local Board of Registrar's office, a mobile services location in your county, or at the office of the Secretary of State.

If you are not already a registered voter and you are eligible for a free Alabama photo voter identification card, you can apply for the card at the same time you turn in your voter registration form. Your voter registration form and this application must be submitted in person to the Board of Registrars. If the Board of Registrars determines that you are qualified to vote in Alabama, that office can then process the card application, so long as all other requirements are met.

You can only receive a free Alabama photo voter identification card if you are registered to vote in Alabama and do not have any of the following:

(a) a valid Alabama driver's license which was properly issued by the appropriate state or county department or agency;

(b) a valid Alabama nondriver identification card which was properly issued by the appropriate state or county department or agency;

(c) a valid Alabama photo voter identification card;

(d) a valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

(e) a valid U.S. passport;

(f) a valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the U.S. government, the State of Alabama, or any county, municipality, board, authority, or other entity of this state;

(g) a valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional school located within the State of Alabama, provided that such identification card contains a photograph of the elector;

(h) a valid U.S. military identification card, provided that such identification card contains a photograph of the elector; or

(i) a valid tribal identification card containing a photograph of the elector.

If you already possess one of these documents, do not complete this application.

In order to receive this card you must provide a document that contains your full legal name and date of birth. All of the information may be contained in the same document. Verification of voter registration can be electronically verified by issuing office.

Your application must be signed and sworn to under penalty of perjury pursuant to the laws of the State of Alabama. Any falsification or fraud in the making of this application shall constitute a Class C felony.

OFFICE OF THE SECRETARY OF STATE APPLICATION FOR FREE ALABAMA PHOTO VOTER IDENTIFICATION CARD

CARDS WILL BE ISSUED TO ALABAMA REGISTERED VOTERS ONLY

ANY FALSIFICATION OR FRAUD IN THE MAKING OF THIS APPLICATION SHALL CONSTITUTE A CLASS C FELONY

This application must be presented in person at one of the following locations:

1. Your local Board of Registrars;
2. The Alabama Secretary of State's Office State Capitol Building - Suite S-105 600 Dexter Avenue Montgomery, Alabama 36103-5616; or
3. Mobile Locations to be provided.

Full Legal Name (print)_____

Address as reflected in voter registration record

(street address)_____

City, State and ZIP Code_____

Date of Birth (00/00/0000) _____

Eye Color___ Gender__ Height___ Weight___ Application Date___

In order to process your application you must provide the following information:

(All of the following information can be contained in one document.)

1. a photo identification document or a non-photo identification document is acceptable if it contains your full legal name and date of birth;
2. documentation showing your date of birth;
3. documentation showing that you are an Alabama registered voter (can be electronically verified by the processing office);

4. documentation showing your name and address as reflected in your voter registration record (can be electronically verified by the processing office).

I, _____, a registered voter (or voter registration applicant if form is filed with Board of Registrars at same time voter registration application is filed) in the State of Alabama, do hereby swear or affirm that the information contained above is true and correct.

Signature of Alabama registered voter (full legal name)

_____

FOR OFFICE USE ONLY

DOCUMENTATION SHOWING FULL LEGAL NAME AND DATE OF BIRTH PRESENTED WITH APPLICATION:

_____

IF APPLICATION WAS DENIED STATE REASON:

_____

_____

Authors: Jean Brown; Ed Packard; Julie Sinclair.
Statutory Authority: Code of Ala. 1975, §17-9-30 (2011).
History: New Rule: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.04 Free Nondriver Identification Card Application Form.

(1) The following application form shall be used only by Alabama electors who wish to obtain a free nondriver identification card and do not have any of the following forms of valid photo identification:

(a) a valid Alabama driver's license;

(b) a valid Alabama nondriver identification card which was properly issued by the appropriate state or county department or agency;

(c) a valid Alabama photo voter identification card;

(d) a valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

(e) a valid U.S. passport;

(f) a valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the U.S. government, the State of Alabama, or any county, municipality, board, authority, or other entity of this state;

(g) a valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional

school located within the State of Alabama, provided that such identification card contains a photograph of the elector;

(h) a valid U.S. military identification card, provided that such identification card contains a photograph of the elector; or

(i) a valid tribal identification card containing a photograph of the elector.

APPLICATION FOR FREE NONDRIVER IDENTIFICATION CARD FOR USE BY ALABAMA REGISTERED VOTERS ONLY

(To be provided to state or county department, license commissioner or agency that issues or renews driver's licenses/nondriver identification cards)

I, _____ (print name), hereby attest that I am an Alabama elector and that I do not currently possess any of the following forms of valid photo identification:

(a) a valid Alabama driver's license;

(b) a valid Alabama nondriver identification card which was properly issued by the appropriate state or county department or agency;

(c) a valid Alabama photo voter identification card;

(d) a valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

(e) a valid U.S. passport;

(f) a valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the U.S. government, the State of Alabama, or any county, municipality, board, authority, or other entity of this state;

(g) a valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional school located within the State of Alabama, provided that such identification card contains a photograph of the elector;

(h) a valid U.S. military identification card, provided that such identification card contains a photograph of the elector; or

(i) a valid tribal identification card containing a photograph of the elector.

I understand and acknowledge that if I possess any of the valid photo identification documents set forth above, I am not entitled to apply for a free nondriver identification card. I further understand and acknowledge that the issuance and/or renewal of the nondriver identification card is governed by the requirements of the Alabama Department of Public Safety.

_____(Printed name)

_____(Signature)

Authors: Jean Brown; Ed Packard; Julie Sinclair.
Statutory Authority: Code of Ala. 1975, §17-9-30 (2011).
History: New Rule: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.05 Locations Where Alabama Electors Can Obtain Free Nondriver Identification Card Or Free Alabama Photo Voter Identification Card.

(1) Alabama electors can obtain a free nondriver identification card or free Alabama photo voter identification card at the following locations:

(a) Nondriver identification cards. Alabama electors can obtain a free nondriver identification card at the location within the county of residence where driver's licenses/nondriver identification cards are issued or renewed, subject to the requirements of the Alabama Department of Public Safety. Before obtaining a free nondriver identification card, an Alabama elector must complete an application stating that he or she does not possess any of the following:

1. a valid Alabama driver's license which was properly issued by the appropriate state or county department or agency;

2. a valid Alabama nondriver identification card which was properly issued by the appropriate state or county department or agency;

3. a valid Alabama photo voter identification card;

4. a valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

5. a valid U.S. passport;

6. a valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the U.S. government, the State of Alabama, or any county, municipality, board, authority, or other entity of this state;

7. a valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional school located within the State of Alabama, provided that such identification card contains a photograph of the elector;

8. a valid U.S. military identification card, provided that such identification card contains a photograph of the elector; or

9. a valid tribal identification card containing a photograph of the elector. Any charge incurred in the production of the nondriver identification card by said offices pursuant to this rule shall be billed to the

Secretary of State's office and the elector shall not be charged for the production of the card.

(b) Alabama photo voter identification cards. Alabama photo voter identification cards can be obtained at the following locations:

1. at the county Board of Registrars office where the elector is registered to vote. Any charge incurred by the county Board of Registrars shall be billed to the Secretary of State's office and the elector shall not be charged for the production of the card.

2. at the Secretary of State's office located at 600 Dexter Avenue, Montgomery, Alabama (State Capitol). The Secretary of State's office shall pay any costs incurred in the production of the card and the elector shall not be charged for the production of the card;

3. at mobile locations to be provided by the Secretary of State's office. There shall be no charge to an elector for production of the card and the Secretary of State shall pay any costs incurred in the production of the card.

(c) In the event an elector's county of residence has more than one Board of Registrars office, an elector can obtain the free Alabama photo voter identification card at any Board of Registrars location at his or her convenience.

Authors: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.06 <u>Processing Applications For Free Alabama Photo Voter Identification Card.</u>

(1) To process the elector's application for the Alabama photo voter identification card the processing agent shall require the elector to complete, sign, and submit the application form set forth in Rule 820-2-9-.03 and to present documentation showing the applicant's full legal name and date of birth. All of the information may be contained in one document. The applicant's voter registration information can be confirmed electronically. If the elector completes, signs, and submits an application and presents said information as set forth in the application form, the processing agent shall immediately:

(a) capture a digital photograph of the elector;

(b) issue the receipt for the Alabama photo voter identification card to the elector, which shall contain the digital photograph of the elector; and

(c) inform the elector that he or she should receive the Alabama photo voter identification card within fourteen (14) days and that the elector can use the receipt for the Alabama photo voter identification card to vote for forty-five (45) days from the date of issuance.

(2) If the elector completes, signs, and submits an application for a free Alabama photo voter identification card but the processing agent determines the form of identification presented by the elector does not satisfy the requirements of Rule 820-2-9-.03, the processing agent shall immediately advise the elector of the reason(s) why the application has been denied, and further advise the voter of the availability of an appeal process.
(3) Right of appeal. In the event an elector is denied issuance of an Alabama photo voter identification card, or a card is subsequently cancelled, the elector shall have the right to appeal the denial or cancellation through the appeals process outlined in Code of Alabama, section 17-3-55. The processing agent and/or issuing agent shall not be made a party to any appeal and shall not be liable for costs. An Alabama elector can appeal the denial or cancellation of an Alabama photo voter identification card, without giving security for costs, within 30 days after such denial or cancellation, by filing a petition in the probate court in the county of residence, alleging that he or she is qualified to receive a free Alabama photo voter identification card. Upon the filing of the petition, the clerk of the probate court shall give notice thereof to the district attorney authorized to represent the state in the county, who shall appear and defend against the petition on behalf of the state. An appeal will lie to the circuit court in favor of the petitioner if taken within 30 days from the date of judgment pursuant to Section 12-22-20. Final judgment in favor of the petitioner shall entitle him or her to a free Alabama photo voter identification card as of the date of his or her application for the card.
Authors: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.07 <u>Cancellation And Surrender Of Free Alabama Photo Voter Identification Card Or Receipt.</u>
(1) The issuing agent for an Alabama photo voter identification card can cancel and require surrender of the card or receipt for said card upon confirmation that the card or receipt was issued to a person not entitled thereto. In the event a card or receipt is cancelled, notice shall be given to the county Board of Registrars who shall immediately record the cancellation in the statewide voter registration system and send notice by U.S. mail to the card recipient at the address shown on the card that was issued. The notice to the elector shall state that the elector shall have the right to appeal the cancellation through the appeals process outlined in Code of Alabama, section 17-3-55, as set forth in Rule 820-2-9-.06.
(2) After issuance, a free Alabama photo voter identification card or receipt can be cancelled if:

(a) The Board of Registrars receives official notice that an elector has been convicted of a felony determined by the Board to be a felony involving moral turpitude.

(b) An elector is deceased.

(c) The Board of Registrars receives official notice that an elector has registered to vote in another state.

(d) An elector is otherwise no longer qualified to vote.

Authors: Jean Brown; Ed Packard; Julie Sinclair.
Statutory Authority: Code of Ala. 1975, §17-9-30 (2011).
History: New Rule: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.08 Replacement Of Alabama Photo Voter Identification Card.
(1) If a previously issued Alabama photo voter identification card has been lost, destroyed, marred or mutilated, a replacement card shall be issued to the elector upon application for a new card in accordance with the procedures set forth herein in Rules 820-2-9-.03 and 820-2-9-.06.
(2) If the name of the elector to whom an Alabama photo voter identification card was issued has changed, a replacement card shall be issued to the elector upon the elector

(a) updating his or her voter registration record to reflect his or her new name, and

(b) providing official documentation of the change of name. Issuance of the prior Alabama photo voter identification card shall establish prima facie that the elector is qualified to receive a new card without being required to provide any additional documentation other than said evidence of the legal change of name.

Authors: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.09 Validity Of Alabama Photo Voter Identification Card Or Nondriver Identification Card.
(1) An Alabama photo voter identification card shall not contain an expiration date, but shall remain valid for as long as the elector resides at the same address shown on the card and remains qualified to vote in Alabama. An Alabama nondriver identification card shall remain valid until the expiration date contained on the card.
(2) It shall be the duty of an elector who moves his or her residence within the county where he or she is registered to vote to surrender his or her Alabama photo voter identification card to the local Board of Registrars. The elector may thereafter complete a voter update form and apply for a new Alabama photo voter identification card reflecting his or her new address. Issuance of the prior Alabama photo voter identification card shall

establish prima facie that the elector is qualified to receive a new card without being required to provide documentation of full legal name and date of birth.
(3) It shall be the duty of a person who moves his or her residence within this state but outside the county in which he or she is registered to vote to surrender his or her Alabama photo voter identification card to the local Board of Registrars in the new county of residence. The person may thereafter complete a new voter registration form and apply for a new Alabama photo voter identification card. Issuance of the prior Alabama photo voter identification card shall establish prima facie that the person is qualified to receive a new Alabama photo voter identification card without being required to provide any documentation of full legal name and date of birth.
(4) It shall be the duty of a person who moves his or her residence outside this state or who ceases to be qualified to vote to surrender his or her Alabama photo voter identification card to the Secretary of State.
(5) Each Board of Registrars shall forward all surrendered Alabama photo voter identification cards to the Secretary of State.
(6) An Alabama nondriver identification card shall remain valid until the expiration date contained on the card. Pursuant to Code of Alabama, section 32-6-4.2, an Alabama nondriver identification card issued to a person who is 62 years of age or older shall not have an expiration date. Pursuant to Code of Alabama, section 32-6-4.1, an Alabama nondriver identification card issued to persons who are mentally or physically disabled or legally blind shall not have an expiration date.
Authors: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.10 Voting By Provisional Ballot.
Any elector who is required to produce a valid Alabama photo identification as defined in Rule 820-2-9.03 but is unable to do so at the time his or her vote is cast shall be allowed to vote a provisional ballot and shall be subject to the requirements of Code of Alabama, section 17-10-2(a)(3).
Authors: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.11 Identification By Two Election Officials And Affidavit Form.
(1) If an elector does not have a valid Alabama photo identification as defined in Rule 820-2-9-.03 in his or her possession at the polls, he or she shall be allowed to cast a regular ballot if the individual is positively

identified by two election officials as a voter on the poll list who is eligible to vote and both of the election officials sign a sworn affidavits so stating.

(2) The affidavit form to be used when two election officials positively identify an individual as a voter on the poll list who is eligible to vote shall read as follows:

County of _____

State of Alabama

I, _____ (print name), and _____(print name) who are both election officials in the above stated county, do hereby swear or affirm that_____(print elector's name) does not have a valid Alabama photo identification in his/her possession at the polls. I further swear or affirm that said elector has been positively identified by me as a voter on the poll list who is eligible to vote.

I further swear or affirm under penalty of perjury that all information provided in the affidavit above is true and correct.

_____(Signature of election official)

_____(Printed name)

_____(Signature of election official)

_____(Printed name)

Authors: Jean Brown; Ed Packard; Julie Sinclair.

Statutory Authority: Code of Ala. 1975, §17-9-30 (2011).

History: New Rule: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.12 <u>Inapplicability Of Photo Voter Identification Requirement To Voters Entitled To Vote By Absentee Ballot Pursuant To The Uniformed And Overseas Citizens Absentee Voting Act And Voters Entitled To Vote By Absentee Ballot Pursuant To The Voting Accessibility For The Elderly And Handicapped Act Or Any Other Federal Law</u>.

(1) A voter who is entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act shall not be required to produce identification prior to voting.

(2) A voter who is entitled to vote by absentee ballot pursuant to the Voting Accessibility for the Elderly and Handicapped Act or any other federal law shall not be required to produce identification prior to voting.

(3) Pursuant to Section 8 of the Voting Accessibility for the Elderly and Handicapped Act (subchapter 1-F of Chapter 20 of Title 42 U.S.C.), the Secretary of State has determined that the term "accessible" as applied to handicapped or elderly voters shall mean that the location of a polling place is physically accessible to handicapped and elderly voters. Moreover, if a handicapped or elderly voter is unable to access his or her assigned polling place due to a neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, or other life-altering disorder that affects the

voter's ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear, or speak, that voter's polling place is not "accessible" to him or her.
Authors: Jean Brown; Ed Packard; Julie Sinclair. **Statutory Authority**: Code of Ala. 1975, §17-9-30 (2011). **History: New Rule**: Filed October 22, 2013; effective November 26, 2013.

820-2-9-.13 Application For Issuance Of Free Alabama Birth Or Marriage Certification To Obtain Free Alabama Photo Voter ID Card.
(1) The following application is to be used by Alabama voters who need a free birth or marriage certificate to obtain a free Alabama Photo Voter Identification Card.
(2) The birth or marriage certificate will be provided electronically to the processing or issuing agent and is for voting purposes only. The voter will not be given a copy of these free birth or marriage certificates. The processing or issuing agent is to transmit both sides of the application to the state office of the Alabama Department of Public Heath using the contact information provided by the Secretary of State.
(3) The processing or issuing agent transmitting the application for free Alabama birth or marriage certificate must include a transmittal form identifying the office that is transmitting the form to the Alabama Department of Public Health.

SIDE A

OFFICE OF THE SECRETARY OF STATE APPLICATION FOR ISSUANCE OF FREE ALABAMA BIRTH OR MARRIAGE

CERTIFICATION TO OBTAIN FREE ALABAMA PHOTO VOTER ID CARD

Print Your Name:_____

Address: _____

City: _____ State: _____

Zip:_____ Daytime Phone:(_____)_____

DO NOT COMPLETE THIS FORM IF YOU HAVE ANY OF THE FOLLOWING:

1. a valid Alabama driver's license or a valid Alabama nondriver identification card which was properly issued by the appropriate state or county department or agency;

2. a valid Alabama photo voter identification card;

3. a valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector;

4. a valid U.S. passport;

5. a valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the U.S. government, the State of Alabama, or any county, municipality, board, authority, or other entity of this state;

6. a valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional school located within the State of Alabama, provided that such identification card contains a photograph of the elector;

7. a valid U.S. military identification card, provided that such identification card contains a photograph of the elector; or

8. a valid tribal identification card containing a photograph of the elector.

I, _____, a registered voter in the State of Alabama, do hereby swear or affirm that I do not possess any of the forms of photo ID listed above. I further swear or affirm that the information contained on this form (Side A and Side B) is true and correct. I understand that the free birth or marriage certificate will be issued electronically to the processing or issuing agent and that said free certification cannot be used for any purpose other than obtaining a free Alabama photo voter ID card.

Signature of Alabama Registered Voter_____
Date_____

SIDE B

APPLICATION FOR ISSUANCE OF A FREE ALABAMA BIRTH OR MARRIAGE CERTIFICATION TO OBTAIN

FREE ALABAMA PHOTO VOTER ID CARD
SIDE A MUST BE COMPLETED BEFORE COMPLETING SIDE B OF THIS FORM

THERE IS NO FEE FOR BIRTH OR MARRIAGE RECORD SEARCHES FOR PURPOSES OF ELECTOR VOTING.

PRINT ALL INFORMATION LEGIBLY. You must **complete & sign the applicant section** or your request cannot be processed.

TAKE THIS FORM TO YOUR LOCAL BOARD OF REGISTRARS OFFICE

APPLICANT SECTION (THIS SECTION MUST BE COMPLETED) Anyone falsely applying for a record is subject to a penalty upon conviction of up to three months in the county jail or a fine of up to $500. Code of Ala. 1975, § 13A-10-109. By signing, you are certifying you have a legal right to the record requested.

Your Signature_____Date_____

Print Your Name _____Address_____

City_____State_____Zip_____Daytime Phone_____

BIRTH:

FULL NAME AS ON BIRTH CERTIFICATE_____
FIRST MIDDLE LAST

DATE OF BIRTH _____SEX_____

COUNTY OF BIRTH _____ HOSPITAL_____

FULL MAIDEN NAME OF MOTHER_____
FIRST MIDDLE LAST

FULL NAME OF FATHER_____
FIRST MIDDLE LAST

MARRIAGE:

FULL NAME OF HUSBAND_____
FIRST MIDDLE LAST

FULL MAIDEN NAME OF WIFE_____
FIRST MIDDLE LAST

DATE OF MARRIAGE_____ COUNTY WHERE LICENSE WAS ISSUED_____

FOR OFFICE USE ONLY:

PROCESSING/ISSUING AGENT USE: The processing/issuing agent must print and sign his or her name below before transmitting both sides of the application to the state office of the Alabama Department of Public Health

_____ _____ _____
Processing/Issuing Agent Printed Name Processing/Issuing Agent Signature Date

ALABAMA DEPARTMENT OF PUBLIC HEALTH USE: This application has been reviewed for the individual's right to receive the requested document(s).

_____ _____ _____
ADPH Employee's Signature Date ADPH Receipt Number

Authors: Jean Brown, William Sutton
Statutory Authority: Code of Ala. 1975, §17-9-30 (2011).
History: New Rule: Filed October 9, 2014; effective November 13, 2014.

Chapter 820-2-10

Procedures for Implementing the Uniformed Overseas Citizens Absentee Voting Act (UOCAVA)

820-2-10-.01 Purpose
820-2-10-.02 Applicability
820-2-10-.03 Application And Procedures For Issuance of Absentee Ballot
820-2-10-.04 Return of Absentee Ballots
820-2-10-.05 Counting of Absentee Ballots
820-2-10-.06 Minimum Criteria To Ensure Secure Remote Electronic Transmission Of Blank Absentee Ballots And Procedures For Secure Electronic Return of Voted Ballots
820-2-10-.07 Application Of Postmark Deadline To Delivery of Ballots By Commercial Carriers
820-2-10-.08 Delivery Of Printed Ballots And Preparation Of Electronic Ballot Transmission System
820-2-10-.17 Counting Of Votes
820-2-10-.18 UOCAVA State Written Plan For Federal Primary Runoff Election

820-2-10-.01 Purpose. The purpose of this chapter is to provide for implementation of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §1973FF *et seq*., as Amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§575-589, 123 Stat. 2190, 2318-2355 (2009)("MOVE Act") and Act of Alabama 2011-619, for those qualified individuals requesting to vote by absentee ballot pursuant to the Federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The procedures in this chapter are promulgated under authority granted the Secretary of State as Chief Elections Official pursuant to the UOCAVA and Code of Ala. 1975, sections 17-11-42 and 17-1-3(a). **Author:** Edward Packard; Jean Brown; William Sutton **Statutory Authority:** Code of Ala. 1975, §§17-11-40 *et seq.,* 17-1-3(a), 17-11-4, 17-11-5(d), 17-11-9. **History: New Rule:** Filed March 28, 2014; effective May 2, 2014.

820-2-10-.02 Applicability. This chapter applies to absentee balloting for all elections for individuals eligible to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act

(UOCAVA). **Author:** Edward Packard; Jean Brown; William Sutton **Statutory Authority:** Code of Ala. 1975, §§17-11-40 *et seq.,* 17-1-3(a), 17-11-4, 17-11-5(d), 17-11-9. **History: New Rule:** Filed March 28, 2014; effective May 2, 2014.

820-2-10-.03 Application And Procedures For Issuance Of Absentee Ballot.

(1) Individuals voting by absentee ballot pursuant to UOCAVA may apply for an absentee ballot by utilizing an application adopted by the State of Alabama pursuant to §§17-11-4 or 17-11-5(d) or by utilizing the Federal Postcard Application provided for by UOCAVA. The application must be submitted by the voter by U.S. mail or hand-delivery to the absentee election manager in the county in which the prospective absentee voter is registered to vote. The application prescribed by the Secretary of State pursuant to §17-11-5(d) shall provide the UOCAVA applicant the means to request delivery of the blank absentee ballot by U.S. mail, by hand-delivery or by electronic transmission.

(2) A voter who chooses to have the blank absentee ballot transmitted to him or her electronically must designate that choice on the Federal Postcard Application or on the state-prescribed absentee ballot application prescribed pursuant to §17-11-5(d). If the voter does not make such designation, the blank absentee ballot shall be delivered to the voter by U.S. mail or hand-delivery.

(3) If the voter requests to have the blank absentee ballot transmitted electronically, the absentee election manager shall:

(a) verify the voter registration status of the applicant;

(b) record in the Alabama Voter Registration and Election Management System the request for the absentee ballot;

(c) deliver to the voter the blank absentee ballot by electronic transmission utilizing the electronic blank ballot transmission developed by the Secretary of State;

(d) shall notify the voter that to be properly cast and counted, the voted absentee ballot must be returned to the appropriate absentee election manager by the date specified in state law and provide the voter said date;

(4) Each absentee ballot delivered to a voter pursuant to UOCAVA shall include a "UOCAVA Affidavit" which shall read as prescribed in §17-11-7, Code of Ala. 1975, except:

(a) the instructions to the voter regarding signing and witnessing of the affidavit shall not include any reference to notarization and shall read "IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF AGE OR OLDER, PRIOR TO BEING DELIVERED OR MAILED TO THE ABSENTEE ELECTION MANAGER, YOUR

BALLOT WILL NOT BE COUNTED.", and

(b) the affidavit shall not include a section for completion by a notary public.

(c) item (5) in paragraph (b) of §17-11-7 shall read

"(5) I am entitled to vote an absentee ballot because I am a member of or a spouse or dependent of a member of the Armed Forces of the United States or am otherwise entitled to vote pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff."

(5) For voters requesting electronic transmission of the absentee ballot, the "UOCAVA Affidavit" shall be provided in electronic format to the voter; otherwise the "UOCAVA Affidavit" shall be provided printed on the ballot return envelope.

(6) For purposes of the MOVE Act and Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act, the Federal Postcard Application (FPCA) for absentee balloting provided for by Section 101(b)(2), of the Uniformed and Overseas Citizens Absentee Voting Act shall be processed as follows:

(a) An FPCA marked to request delivery of the absentee ballot by e-mail shall be processed as a request for electronic delivery of the blank absentee ballot.

(b) An FPCA marked to request delivery of the absentee ballot by fax shall be processed as a request for delivery by U.S. mail of the blank absentee ballot. **Author:** Edward Packard; Jean Brown; William Sutton **Statutory Authority:** Code of Ala. 1975, §§17-11-40 *et seq.,* 17-1-3(a), 17-11-4, 17-11-5(d), 17-11-9. **History: New Rule:** Filed March 28, 2014; effective May 2, 2014.

820-2-10-.04 Return Of Absentee Ballots.

(1) After the voter marks his or her choices on the ballot, the voter shall:

(a) complete the "UOCAVA Affidavit", including the section for two witnesses as required by §17-11-7, Code of Ala. 1975;

(b) when the voter has requested electronic transmission of the blank absentee ballot, insert and seal the ballot in a blank envelope for secrecy and not write any personally identifying information on the envelope and then insert and seal the blank envelope (which contains the voted ballot) and the completed UOCAVA Affidavit into a second envelope to be used for returning the absentee ballot to the appropriate absentee election manager by hand-delivery, U.S. mail, or commercial air or ground carrier;

(c) when the voter has requested that the absentee ballot be delivered by U.S. Mail or hand-delivery, insert and seal the voted ballot into the secrecy envelope and then insert and seal the secrecy envelope into the envelope on which is printed the "UOCAVA Affidavit" and which is used

as the return envelope for delivering the ballot to the absentee election manager by hand-delivery, U.S. mail, or commercial air or ground carrier; and

(d) return the absentee ballot by hand-delivery, U.S. mail, or commercial air or ground carrier, to the appropriate absentee election manager using the address information provided by the absentee election manager.

(2) In the event a voter does not place the absentee ballot inside a secrecy envelope, the absentee election manager shall immediately upon discovery insert and seal the voter's ballot into a secrecy envelope and place inside an envelope of sufficient size the secrecy envelope, the UOCAVA Affidavit, and the envelope used by the voter to deliver the ballot. **Author:** Edward Packard; Jean Brown; William Sutton **Statutory Authority:** Code of Ala. 1975, §§17-11-40 *et seq.,* 17-1-3(a), 17-11-4, 17-11-5(d), 17-11-9. **History: New Rule:** Filed March 28, 2014; effective May 2, 2014.

820-2-10-.05 Counting Of Absentee Ballots.

(1) As provided in §17-11-10, no poll worker or other election official shall count an absentee ballot unless the appropriate affidavit has been properly completed by the voter.

(2) An affidavit is properly completed if the voter has complied with the provisions of §17-11-7, Code of Ala. 1975, including the requirement for witnessing, except that the affidavit is not required to be notarized. **Author:** Edward Packard; Jean Brown; William Sutton **Statutory Authority:** Code of Ala. 1975, §§17-11-40 *et seq.,* 17-1-3(a), 17-11-4, 17-11-5(d), 17-11-9. **History: New Rule:** Filed March 28, 2014; effective May 2, 2014.

820-2-10-.06 Minimum Criteria To Ensure Secure Remote Electronic Transmission Of Blank Absentee Ballots.

(1) The minimum criteria to ensure the secure electronic transmission of blank absentee ballots shall include the following:

(a) The capability for secure access by the overseas voter to the electronic ballot transmission server.

(b) The capability to verify the identity of the overseas voter before granting access to the electronic ballot transmission server.

(2) (a) **Procedures for Secure Electronic Return of Absentee Ballots**. Eligibility to Return an Absentee Ballot by Electronic Transmission. Only the following voters are eligible to return an absentee ballot by electronic transmission:

1. A member of the uniformed services while in the active service, or an eligible spouse or dependent of such a member, who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified

and registered to vote as provided by law.

2. A member of the Merchant Marine of the United States, or an eligible spouse or dependent of such a member, who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.
3. Any other citizen of the United States who is a permanent resident of the state and is temporarily residing outside of the territorial limits of the United States and the District of Columbia, who is qualified and registered to vote as provided by law.

(b) The absentee election manager shall determine the eligibility of the absentee voter to return the absentee ballot by electronic transmission by evaluating the absentee ballot application submitted by said voter.

1. If a voter requests to receive the absentee ballot by electronic transmission but the absentee ballot application does not provide sufficient information to determine the voter's eligibility to return an absentee ballot by electronic transmission:

(i) the absentee election manager shall attempt to contact the voter and obtain supplemental information to determine the voter's eligibility to receive and return the absentee ballot by electronic transmission.

(ii) Any supplemental information obtained by the absentee election manager shall be documented and kept with the original absentee ballot application.

2. If the absentee election manager is unable to contact the voter to obtain supplemental information to determine eligibility and the only eligibility requirement that is in question relates to whether the voter is residing outside of the territorial limits of the United States and the District of Columbia, the absentee election manager shall consider the application prima facie evidence that the voter is eligible to return the absentee ballot by electronic transmission and shall document said determination.

3. If a voter requests to return the absentee ballot by electronic transmission but the information available to the absentee election manager, either on the absentee ballot application or as provided by the voter as supplemental information, establishes that the voter is not residing outside of the territorial limits of the United States and the District of Columbia, the absentee election manager shall not permit the voter to return the ballot by electronic transmission.

(c) **Minimum Criteria To Ensure Secure Electronic Return of Voted Absentee Ballots.** The minimum criteria to ensure the secure electronic return of voted absentee ballots shall include the following:

1. The capability for secure access by the overseas voter to the electronic ballot transmission server.
2. The capability to verify the identity of the overseas voter before granting

access to the electronic ballot transmission server.

3. The capability for secure transmission of the voted ballot to the local absentee election manager.
4. The capability to verify the identity of the overseas voter transmitting the voted ballot to the local absentee election manager.
5. The use of encrypted information, including, but not limited to, ballots, passwords, and both public and private encryption keys.

(i) A public or private key encryption methodology shall include key generation under the control of the Secretary of State.

(ii) A password protected private key shall be held secure by the county appointing board, as applicable, and never transmitted or otherwise divulged by any means.

(iii) A password protected private key that is unique for each eligible overseas voter to digitally sign the ballot for transmission and storage before decryption by the canvassing board or the absentee election manager.

6. The capability for auditing the secure remote voting application source code, and the capability for this application to be executed on a clean computer which, at a minimum, has a baseline operating system on its hard disk and no other software or driver installed.
7. The capability to secure access to and from the overseas voter and the voting server or the voting database platform or both.
8. The verification of the authenticity of the identity of the overseas voter before granting access to the transmission of election material.
9. The capability for the overseas voter to determine that the secure transmission of election material was successful.
10. The capability for the absentee election manager to segregate rejected ballots before decryption.
11. The capability to record election material received by secure transmission.
12. The capability for the absentee election manager to produce a marked paper ballot for each vote cast by secure transmission.
13. The capability for the overseas voter to securely and electronically execute the "Overseas Voter Certificate" as provided for in §17-11-46, if the UOCAVA voter is submitting the voted ballot by secure electronic transmission.

(d) **Electronic Return Of Absentee Ballots.**

1. When the voter has requested electronic transmission of the blank absentee ballot, that voter may choose to return the voted ballot and completed Overseas Voter Certificate via secure electronic transmission to the local absentee election manager if the voter is eligible to return the ballot by electronic transmission pursuant to rule 820-2-10.06(2).
2. In the event a voter chooses to return the completed ballot via secure electronic transmission to the local absentee election manager as

authorized in (1),

(i) the absentee election manager shall determine if the electronic voted ballot is to be accepted or rejected;

(ii) the absentee election manager shall print the electronic ballot if accepted, including supporting documentation; and

(iii) the absentee election manager shall then place and seal the accepted voted ballot in a secrecy envelope and store with the other voted absentee ballots until they are to be counted on election day by the absentee election officials.

(e) **Counting Of Absentee Ballots Returned by Electronic Transmission.**

1. No poll worker or other election official shall count an absentee ballot returned electronically unless the Overseas Voter Certificate has been properly completed and submitted by the voter.
2. The absentee election manager shall make the determination as to whether the Overseas Voter Certificate is properly submitted.
3. An Overseas Voter Certificate is properly submitted if it is signed and dated by the overseas voter. **Authors:** Edward Packard; Jean Brown; William Sutton **Statutory Authority:** Code of Ala. 1975, §§17-11-40 *et seq*. **History: New Rule:** Filed March 28, 2014; effective May 2, 2014**. Amended:** Filed June 3, 2016; effective July 18, 2016.

820-2-10-.07 Application Of Postmark Deadline To Delivery Of Ballots By Commercial Carriers. For the purpose of delivering an absentee ballot to a county absentee election manager by commercial ground or air carrier, the postmark requirement specified in §17-11-18 shall refer to the date on which the absentee ballot is tendered to the commercial carrier for delivery. **Author:** Edward Packard; Jean Brown; William Sutton **Statutory Authority:** Code of Ala. 1975, §§17-11-40 *et seq*. **History: New Rule:** Filed March 28, 2014; effective May 2, 2014.

820-2-10-.08 Delivery Of Printed Ballots And Preparation Of Electronic Ballot Transmission System.

(1) The Judge of Probate in each county shall prepare the absentee ballots for UOCAVA voters.

(2) Pursuant to Code of Ala. 1975, Section 17-11-12 (2014), the Judge of Probate shall deliver the absentee ballots to the absentee election manager not later than 55 days prior to the primary and general election.

(3) Pursuant to Code of Ala. 1975, Section 17-11-12 (2014), the Judge of Probate shall provide to the Secretary of State as soon as practicable, but in no case later than the 68th day prior to the primary and general election, the absentee ballots in electronic format or as electronic ballot definition files for use in the blank electronic ballot transmission system developed by the

Secretary of State. **Author:** Edward Packard, Jean Brown, William Sutton **Statutory Authority:** Uniformed and Overseas Citizens Absentee Voting Act, 42 USC §1973 ff et seq., as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§575-589, 123 Stat. 2190, 2318-2335 (2009); Code of Ala. 1975, §§17-11-40 *et seq.,* 17-1-3(a), 17-11-12. **History: New Rule:** Filed October 9, 2014; effective November 13, 2014.

820-2-10-.17 Counting Of Votes.

(1) An elector's ballot shall be counted for each office to be filled except for each office where it is impossible to determine the elector's choice for that office. The inability to determine the elector's choice for any particular office to be filled shall not cause the rejection of votes for other offices where the elector's choice can be determined. No ballot shall be rejected for any technical error which does not make it impossible to determine the elector's choices.

(2) (a) In precincts utilizing precinct ballot counters, if the elector has overvoted his or her ballot in in one or more contests, the counters shall be programmed to permit the elector to choose whether to 1) review and correct his or her ballot or 2) have the counter tabulate all votes on the ballot except in any contest where the elector has overvoted the ballot.

(b) If the elector chooses to correct the ballot, the original ballot shall be spoiled by a poll worker and the elector shall be issued a new, blank ballot.

(c) If the elector chooses not to correct the ballot, the elector shall be permitted to have the counter tabulate all votes on the ballot except in any contest where the elector has overvoted the ballot.

(3) In counties utilizing central ballot counters, the counters shall be programmed to permit the ballot to be tabulated by the counter if the elector has overvoted his or her ballot in any contest. The counter shall be programmed to tabulate all votes on the ballot except in any contest where the elector has overvoted the ballot.

(4) (a) In precincts utilizing precinct ballot counters, if the ballot counter detects a blank ballot, that is, a ballot where the elector has not marked any choices in accordance with the instructions for properly marking his or her choices, the ballot counter shall be programmed to return the ballot to the elector. The elector shall be permitted the opportunity to mark his or her choices on the original ballot or a replacement ballot according to the instructions for properly marking the ballot. The ballot may then be tabulated by the ballot counter. The ballot counter shall be programmed to accept a blank ballot in those circumstances where the elector chooses to not remedy his or her blank ballot.

(b) In counties utilizing central ballot counters, if the ballot counter

detects a blank ballot, that is, a ballot where the elector has not marked any choices in accordance with the instructions for properly marking his or her choices, the ballot counter shall be programmed to return the ballot or otherwise divert the ballot to be reviewed by the attending poll workers. The poll workers shall review the ballot to determine if the elector has marked no choices on the ballot or if the elector has marked choices on the ballot inconsistent with the instructions for properly marking the ballot. If the elector has marked choices on the ballot inconsistent with the instructions for properly marking the ballot, the ballot shall be counted by hand as described in paragraphs (1) and (5) of this rule. If the elector has marked no choices on the ballot, the ballot shall be set aside to be sealed with all other ballots in the ballot box after all ballots have been tabulated.

(5) When ballots are to be counted by hand, polling officials shall determine the elector's choice by considering the ballot as a whole and determining the manner in which the elector marked his or her choices on the ballot. Only those choices marked consistently in this manner shall be counted for each office to be filled. As used herein, "marked consistently" pertains to the manner in which the elector expresses his or her choice and not the pattern of candidates selected as between political parties on the ballot. If the polling officials are unable to determine the manner in which an elector marked his or her choices, the ballot shall be rejected in its entirety.

(6) (a) If a precinct ballot counter should malfunction, the poll shall remain open and voters shall deposit their ballots in a ballot box or other suitable container. The inspector shall notify the custodian, who shall attempt to repair or replace the equipment, and the probate judge, who shall maintain a public list of all precincts in which equipment failure has occurred.

(b) If the precinct ballot counter cannot be repaired, after the polls close the ballot box shall be opened and the ballots counted either by hand as described in paragraphs (1) and (4) of this rule or by feeding the ballots into an operable precinct ballot counter. If counted by hand, the determination of the elector's choice shall be governed by paragraph (4) of this rule. Poll watchers of opposing interests and members of the media, if any are present, shall be permitted to witness this process. The results of this hand count shall be added to the official results, and the ballots shall be bound separately and returned with the other ballots.

(c) In counties utilizing precinct ballot counters, any ballot returned by the machine in a post-election recount must be counted by hand following the rules for central ballot counters as provided in paragraphs (1) and (4) of this rule. The results of this hand count shall be added to the official results, and the ballots shall be bound separately and returned with the other ballots.

(7) If a central ballot counter should malfunction, the count shall be

suspended until the equipment is repaired or replaced or the ballots are counted by hand as described in paragraphs (1) and (4) of this rule. If counted by hand, the determination of the elector's choice shall be governed by paragraph (4) of this rule. Poll watchers of opposing interests and members of the media, if any are present, shall be permitted to witness this process. The results of this hand count shall be added to the official results, and the ballots shall be bound separately and returned with the other ballots.

(8) (a) In counties utilizing precinct ballot counters, if a ballot is defective and the counter is unable to accept or read the ballot, 1) the ballot shall be spoiled and the elector shall be issued a new ballot or 2) if the elector does not choose to mark a new ballot, the elector's original ballot shall be counted by hand as described in paragraphs (1) and (4) of this rule. The results of this hand count shall be added to the official results, and the ballots shall be bound separately and returned with the other ballots.

(b) In counties utilizing central ballot counters, if a ballot is defective and the counter is unable to accept or read the ballot, the ballot shall be counted by hand as described in paragraphs (1) and (4) of this rule. If counted by hand, the determination of the elector's choice shall be governed by paragraph (4) of this rule. Poll watchers of opposing interests and members of the media, if any are present, shall be permitted to witness this process. The results of this hand count shall be added to the official results, and the ballots shall be bound separately and returned with the other ballots. **Authors:** Edward Packard; Jean Brown **Statutory Authority:** Code of Ala. 1975, §17-7-25 (formerly §17-24-7(b)). **History: New Rule:** Filed February 10, 1998; effective March 7, 1998. **Amended:** Filed February 7, 2002; effective March 14, 2002. **Amended:** Filed October 9, 2014; effective November 13, 2014.

820-2-10-.18 <u>UOCAVA State Written Plan For Federal Primary Runoff Election.</u>

(1) Pursuant to 52 U.S.C. Section 20302(a)(9), these rules provide the state written plan for any Federal primary runoff election.

(a) Federal law provides that, when a UOCAVA voter has requested a ballot for a federal election by the 45th day before that election, the State must transmit the ballot to that voter by the 45th day before the election. 52 U.S.C. Section 20302(a)(8)(A). The U.S. District Court for the Middle District of Alabama and the Eleventh Circuit Court of Appeals have held that this provision applies to federal runoff elections.

Thus, when a UOCAVA voter requests to vote in a federal primary runoff election on or before the 45th day before such election, the ballot must be transmitted to the voter on or before the 45th day before the primary

runoff election by the method of transmission requested by the voter.

For a variety of reasons, it has long been Alabama's preference to hold any runoff elections, also known as second primary elections, less than 45 days after the first primary election. Separating the elections sufficiently to allow for the determination of the primary election results and the printing and transmission of the primary runoff ballots would mean more than two months between the two elections. Accordingly, the State recently implemented instant runoff ballots for UOCAVA voters in order to address the State's concerns about the primary schedule while protecting the rights of UOCAVA voters to participate in federal elections and ensuring the State's compliance with federal law.

This chapter applies only to UOCAVA voters in the circumstances described below. It provides procedures for election officials to follow when there is a federal primary election in a county or portion of a county where three or more candidates have qualified with the same political party to run for the same federal office (other than the office of President).

These rules do not alter in any way the current election cycle.

Instant runoff ballots are not needed for a Presidential race, regardless of the number of candidates qualifying for that office, because Alabama does not hold a second primary election in that race.

(b) To facilitate the participation of UOCAVA voters in Alabama's federal second primary elections, ballot preparation under the UOCAVA State Written Plan for Federal Primary Runoff Election shall be as follows.

1. When three or more candidates have qualified with the same political party to run for the same federal office (other than the office of President), the probate judge shall prepare both a special federal ballot and a special state ballot for the primary election. The special federal ballot materials shall include instructions prepared by the Secretary of State. These instructions shall explain how a UOCAVA voter casts his or her vote using the special federal instant runoff primary ballot.
2. If necessary, the probate judge shall prepare a special state ballot for a second primary election.

(c) The content of special federal and special state ballots shall be as follows.

1. A special federal ballot shall be used in a federal instant runoff primary election. The special federal ballot shall contain a list of all federal offices (other than the office of President) for which three or more candidates have qualified with the same political party to run for the same federal office and said candidates' names. The special federal ballot shall permit the UOCAVA voter to cast a ballot in a federal instant runoff primary election by indicating his or her order of preference for each candidate for each federal office listed on the ballot. UOCAVA voters may also use this ballot to participate in the second federal primary election alone, in which

case it shall be specifically labeled "Runoff Only." The labeling may be done in the ballot preparation or manually prior to its transmission to the UOCAVA voter.

2. A special state ballot shall be used when there is the possibility of a federal primary runoff election. This ballot shall contain the office of President in presidential election years, any federal offices for which only two candidates have qualified with the same political party to run for the same office and said candidates' names, all state and county offices and said candidates' names, and any referenda to be voted on in the primary election.

3. If necessary, a special state ballot for a second primary election shall be used. This ballot shall contain any state or county offices for which a second primary election is required, the names of the candidates who have qualified for said offices, and any referenda to be voted on in a second primary election.

(d) Issuance and transmission of ballots shall be as follows.

1. When a UOCAVA voter requests an absentee ballot and votes in a precinct where a federal race with the potential for a runoff is on the ballot, the absentee election manager shall initially issue both a special federal ballot and a special state ballot.
2. The ballots shall be transmitted together, with provisions made for both ballots to be returned together.
3. If the UOCAVA voter has requested a runoff ballot, and there is the potential for a runoff in a non-federal race, or if any referenda are contained on a special state second primary election ballot, the absentee election manager shall issue the special state second primary election ballot to the voter when it is ready.

(e) UOCAVA voters may participate in Alabama's federal primary election and any second federal primary elections using the Federal Write-In Absentee Ballot ("FWAB").

1. UOCAVA voters who vote using a Federal Write-In Absentee Ballot ("FWAB") in a federal primary election in which three or more candidates have qualified with the same political party to run for the same federal office may rank their choices for such candidates on the FWAB in the same manner provided for in Code of Ala. 1975, Section 17-13-8.1(c)(2).

2. The rules contained in the UOCAVA State Written Plan for Federal Primary Runoff Election shall govern the receipt, counting, canvassing, storage, and reporting of FWAB ranked ballots cast in the first federal primary election, and second federal primary election, if necessary.

(f) The deadline for receipt of ballots shall be as follows.

1. Special Federal Ballot, FWAB, or Special State Ballot for Primary Election.

(i) If received by mail, no special federal ballot, FWAB, or special state primary ballot shall be opened or counted in the first federal primary

election unless the absentee ballot is postmarked as of the date of the first primary election and received by the absentee election manager no later than noon seven days after the first primary election.
(ii) If received electronically, no special federal ballot or special state primary ballot shall be opened or counted in the first federal primary election unless the absentee ballot is received by midnight on the date of the first primary election.
2. Special Federal Ballot, FWAB, or Special State Ballot for Second Primary Election.
(i) If received by mail, no special federal ballot, FWAB, or special state ballot for a second primary election shall be opened or counted unless the absentee ballot is postmarked as of the date of the second primary election and received by the absentee election manager no later than noon seven days after the second primary election.
(ii) If received electronically, no special federal ballot or special state ballot for a second primary election shall be opened or counted unless the absentee ballot is received by midnight on the night of the federal primary runoff election.

(g) The determination as to whether the special federal ballot is entitled to be counted shall be as follows.
1. For a federal primary election in which three or more candidates have qualified with a single political party to run for the same federal office (other than the office of President), where the voter is required to complete an absentee ballot affidavit, the absentee election poll officials provided for in Code of Ala. 1975, Section 17-11-11 shall follow the procedures set forth in Code of Ala. 1975, Section 17-11-10 to determine whether the UOCAVA absentee ballot affidavit establishes that the UOCAVA voter is entitled to vote by absentee ballot. Where the voter is required to complete an overseas voter certificate in accordance with Code of Ala. 1975, Section 17-11-46, the absentee election manager shall determine whether the overseas voter certificate establishes that the UOCAVA voter is entitled to vote by absentee ballot.
2. The determination in paragraph (1) governs all ballots submitted together, including for any second federal primary election, such that no new determination as to the adequacy of the same absentee ballot affidavit, or overseas voter certificate, as applicable, need be made.
3. For any ballots submitted separately, such as stand-alone runoff ballots or a special state ballot for a second primary election, where the voter is required to complete an absentee ballot affidavit, the absentee election poll officials provided for in Code of Ala. 1975, Section 17-11-11 shall follow the procedures set forth in Code of Ala. 1975, Section 17-11-10 to determine whether the UOCAVA absentee ballot affidavit establishes that the UOCAVA voter is entitled to vote by absentee ballot. Where the voter

is required to complete an overseas voter certificate in accordance with Code of Ala. 1975, Section 17-11-46, the absentee election manager shall determine whether the overseas voter certificate establishes that the UOCAVA voter is entitled to vote by absentee ballot.

4. If the absentee election poll officials or absentee election manager, as applicable, determine(s) that the UOCAVA absentee ballot is entitled to be counted, upon the closing of the polls, the ballot shall be counted in accordance with state law.

5. If the absentee election poll officials determine that an absentee ballot affidavit is insufficient and therefore the UOCAVA absentee ballot is not entitled to be counted, a record shall be made as to the reason for rejection of the ballot and said record of the reason for rejection of any ballot shall be provided to the absentee election manager. If the absentee election manager determines that an overseas voter certificate is insufficient and therefore the UOCAVA absentee ballot is not entitled to be counted, a record shall be made and maintained as to the reason for rejection of the ballot. The absentee election manager shall thereafter record in the statewide election management system which absentee ballots have been accepted or rejected and if rejected, the reason therefor.

(h) The method for counting the special federal ballot and FWAB and securing same shall be as follows.

1. In a federal primary election in which the special federal ballot or FWAB is used, the first choice preference of each voter shall be the vote counted as cast by the voter. Only the first choice preference votes of the voters shall be counted or divulged during the count or upon the conclusion of the primary election. The total count of first choice preference votes received by each federal candidate shall be added to the count of votes produced for candidates pursuant to Section 17-13-13.

2. Upon the conclusion of this count, the special federal ballots or FWABs shall be returned to the absentee election manager, who shall secure and maintain the ballots until the time for counting the ballots for any second primary election. Any FWAB on which the UOCAVA voter has written in a single choice in the federal Congressional races, without crossing-over for the runoff, and where the voter's single choice is facing only one opponent is a FWAB which has not registered a vote for any potential federal runoff election, and it may be returned to the absentee election manager or secured along with the traditional ballots pursuant to governing state law.

3. If a federal second primary election is necessary, the vote to be counted as cast by each voter shall be the highest designated choice of the voter of the two candidates participating in the contest. In the event that the voter has only ranked one choice, the vote will be counted for that candidate if he or she is a candidate in the federal runoff election. The total count of

the votes received by each candidate shall be added to the count of votes pursuant to Section 17-13-18.

4. If, on the special federal ballot, the voter marks an "X" or places a check mark by only one candidate's name, circles only one candidate's name, or otherwise clearly designates his or her choice for only one candidate, that candidate shall be counted as the voter's first choice candidate.

5. The votes for any office listed on the special federal ballot or FWAB shall be canvassed, certified, and announced in the manner provided for in Section 17-13-17 and Section 17-13-18.

6. Upon the conclusion of the first federal primary election, and the second federal primary election, if necessary, the special federal ballots and FWABs shall be stored with the records of election as required by state law, but shall be segregated from regular absentee ballots and labeled.

(i) The method for counting the special state ballot shall be as follows.

1. The special state ballot shall be counted in the manner provided for in Section 17-13-13 or Section 17-13-18, as applicable to a primary election or second primary election.
2. The votes for any office listed on the special state ballot shall be canvassed, certified, and announced in the manner provided for in Section 17-13-17 and Section 17-13-18.
3. If the absentee election officials determine that an absentee ballot affidavit is insufficient and therefore the UOCAVA absentee ballot is not entitled to be counted, a record shall be made as to the reason for rejection of the ballot and said record of the reason for rejection of any ballot shall be provided to the absentee election manager. If the absentee election manager determines that an overseas voter certificate is insufficient and therefore the UOCAVA absentee ballot is not entitled to be counted, a record shall be made and maintained as to the reason for rejection of the ballot. The absentee election manager shall thereafter record in the statewide election management system which absentee ballots have been accepted or rejected and if rejected, the reason therefor. **Authors**: Jean Brown; Edward Packard **Authority**: 52 U.S.C. Section 20302(a)(9); Code of Ala. 1975, Section 17-13-8.1 (2015). **History**: **New Rule:** Filed February 5, 2016; effective March 21, 2016. **Amended:** Filed January 5, 2018; effective February 19, 2018.

Chapter 820-2-11

Electronic Poll Books

820-2-11-.01 Certification of Electronic Poll Books
820-2-11-.02 County Reimbursement

820-2-11-.01 Certification of Electronic Poll Books

(1) To be certified for use, an electronic poll book shall do all of the following:

(a) Be secure.

(b) Be compatible with the statewide voter registration system.

(c) Include a failsafe data recovery procedure for information included in the electronic poll book.

(d) Contain the same information as the printed lists provided for in Section 11-46-36 and any local law governing a municipal election and in Section 17-4-2 and the poll lists provided for in Section 11-46-50 and any local law governing a municipal election and in Sections 17-9-11 and 17-13-7.

(e) Indicate whether the voter applied for an absentee ballot and the registration status of the voter in the statewide voter registration list.

(f) Provide an electronic process to check in voter on election day that incorporates the signature requirements set forth in Section 11-46-50 and any local law governing a municipal election and in Section 17-9-11; provided that this process may not be used for checking in a voter who is required to cast a provisional ballot as provided for in Chapter 10 of this title, or whose name is not contained in the electronic poll book as an eligible voter for the precinct.

(g) Provide functionality for quickly and accurately uploading voter history into the statewide voter registration list in accordance with Section 17-4-33.

(h) Provide for the retention of the voter data contained in the electronic poll book for the applicable retention period applicable to the records of election, which may be accomplished by archiving the data in electronic format on an external data storage device.

(i) When used in a primary election or primary runoff election, provide for the recording and subsequent printing or exporting of electronic data of names and electronic signatures of the voters participating in the primary election or primary runoff election of each political party.

(j) Provide for the retention of the voter's party preference in a primary election for the runoff election.

Authors: Brent Beal, David Brewer, John Bennett, Clay Helms **Statutory Authority**: Code of Ala. 1975, §§ 17-8-1, 17-10-2, 17-4-2.1 **History**: **New Rule:** Filed February 7, 2018; effective March 24, 2018.

820-2-11-.02 <u>County Reimbursement</u>

(1) As Electronic Poll Books can be utilized in lieu of the printed poll list, Electronic Poll Books are equipment necessary for election officials to conduct elections as required by law.

(2) Due to their usage in multiple elections including federal, state, and county, collectively and/or separately, counties which utilize Electronic Poll Books in lieu of the printed poll list shall be reimbursed fifty (50) percent of their expense by the State of Alabama only for elections eligible for reimbursement by the State of Alabama.

(3) Only Electronic Poll Books certified by the Secretary of State shall be eligible for reimbursement.

Authors: Brent Beal, David Brewer, John Bennett, Clay Helms **Statutory Authority**: Code of Ala. 1975, §§ 17-8-1, 17-10-2, 17-4-2.1 **History**: **New Rule:** Filed February 7, 2018; effective March 24, 2018.

Chapter 820-2-12

Permanent Disability Absentee Voting

820-2-12-.01 Purpose
820-2-12-.02 Applicability
820-2-12-.03 Procedures for Applying for Absentee Ballot
820-2-12-.04 Application and Procedures for Issuance of Absentee Ballot
820-2-12-.05 Procedures for Sending Absentee Ballots
820-2-12-.06 Forms for Absentee Voting by Permanently Disabled Citizens

820-2-12-.01 Purpose. The purpose of this chapter is to provide for implementation of the Disabled Citizens Absentee Voting Act (2019-359) for citizens with a permanent disability which prevents attendance at the polls requesting to vote by absentee ballot pursuant to Act 2019-359. The procedures in this chapter are promulgated under authority granted the Secretary of State as Chief Elections Official pursuant to Act 2019-359 and 17-1-3(a).
Authors: Jeff Elrod, Ed Packard, Clay Helms **Statutory Authority**: Act 2019-359. **History**: **New Rule:** Published November 29, 2019; effective January 13, 2020.

820-2-12-.02 Applicability. This chapter applies to absentee ballots for all elections for individuals with permanent disabilities which prevent attendance at the polls pursuant to the Disabled Citizens Absentee Voting Act (2019-359).
Authors: Jeff Elrod, Ed Packard, Clay Helms **Statutory Authority**: Act 2019-359. **History**: **New Rule:** Published November 29, 2019; effective January 13, 2020.

820-2-12-.03 Procedures for Applying for Absentee Ballot.
(1) The absentee ballot application for a permanently disabled voter shall be valid for all elections in the calendar year in which the application is submitted. For election cycles that span multiple calendar years, the application shall be valid for the whole election cycle. Voters voting pursuant to Act 2019-359 must resubmit the absentee application on an annual basis.
(2) When applying to vote absentee in county, state and federal elections, the permanently disabled voter shall submit the application to the county

absentee election manager. When applying to vote absentee in municipal elections, the permanently disabled voter shall submit the application to the municipal absentee election manager.
(3) When a voter submits a valid application to vote absentee pursuant to Act 2019-359, the absentee election manager shall add that voter's name to the list of permanently disabled absentee voters.
Authors: Jeff Elrod, Ed Packard, Clay Helms **Statutory Authority**: Act 2019-359. **History**: **New Rule:** Published November 29, 2019; effective January 13, 2020.

820-2-12-.04 Application and Procedures for Issuance of Absentee Ballot.
(1) Individuals voting by absentee ballot pursuant to Act 2019-359 may apply for an absentee ballot by utilizing an application adopted by the State of Alabama pursuant to 17-11-4 and Act 2019-359. The application must be submitted by the voter by U.S. mail, commercial carrier, or hand-delivery to the absentee election manager in the county in which the prospective absentee voter is registered to vote.
(2) The application prescribed by the Secretary of State shall provide a space to be signed and notarized by the applicant's primary physician in order to verify the applicant's status as a permanently disabled citizen.
(3) The applicant must submit the application to the absentee election manager no later than five (5) days prior to the election.
Authors: Jeff Elrod, Ed Packard, Clay Helms **Statutory Authority**: Act 2019-359. **History**: **New Rule:** Published November 29, 2019; effective January 13, 2020.

820-2-12-.05 Procedures for Sending Absentee Ballots. At the beginning of the absentee voting period, the absentee election manager shall issue an absentee ballot to any registered voter who has an up-to-date permanently disabled citizen absentee application. Any voter who submits an absentee application pursuant to Act 2019-359 during the absentee voting period shall be issued an absentee ballot upon verification that the voter is registered and eligible to vote in that election.
Authors: Jeff Elrod, Ed Packard, Clay Helms **Statutory Authority**: Act 2019-359. **History**: **New Rule:** Published November 29, 2019; effective January 13, 2020.

820-2-12-.06 Forms for Voting Absentee by Permanently Disabled Citizens. This rule is intended to provide any form by which an absentee election manager shall administer the Disabled Citizens Absentee Voting Act (2019-359). The forms shall appear as follows:

APPLICATION FOR PERMANENT DISABILITY ABSENTEE BALLOT

FOR USE ONLY BY INDIVIDUALS VOTING ABSENTEE DUE TO A PERMANENT DISABILITY

FORM AV-D1
Date Revised 09/22/2021

Return this application to:

_____ COUNTY, ALABAMA

Please note only one application may be placed in the same envelope.

Please note that a copy of your valid photo identification must be submitted along with this application.

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) First Name Middle or Maiden Name	E-mail Address
Street Address (address where you are registered to vote; do not use PO box)	City ZIP
If requesting mail delivery of a ballot, provide a mailing address, if different from the street address provided above	
Precinct where you vote (name and/or location of your polling place)	
Date of Birth Month Day Year	Driver's License Number STATE NUMBER / IF NO DRIVER'S LICENSE NUMBER Last 4 digits of Social Security number
Home Telephone Number ( ) / Work Telephone Number ( )	

Type of Ballot (select one)

☐ Primary Election or Presidential Preference Primary
Select one: ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ Primary Runoff Election
Select one: ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only

☐ General Election

☐ Special Election (*specify*) _____
If a primary or runoff, check one: ☐ Democratic Party ☐ Republican Party

Reason for Applying to Vote Absentee

By signing this application, I am attesting that I am permanently disabled and unable to attend the polls. I am eligible to vote absentee pursuant to § 17-11-3.1.

I understand that this application will be valid for all county, state, and federal elections to be held during this calendar year. For election cycles that span multiple calendar years, this application will be valid for the entire election cycle.

I further understand that annual renewal of this application will be required.

☐ Deliver an absentee ballot to me by electronic transmission for all federal elections. I have provided an email address above.

Physician's Report (Please note that the physician's signature must be notarized.)

Physician shall describe and certify the circumstances as constituting the voter's condition. Electronic or remote notarization is not permitted.

_____

_____

_____

Sworn to and subscribed before me this _____ day of _____, 20___. I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

_____ Signature of Notarizing Official

_____ Title of Notarizing Official

_____ Physician's Signature _____ Date

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature	**Complete this section if voter signs by mark** →	Witness Signature
		Print Witness Name

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier. (§ 17-11-3 and § 17-11-4, Code of Alabama, 1975)

READ PENALTIES ON BACK

PENALTIES

§17-17-24, Code of Alabama, 1975, as amended

(a) Any person who willfully changes an absentee voter's ballot to the extent that it does not reflect the voter's true ballot, any person who willfully votes more than once by absentee ballot in the same election, any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes illegal absentee voting, shall be guilty, upon conviction, of a Class C felony. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and a regular ballot at any election shall be similarly punished.

(b) Upon request by the local district attorney or the Secretary of State, the Attorney General shall provide investigating assistance in instances of absentee ballot or voting violations.

(c) Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.

APPLICATION FOR MUNICIPAL PERMANENT DISABILITY ABSENTEE BALLOT

FOR USE ONLY BY INDIVIDUALS VOTING ABSENTEE DUE TO A PERMANENT DISABILITY

FORM AV-D2
Date Revised 06.13.2022

Return this application to:

_____ COUNTY, ALABAMA

- Please note that only one application may be placed in the same envelope.
- **Please note that a copy of your valid photo identification must be submitted along with this application.**

General Voter Information - *Please provide complete information so that we may verify your eligibility to vote.*

Last Name (Please print) | First Name | Middle or Maiden Name

Street Address (address where you are registered to vote; do not use PO box) | City | State | ZIP

Mailing Address you want to receive requested ballot, if different from above

E-mail Address

Date of Birth (mm/dd/yyyy)

Home/Cell Telephone Number ( )

Work Telephone Number ( )

Driver's License Number STATE ☐☐ NUMBER ☐☐☐☐☐☐☐☐

IF NO AL DRIVER'S LICENSE NUMBER Last 4 digits of Social Security number ☐☐☐☐

Type of Ballot (select one)

☐ Municipal Election

☐ Municipal Runoff Election

☐ Special Municipal Election (specify) _____

Duration of Absentee Ballot Application

By signing this application, I am attesting that I am permanently disabled and unable to attend the polls. I am eligible to vote absentee pursuant to §17-11-3.1, Code of Alabama.

I understand that this application will be valid for all municipal elections to be held during this calendar year. For election cycles that span multiple calendar years, this application will be valid for the entire election cycle.

I further understand that annual renewal of this application will be required.

Physician's Report (Please note that the physician's signature must be notarized)

Physician shall describe and certify the circumstances as constituting the voter's condition. Electronic or remote notarization is not permitted.

_____

_____

_____

Sworn to and subscribed before me this _____ day of _____, 20___. I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

_____ Signature of Notarizing Official

_____ Physician's Signature

_____ Date

_____ Title of Notarizing Official

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

Voter's Signature	**Complete this section if voter signs by mark** →	Witness Signature
		Print Witness Name

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975].

READ PENALTIES ON BACK

PENALTIES

§17-17-24, Code of Alabama, 1975, as amended

(a) Any person who willfully changes an absentee voter's ballot to the extent that it does not reflect the voter's true ballot, any person who willfully votes more than once by absentee ballot in the same election, any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes illegal absentee voting, shall be guilty, upon conviction, of a Class C felony. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and a regular ballot at any election shall be similarly punished.

(b) Upon request by the local district attorney or the Secretary of State, the Attorney General shall provide investigating assistance in instances of absentee ballot or voting violations.

(c) Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.

Author: Jeff Elrod, Ed Packard, Clay Helms.
Statutory Authority: Act 2019-359.
History: New Rule: Filed September 3, 2019. Effective December 19, 2019.

Authors: Jeff Elrod, Ed Packard, Clay Helms **Statutory Authority**: Act 2019-359. **History**: **New Rule:** Published November 29, 2019; effective January 13, 2020.