

1 HB358
2 156462-2
3 By Representatives Davis, Gaston, Moore (B), Beckman
4 and Merrill
5 RFD: Constitution, Campaigns and Elections
6 First Read: 23-JAN-14

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8 SYNOPSIS: Under existing law, county boards of
9 registrars are required to identify on a continuous
10 basis the names of persons who have died, moved out
11 of the voting precinct, or are otherwise no longer
12 qualified to vote in order to purge their names
13 from the statewide voter registration list.

14 This bill would prescribe the manner in
15 which a county board of registrars investigates a
16 report that a registered voter is deceased or
17 becomes a nonresident of the precinct in which the
18 person had been registered to vote.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to voter registration; to add Section
25 17-4-6.1 to the Code of Alabama 1975, by prescribing the
26 manner in which a county board of registrars investigates a
27 report that a registered voter is deceased or becomes a

1 nonresident of the precinct in which the person had been
2 registered to vote.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-4-6.1 is added to the Code of
5 Alabama 1975, to read as follows:

6 §17-4-6.1.

7 (a) To facilitate the continuous maintenance of the
8 computerized statewide voter registration list, each county
9 board of registrars shall investigate written reports from a
10 family member of an elector, the inspector of an election
11 precinct, the judge of probate, the sheriff, and the clerk of
12 the circuit court that an elector registered to vote in a
13 precinct has died or become a nonresident of the precinct in
14 which he or she is registered to vote. The inspector, judge of
15 probate, sheriff, or clerk of the circuit court shall provide
16 the board of registrars, on a form to be prescribed by the
17 Secretary of State, sufficient information to identify the
18 elector in the statewide voter file and a statement as to the
19 source and nature of the information upon which he or she
20 believes a person is deceased or has become a nonresident of
21 the precinct in which he or she is registered to vote.

22 (b) To facilitate the continuous maintenance of the
23 computerized statewide voter registration list, each county
24 board of registrars shall investigate signed, written reports
25 from a member of an elector's family that the elector is
26 deceased. The family member shall complete a form to be
27 prescribed by the Secretary of State identifying the name of

1 the elector who is deceased, the name of the family member
2 reporting the death, the relationship of the family member to
3 the elector, and other identifying information as specified by
4 the Secretary of State to facilitate investigation of the
5 claim that the elector is deceased.

6 (c) Each county board of registrars, whenever it
7 receives a written report provided in accordance with
8 subsection (a) that an elector has become a nonresident of the
9 precinct in which he or she is registered to vote, shall
10 investigate and determine if the elector should be
11 disqualified from the statewide voter registration list. Upon
12 determining that the elector should be disqualified from the
13 statewide voter registration list, the county board of
14 registrars shall give notice to the elector of the proposed
15 change in status by U.S. mail to the last known mailing
16 address of the elector. The elector shall be provided 30 days
17 to respond to the determination by the county board of
18 registrars and provide the registrars evidence as to his or
19 her qualifications to remain a qualified elector at the
20 residential address as recorded in his or her voter
21 registration record.

22 (d) Each county board of registrars, whenever it
23 receives a written report provided in accordance with
24 subsection (a) or (b) that an elector is deceased, shall
25 determine if the elector should be disqualified from the
26 statewide voter registration list. If the information
27 regarding the elector's death is based on official records

1 maintained in the office of the judge of probate, sheriff, or
2 clerk of the circuit court, the county board of registrars
3 shall forthwith remove the elector from the statewide voter
4 registration list without the requirement of further
5 investigation. If the information regarding the elector's
6 death is not based on official records maintained in the
7 office of the judge of probate, sheriff, or clerk of the
8 circuit court, the county board of registrars shall
9 investigate to confirm whether the elector is deceased.

10 (e) To further the implementation of subsection (d),
11 the State Registrar in the Department of Public Health may
12 render a bill to the Department of Finance for any fee
13 required pursuant to subdivision (4) of subsection (a) of
14 Section 22-9A-22 when a county board of registrars requests
15 copies of records as part of its investigation of a report of
16 an elector's death.

17 (f) The Secretary of State is granted rulemaking
18 authority under the Alabama Administrative Procedure Act for
19 establishing procedures and forms to be used in the
20 implementation of this section.

21 Section 2. This act shall become effective 120 days
22 following its passage and approval by the Governor, or its
23 otherwise becoming law.