

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Secretary of State

Rule No. 820-2-2-.20

Rule Title: Form for Notification of Insufficiency of Proof of Citizenship

New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

.....
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

.....
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying office

Beth Chap

Date 4-20-12

(DATE FILED)

Office of the Secretary of State
Elections Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State

RULE NO. & TITLE: 820-2-2-.17 Voter Registration Instructions for
Voter Registrars to Assess
Eligibility of Voter Registration
Applicant
820-2-2-.18 Affidavit and Application for
Certification of Free Alabama Birth
Record for Voter Registration Use
820-2-2-.19 Citizenship Document Inconsistency
Affidavit Form
820-2-2-.20 Form for Notification of
Insufficiency of Proof of
Citizenship
820-2-2-.21 Application Form to the State
Election Board for Issuance of a
Certificate of Citizenship for
Voting Purposes
820-2-2-.22 Certificate of Citizenship for
Voting Purposes
820-2-2-.23 Temporary Rules for State Election
Board
820-2-2-.24 Agency-Based Voter Registration
Form
820-2-2-.25 Mail-In Voter Registration Form

INTENDED ACTION: New rules.

SUBSTANCE OF PROPOSED ACTION:

Adopt voter registration rules to comply with the Code of Alabama,
section 31-13-28 (2011).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

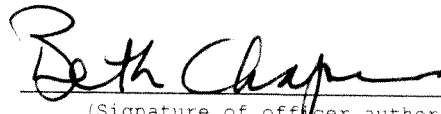
Views may be presented in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103.

FINAL DATE FOR COMMENT AND COMPLETION OF THE NOTICE:

June 4, 2012

CONTACT PERSON AT AGENCY:

Adam Thompson, Office of the Secretary of State, State Capitol, 600 Dexter Avenue, Suite S-105, Montgomery, Alabama 36104; 334-353-7818.

A handwritten signature in cursive script, appearing to read "Beth Chapman", is written over a horizontal line.

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

Authors: Jean Brown; Edward Packard;

Statutory Authority: Code of Alabama, section 31-13-28 (2011); Code of Alabama, section 17-3-1 (2006).

History: New Rule: Filed April 20, 2012; effective May 25, 2012.

820-2-2-.20 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 government agency of any state within the U.S. if the agency indicates on the driver's license or nondriver's ID card that the person has provided satisfactory proof of U.S. citizenship. **Alabama driver's license or nondriver's ID card must be a "Star" license or ID.**
- b. Birth certificate verifying U.S. citizenship to satisfaction of Board of Registrars.
- c. 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.
- e. Other document or method 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 place of birth in the U.S.
- m. Extract from U.S. hospital birth record created at time of birth showing U.S. place of birth
- n. Certificate of Citizenship for Voting Purposes issued by the State Election Board.
- o. Federal confirmation of U.S. citizenship under 8 U.S.C. §1373.

If you do not have one of the above documents, you may apply to the State Election Board for a Certificate of Citizenship for Voting Purposes (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.

Statutory Authority: Code of Alabama, section 31-13-28 (2011); Code of Alabama, section 17-3-1 (2006).

History: New Rule: Filed April 20, 2012; effective May 25, 2012.

820-2-2-.21 Application Form to the State Election Board for Issuance of a Certificate of Citizenship for Voting Purposes.

The following application form ("Form C-4") to the State Election Board for issuance of a Certificate of Citizenship for Voting Purposes shall be completed and submitted by applicants if a board of registrars determines that an applicant has not submitted satisfactory documentary proof of citizenship as required under Code of Alabama, section 31-13-28 (2011).