

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Secretary of State
Rule No. 820-2-9-.14
Rule Title: Definition of the Term "Positively Identified" as That Term is Used in Code of Alabama 1975, section 17-9-30 (e) (2011).
 New _____ Amend _____ Repeal _____ Adopt by _____
Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

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? N/a

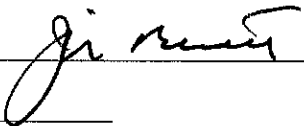
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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 officer: 
Date 4-18-14

(DATE FILED)

APA-2
11/96

Office of the Secretary of State
Administrative Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State

RULE NO. & TITLE: 820-2-9-.14 Definition of the Term
"Positively Identified" as That Term is Used
in Code of Alabama 1975, section 17-9-30 (e)
(2011).

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION:

Provide additional guidance to election officials in the
implementation of photo voter ID.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

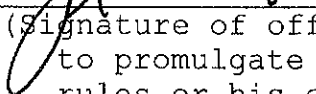
Views may be presented orally or in writing and should be
addressed to Jean Brown, Chief Legal Advisor, Office of the
Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103;
334-242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 4, 2014.

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol, 600
Dexter Avenue, Suite S-205, Montgomery, Alabama 36104; 334-242-
7202.



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

NEW

OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

820-2-9-.14 **Definition of the Term "Positively Identified" as That Term is Used in Code of Alabama 1975, section 17-9-30 (e) (2011).**

Code of Alabama 1975, section 17-9-30 (e) (2011) provides that "an individual who does not have valid photo identification in his or her possession at the polls shall be permitted to vote 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 so stating." The term "positively identified" as used in section 17-9-30 (e) means that the election official is able to establish the identity of the voter based on the election official's personal acquaintance with the voter that allows the election official to state with certainty and with no doubt or reservation that the voter is who he/she says he/she is.

Authors: Jean Brown; Ed Packard; William Sutton.

Statutory Authority: Code of Alabama, section 17-9-30 (2011).

History: New Rule: Filed April 18, 2014.