

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control Department or Agency: Secretary of State  
Rule No. 820-2-9-.15

Rule Title: Requirements for Election Officials Regarding Affidavit for Voter Who Fails to Bring Acceptable Photo Identification to the Polling Place.

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

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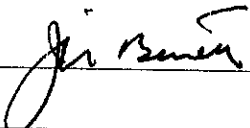
Does the proposed rule have an economic impact? No

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.

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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)  
(STAMP)

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-.15 Requirements for Election  
Officials Regarding Affidavit for Voter Who  
Fails to Bring Acceptable Photo  
Identification to the Polling Place.

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:

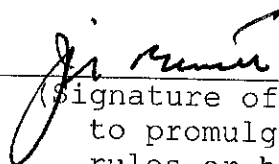
Views may be presented orally or in writing and should be  
addressed to Jean Brown, Chief Legal Advisor, Office of the  
Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103;  
334-242-7202.

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.

  
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(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-.15

**Requirements for Election Officials  
Regarding Affidavit for Voter Who Fails  
to Bring Acceptable Photo  
Identification to the Polling Place.**

Identification that allows an election official to "positively identify" the voter as that term is used in Code of Alabama, 1975, section 17-9-30 (e) (2011) cannot be established by any method or means other than 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.

In order to sign the affidavit promulgated in Rule 820-2-9-.11 attesting that the election official has positively identified a voter as a voter on the poll list who is eligible to vote, the positive identification must be 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.