

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control\_\_ Department or Agency Secretary of State

Rule No. 820-2-2-.18

Rule Title: Electronic Voter Registration

X  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.

J. H. Merrill  
John H. Merrill  
Secretary of State

Date January 13, 2012

(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: 820-2-2-.18 Electronic Voter Registration

INTENDED ACTION: New Rule

SUBSTANCE OF PROPOSED ACTION: Provide procedures for implementing electronic voter registration pursuant to Code of Alabama 1975, sections 17-4-63 and Code of Alabama 1975, sections 8-1A-1 et seq. See also, Attorney General's Opinion No. 2009-084.

TIME, PLACE, MANNER OF PRESENTING VIEWS:


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

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

March 3, 2016

CONTACT PERSON AT AGENCY:

Jean Brown  
Office of the Secretary of State  
State Capitol Suite E-201  
Montgomery, AL 36130 (334)242-7202

  
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John H. Merrill  
Secretary of State

APA-2  
07/04

## **820-2-2-.18 Electronic Voter Registration.**

(a) Pursuant to the Uniform Electronic Transactions Act, codified at Code of Alabama 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.

(b) 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 Alabama 1975, section 17-4-60, paragraphs (b), (c), (d), and (f).

(c) The county boards of registrars shall accept and process electronic voter registration forms through the electronic system developed pursuant to paragraph (2), supra.

(d) 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 Alabama 1975, section 17-3-52 and any applicable regulations.

(e) 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; Code of Alabama 1975, section 8-1A-1 et seq. Attorney General's Opinion No. 2009-084.

**History: New Rule:** Filed January 13, 2016.