

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Secretary of State

Rule No. 820-2-2-.13

Rule Title: Fail-Safe Voting.

\_\_\_\_\_ New \_\_\_\_\_ Amend X \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

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

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

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

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? N/A

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? N/A

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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 Jim Bennett

Date 5-2-14

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Office of the Secretary of State  
Administrative Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State

RULE NO. & TITLE: 820-2-2-.13 Fail-Safe Voting.

INTENDED ACTION: Repeal.

SUBSTANCE OF PROPOSED ACTION:

The Office of the Secretary of State proposes to repeal Rule No. 820-2-2-.13 Fail-Safe Voting.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

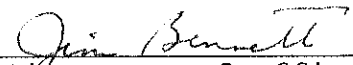
Views may be presented orally or in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103; 334-242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 5, 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)

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11/96

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE REFERENCE SERVICE  
JERRY L. BASSETT, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached are correct copies of rules as promulgated and adopted on the 5<sup>th</sup> day of May, 2014, and filed with the agency secretary on the 5<sup>th</sup> day of May, 2014.

AGENCY NAME: Office of the Secretary of State

\_\_\_\_\_ Amendment \_\_\_\_\_ New  X  Repeal (Mark appropriate space)

Rule No. 820-2-2-.13


Rule Title: Fail-Safe Voting.

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

The Office of the Secretary of State proposes to repeal Rule No. 820-2-2-.13 Fail-Safe Voting.

Statutory Rulemaking Authority: Code of Alabama, 1975, section **17-4-63 (2006)**.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXII, ISSUE NO.8, AAM, DATED MAY 31, 2014.

  
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Certifying Officer or his or her Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

STATE OF ALABAMA  
OFFICE OF THE SECRETARY OF STATE  
ELECTIONS DIVISION  
ADMINISTRATIVE CODE

**820-2-2-.13 Fail-Safe Voting. (REPEALED)**

(1) A registrant who has moved from an address in the area covered by one polling place to an address covered by a second polling place within the same Board of Registrar's jurisdiction and who has failed to notify the Board of Registrars of the change of address prior to the date of an election shall be permitted to correct the voting records with the registrant's new address and vote at the registrant's former polling place.

(2) In the event that an individual appears at a polling place on election day to vote and asserts to have registered to vote pursuant to Section 17-4-250, paragraphs (b), (c), (d), (e), and (f), Code of Ala. 1975, but the individual's name does not appear on the official poll list, the individual shall be permitted to cast a challenge ballot and submit a new voter registration form at the polling precinct. Voter registration forms shall be made available at all polling places for this purpose.

**Authors:** Edward Packard, Charles E. Grainger, Jr.

**Statutory Authority:** Code of Ala. 1975, §17-4-255.

**History: New Rule:** Filed January 10, 2001; effective February 14, 2001. **Repealed:** Filed May 5, 2014.

**Ed. Note:** Formerly Rule 820-X-8-.13, as per certification filed January 10, 2001; effective February 14, 2001.