

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. \_\_\_\_\_ Department or Agency: Secretary of State

Rule No. 820-2-2-.18

Rule Title: Affidavit and Application for Certification of Free Alabama Birth Record for Voter Registration Use

X 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? 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? 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 Chapman

Date 9-21-12

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 Procedure for County Boards of  
Registrars to Determine Applicant's  
Citizenship for Voting Purposes  
820-2-2-.22 Application Form to the Board of  
Registrars for Hearing on  
Eligibility to Register to Vote  
820-2-2-.23 Agency-Based Voter Registration  
Form  
820-2-2-.24 Mail-In Voter Registration Form

INTENDED ACTION: New rules.

SUBSTANCE OF PROPOSED ACTION:

Adopt voter registration rules to comply with the Beeson-Hammon  
Alabama Taxpayer and Citizen Protection Act, as amended, pursuant to  
§31-13-28, Code of Alabama (2012).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

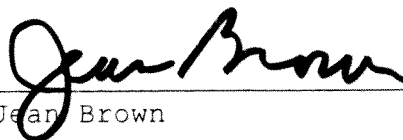
Views may be presented in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103.

FINAL DATE FOR COMMENT AND COMPLETION OF THE NOTICE:

November 2, 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.

  
\_\_\_\_\_  
Jean Brown

**820-2-2-.18      Affidavit and Application for  
Certification of Free Alabama Birth Record for Voter  
Registration Use.**

The board of registrars shall provide the following form ("Form HS-89") for use by an Alabama citizen who wishes to register to vote but does not have a certified copy of his or her birth certificate and does not possess any of the documents listed on said form. If the applicant qualifies for a birth certificate under Code of Alabama, section 31-13-28 (2011), said birth certificate shall be provided electronically to the county board of registrars at no cost to the applicant.

Upon the applicant's completion of this form, the board of registrars shall expeditiously forward the form (by fax, mail, or email) to the Alabama Center for Health Statistics ("CHS") whereupon the CHS will search for the birth record. If located, the CHS will expeditiously provide the requested information to the county board of registrars via the method used to transmit the form to the CHS. If the record is not located, the CHS will provide information stating that the record was not found.

**AFFIDAVIT AND APPLICATION FOR A CERTIFICATION OF AN ALABAMA BIRTH RECORD  
FOR ALABAMA VOTER REGISTRATION USE**

In compliance with Section 31-13-28 of the Alabama Code (Beason-Hammon Alabama Taxpayer and Citizen Protection Act), I swear under oath that I am over the age of 16 and I plan to register to vote in the State of Alabama and that I do **NOT** possess any of the following documents that constitute evidence of U.S. citizenship:

1. Driver's license or nondriver's ID card issued by division or motor vehicles or equivalent governmental agency of any state within the U.S. provided that the governmental agency of another state within the U.S. requires proof of lawful presence in the U.S. (i.e., U.S. citizenship) as a condition of issuance of the driver's license or nondriver's ID card. **Alabama driver's license or nondriver's ID must be a "Star" license or ID.**
2. Birth certificate indicating birth in the U.S. or one of its territories.
3. Pertinent pages of a valid or expired U.S. passport, or original passport.
4. U.S. naturalization documents or the number of the certificate of naturalization
5. Other documents issued by the Federal Government proving U.S. citizenship, pursuant to the Immigration and Nationality Act of 1952.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. Consular report of birth abroad of U.S. citizen.
8. Certificate of citizenship issued by the U.S. Citizenship and Immigration Services.
9. Certification of report of birth issued by the U.S. State Department.
10. American Indian card, with KIC classification, issued by the U.S. Department of Homeland Security.
11. Final adoption decree showing name and U.S. birthplace
12. Official U.S. military record of service showing place of birth in the U.S.
13. Extract from a U.S. hospital record of birth created at the time of birth indicating place of birth in the U.S.
14. Copy of declaratory judgment by a U.S. court confirming citizenship under 8 U.S.C. §1373.

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Notary Seal or Stamp

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Notary

Sworn to and subscribed before me on

\_\_\_\_\_  
Date

**Information to Locate Birth Record:** PLEASE CLEARLY PRINT ALL INFORMATION. FAILURE TO PROVIDE ACCURATE INFORMATION COULD DELAY THE PROCESSING OF THIS REQUEST

Full Name as Listed on Birth Record: \_\_\_\_\_

First Middle Last

Date of Birth: \_\_\_\_\_ County of Birth: \_\_\_\_\_

Mother's Full MAIDEN Name: \_\_\_\_\_

First Middle Last

Father's Full Name: \_\_\_\_\_

First Middle Last

**Voter Registration Office Information:**

County of Voter Registration Office: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: Alabama Zip: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

\_\_\_\_\_  
Signature of Voter Registration Official

\_\_\_\_\_  
Date of Request

Phone number with area code: (\_\_\_\_\_) \_\_\_\_\_ Fax number with area code: (\_\_\_\_\_) \_\_\_\_\_

**Authors:** Jean Brown; Edward Packard; Julie Sinclair.  
**Statutory Authority:** Code of Alabama, section 31-13-28  
(2012); Code of Alabama, section 17-3-1 (2006)  
**History: New Rule:** Filed September 28, 2012;  
effective November 2, 2012.