



A Short Guide to Helping Voters Register Under Alabama Law

WHO IS ELIGIBLE TO VOTE?

In Alabama, an individual may register to vote if she is:¹

- A citizen of the United States
- A resident of Alabama and her county at the time of registration
 - If otherwise qualified, persons absent from a county because they are members of the Armed forces, persons employed outside the United States, persons absent because of attendance at institutions of higher learning and the spouses and children of such persons are entitled to register by mail in the counties where they were residents prior to entering the status which makes them eligible for such registration.²
- 18 years old before any election
- Not have been convicted of a felony punishable by imprisonment in the penitentiary, unless that person has had her civil and political rights restored³
- Not currently be declared mentally incompetent through a competency hearing
- Willing to swear or affirm to “support and defend the Constitution of the U.S. and the State of Alabama and further disavow any belief or affiliation with any group which advocates the overthrow of the governments of the U.S. or the State of Alabama by unlawful means and that the information contained herein is true, so help me God”.⁴

WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?

Federal law⁵ requires that voter registration applications include:

- The applicant’s Driver’s License or State ID number; or, if none,
- Last four digits of Social Security Number; or, if none,
- The state will assign the applicant a number; and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Federal law authorizes states to require only such identifying information as “is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.”⁶

Alabama law does not address the issue of what constitutes a complete application. The state’s application form includes fields for the following:⁷

- Full name;
- Former name, if reporting a name change
- Residence address;
 - Individuals whose residences do not have a street number or name may draw a map of the location including roads and landmarks
- Mailing address (if different);
- Most recent prior residence where registered to vote, if any;
- Home and work telephone numbers;
- Question about which county and/or city the residence is in;
- The applicant’s driver’s license number, or if none, last 4 digits of their social security number;
- Date of birth;



- Place of birth;
- Checkboxes for age and citizenship;
- Race;
- Sex;
- The name and address of the person who assisted the applicant to fill out the form if the applicant cannot sign his or her name, if any
- Date of application; and
- Signature of applicant, affirming:
 - Eligibility and that the applicant swears or affirms “to support and defend the constitution of the United States and State of Alabama and further disavow any believe or affiliation with any group which advocates the overthrow of the governments of the United States or the State of Alabama by unlawful means and that the information contained herein is true, so help me God.”

Local election officials should be consulted as to which fields are required.

In addition, Alabama has a law requiring documentary proof of the applicant’s United States citizenship for voter registration. Project Vote’s best information as of this writing is that the documentary proof of citizenship requirement will not be enforced before the 2014 primary election. However, Alabama’s Secretary of State has announced the state would move to implement the requirement following a decision related to Kansas and Arizona’s documentary proof of citizenship requirements in *Kobach v. EAC, et al.*, which remains pending.⁸ Groups beginning a voter registration drive should confirm this information and the current requirements with election officials.

WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

For the June 2014 primary election, applications must be submitted to the registrar’s office or postmarked by the close of business on the 11th day before Election Day.⁹ For the November 2014 general election and all subsequent elections, applications must be submitted to the registrar’s office or postmarked by the close of business on the 15th day before Election Day.¹⁰ Registration forms with no postmark or an unreadable postmark received through the mail not later than three days after the official close of registration are also timely.¹¹

WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

The Secretary of State and the Boards of Registrars must make the mail voter registration form available for use in organized voter registration drives.¹²

BEFORE THE DRIVE

- A. Does the state require organizations conducting voter registration drives to register or file other information detailing its voter registration activities?**
No.
- B. Does the state require any training in order to conduct voter registration drives?**
No.
- C. Does the state have restrictions on who may help others register to vote?**
No.
- D. Does the state have restrictions on whether workers may be paid?**
No.



E. Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."¹³ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."¹⁴

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."¹⁵

DURING THE DRIVE

A. Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?

No, but the state form indicates that if a person is unable to sign his name, the name and address of the person who helped fill out the application must be given on the application.¹⁶

B. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?

This is not addressed in Alabama election law.

C. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?

This is not addressed in Alabama election law.

D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?

Alabama law does not address this issue. However, applications collected on or before the 11th day before an election must be turned in on or postmarked by the 11th day before the election for the applicant to be able to vote in that election.¹⁷

E. What are the consequences for failing to submit voter registration applications on time?

This is not addressed in Alabama election law.

F. How are completed voter registration forms tracked?

The registrars must issue to each person registered a certificate of registration.¹⁸

The board must give written notice to each applicant deemed unqualified within 10 days of its refusal to register. The written notice must state the specific reason for such refusal.¹⁹

G. Who is responsible for investigating and enforcing the state rules?

The Secretary of State is the chief election official, including the primary state official for federal contact for the implementation of the National Voter Registration Act of 1993 and the Help America Vote Act of 2002.²⁰ The Secretary of State has created a Voter Fraud Unit.²¹



WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

- A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?**

This is not addressed in Alabama election law.

- B. How may an applicant correct an incomplete application after it has been submitted to county election officials?**

This is not addressed in Alabama election law.

WEB PAGE OF STATUTE

<http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/coatoc.htm> (Title 17: Elections)

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DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Ala. Const. art. VIII, § 177; National Voter Registration Form Instructions for Alabama, *available at* [http://www.eac.gov/assets/1/Documents/National Mail Voter Registration Form English 2%2015%202021 21%20Cor.pdf](http://www.eac.gov/assets/1/Documents/National%20Mail%20Voter%20Registration%20Form%20English%202015%202021%20Cor.pdf).

² Ala. Code § 17-3-59

³ Ala. Const. art. VIII § 177; Ala. Code § 17-3-30; National Voter Registration Form Instructions for Alabama, *available at* [http://www.eac.gov/assets/1/Documents/National Mail Voter Registration Form English 2%2015%202021 21%20Cor.pdf](http://www.eac.gov/assets/1/Documents/National%20Mail%20Voter%20Registration%20Form%20English%202015%202021%20Cor.pdf).

⁴ National Voter Registration Form Instructions for Alabama, *available at* [http://www.eac.gov/assets/1/Documents/National Mail Voter Registration Form English 2%2015%202021 21%20Cor.pdf](http://www.eac.gov/assets/1/Documents/National%20Mail%20Voter%20Registration%20Form%20English%202015%202021%20Cor.pdf).

⁵ Help America Vote Act of 2002 (HAVA), Sections 303(a), 303(b)

⁶ National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

⁷ Ala. Voter Registration Form, *available at* <http://www.sos.state.al.us/downloads/election/vr/nvra-2.pdf>

⁸ Erik Eckholm, "After Ruling, Alabama Joins 2 States in Moving to Alter Voting Rules," *NY Times* (Mar. 21, 2014) *available at* http://www.nytimes.com/2014/03/22/us/after-ruling-alabama-joins-2-states-in-moving-to-alter-voting-rules.html?_r=0.

⁹ Ala. Code § 17-3-50; Ala. Admin. Code r. 820-2-2-.12(2)



¹⁰ Ala. Senate Bill 235 (2014) (amending the registration deadline in Ala. Code § 17-3-50; effective for the November 2014 general election), *available at*

<http://alisondb.legislature.state.al.us/acas/searchableinstruments/2014rs/PrintFiles/SB235-enr.pdf>

¹¹ Ala. Admin. Code r. 820-2-2-.12(3)

¹² Ala. Admin. Code r. 820-2-2-.11(3)

¹³ 42 U.S.C. § 1973i(c).

¹⁴ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

¹⁵ California Secretary of State, *Guide to Voter Registration Drives* 10 (last revised Mar. 2013),

<http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>

¹⁶ Ala. Voter Registration Form, *available at* <http://www.sos.state.al.us/downloads/election/vr/nvra-2.pdf>

¹⁷ Ala. Code § 17-3-50; Ala. Admin. Code r. 820-2-2-.12

¹⁸ Ala. Code § 17-3-51

¹⁹ Ala. Code § 17-3-54

²⁰ Ala. Code §§ 17-1-3, 17-4-60

²¹ <http://www.stopvoterfraudnow.com>