**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF ALABAMA**
**NORTHERN DIVISION**

| | | |
|---|---|---|
| TREVA THOMPSON, et. al., | ) | |
| | ) | |
| Plaintiffs, | ) | |
| | ) | CIVIL ACTION NO. |
| v. | ) | **2:16-cv-783-WKW** |
| | ) | |
| STATE OF ALABAMA, et. al., | ) | |
| | ) | |
| Defendants. | ) | |

**Plaintiffs' Evidentiary Submissions in Support of Preliminary Injunction**

The Court has scheduled a hearing on Plaintiffs' preliminary injunction in above-captioned matter for Tuesday, July 25, 2017 at 2:30 p.m. Plaintiffs respectfully submit the following exhibits in support of their motion for preliminary injunction.

**I. Exhibit A – Declaration of Anna Bodi**

Exhibit A.1 – Alabama HB 282 engrossed

Exhibit A.2 – September 30, 2008 Memorandum from Callie Dietz and Griffin Sikes, Jr.

Exhibit A.3 – November 8, 2007 Letter from Griffin Sikes, Jr. to Kenneth D. Wallis, II

Exhibit A.4 – Alabama Attorney General Opinion No. 2005-092 (March 18, 2005) (definition of moral turpitude)

Exhibit A.5 – Alabama Attorney General Opinion No. 2001-052 (Dec. 14, 2000) (absentee ballots for persons in prison)

Exhibit A.6 – Alabama Attorney General Opinions No. 83-00371 (July 5, 1983) (crimes of moral turpitude) and 192 Ala. Op. Atty. Gen. 16 (1979) (crimes disqualifying an Alabama citizen from voting)

Exhibit A.7 – Excerpts of 2016 Alabama Election Handbook

Exhibit A.8 – Excerpt of Deposition of Ed Packard (Feb. 9, 2017), No. 2:15-cv-02193-LSC

Exhibit A.9 – Alabama State Voter Registration Form

Exhibit A.10 – Federal Voter Registration Form and State Instructions Alabama

Exhibit A.11 – Absentee Ballot Application

Exhibit A.12 – September 19, 2013 Letter from Board of Pardons and Paroles to Mark Irby Regarding Application for a Certificate of Eligibility to Register to Vote

Exhibit A.13 – The Alabama Alliance to Restore the Vote and the Brennan Center for Justice at NYU School of Law, Voting Rights Denied in Alabama (Jan. 17, 2006)

Exhibit A.14 – June 9, 2017 Letter from Danielle Lang to Andrew Brasher

Exhibit A.15 – Feb. 8, 2017 Letter from Danielle Lang to Andrew Brasher

Exhibit A.16 – Feb. 8, 2017 Letter from Danielle Lang to Secretary of State John Merrill and Jean Brown

Exhibit A.17 – John Doe "Notice of Non-qualification to Register to Vote"

Exhibit A.18 – Collected Newspaper Articles

## II. Exhibit B – Declaration of Molly Danahy

Exhibit B.1 – June 29, 2017 Screenshots of Secretary of State Website

Exhibit B.2 – July 18, 2017 Screenshot of "Crime Involving Moral Turpitude" List

Exhibit B.3 – July 18, 2017 Screenshot of SOS Website Page for "Election Laws"

Exhibit B.4 – July 19, 2017 Screenshot of Board of Pardons and Paroles Voter Restoration Page

Exhibit B.5 – Prior Screenshot of Board of Pardons and Paroles Voter Restoration Page

Exhibit B.6 – July 23, 2017 Screenshot of SOS Website Page for "Upcoming Elections"

Exhibit B.7 – July 23, 2017 Screenshot of SOS Website Page for "Absentee Voting Information"

**III. Exhibit C - Declaration of Molly Danahy Regarding EAC Data**

Exhibit C.1 – EAC 2014 Election Administration and Voting Survey Instrument

Exhibit C.2 – EAC 2014 Election Administration and Voting Survey Comprehensive Report Excerpt

Exhibit C.3 – Alabama Response - 2014 EAC Statutory Overview

**IV. Exhibit D – Declaration of Synethia Pettaway**

**V. Exhibit E – Declaration of Peyton McCrary**

**VI. Exhibit F – Declaration of Martha Shearer**

**VII. Exhibit G – Declaration of Perrion Roberts**

**VIII. Exhibit H – Declaration of Constance Todd**

**XI. Exhibit I – Declaration of Brio Richardson**

**X. Exhibit J – Declaration of Willie Goldsmith**

July 24, 2017

Respectfully Submitted,

/s/ *Danielle Lang*
Danielle Lang* (CA Bar: 304450)
J. Gerald Hebert (VA Bar: 38432)
Campaign Legal Center
1411 K Street NW Suite 1400
Washington, DC 20005
(202) 736-2200
dlang@campaignlegalcenter.org
ghebert@campaignlegalcenter.org
**Admitted in New York and California only; practice limited to federal courts and agencies.*

J. Mitch McGuire (ASB-8317-S69M)
McGuire & Associates LLC
31 Clayton Street
Montgomery, AL 36104
(334) 517-1000
jmcguire@mandabusinesslaw.com

James U. Blacksher (ASB-2381-S82J)
P.O. Box 636
Birmingham, AL 35201
(205) 591-7238
jblacksher@ns.sympatico.ca

Jessica Ring Amunson (DC Bar: 497223)
Jenner & Block LLP
1099 New York Ave. NW, Ste. 900
Washington, DC 20001
(202) 736-6000
jamunson@jenner.com

Pamela Karlan (NY Bar No: 2116994)
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305
(650) 725-4851
karlan@stanford.edu

Aderson B. Francois (DC Bar No: 498544)
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue NW
Washington, DC 20001
(202) 662-6721
abf48@georgetown.edu

Armand Derfner (SC Bar No: 1650)
Derfner & Altman
575 King Street, Suite B
Charleston, S.C. 29403
(843) 723-9804
aderfner@derfneraltman.com

*Counsel for Plaintiffs and Plaintiff Class*

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 24, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Andrew L Brasher
Office of the Attorney General
501 Washington Ave
Montgomery, AL 36130
334-353-2609
Fax: 334-242-4891
Email: abrasher@ago.state.al.us

James William Davis
State of Alabama
Office of the Attorney General
P O Box 300152
Montgomery, AL 36130-0152
334-353-1356
Fax: 334-353-8440
Email: jimdavis@ago.state.al.us

Misty Shawn Fairbanks Messick
Office of the Attorney General
501 Washington Avenue
Montgomery, AL 36130-0152
334-353-8674
Fax: 334-353-8440
Email: mmessick@ago.state.al.us

/s/ *Danielle Lang*
Danielle Lang

/s/ Joseph Mitchell McGuire

# EXHIBIT A

# DECLARATION OF ANNA BODI

Pursuant to 28 U.S.C. § 1746, I declare that:

1. I am over 18 years of age and employed as an attorney at Campaign Legal Center. I submit this declaration in connection with Plaintiffs' Motion for Preliminary Injunction.
2. I have gathered, prepared, and reviewed the attached documents.
3. Attached are true and correct copies of the following documents:
    - Exhibit 1: Alabama HB 282 engrossed;
    - Exhibit 2: Sept. 30, 2008 Memorandum from Callie Dietz and Griffin Sikes, Jr.;
    - Exhibit 3: Nov. 8, 2007 Letter from Griffin Sikes, Jr. to Kenneth D. Wallis, II;
    - Exhibit 4: Alabama Attorney General Opinion No. 2005-092 (March 18, 2005) (definition of moral turpitude);
    - Exhibit 5: Alabama Attorney General Opinion No. 2001-052 (Dec. 14, 2000) (absentee ballots for persons in prison);
    - Exhibit 6: Alabama Attorney General Opinions No. 83-00371 (July 5, 1983) (crimes of moral turpitude) and 192 Ala. Op. Atty. Gen. 16 (1979) (crimes disqualifying an Alabama citizen from voting);
    - Exhibit 7: Excerpts of 2016 Alabama Election Handbook;
    - Exhibit 8: Excerpt of Deposition of Edward Packard (Feb. 9, 2017) in *Greater Birmingham Ministries v. Alabama*, No. 2:15-cv-02193;
    - Exhibit 9: Alabama State Voter Registration Form;

- Exhibit 10: Federal Voter Registration Form and State Instructions;
- Exhibit 11: Alabama Absentee Ballot Application;
- Exhibit 12: Sept. 19, 2013 Letter from Board of Pardons and Paroles to Mark Irby Regarding Application for a Certificate of Eligibility to Register to Vote;
- Exhibit 13: The Alabama Alliance to Restore the Vote and the Brennan Center for Justice at NYU School of Law, Voting Rights Denied in Alabama (Jan. 17, 2006);
- Exhibit 14: June 9, 2017 Letter from Danielle Lang to Andrew Brasher;
- Exhibit 15: Feb. 8, 2017 Letter from Danielle Lang to Andrew Brasher;
- Exhibit 16: Feb. 8, 2017 Letter from Danielle Lang to Secretary of State John Merrill and Jean Brown.

4. Our office received from Greater Birmingham Ministries (GBM) a copy of a "Notice of Non-qualification to Register to Vote" sent to GBM community member ("John Doe"). A true and correct copy of that notice is attached as Exhibit 17. Using the Alacourt database and John Doe's identifying information, I was able to determine that John Doe's prior convictions were for possession of a forged instrument (2nd degree) (Ala. Stat. 13A-9-6); receipt of stolen property (2nd degree) (Ala. Stat. 13A-8-18); breaking and entering a vehicle (Ala. Stat. 13A-8-11(b)); and possession/receipt of a controlled substance (Ala. Stat. 13A-12-212). I compared these crimes with HB 282 and determined that none of these crimes are disqualifying.

5. Attached as Exhibit 18 are true and correct copies of the following online news articles:

   - Connor Sheets, Registering Felons to vote in jail: How a new Alabama law impacts voting rights, politics (June 29, 2017);
   - Joey Ripley, New Alabama law more clearly defines which felons can lose their voting rights (June 21, 2017);
   - Sam Levine, Alabama Won't Help Disenfranchised Citizens Understand If They Can Now Vote (June 21, 2017);
   - Kim Chandler, Alabama Law Could Allow More Felons to Vote (June 5, 2017);
   - Kendall Clinton, Paul Lee: New felony voter law will eliminate confusion (May 25, 2017);
   - New law clears up voting confusion for Alabamians with a felony, WSFA 12 (May 24, 2017);
   - Michele Gerlach, Which felonies disqualify voters? (March 10, 2017);
   - Jason Johnson, Felons play a role in Alabama's electorate (Oct. 19, 2016); and
   - Josh Moon, Committee working to restore felons' voting rights (Jan. 23, 2016).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/23/17 Anna Bodi

# EXHIBIT A.1

HB282

178796-2

By Representative Jones

RFD: Judiciary

First Read: 21-FEB-17

ENGROSSED

A BILL

TO BE ENTITLED

AN ACT

To add Section 17-3-30.1 to the Code of Alabama 1975, to create the Felony Voter Disqualification Act; to establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote; and to amend Sections 17-4-3 and 17-4-4, Code of Alabama 1975, relating to voter registration lists, to provide procedures for the Board of Pardons and Paroles and the Secretary of State to follow to purge certain disqualified voters from voter registration lists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-3-30.1 is added to the Code of Alabama 1975, to read as follows:

§17-3-30.1.

(a) This section shall be known and may be cited as the Felony Voter Disqualification Act.

(b)(1) The Legislature finds and declares that:

a. Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended, provides that Alabama citizens shall lose the

right to vote when convicted of a crime only if the conviction was for a felony involving moral turpitude.

b. Under general law, there is no comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote. Neither individuals with felony convictions nor election officials have a comprehensive, authoritative source for determining if a felony conviction involves moral turpitude and is therefore a disqualifying felony.

(2) The purposes of this section are:

a. To give full effect to Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

b. To ensure that no one is wrongly excluded from the electoral franchise.

c. To provide a comprehensive list of acts that constitute moral turpitude for the limited purpose of disqualifying a person from exercising his or her right to vote.

(c) For purposes of Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended, a person is disqualified to vote by reason of conviction of a felony involving moral turpitude only when convicted of any of the following offenses in a degree constituting a felony:

(1) Murder as defined in the following sections:

a. Subdivision (1) of subsection (a) of Section 13A-5-40.

b. Subdivision (2) of subsection (a) of Section 13A-5-40.

c. Subdivision (3) of subsection (a) of Section 13A-5-40.

d. Subdivision (4) of subsection (a) of Section 13A-5-40.

e. Subdivision (5) of subsection (a) of Section 13A-5-40.

f. Subdivision (6) of subsection (a) of Section 13A-5-40.

g. Subdivision (7) of subsection (a) of Section 13A-5-40.

h. Subdivision (8) of subsection (a) of Section 13A-5-40.

i. Subdivision (9) of subsection (a) of Section 13A-5-40.

j. Subdivision (10) of subsection (a) of Section 13A-5-40.

k. Subdivision (11) of subsection (a) of Section 13A-5-40.

l. Subdivision (12) of subsection (a) of Section 13A-5-40.

m. Subdivision (13) of subsection (a) of Section 13A-5-40.

n. Subdivision (14) of subsection (a) of Section 13A-5-40.

o. Subdivision (15) of subsection (a) of Section 13A-5-40.

p. Subdivision (16) of subsection (a) of Section 13A-5-40.

q. Subdivision (17) of subsection (a) of Section 13A-5-40.

r. Subdivision (18) of subsection (a) of Section 13A-5-40.

s. Subdivision (19) of subsection (a) of Section 13A-5-40.

t. Section 13A-6-2.

(2) Manslaughter as defined in Section 13A-6-3.

(3) Assault as defined in Section 13A-6-20, except for subdivision (5) of subsection (a) of Section 13A-6-20, and Section 13A-6-21.

(4) Kidnapping in the first degree as defined in Section 13A-6-43.

(5) Kidnapping in the second degree as defined in Section 13A-6-44.

(6) Rape as defined in Sections 13A-6-61 and 13A-6-62.

(7) Sodomy as defined in Sections 13A-6-63 and 13A-6-64.

(8) Sexual torture as defined in Section 13A-6-65.1.

(9) Sexual abuse as defined in Sections 13A-6-66, 13A-6-67, and 13A-6-69.1.

(10) Enticing a child to enter a vehicle for immoral purposes as defined in Section 13A-6-69.

~~(11) Soliciting a child by computer as defined in Section 13A-6-110.~~

(11) Facilitating solicitation of unlawful sexual conduct with a child as defined in Section 13A-6-121.

(12) Electronic solicitation of a child as defined in Section 13A-6-122.

(13) Facilitating the on-line solicitation of a child as defined in Section 13A-6-123.

(14) Traveling to meet a child for an unlawful sex act as defined in Section 13A-6-124.

(15) Facilitating the travel of a child for an unlawful sex act as defined in Section 13A-6-125.

(16) Human trafficking as defined in Sections 13A-6-152 and 13A-6-153.

(17) Terrorism as defined in Section 13A-10-152.

(18) Soliciting or providing support for an act of terrorism as defined in Section 13A-10-153.

(19) Hindering prosecution of terrorism as defined in Section 13A-10-154.

(20) Endangering the water supply as defined in Section 13A-10-171.

(21) Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon as defined in Section 13A-10-193.

(22) Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age as defined in Section 13A-10-194.

(23) Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device as defined in Section 13A-10-195.

(24) Possession or distribution of a hoax device represented as a destructive device or weapon as defined in subsection (c) of Section 13A-10-196.

(25) Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime as defined in Section 13A-10-197.

(26) Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime as defined in Section 13A-10-198.

(27) Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon as defined in Section 13A-10-199.

(28) Possession or distribution of a destructive device or weapon intended to cause injury or destruction as defined in Section 13A-10-200.

(29) Treason as defined in Section 13A-11-2.

(30) Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-191.

(31) Possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-192.

(32) Parents or guardians permitting children to engage in production of obscene matter as defined in Section 13A-12-196.

(33) Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-197.

(34) Distribution, possession with intent to distribute, production of obscene material, or offer or agreement to distribute or produce, as defined in Section 13A-12-200.2.

(35) Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine and methamphetamine as defined in Section 13A-12-231.

(36) Bigamy as defined in Section 13A-13-1.

(37) Incest as defined in Section 13A-13-3.

(38) Torture or other willful maltreatment of a child under the age of 18 as defined in Section 26-15-3.

(39) Aggravated child abuse as defined in Section 26-15-3.1.

(40) Prohibited acts in the offer, sale, or purchase of securities as defined in Section 8-6-17.

(41) Burglary as defined in Sections 13A-7-5 and 13A-7-6.

(42) Theft of property as defined in Sections 13A-8-3 and 13A-8-4.

(43) Theft of lost property as defined in Sections 13A-8-7 and 13A-8-8.

(44) Theft of trademarks or trade secrets as defined in Section 13A-8-10.4.

(45) Robbery as defined in Sections 13A-8-41, 13A-8-42, and 13A-8-43.

(46) Forgery as defined in Sections 13A-9-2 and 13A-9-3.

(47) Any crime as defined by the laws of the United States or by the laws of another state, territory, country, or other jurisdiction, which, if committed in this state, would constitute one of the offenses listed in this subsection.

(d) Nothing in this section shall be interpreted as determining moral turpitude for any purpose other than disqualifying a person from exercising his or her right to vote.

(e) The felonies involving moral turpitude listed in subsection (c) are the only felonies for which a person, upon conviction, may be disqualified from voting. Additional felonies may be added to the list in subsection (c) only by amendment to this section.

Section 2. Sections 17-4-3 and 17-4-4 of the Code of Alabama 1975, are amended to read as follows:

"§17-4-3.

"(a) Each county board of registrars shall purge the computerized statewide voter registration list on a continuous basis, whenever it receives and confirms information that a person registered to vote in that county has died, become a nonresident of the state or county, been declared mentally incompetent, been convicted of any offense ~~mentioned in~~ designated pursuant to Section 17-3-30.1 as a felony involving moral turpitude for the purposes of Article VIII of the Constitution of Alabama of 1901 since being registered, or otherwise become disqualified as an elector. ~~A~~ Except as provided below, a person convicted of a disqualifying criminal offense ~~must~~ shall be notified by certified mail sent to the voter's last known address of the board's intention to strike his or her name from the list. No person convicted of a disqualifying crime may be stricken from the poll list while an appeal from the conviction is pending.

"(b) On the date set in the notice, or at a later date to which the case may have been continued by the board, the board shall proceed to consider the case of the elector whose name it proposes to strike from the registration list and make its determination. Any person whose name is stricken from the list may appeal from the decision of the board without giving security for costs, and the board shall

forthwith certify the proceedings to the judge of probate who shall docket the case in the probate court.

"(c) An appeal from the judge of probate shall be as appeals set forth in Section 17-3-55.

"(d) In the event the Board of Pardons and Paroles is supervising a person convicted of a disqualifying criminal offense on probation or parole, and the person has received face-to-face counseling from the supervising officer regarding voter disqualification and executed documentation explaining the loss and restoration of civil and political rights, upon receipt of the documentation, signed by the disqualified elector, the county board of registrars shall be exempt from providing notice as otherwise required by this section. The document administered by the Board of Pardons and Paroles and to be signed by the disqualified elector shall contain the following statement: "Any person convicted of a disqualifying felony loses his or her civil and political rights, which includes the right to vote. Restoration of these rights may be applied for through the Central Montgomery Office of the Board of Pardons and Paroles, but only upon completion of the requirements of Section 15-22-36.1."

"(e) The Board of Pardons and Paroles shall provide signed documentation to county boards of registrars to indicate those persons under probation or parole supervision with the board who have been convicted of a disqualifying criminal offense and been counseled regarding voter disqualification and the restoration of civil and political

rights, and may otherwise share privileged records and files with county boards of registrars for the limited purpose of implementing the requirements of this section.

"(f) When the board has sufficient evidence furnished it that any elector has permanently moved from one precinct to another within the county, it shall change the elector's precinct designation in the voter registration list, and shall give notice by mail to the elector of the precinct in which the elector is registered to vote.

"(g) The Secretary of State and the Board of Pardons and Paroles may promulgate rules in accordance with the Alabama Administrative Procedure Act as necessary to implement this section.

"§17-4-4.

"(a) In addition to all other duties now required by law, the Office of Vital Statistics of the State Department of Public Health shall furnish to the board of registrars of the county in which such district is located, once each month, a report of the death of all persons over 18 years of age who resided in such registration district.

"(b) In addition to all other duties now required by law, the judges of probate of the several counties of this state shall furnish to the board of registrars of their respective counties, once each month, a list of all residents of the county, 18 years of age or over, who have been declared mentally incompetent.

"(c) In addition to all other duties required by law, the clerks of the circuit and district courts of this state shall furnish to the board of registrars of each county, once each month, a list of all residents of that county who have been convicted of any offense ~~mentioned in~~ designated pursuant to Section 17-3-30.1 as a felony involving moral turpitude for the purposes of Article VIII of the Constitution of Alabama of 1901. Any person who willfully fails to perform such duties shall forfeit the sum of one hundred dollars ($100) for each such failure. Such sum may be recovered in an action by law by any citizen of the county in which the officer acts, one half to his or her own use and one half to the use of the state.

"(d) The Secretary of State and the Board of Pardons and Paroles may promulgate rules in accordance with the Alabama Administrative Procedure Act as necessary to implement this section."

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

House of Representatives

Read for the first time and referred to the House of Representatives committee on Judiciary ..... 21-FEB-17

Read for the second time and placed on the calendar..... 02-MAR-17

Read for the third time and passed as amended..... 09-MAR-17

Yeas 102, Nays 0, Abstains 0

Jeff Woodard
Clerk

# EXHIBIT A.2

**MEMORANDUM**

TO: All Circuit Clerks
All Probate Judges
All Sheriffs

FROM: Callie Dietz, Administrative Director of Courts
Griffin Sikes, Jr., Legal Director, AOC

DATE: September 30, 2008

SUBJECT: Use of AOC data to erroneously disqualify voters and voter applicants

We have recently learned that information about criminal convictions in our state provided by the AOC from our electronic databases to Election Systems and Software, Inc. (ES&S)[1] has been and is currently being used to erroneously disqualify or disenfranchise Alabama citizens of their right to vote and/or their right to register to vote.

During 2007 and 2008, ES&S has been regularly using AOC data to generate and provide reports, including documents called "Weekly Felony Checks," to the boards of registrars reporting the names and other identifying information of persons convicted of certain criminal offenses for the purpose of determining voters' or voter registrants' right to vote or register to vote.

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[1] Electronic Systems and Software, Inc. is a national voting system management company headquartered in Omaha, Nebraska. The State of Alabama contracted with ES&S in 2007 to assist the state in meeting the requirements of the "Help America Vote Act of 2002" (HAVA), codified at 42 U.S.C. 15301 to 15545.

HAVA, among other things, requires that all states establish a central, statewide, computerized, voter registration system which:

a. contains the name and address of every legally registered voter in the state;
b. serves as the single, official system for maintaining this voter list;
c. can be immediately accessed by local election officials to electronically add or remove voters;
d. complies with the provisions the National Voter Registration Act governing the removal of voters from this list and must be coordinated with other state agency databases to facilitate the removal of deceased persons and other persons ineligible to vote under state law from the voter list or registry;
e. shall be maintained and supported by the Chief Election Officer of the state; and
f. shall assure that eligible voters are not wrongfully removed from voting lists.

In recent months, several circuit clerks and others have reported to the AOC that the boards of registrars in their counties had disqualified voters or persons applying to vote based on these reports from ES&S about criminal convictions that do not constitute a proper or lawful basis for disqualification of the voter or voter registrant.

At the bottom of this problem is the issue of what felony convictions disqualify a person from voting under Alabama law.

Under Amendment 579 to the Alabama Constitution, persons who have been convicted of a "felony involving moral turpitude" are disqualified from voting. However, the phrase, "felony involving moral turpitude,"[2] is ill-defined and ambiguous. Neither the Legislature nor the appellate courts of this state have stated or provided a definitive listing of the felonies which "involve moral turpitude."

This memo is intended to (a) assist you with inquiries from your board of registrars about whether any particular voter or person applying to register to vote in your county is or is not disqualified to vote as a result of their previously having been convicted of a felony; and (b) also, and perhaps more importantly, to assist you and your board or registrars in identifying any persons who during the past 18 months have been wrongfully denied their right to vote or their right to register to vote and notifying such persons that, contrary to what they may have been previously told, if otherwise qualified, they are eligible and entitled to vote in the coming November 4, 2008 general election.

In order to understand how and why ES&S has provided incorrect information to the boards of registrars, it is useful to review some of the history of the implementation of the state's electronic voting system.

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[2] The history in this state of the use of the phrase, "involving moral turpitude," is instructive. The phrase, "persons convicted of a crime involving moral turpitude," was used in Section 182 of the 1901 Alabama Constitution as a basis for disqualifying such persons from voting in Alabama. However, in *Hunter v. Underwood, 471 U.S. 222 (1985)* the United States Supreme Court held that the employment of this phrase – "crime involving moral turpitude" – in the Alabama Constitution was "motivated by a desire to discriminate against blacks on account of race," *471 U.S. at 224*, and that when this standard was used as a basis for disqualifying citizens of the right to vote, it violated the Equal Protection Clause of the Fourteenth Amendment.

Subsequently, in the mid-1990s, Amendment 579 to the Alabama Constitution was ratified. This Amendment resurrected a portion of this phrase by modifying it from "crimes involving moral turpitude" to "felonies involving moral turpitude," as a basis for again disqualifying or disenfranchising Alabama citizens of their right to vote.

Since the mid-1990s, this phrase remained the law in Alabama although the meaning, scope and breadth of the phrase have remained ill-defined and ambiguous.

In the spring of 2007, Governor Riley, having been previously appointed as Special Master by the federal court in *U.S. v. State of Alabama, Case No. 2:06-cv-392-WKW, U.S. D.Ct., M.D.Ala.*, was charged with assisting the court in overseeing the State's compliance with HAVA.

This appointment of the Governor by the federal court divested the Secretary of State of what would have normally been the Secretary's responsibilities in overseeing the implementation of the state's electronic voting system by ES&S and placed these responsibilities in the Governor's Office.

As a part of setting up the electronic voting system required by HAVA, the Governor needed a listing of the felonies that involved moral turpitude under Alabama law in order to specify which felony convictions should be supplied by ES&S to the boards of registrars.

Determining what the law is or interpreting law is, of course, a duty entrusted to the judicial branch of government. However, in the first half of 2007, at the direction of Mr. Ken Wallis, the Governor's Chief Legal Advisor, the Governor's Office, a part of the executive branch of government, developed a list of felonies that he or his office believed to "involve moral turpitude" and provided this list ("the Governor's list") to ES&S.

However, after the Governor's Office made its determination of these felonies and provided it to ES&S, the Secretary of State then insisted that it be the judicial branch and not the Governor's Office that made the determinations of what felonies involved moral turpitude.

Mr. Wallis then asked the AOC, which is a part of the judicial branch of government, to approve the Governor's list of felonies involving moral turpitude previously compiled by that office.

The Legal Director for the AOC, Griffin Sikes, disagreed with the list of felonies involving moral turpitude supplied to ES&S by the Governor's Office. The attached letter, dated November 8, 2007, was sent by Mr. Sikes in response to Mr. Wallis' request. Appended to the end of this letter is a listing of the felonies determined by the AOC to have previously been declared by an appellate court, the Legislature or an Attorney General's opinion to involve moral turpitude.

The difference between the list of felonies that Mr. Wallis or his office believed to involve moral turpitude and the list of felonies involving moral turpitude contained in the AOC's letter of November eighth letter is substantial.

Of the approximately 575 felonies existing under Alabama law, Mr. Wallis' office's list included approximately 480 felony offenses that he or that office's attorneys believed would involve moral turpitude.

However, the AOC Legal Division found only approximately 70 felonies that had been held or determined by an Alabama statute, appellate court opinion or Attorney General's opinion to involve moral turpitude. Again, the list of these 70 felonies is appended to Mr. Sikes' November 8, 2008 letter.

The AOC's approach to this issue was and is that unless there is affirmative legal authority for disqualifying a voter or voter registrant, every citizen has the right to vote.

Based on the representations made by the Governor's Legal Counsel and ES&S, the Secretary of State's office and the AOC believed that only convictions of the felonies on the AOC's list were being provided to the boards of registrars by ES&S for the purpose of determining voters' eligibility to vote and voter applicants' eligibility to register to vote.

As late as the first week in September, 2008, Ms. Brown and Mr. Sikes were again reassured by Mr. Wallis and Ms. Curtis that the *only* criminal convictions that were being provided by ES&S to the boards of registrars throughout the state were the convictions for the 70 felonies on the AOC list; and that it was *only* these felonies that the boards of registrars were using to disqualify voters or voter applicants.

We now know that these repeated assurances were not accurate. Within the last week, we have received information, which Mr. Wallis has confirmed, that these assurances were "in error." Contrary to these assurances, ES&S is currently and has been for the past year or more providing information to the boards of registrars about criminal convictions from the Governor's list in documents titled, "Weekly Felon Checks,"[3] and that the boards of registrars were and are incorrectly using these convictions to disqualify voters or voter applicants from voting.

Last week, the Governor was released by the federal judge as Special Master in the federal law suit and the responsibility for administering the state's voting system and laws was returned to the Secretary of State.

Yesterday, we met and conferred with Ms. Jean Brown, the Chief Counsel for the Secretary of State, and Mr. Adam Thompson, the State HAVA Director for the Secretary of State's Office, regarding these issues and concerns.

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[3] While these "Weekly Felon Checks" list the names and addresses of the persons convicted, their dates of birth, the last 4 digits of their social security numbers, the conviction dates, as well as other information, they do not identify the felony that was involved in the conviction.

We have been recently advised that "around the end of October" ES&S will put the "crime conviction codes into system" and these codes will thereafter begin to appear on these reports.

Both Ms. Brown and Mr. Thompson expressed their commitment to correcting any erroneous information regarding felonies involving moral turpitude being provided by ES&S; and in fact, have already contacted ES&S regarding getting this accomplished.

Further, they are undertaking to work with ES&S on an expedited basis to identify any persons who since the inception of the electronic voting system's implementation may have been incorrectly told that they are ineligible to vote or removed from the voter rolls or incorrectly denied their right to register to vote; and to immediately notify such persons that, if these denials were in error, that they are eligible to vote, or to register to vote, as the case may be.

We look forward in the next week to working with Ms. Brown and Mr. Thompson and others in the Secretary of State's office to ensure that every citizen who is qualified to register and vote is allowed to do so.

END OF MEMO

# EXHIBIT A.3

ADMINISTRATIVE OFFICE OF COURTS
300 Dexter Avenue
Montgomery, Alabama 36104-3741
(334) 954-5000

Sue Bell Cobb
Chief Justice

Callie T. Dietz
Administrative Director of Courts

November 8, 2007

Kenneth D. Wallis, II, Esquire
Chief Legal Counsel
Office of the Governor
State Capitol, Suite NB-05
Montgomery, AL 36130

Re: U.S. v. State of Alabama and Beth Chapman
Case No. 2:06-cv-392-WKW (U.S.D.Ct., M.D. Ala.)

Dear Mr. Wallis:

You requested that the Administrative Office of Courts determine and provide you with a list of the felonies "involving moral turpitude," the conviction of which would disqualify and disenfranchise state citizens of their right to vote under Amendment 579 to the Alabama Constitution.

Prior to making those determinations for this office, I researched and reviewed the history and case law interpreting and defining the meaning of the phrase, "involving moral turpitude," and the history and case law involving the right to vote.

I herewith report to you the results of this research and provide you with the determinations and the listing of offenses that you requested.

a.

Alabama case law interpreting the meaning of "involving moral turpitude"

The phrase, "involving moral turpitude," is ambiguous, elastic, and subjective. It can cover virtually any criminal offense that a person employing this vague and imprecise standard wants it to cover. It contains an inherent bias in favor of inclusion: the "higher" one's moral standards are, the greater the number of offenses included.

The Supreme Court noted this phrase's lack of definition, its imprecision and the requirement of interpretation to divine its scope in *Hunter v. Underwood*,[1] *471 U.S. 222 at 226 (1985)*:

> This latter phrase [crime involving moral turpitude] is not defined, but was subsequently interpreted by the Alabama Supreme Court to mean an act that is "immoral in itself, regardless of the fact whether it is punishable by law. The doing of the act itself, and not its prohibition by statute fixes, the moral turpitude." *Pippin v. State, 197 Ala. 613, 73 So. 340, 342 (1916)*

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[1] In *Hunter v. Underwood*, the United States Supreme Court held that the employment of this phrase, "crime involving moral turpitude," in Section 182 of the 1901 Alabama Constitution, was "motivated by a desire to discriminate against blacks on account of race," *471 U.S. at 224*, and that when this standard was used as a basis for disqualifying citizens of the right to vote, it violated the Equal Protection Clause of the Fourteenth Amendment.

In light of this, it is difficult to understand the decision made in the mid-1990s to reintroduce, via Amendment 579 to the Alabama Constitution, the phrase, "involving moral turpitude," as a basis for again disqualifying or disenfranchising Alabama citizens of their right to vote. Nevertheless, this was the phrase used in Amendment 579, which, upon its adoption, resurrected this ill-defined set of criminal convictions as the basis for disenfranchising Alabama citizens of their right to vote. (We note that the phrase was modified in the Amendment to restrict the disenfranchising offenses to "felonies" involving moral turpitude rather than "crimes" involving moral turpitude.)

The use of this standard is suspect. While an Equal Protection claim alleging disenfranchisement of minority voters, such as that brought in *Hunter v. Underwood*, requires proof of discriminatory intent, a claim brought under Section 2 of the Voting Rights Act, *42 U.S.C. § 1973*, does not. Section 2 of that Act requires only racially discriminatory effect or results, *e.g.*, *Bush v. Vera, 517 U.S. 952, 976 (1995)*, "In 1982, Congress amended the VRA by changing the language of § 2(a) and adding § 2(b), which provides a "results" test for violation of § 2(a)" and *Nipper v. Smith, 39 F.3d 1494, 1509-10 (11th Cir.1994)*, holding that Section 2 "outlaws election practices that result in racial discrimination." (underlining supplied)

Similarly, the Eleventh Circuit also recognized the lack of any definition of this standard and its extremely subjective nature in that Court's opinion below, *Underwood v. Hunter, 730 F.2d 614 at 616 (1984)*:

> The [Alabama] attorney general in opinion has acknowledged that classification of presently unaddressed offenses the "will turn upon the moral standards of the judges who decide the question."

This problem of the "classification of presently unaddressed offenses" remains extant, *i.e.*, the inability to readily determine which felonies "involve moral turpitude" and which do not persists. One need look no further than Opinion 2005-092 of the Attorney General of Alabama issued in 2005 or *Chapman v. Gooden, 2007 Ala. LEXIS 98*, decided less than six months ago, to appreciate the difficulty, subjectivity, ambiguity of the standard and the lack of objective criteria for these determinations.

In identifying the particular Alabama felonies which have been held in an Alabama appellate court opinion to "involve moral turpitude," our office has relied upon the case law research performed by Mr. Scott Rouse of your office which he kindly provided to me two weeks ago.

Most of the cases cited and relied upon by Mr. Rouse did not involve the issue of voter disqualification, but rather involved issues of the admissibility of evidence of a party or witness's conviction of a crime as impeachment evidence under §12-21-162(b),[2] or a person's disqualification to serve as a juror under §12-16-60, both of which statutes also use the phrase "involving moral turpitude" as their respective defining criteria.

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[2] On January 1, 1996, the Alabama Supreme Court adopted the Alabama Rules of Evidence. As noted by the Advisory Committee Notes to the Rules, "The preexisting Alabama statutory provision authorizing impeachment by evidence showing conviction for a crime involving moral turpitude, Ala. Code 1975, §12-21-162(b), has been superseded by Rule 609." Rule 609 of those Rules has governed the admissibility of criminal convictions for impeachment purposes since January 1, 1996. Rule 609 does not employ a "moral turpitude" standard.

In adopting the Alabama Rules of Evidence, the Alabama Supreme Court thereby eliminated, at least in this context, the interpretive problems inherent in the "involving moral turpitude" standard. This has decreased the number of cases in which an Alabama appellate court has had the opportunity to further address the issue of what crimes or felonies "involve moral turpitude."

Alabama cases in which the determination of whether a crime involved moral turpitude was made for the purpose of determining a citizen's right to vote – as opposed to impeachment purposes or the purpose of assessing the competency of a juror in a civil or criminal case – are almost non-existent. In compiling the list of felony offenses you requested, I have assumed, but do not opine, that the standard is the same for all three of these different purposes.

b.
The Right to Vote

From the earliest days of this nation's history and even in its pre-history, the right to vote has been understood and recognized to be of primal importance and among the greatest and most fundamental rights of its citizens.

Alexander Hamilton, one of the principal architects of the Constitution and the author of the majority of the Federalist Papers, stated as follows about the right to vote, its place in securing the rights of citizens, and more importantly for purposes of the present inquiry, the extreme circumspection and care that should be exercised in "divesting any citizen of that right":

> A share in the sovereignty of the State, which is exercised by the citizens at large in voting at the elections, is one of the most important rights of the subject, and in a republic ought to stand foremost in the estimation of the law. It is that right by which we exist, as a free people, and it will certainly therefore never be admitted that less ceremony ought to be used in divesting any citizen of that right than in depriving him of his property. Such a doctrine would ill suit the principles of the Revolution which taught the inhabitants of this country to risk their lives and fortunes in asserting their liberty, or, in other words, their right to a share in the government. Let me caution against precedents which may in their consequences render our title to this great privilege precarious.[3] (underlining supplied)

[3] Alexander Hamilton, The Papers of Alexander Hamilton, Harold C. Syrett, ed. (New York, Columbia University Press, 1962), Vol. III, pp. 544-545.

Similar expressions of the fundamental importance of the right to vote in our system of government may be found throughout the opinions of the United States Supreme Court in the nineteenth and twentieth century, *e.g.*, *Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886)*:

> [T]he political franchise of voting is . . . regarded as a fundamental political right, because [it is] preservative of all rights.

*Fortson v. Morris, 385 U.S. 231, 250 (1966) (Fortas, dissenting)*:

> A vote is . . . the sacred and most important instrument of democracy and of freedom.

*Burdick v. Takushi, 504 U.S. 428, 433 (1992)*:

> It is beyond cavil that "voting is of the most fundamental significance under our constitutional structure." Illinois Bd. of Elections v. Socialist Workers Party, 440 U.S. 173, 184, 59 L. Ed. 2d 230, 99 S. Ct. 983 (1979).

*Burson v. Freeman, 504 U.S. 191, 214 (1992) (Kennedy, concurring)*:

> Voting is one of the most fundamental and cherished liberties in our democratic system of government.

When this body of law, emphasizing the centrality and preeminence of the right to vote under the Constitution, is set alongside the ambiguous, ill-defined "involving moral turpitude" standard and its dubious, ignoble usage and history, the need for the care and circumspection cautioned by Hamilton in "divesting any citizen of that right" is patent.

Observing this caution, the Administrative Office of Courts is unwilling to extend the disenfranchisements of Alabama citizens of their right to vote beyond those citizens convicted of felony offenses which an Alabama appellate court opinion, a state statute or an opinion of the Alabama Attorney General has specifically by name determined to involve moral turpitude. To again quote Alexander Hamilton, this office declines to establish any "precedents which may in their consequences render our title to this great privilege precarious."

Using these three sources – Alabama case law,[4] state statutes[5] and Attorney General's opinions[6] – we have compiled a list of Alabama felonies that have been identified by one of these sources to "involve moral turpitude." I attach that list.

If you have any questions about these matters, please call or write me.

With kindest regards, I remain

Very truly yours,

Griffin Sikes, Jr.
Director, Legal Division

/GSjr

xc: Hon. Sue Bell Cobb, Chief Justice
Ms. Callie T. Dietz, Administrative Director of Courts
Hon. John William English, Jr., Probate Judge, Lee County
Winfield J. Sinclair, Esquire
Algert S. Agricola, Esquire
J. Dormand Walker, Jr., Esquire
Michael W. Robinson, Esquire
Robert D. Popper, Esquire
Scott L. Rouse, Esquire
Ms. Shannon M. Curtis
Robert L. McCurley, Jr., Esquire

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[4] In identifying the particular Alabama felonies which have been held in an Alabama appellate court opinion to "involve moral turpitude," as previously stated, our office has used and relied upon the case law research provided by Mr. Scott Rouse of your office which he kindly provided to me two weeks ago.

[5] The only statute addressing this issue that was cited to me by Mr. Rouse and the only such statute revealed in our research was §15-22-36.1, 1975, which provides a listing of felonies involving moral turpitude, the conviction of which will preclude an individual from applying to have his or her civil and political rights restored.

[6] Opinion 2005-092 is the only such Attorney's General Opinion addressing this issue that was supplied or cited to me by Mr. Rouse.

Alabama felony offenses which have been declared or determined
by an Alabama appellate court, a state statute or an Attorney General's opinion
to "involve moral turpitude"

| Code | Code section | Class | Category | Common Name |
|---|---|---|---|---|
| HOMI | 014-314- | A | PE | MURDER (OLD CODE) |
| CM01 | 13A-005-040(A)(1) | U | PE | MURDER CAPITAL-KIDNAP |
| CM10 | 13A-005-040(A)(10) | U | PE | MURDER CAPITAL-TWO OR MORE PER |
| CM11 | 13A-005-040(A)(11) | U | PE | MURDER CAPITAL-PUBLIC OFFICIAL |
| CM12 | 13A-005-040(A)(12) | U | PE | MURDER CAPITAL-AIRPLANE HIJACK |
| CM13 | 13A-005-040(A)(13) | U | PE | MURDER CAPITAL-20YR PRIOR CON |
| CM14 | 13A-005-040(A)(14) | U | PE | MURDER CAPITAL-WITNESS |
| CM15 | 13A-005-040(A)(15) | U | PE | MURDER CAPITAL-UNDER 14 YEARS |
| CM16 | 13A-005-040(A)(16) | U | PE | MURDER CAPITAL-DWELL FR OUTSID |
| CM17 | 13A-005-040(A)(17) | U | PE | MURDER CAPITAL-VEH FR OUTSIDE |
| CM18 | 13A-005-040(A)(18) | U | PE | MURDER CAPITAL-FIRED FROM VEHI |
| CM02 | 13A-005-040(A)(2) | U | PE | MURDER CAPITAL-ROBBERY |
| CM03 | 13A-005-040(A)(3) | U | PE | MURDER CAPITAL-RAPE/SODOMY |
| CM04 | 13A-005-040(A)(4) | U | PE | MURDER CAPITAL-BURGLARY |
| CM05 | 13A-005-040(A)(5) | U | PE | MURDER CAPITAL-LAW OFF/GUARD |
| CM06 | 13A-005-040(A)(6) | U | PE | MURDER CAPITAL-LIFE SENTENCE |
| CM07 | 13A-005-040(A)(7) | U | PE | MURDER CAPITAL-FOR HIRE |
| CM08 | 13A-005-040(A)(8) | U | PE | MURDER CAPITAL-SEXUAL ABUSE |
| CM09 | 13A-005-040(A)(9) | U | PE | MURDER CAPITAL-ARSON |
| MURD | 13A-006-002 | A | PE | MURDER |
| MURR | 13A-006-002(A)(2) | A | PE | MURDER-RECKLESS/VEHICLE |
| FMUR | 13A-006-002(A)(3) | A | PE | FELONY MURDER |
| MANS | 13A-006-003 | B | PE | MANSLAUGHTER |
| JJJ1 | 13A-006-020 | B | PE | ASSAULT 1ST DEGREE |
| ASL1 | 13A-006-020(A)5 | B | PE | ASSAULT 1ST DEGREE (LIQUOR) |
| ASS2 | 13A-006-021 | C | PE | ASSAULT 2ND DEGREE |
| RAP1 | 13A-006-061 | A | SX | RAPE 1ST DEGREE |
| RAP2 | 13A-006-062 | B | SX | RAPE 2ND DEGREE |
| SOD1 | 13A-006-063 | A | SX | SODOMY 1ST DEGREE |
| SOD2 | 13A-006-064 | B | SX | SODOMY 2ND DEGREE |
| STSA | 13A-006-065.1 | A | SX | SEXUAL TORTURE/ABUSE |
| SXA1 | 13A-006-066 | C | SX | SEXUAL ABUSE 1ST |
| SX2F | 13A-006-067 | C | SX | SEXUAL ABUSE 2ND DEGREE |
| ECHI | 13A-006-069 | C | SX | ENTICING CHILD TO ENTER |
| SX12 | 13A-006-069.1 | B | PE | SEX ABUSE-CHILD LESS 12 YOA |
| SCBC | 13A-006-110 | B | PE | SOLICITATION OF CHILD BY COMPU |
| BUR1 | 13A-007-005 | A | PR | BURGLARY 1ST DEGREE |
| BUR2 | 13A-007-006 | B | PR | BURGLARY 2ND DEGREE |
| BUR3 | 13A-007-007 | C | PR | BURGLARY 3RD DEGREE |
| TFT1 | 13A-008-003 | B | PR | TOP1- SHOP LIFTING |
| TOD1 | 13A-008-003 | B | PR | THEFT BY DECEPT 1ST |
| TOP1 | 13A-008-003 | B | PR | THEFT OF PROP 1ST |
| TPC1 | 13A-008-003 | B | PR | THEFT 1ST DEG - CHARITABLE ORG |
| TFT2 | 13A-008-004 | C | PR | TOP2- SHOP LIFTING |
| TOD2 | 13A-008-004 | C | PR | THEFT/DECEPTION 2ND |
| TOP2 | 13A-008-004 | C | PR | THEFT OF PROP 2ND |
| TPC2 | 13A-008-004 | C | PR | THEFT 2ND DEG - CHARITABLE ORG |
| TLP1 | 13A-008-007 | B | PR | THEFT LOST PRTY 1ST |
| TLP2 | 13A-008-008 | C | PR | THEFT LOST PRTY 2ND |
| TTTS | 13A-008-010.4 | C | PR | THEFT TRADE SECRET/TRADMARK |

| | | | | |
|---|---|---|---|---|
| VIDE | 13A-008-010.4 | C | PR | THEFT TRADE SECRET/TRADMARK |
| ROB1 | 13A-008-041 | A | PE | ROBBERY 1ST |
| ROB2 | 13A-008-042 | B | PE | ROBBERY 2ND |
| ROB3 | 13A-008-043 | C | PE | ROBBERY 3RD |
| FOR1 | 13A-009-002 | B | PR | FORGERY 1ST |
| FOR2 | 13A-009-003 | C | PR | FORGERY 2ND |
| TREA | 13A-011-002 | A | GP | TREASON |
| MIOB | 13A-012-191 | B | SX | PORN OBSCENE MATTER DISPLAY MI |
| POBM | 13A-012-192(A) | B | SX | PORN INTENT TO DISTRIBUTE |
| PMIO | 13A-012-192(B) | C | SX | PORN POSS MATERIAL MINORS |
| MIPR | 13A-012-196 | A | SX | PORN PARENT/MINORS IN SEX |
| POMA | 13A-012-197 | A | SX | PORN-PRODUCING W/MINORS |
| PSMF | 13A-012-200.2(1) | C | SX | OBSCENE MATERIAL-DIST/POSS |
| PISF | 13A-012-200.2(2) | C | SX | OBSCENE MATERIAL-DIST/POSS WHO |
| PISP | 13A-012-200.2(3) | C | SX | OBSCENE MATERIAL-PRODUCE |
| UDCS | 13A-012-211 | B | DR | UNLAW DISTRIB/FURN CONT SUBST |
| VSCO | 13A-012-211 | B | DR | SALE COCAINE |
| VSMA | 13A-012-211 | B | DR | SALE MARIJUANA |
| VAPF | 13A-012-213 | C | DR | POSS MARIJUANA 1ST |
| BIGA | 13A-013-001 | C | PE | BIGAMY |
| INCE | 13A-013-003 | C | PR | INCEST |

End of List

# EXHIBIT A.4

2005-092

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

TROY KING
ATTORNEY GENERAL

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.STATE.AL.US

March 18, 2005

Honorable William C. Segrest
Executive Director
Board of Pardons and Paroles
Post Office Box 302405
Montgomery, Alabama 36130-2405

Pardons and Paroles Board – Moral Turpitude – Felony – Electors – Voting

If a person is convicted of a felony involving moral turpitude, that person is ineligible to vote unless his or her civil and political rights have been restored. If, however, a person is convicted solely of a felony that does not involve moral turpitude, that person remains eligible to vote.

If a person has been convicted of a felony that does not involve moral turpitude, that person remains eligible to vote and is therefore ineligible to apply for a Certificate of Eligibility to Register to Vote.

A person must pay all fines, court costs, fees, and victim restitution for both disqualifying and non-disqualifying offenses to be eligible to apply for a Certificate of Eligibility to Register to Vote.

Dear Mr. Segrest:

This opinion of the Attorney General is issued in response to your request on behalf of the Alabama Board of Pardons and Paroles.

QUESTION 1

What specific felonies do not include moral turpitude? If an individual has been convicted solely of one of these crimes, does he or she remain eligible to vote?

FACTS AND ANALYSIS

Section 177 of article VIII of the Recompiled Constitution of Alabama, as amended, provides that no person convicted of a felony involving moral turpitude shall be qualified to vote unless that person's civil and political rights have been restored. ALA. CONST. art. VIII, § 177 (amend. 579). This Office has previously stated that a person convicted of a felony involving moral turpitude is disqualified from voting in Alabama. Opinion to William L. Nix, Attorney, City of Lanett, dated September 12, 2001, A.G. No. 2001-276. The phrase "moral turpitude," however, is not defined in the Constitution of Alabama or in the Alabama Code.

The Alabama Supreme Court has defined moral turpitude as "an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen or to society in general." *G.M. Mosley Contractors, Inc. v. Phillips*, 487 So. 2d 876 (Ala. 1986); *Meriwether v. Crown Inv. Corp.*, 289 Ala. 504, 512, 268 So. 2d 780, 787 (1972). An act involving moral turpitude is immoral in itself, regardless of the fact that it is punished by law. *Id.* The Court also notes that all felonies do not, per se, involve moral turpitude. *Owens v. State*, 291 Ala. 107, 278 So. 2d 693 (Ala. 1973).

The Alabama Supreme Court also has explained that, while a crime is not required to have fraud as an element to be considered a crime involving moral turpitude, the presence of fraud in a crime ensures a finding of moral turpitude: "Without exception, Federal and State Courts have held that a crime in which fraud is an ingredient involves moral turpitude." *Phillips*, 487 So. 2d at 878, *citing Jordan v. DeGeorge*, 341 U.S. 223, 227 (1951).

Although this Office cannot provide an exhaustive list of every felony involving moral turpitude, we can provide a list of the crimes that

Alabama courts have determined to be crimes involving moral turpitude. It is important to note that the following crimes will only prohibit a person from voting if that person has been convicted of a degree of one of these crimes that is considered a felony. The Alabama Supreme court stated that murder, rape, burglary, robbery, and income tax evasion have all been found to be crimes involving moral turpitude. *Ex parte McIntosh*, 443 So. 2d 1283 (Ala. 1983) (citations omitted).

In addition, forgery (*Moton v. State*, 13 Ala. App. 43, 69 So. 235 (1915)), conspiracy to commit fraud (*Phillips*, 487 So.2d at 879), aggravated assault (*Johnson v. State*, 629 So. 2d 708 (Ala. Crim. App. 1993)), possession of marijuana for resale (*McIntosh*, 443 So.2d at 1286), sale of marijuana (*Gholston v. State*, 338 So. 2d 454 (Ala. Crim. App. 1976)), manslaughter (*Johnson v. State*, 357 So. 2d 162 (Ala. Crim. App. 1978)), theft (*Johnson v. State*, 292 Ala. 208, 291 So. 2d 336 (Ala. 1974)), transporting stolen vehicles across state lines (*Matthews v. State*, 286 So. 2d 91 (Ala. Crim. App. 1973)), unauthorized sale of a controlled substance (*Ex parte Bankhead*, 585 So. 2d 112 (Ala. 1991)), and bigamy (*Lawson v. State*, 33 So. 2d 388 (Ala. App. 1948)) have all been held to be crimes involving moral turpitude.

In addition, section 15-22-36.1 of the Code of Alabama provides the following list of felonies involving moral turpitude that will preclude an individual from applying to have his or her civil and political rights restored:

> A person who has lost his or her right to vote by reason of conviction in a state or federal court for any of the following will not be eligible to apply for a Certificate of Eligibility to Register to Vote under this section: ***Impeachment, murder, rape in any degree, sodomy in any degree, sexual abuse in any degree, incest, sexual torture, enticing a child to enter a vehicle for immoral purposes, soliciting a child by computer, production of obscene matter involving a minor, production of obscene matter, parents or guardians permitting children to engage in obscene matter, possession of obscene matter, possession with intent to distribute child pornography, or treason.***

ALA. CODE § 15-22-36.1(g) (Supp. 2004) (emphasis added).

Alabama courts have also discussed crimes that do not involve moral turpitude. In *McIntosh*, the Supreme Court stated that both assault and doing business without a license are not crimes involving moral turpitude. *McIntosh*, 443 So. 2d at 1286. In addition, violation of liquor laws (*Parker v. State*, 280 Ala. 685, 198 So. 2d 261 (1967)), aiding prisoner to escape (now listed in the Alabama Code as permitting or facilitating escape) (*McGovern v. State*, 44 Ala. App. 197, 205 So. 2d 247 (1967)), mere possession of marijuana (*Neary v. State*, 469 So. 2d 1321 (Ala. Crim. App. 1985)), and driving under the influence (*Finley v. State*, 661 So. 2d 762 (Ala. Crim. App. 1995)) have all been held to be crimes that do not involve moral turpitude.

If a person is convicted of a felony involving moral turpitude, that person is ineligible to vote unless his or her civil and political rights have been restored. ALA. CONST. art. VIII, § 177 (amend. 579). If, however, a person is convicted solely of a felony that does not involve moral turpitude, that person remains eligible to vote.

## CONCLUSION

If a person is convicted of a felony involving moral turpitude, that person is ineligible to vote unless his or her civil and political rights have been restored. If, however, a person is convicted solely of a felony that does not involve moral turpitude, that person remains eligible to vote.

## QUESTION 2

> Is an individual eligible under section 15-22-36.1 of the Code of Alabama to apply to the Pardons and Paroles Board for certification for eligibility to vote if he or she has not committed a crime involving moral turpitude?

## FACTS AND ANALYSIS

Section 17-3-10 of the Code of Alabama provides for two methods by which a person who has lost his or her right to vote may have that right restored. ALA. CODE § 17-3-10 (Supp. 2004). The first method is to obtain a pardon that specifically restores the right to vote. *Id.* The second method is to receive a "Certificate of Eligibility to Register to Vote

by the Board of Pardons and Paroles. . . ." *Id.* Section 15-22-36.1(a) lists the requirements that a person must meet to apply to the Board of Pardons and Paroles for a "Certificate of Eligibility to Register to Vote":

> ***(1) The person has lost his or her right to vote by reason of conviction in a state or federal court*** in any case except those listed in subsection (g).
>
> (2) The person has no criminal felony charges pending against him or her in any state or federal court.
>
> (3) The person has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court.
>
> (4) Any of the following are true:
>
> a. The person has been released upon completion of sentence.
>
> b. The person has been pardoned.
>
> c. The person has successfully completed probation or parole and has been released from compliance by the ordering entity.

ALA. CODE § 15-22-36.1(a) (Supp. 2004) (emphasis added).

If a person has been convicted of a felony that does not involve moral turpitude, then that person has not "lost his or her right to vote." Accordingly, that person is ineligible to apply for a Certificate of Eligibility to Register to Vote.

## CONCLUSION

If a person has been convicted of a felony that does not involve moral turpitude, that person remains eligible to vote and is therefore ineligible to apply for a Certificate of Eligibility to Register to Vote.

QUESTION 3

> If an individual has been convicted of a crime involving moral turpitude and a crime not involving moral turpitude and he or she has satisfied the judgment, including payment of court-ordered monies, but has not satisfied the judgment in the non-disqualifying offense, including payment of court-ordered monies, is the individual eligible under section 15-22-36.1 of the Code of Alabama to apply for the certificate of eligibility to vote?

FACTS AND ANALYSIS

For a person to be eligible to apply for the "Certificate of Eligibility to Register to Vote," that person must have "paid ***all*** fines, court costs, fees, and victim restitution ordered by the sentencing court." ALA. CODE § 15-22-36.1(a)(3) (Supp. 2004) (emphasis added). You ask whether that requirement applies to any crime that person has committed, or only applies to any felonies involving moral turpitude that person has committed.

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 334 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997); *State Dep't of Transp. v. McLelland*, 639 So. 2d 1370, 1371 (Ala. 1994). Section 15-22-36.1 requires that "all" fines, court costs, fees, and victim restitution must be paid. ALA. CODE § 15-22-36.1(a)(3) (Supp. 2004). The statute does not limit this requirement to disqualifying offenses. Accordingly, it is the opinion of this Office that a person must pay all fines, court costs, fees, and victim restitution for both disqualifying and non-disqualifying offenses to be eligible to apply for a Certificate of Eligibility to Register to Vote.

CONCLUSION

A person must pay all fines, court costs, fees, and victim restitution for both disqualifying and non-disqualifying offenses to be eligible to apply for a Certificate of Eligibility to Register to Vote.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Rushing Payne of my staff.

Sincerely,

TROY KING
Attorney General
By:

Brenda F. Smith
BRENDA F. SMITH
Chief, Opinions Division

TK/WRP
188407v2/73903

# EXHIBIT A.5

2001-052

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

BILL PRYOR
ATTORNEY GENERAL

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.STATE.AL.US

December 14, 2000

Honorable Yvonne Kennedy
Member, Alabama House of Representatives
1205 Glennon Avenue
Mobile, AL 36603

Elections - Absentee Ballots - Absentee Voting - Jails

Persons detained in a detention facility in Alabama who are qualified to vote may apply for and cast an absentee ballot pursuant to the provision that allows a person who has a physical illness or infirmity that prevents his or her attendance at the polls on election day to vote absentee.

Dear Representative Kennedy:

This opinion of the Attorney General is issued in response to your request.

## QUESTION

Whether a person who is 18 years of age and older, who is being detained in an Alabama detention facility, i.e., county or municipal jail or youth detention center, who is registered to vote or eligible to register to vote in the State of Alabama and has not been convicted of a felony, can apply for and/or cast an absentee ballot.

## FACTS AND ANALYSIS

Persons entitled to vote in the State of Alabama include every citizen of the United States who has attained the age of eighteen years, who resides in this State, who has not been convicted of a felony involving moral turpitude, unless that person's civil and political rights have been restored, and who has

registered to vote. ALA. CONST. amend. 579; ALA. CODE §§ 17-3-9, 17-3-10 (1995).

An absentee ballot may be cast by a person entitled to vote (a qualified elector) pursuant to the provisions of section 17-10-3 of the Code of Alabama. This section provides six (6) reasons for which a qualified elector may vote by absentee ballot and states, in pertinent part, as follows:

> (a) Any qualified elector of this state (1) who will be out of the county or the state on all of the following days: election day, the Saturday ten (10) days prior to the date of said election, and the Tuesday of the week immediately preceding the date of said election, or (2) who has any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of the election, or (3) who works on a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place, (4) who is enrolled as a student at an educational institution located outside the county of his or her personal residence attendance at which prevents his or her attendance at the polls, or (5) who is a member of or spouse or dependent of a member of the armed forces of the United States, or (6) who has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular polling place may apply for and vote an absentee ballot by mail or by hand delivery, as provided in Sections 17-10-5 and 17-10-9, in any primary, general, special or municipal election, provided he or she makes application in writing therefor not less than five days prior to the election in which he or she desires to vote as authorized in this chapter.

ALA. CODE § 17-10-3 (Supp. 2000).

No provision of section 17-10-3 of the Code of Alabama specifically authorizes a qualified elector detained in a detention facility in the State of Alabama to vote by absentee ballot. An elector who is a detainee in a detention facility located in a county other than the county of his or her residence would satisfy the requirements of reason (1) because he or she would be out of the county on election day and the Saturday ten days prior to the election. A detainee who is in a facility located in his or her county of residence would not

meet this requirement and would not, without more, be eligible to cast an absentee ballot.

The United States Supreme Court in a 1974 case reviewed absentee ballot statutes in New York that were similar to the current Alabama statutes in which the Court declared the New York statutes arbitrary and a denial of equal protection. *O'Brien v. Skinner*, 414 U.S. 524 (1974). The Supreme Court found that the New York statutes denied persons detained in counties of their residences the right to vote by absentee ballot, while allowing the right to vote by absentee ballot to persons similarly detained in counties outside their residence. *Id.* at 529. The Court found that detainees should be allowed to vote under the provision for illness or physical disability, reasoning that a detainee was physically disabled from voting in person. *Id.* at 527. Similarly, the Alabama absentee statutes deny persons detained in counties of their residence the right to vote by absentee ballot while allowing detainees in counties outside their residence the right to vote by absentee ballot. Based upon the United States Supreme Court's analysis in *O'Brien*, it is the opinion of this Office that detainees in a detention facility in Alabama who are eligible to vote should be allowed to cast absentee ballots under the provision that they have a physical illness or infirmity that prevents their attendance at the polls.

## CONCLUSION

Persons detained in a detention facility in Alabama who are qualified to vote may apply for and cast an absentee ballot pursuant to the provision that allows a person who has a physical illness or infirmity that prevents his or her attendance at the polls on election day to vote absentee.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:



CAROL JEAN SMITH
Chief, Opinions Division

BP/BFS
32163v1/21448

# EXHIBIT A.6

83-00371

# OFFICE OF THE ATTORNEY GENERAL

OPINION MODIFIED
Date: June 5, 1985
To: Ann Tapley
File: 85-00371

CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

JUL 5 1983

Ms. Ann W. Tate
Circuit Clerk
Crenshaw County
P. O. Box 167
Luverne, Alabama 36049-0167

Elections - Voters - Moral Turpitude

Discussion of which crimes under the 1980 Criminal Code will disqualify an Alabama citizen from voting.

Dear Ms. Tate:

I am responding to your request for an opinion as to what criminal offenses under the new Criminal Code constitute crimes of moral turpitude which would disqualify an Alabama citizen from voting.

As you are probably aware, an opinion was issued by this office to the Morgan County Board of Registrars on August 10, 1979 which discussed and listed those crimes of moral turpitude which would disqualify a resident of Alabama from voting. A copy of that opinion is attached. The opinion cites several definitions of "moral turpitude" and lists those crimes which have specifically been held by the courts to be crimes of moral turpitude.

Of course, this list is not exhaustive and a crime may be one involving moral turpitude if it meets the definition, even though it has not been declared one by the courts.

Although the new Code changes the names of several of these crimes (larceny, for example, is now 3rd degree theft of property), the crimes involving moral turpitude basically remain the same. Also, the underlying element of moral turpitude remains the same. For your convenience, I am including a list of the crimes involving moral turpitude under the 1979 opinion, along with any name changes, and the new Code sections under which they are found.

| | |
|---|---|
| Murder | §§13A-6-2 |
| Receiving Stolen Property | §§13A-8-16 through 19 |
| Burglary | §§13A-7-5 through 7 |
| Forgery | §§13A-9-2 through 4 |
| Malicious Shooting | Deleted from new Code |
| Assault with intent to murder (Assault in 1st degree) | §13A-6-20 |
| Larceny(Theft of Property 3rd degree) | §13A-8-5 |
| Desertion from Military duty during time of war | Deleted from new Code |
| Sale of Marijuana | §20-2-70 |
| Manslaughter | §13A-6-3 |
| Income Tax Evasion | §40-18-80 |
| Bringing Stolen Property into this state | §13A-8-20 |
| Obtaining Money by Worthless check (Negotiating a worthless Negotiable Instrument) | §13A-9-13.1 |
| Carnal knowledge (Rape) | §§13A-6-61 and 62 |

If you have any further questions on this question, please let me know.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-

LINDA C. BRELAND
Assistant Attorney General

LCB/mi

# OFFICE OF THE ATTORNEY GENERAL

OPINION MODIFIED
Date: June 5, 1985
To: Allen Tapley
File: 85-00371

CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

LEE L. HALE
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205), 834-5150

AUG 10 1979

Mrs. Jenny C. Knight
Member
Morgan County Board of Registrars
P. O. Box 668
Decatur, Alabama 35602

Registrars-Elections-Voter Registration

Discussion of which crimes will disqualify an Alabama citizen from voting.

Dear Mrs. Knight:

This is in answer to your request for an opinion from this office of June 8, 1979, which reads as follows:

> "I would like to request an opinion from your office concerning the disenfranchisement of voters for the conviction of certain offenses. I am especially interested in those crimes involving moral turpitude.
>
> "The disqualifying offenses are listed in Article 8, Section 182 of the 1901 Constitution. I feel certain that some of these offenses may no longer be disqualifying due to recent federal or state court judgments. I am in hopes that your office might provide me with some form of an updated list.

> "It has always been difficult and confusing to determine those crimes involving moral turpitude which might keep someone from voting. I would especially appreciate any help or some form of a list of these crimes.
>
> "One question in particular deals with issuing worthless checks. Would those persons convicted in district court of issuing worthless checks be disqualified from voting?"

As you note in your opinion, Article 8, Section 182 (Constitution of Alabama 1901) lists the offenses which will disqualify a person from voting. That section reads:

> "The following persons shall be disqualified both from registering, and from voting, namely:
>
> "All idiots and insane persons; those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this Constitution; those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also, any person who shall be convicted

> as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or of buying or offering to buy the vote of another, or of making or offering to make a false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector."

Several of the offenses listed have specifically been deleted from the list of disqualifying offenses by case law. These include assault and battery on the wife; Hobson v. Pow, 434 F. Supp. 362 (N.D. Ala. 1977); vagrancy; Bryan v. State, 18 Ala. App. 199, 89 So. 894 and miscegenation; Doving v. Virginia, 388 U.S. 1, 87 S. Ct. 1817, 18 L. Ed. 2d 1010 (1967); United States v. Brittian, 319 F. Supp. 1058 (N.D. Ala. 1970).

In addition to the crimes specifically listed, the statute provides that the disqualifying crimes include all crimes punishable by imprisonment in the penitentiary and all crimes involving moral turpitude. We then reach the complicated question of which crimes are crimes involving moral turpitude. This question cannot be dispositively answered, inasmuch as the determination of what constitutes a "crime involving moral turpitude" has been addressed by the Alabama courts on a case by case basis, and often in a context other than the eligibility to vote.

There are a number of definitions of the term. In Irvin v. State, 44 Ala. App. 101 (1967), the Alabama Court of Criminal Appeals cited a definition given by Mr. Justice Traynor in In Re Hallinan, 43 Cal. 2d 243, 272 P. 2d 768, which reads:

> "Although the problem of defining moral turpitude is not without difficulty, * * it is settled that whatever else it may mean, it includes fraud and that a crime in which an intent to defraud is an

> essential element is a crime involving moral turpitude. * * * It is also settled that the related group of offenses involving intentional dishonesty for purposes of personal gain are crimes involving moral turpitude. * * * The fraudulent acquisition of another's property is but another form of theft in this state. * * *"

Moral turpitude also has been defined as: "anything done contrary to justice, honesty, principle, or good morals; an act of baseness, vileness, or depravity in the private and social duties which a man owes his fellow man, or to society in general, contrary to the accepted and customary." The term also implies something immoral in itself, regardless of whether it is punishable by law. Nelson v. State, 35 Ala. App. 179, 44 So. 2d 802 (1950). It is also the doing of the act itself, and not its prohibition by statute, that fixes the moral turpitude. Pippin v. State, 197 Ala. 613, 73 So. 340 (1916); Gillman v. State, 165 Ala. 135, 51 So. 722 (1910). The offense must be malum in se and not malum prohibitum. Sims v. Callahan, 269 Ala. 216, 112 So. 2d 776 (1959).

As I have indicated, any list that is compiled of crimes involving moral turpitude is not necessarily exhaustive. However, I have attempted to collect the existing cases on this subject and to present a list of crimes that have been held to involve moral turpitude and a list of crimes that do not involve moral turpitude.

The following is a list of crimes involving moral turpitude in Alabama:

Murder - Vaughn v. State, 235 Ala. 80, 177 So. 553.

Buying and concealing stolen property - Orr v. State, 225 Ala. 642, 144 So. 867.

Burglary - Wynne v. State, 155 Ala. 99, 46 So. 459; Martin v. State, 18 Ala. App. 303, 92 So. 37.

Forgery - Moton v. State, 13 Ala. App. 43, 69 So. 235 (1915).

Malicious shooting- Smith v. State, 40 Ala. App. 393, 114 So. 2d 295 (1959).

Assault with intent to murder - Mathews v. State, 51 Ala. App. 417, 286 So. 2d 91 (1973); Harris v. State, 343 So. 2d 567 (Ala. Crim. App. 1977).

Larceny - (includes grand and petite) - Mathews v. State, infra.

Desertion from military duty during time of war - Nelson v. State, 35 Ala. App. 179, 44 So. 2d 802 (1950).

Sale of marijuana - Gholston v. State, 338 So. 2d 454 (Ala. Crim. App. 1978).

Manslaughter in the First Degree - Johnson v. State, 357 So. 2d 162 (Ala. Crim. App. 1978).

Income tax evasion - Meriwether v. Crown Investment Corp., 289 Ala. 504, 268 So. 2d 780 (1972). This offense is also grounds for disciplinary action against attorney as involving moral turpitude. Annot., 63 A.L.R. 3d 465 (1975).

Violating Dyer Act (transporting stolen cars across state lines) - Mathews v. State, infra.

Obtaining money by worthless check - Irvin v. State, 44 Ala. App. 101, 203 So. 2d 283 (1967).

Carnal knowledge - Powell v. State, 297 So. 2d 163, 53 Ala. App. 30 (1974).

The following are crimes which have been held not to involve moral turpitude:

Assault and battery - Gillman v. State, 165 Ala. 135, 51 So. 722; Collins v. State, 3 Ala. App. 64, 58 So. 80; Johnson v. State, 15 Ala. App. 298, 73 So. 210; Craven v. State, 22 Ala. App. 39, 111 So. 767; Bedsole v. State, 274 Ala. 603, 150 So. 2d 696 (1963).

Bootlegging - Wiggins v. State, 27 Ala. App. 451, 173 So. 890.

Distilling, or otherwise violating prohibition laws - Lakey v. State, 206 Ala. 180, 89 So. 605; Ex parte Marshall, 207 Ala. 566, 93 So. 471; Baugh v. State, 215 Ala. 619, 112 So. 159.

Doing business without license - Craven v. State, 22 Ala. App. 39, 111 So. 767.

Trespass to land - U. S. Lbr. & Cotton Co. v. Cole, 202 Ala. 688; 81 So. 664.

Vagrancy - Bryan v. State, 18 Ala. App. 199, 89 So. 894.

Using Abusive & Obscene Language - Craven v. State, 22 Ala. App. 39, 111 So. 767.

Public Drunkenness - Crammer v. State, 196 So. 268; Craven v. State, supra.

Driving while Intoxicated - Diamond v. State, 49 Ala. App. 68, 268 So. 2d 850.

Violations of liquor laws - Whitman v. State, 41 Ala. App. 124, 124 So. 2d 275 (1960); Parker v. State, 280 Ala. 685, 198 So. 2d 261 (1967).

Aiding prisoner to escape - McGovern v. State, 44 Ala. App. 197, 205 So. 2d 247 (1967).

Speeding - Dean v. Johnston, 281 Ala. 602, 206 So. 2d 610 (1968).

Of course, I am sure you are aware that a restoration of civil and political rights granted by the Alabama Board of Pardons and Parole will restore the right to vote to a person convicted of one of the disqualifying crimes.

I hope that I have answered your questions sufficiently.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-

Linda C. Breland

LINDA C. BRELAND
Assistant Attorney General

LCB:bb

# EXHIBIT A.7

# Alabama Election Handbook

## Seventeenth Edition

*Click here to go to the Table of Contents*

ALABAMA LAW INSTITUTE

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Library of Congress Catalog Card Number
2001-133213

**Alabama Law Institute**
www.ali.state.al.us

Alabama State House
Suite 207
11 South Union Street
Montgomery, AL 36130
(334) 242-7411
FAX: (334) 242-8411

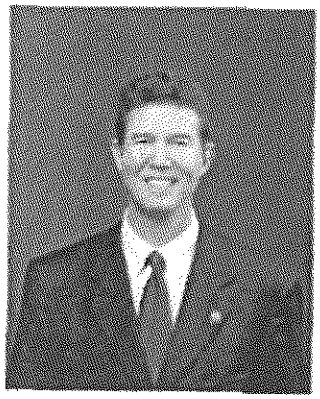
Law Center
Room 326
P.O. Box 861425
Tuscaloosa, AL 35486
(205) 348-7411
FAX: (205) 348-8411

ALABAMA STATE CAPITOL
600 DEXTER AVENUE
SUITE S-105
MONTGOMERY, AL 36130

(334) 242-7200
FAX (334) 242-4993
WWW.SOS.ALABAMA.GOV
JOHN.MERRILL@SOS.ALABAMA.GOV

JOHN H. MERRILL
SECRETARY OF STATE

Dear Citizens of Alabama:



I am pleased to present the 17th edition of the *Alabama Election Handbook*. Our Elections Division here at the Secretary of State's Office, along with the Alabama Law Institute's assistance, has worked diligently to compose this detailed guide to Alabama's election system.

This publication, which is a combination of the original *Alabama Election Handbook* and Dr. Robert Montjoy's *Alabama Election Official's Handbook*, has served as a helpful resource in our state for over 50 years, and we hope to improve the quality and content of the work with each new edition.

For additional information and resources regarding elections, visit our websites at www.sos.alabama.gov and www.alabamavotes.gov. If you have any questions, please call our Elections Division at 334-242-7210, or you may call toll free at 1-800-274-8683.

We're honored to serve you and our wonderful state.

Sincerely,

John H. Merrill

# FOREWORD

The *Alabama Election Handbook*, first published by the Institute in 1977, was the successor to the 1952 *Election Officer's Handbook* by University of Alabama Professor Donald Strong. Beginning with the Sixth Edition, the *Alabama Election Handbook* also incorporated the Secretary of State's *Election Official's Handbook* produced first by Dr. Robert Montjoy of Auburn University in 1982. From 1977 until 2011, each edition was edited by Robert L. McCurley, Jr. who served as Director of the Institute during that time period.

The Seventeenth Edition is a substantial revision in form and substance. Following the publication of the Sixteenth Edition a committee was formed under the leadership of Greg Butrus to explore the idea of re-drafting this Handbook to organize the material with an easier to use scientific numbering system, increased cross-referencing and indexing within the Handbook, and to reflect the expansion of campaign finance legal issues in recent years. Under his leadership and editorial supervision, this Edition is a significant step forward both in the information contained and its form of presentation.

As is always the case, this Handbook is done as a proud partnership with the Secretary of State, John Merrill and his office.

**This publication is not an authoritative statement of the law, nor is it a substitute for the Code or other legal materials.** This publication seeks to serve only as a general guide to the specific mandates of Alabama's laws regulating electoral processes. Users of this publication who need authoritative legal statements should seek such assistance from the appropriate legal sources. The Alabama Secretary of State's office, local Judge of Probate's office, the Alabama Ethics Commission, Alabama Attorney General's office and Federal Election Commission are good sources to consult to receive specific answers. Candidates for office should find their party organizations and the state associations of local officials useful sources of assistance, also.

The findings and conclusions of the book are those of the editors who present this handbook as a ready source of election information.

Othni J. Lathram
Director
Alabama Law Institute

October, 2015

# INTRODUCTION

This handbook is an attempt to provide election information in a user-friendly format that explains how the election process works – start to finish – and what the duties of election officials are. It is also an attempt to foster coordination among election officials. Chapters cover the election process as well as how election officials interact with each other. We encourage you to discuss with us, your local judge of probate, or the Elections Division of the Secretary of State's Office any issue about style, structure or content of this handbook. Alabama's election system is a partnership, and this handbook is no exception.

Alabama reorganized its election laws found in Title 17 of the Code of Alabama in 2006 and subsequently the reorganization became effective in 2007. No longer are there voting laws for paper balloting, lever voting machines, or electronic voting machines which layer over each other. Administrative rules, court decisions, attorney general opinions, and finally the Federal Help America Vote Act all have all been reduced to one code of election law. This handbook is not intended to be a substitute for specific requirements found in Title 17 of the Code of Alabama.

In this handbook, you will find references to the Code of Alabama, 1975, such as "§ 17-1-4". Citations in this form refer to the Code of Alabama, 1975. The first number indicates the title; the second, the chapter; and the third, the section or sections involved in the reference. The full text of the Code of Alabama 1975 is located at www.legislature.state.al.us.

Included also are references to court cases, such as *Kendrick v. State* ex rel. *Shoemaker*, 256 Ala. 206, 54 So. 2d 442 (1951); and attorney general's opinions, such as AG Op. 2004-216 (Judge Hardy McCollum). This is to give you an idea of whether a section of the handbook is based on state law, case law or an attorney general's opinion. The full text of attorney general's opinions are located at www.ago.state.al.us.

## 6.7 Qualification for Registration of a Voter

As in other states, a person must meet certain requirements of age and citizenship to qualify as a voter. No person is entitled to vote unless he or she is 18 years of age and a citizen of the United States. U.S. Constitution, Amend. XXVI.

In 1970, a federal court ruled that Alabama's constitutional residence requirement pertaining to counties and precincts was unconstitutional. *Hadnott v. Amos*, 320 F.Supp. 107 (M.D. Ala. 1970), aff'd 401 U.S. 968, 91 S.Ct. 1189, 28 L.Ed.2d 318 (1971) and aff'd *Amos v. Hadnott*, 405 U.S. 1035, 92 S.Ct. 1304, 31 L.Ed.2d 576 (1972). This effectively repealed Amendment 207 to the Alabama Constitution, which required a residency requirement of one year in the state, six months in the county and three months in the precinct or ward. The state no longer has a durational residence requirement for state, county, or federal elections. However, the municipal election laws require a 30-day period of residence as a qualification for voting in municipal elections. The voter in a municipal election, like all voters, is required to register more than 10 days prior to the election. §§ 11-46-38, 11-46-109 and 17-3-50.

Individuals declared mentally incompetent by a court of proper jurisdiction and persons convicted of felony offenses involving moral turpitude are disqualified from registering and voting.

Persons seeking to register to vote are required to fill out an application or a form promulgated by rule by the secretary of state. § 17-3-52. Ala. Con. of 1901, Art. VIII, § 177, 182 AG Op. 05-0092 (2005).

The application for voter registration must also contain a statement that the applicant will be required to provide required identification when voting. § 31-13-28.

## 6.8 Restoration of Voting Rights of a Convicted Felon

The law governing the restoration of voting rights was amended in the Second Special Session of the Legislature in 2003. Under the 2003 amendment, persons convicted of a felony offense involving moral turpitude may have their voting rights restored by making application to the State Board of Pardons and Paroles. The Board of Pardons and Paroles

shall grant a "Certificate of Eligibility to Register to Vote" to any convicted felon who has completed the terms of the sentence for the conviction and who no longer has other felony charges pending against him or her. § 15-22-36.1. However, one convicted of any one of fifteen crimes listed in the Act is not eligible for restoration of voting rights. § 15-22-36.1.

Section 15-22-36.1 of the Code of Alabama 1975 outlines who is eligible to receive a certificate of eligibility to register to vote. The Alabama Board of Pardons and Paroles began issuing these certificates in October 2003 using the following guidelines:

### 6.8.1 Process for Issuing a Certificate of Eligibility

(1) A person may apply by one of the following three methods: Going to the State Pardons and Paroles office nearest to where he/she lives, calling the Pardon Unit at the following number: (334) 242-8700, choosing the option to speak with Pardon Unit staff OR contacting the Board of Pardons and Paroles in writing at P.O. Box 302405, Montgomery, AL 36130-2405. The request should include all of the following information:

(a) Name under which convicted;
(b) True name;
(c) Sex and race;
(d) Date of birth;
(e) Social Security number;
(f) AIS# (Alabama Prison number), if you have one;
(g) Current physical address including county;
(h) Current mailing address, if different;
(i) Indicate if the conviction was a State or Federal Conviction;
(j) Home telephone number, including area code;
(k) Work or alternate telephone number, including area code; and,
(l) Complete list of charges, county & year of conviction.

(2) Once the application is received the investigation is assigned to the State Pardons & Paroles office nearest to where the applicant lives. The officer runs a criminal history to determine what

disqualifying convictions need to be included. The officer then verifies the applicant meets the eligibility requirements.

(3) If the applicant meets the requirements, a checklist is submitted to a senior officer in the pardon unit at the Board of Pardons and Paroles.

(4) A senior officer reviews the checklist and prepares it for board review. The file is submitted to the board for a period of 5 days. During this 5-day period, the board can object if they determine the eligibility requirements have not been met. If an objection occurs, the board will hear the matter at the next hearing docket.

(5) If there are no objections by the board, a certificate is issued and signed by the Director of the Board of Pardons and Paroles.

**NOTE:** The time frame for a certificate of eligibility is 45 days.

### 6.8.2 Eligibility Requirements for Restoration of Voting Rights

(a) The applicant cannot have a conviction for one of the following:

Impeachment; treason; murder; rape (any degree); sodomy (any degree); sexual abuse (any degree); incest; sexual torture; enticing a child to enter a vehicle for immoral purposes; soliciting a child by computer; production of obscene matter involving a minor; production of obscene matter; parents or guardians permitting children to engage in obscene matter; possession of obscene matter; or possession with intent to distribute child pornography.

(b) The applicant cannot have any felony charges pending against him.

(c) The applicant must have finished his sentence and not be under probation or parole supervision.

(d) The applicant must not owe any court ordered monies on his disqualifying case(s) or supervision fees.

**NOTE:** The board can issue a certificate for Alabama residents with state convictions from Alabama or federal convictions from Alabama or other states as long as the requirements are met and verified.

### 6.8.3 Actions That Do Not Result In A Loss of Voting Rights

(a) People who only have youthful offender adjudications;

(b) People who only have misdemeanor convictions;

(c) People who were charged with a felony that was nol prossed or dismissed;

(d) People who only have juvenile convictions; or,

(e) People who have a felony conviction that did not involve moral turpitude (see following section below for list disqualifying offenses).

### 6.8.4 List of Disqualifying Felony Convictions

The director of the Alabama Board of Pardons and Paroles initially requested an opinion from the attorney general regarding what crimes did and did not involve moral turpitude. AG Op. 05-0092 (2005). The Attorney General's Office, although stating they had not been provided an exhaustive list of crimes, concluded that the following felony convictions do not involve moral turpitude: felony drug possession (excludes manufacturing, sales, trafficking, etc.) and felony driving under the influence. *See Hunver v. Underwood*, 471 U.S. 222 at 226 (1985) for discussion of "involving moral turpitude".

In 2007, the Administrative Office of Courts compiled the following list of disqualifying felonies involving moral turpitude the conviction of which would disqualify and disenfranchise state citizens of their right to vote under Amendment 579 of the Alabama Constitution:

Alabama felony offenses which have been declared or determined by an Alabama appellate court, a state statute or an Attorney General's opinion to "involve moral turpitude"

| Code | Code Section | Class | Category | Common Name |
|---|---|---|---|---|
| HOM1 | 014-314- | A | PE | Murder (Old Code) |
| CM01 | 13A-005-040(A)(1) | U | PE | Murder Capital-Kidnap |
| CM10 | 13A-005-040(A)(10) | U | PE | Murder Capital-Two or more per |
| CM11 | 13A-005-040(A)(11) | U | PE | Murder Capital-Public Official |
| CM12 | 13A-005-040(A)(12) | U | PE | Murder Capital-Airplane Hijack |

| Code | Code Section | Class | Category | Common Name |
|---|---|---|---|---|
| CM13 | 13A-005-040(A)(13) | U | PE | Murder Capital-20YR Prior Con |
| CM14 | 13A-005-040(A)(14) | U | PE | Murder Capital-Witness |
| CM15 | 13A-005-040(A)(15) | U | PE | Murder Capital-Under 14 years |
| CM16 | 13A-005-040(A)(16) | U | PE | Murder Capital-Dwell fm Outside |
| CM17 | 13A-005-040(A)(17) | U | PE | Murder Capital-Veh fm Outside |
| CM18 | 13A-005-040(A)(18) | U | PE | Murder Capital-Fired from Vehi |
| CM02 | 13A-005-040(A)(2) | U | PE | Murder Capital-Robbery |
| CM03 | 13A-005-040(A)(3) | U | PE | Murder Capital-Rape/Sodomy |
| CM04 | 13A-005-040(A)(4) | U | PE | Murder Capital-Burglary |
| CM05 | 13A-005-040(A)(5) | U | PE | Murder Capital-Law Off/Guard |
| CM06 | 13A-005-040(A)(6) | U | PE | Murder Capital-Life Sentence |
| CM07 | 13A-005-040(A)(7) | U | PE | Murder Capital-For Hire |
| CM08 | 13A-005-040(A)(8) | U | PE | Murder Capital-Sexual Abuse |
| CM09 | 13A-005-040(A)(9) | U | PE | Murder Capital-Arson |
| MURD | 13A-006-002 | A | PE | Murder |
| MURR | 13A-006-002(A)(2) | A | PE | Murder-Reckless/Vehicle |
| FMUR | 13A-006-002(A)(3) | A | PE | Felony Murder |
| MANS | 13A-006-003 | B | PE | Manslaughter |
| JJJ1 | 13A-006-020 | B | PE | Assault 1st Degree |
| ASL1 | 13A-006-020(A)(5) | B | PE | Assault 1st Degree (Liquor) |
| ASS2 | 13A-006-021 | C | PE | Assault 2nd Degree |
| RAP1 | 13A-006-061 | A | SX | Rape 1st Degree |
| RAP2 | 13A-006-062 | B | SX | Rape 2nd Degree |
| SOD1 | 13A-006-063 | A | SX | Sodomy 1st Degree |
| SOD2 | 13A-006-064 | B | SX | Sodomy 2nd Degree |
| STSA | 13A-006-065.1 | A | SX | Sexual Torture/Abuse |
| SXA1 | 13A-006-066 | C | SX | Sexual Abuse 1st Degree |
| SX2F | 13A-006-067 | C | SX | Sexual Abuse 2nd Degree |
| ECHI | 13A-006-069 | C | SX | Enticing Child to Enter |
| SX12 | 13A-006-069.1 | B | PE | Sex Abuse-Child less 12 YOA |
| SCBC | 12A-006-110 | B | PE | Solicitation of Child by Compu |
| BUR1 | 13A-007-005 | A | PR | Burglary 1st Degree |
| BUR2 | 13A-007-006 | B | PR | Burglary 2nd Degree |
| BUR3 | 13A-007-007 | C | PR | Burglary 3rd Degree |
| TFT1 | 13A-008-003 | B | PR | TOP1-Shop Lifting |
| TOD1 | 13A-008-003 | B | PR | Theft by Decept 1st |
| TOP1 | 13A-008-0033 | B | PR | Theft of Prop 1st |
| TPC1 | 13A-008-003 | B | PR | Theft 1st Deg - Charitable Org |
| TFT2 | 13A-008-004 | C | PR | TOP2-Shop Lifting |
| TOD2 | 13A-008-004 | C | PR | Theft/Deception 2nd |
| TOP2 | 13A-005-004 | C | PR | Theft of Prop 2nd |
| TPC2 | 13A-008-004 | C | PR | Theft 2nd Deg - Charitable Org |
| TLP1 | 13A-008-007 | B | PR | Theft Lost Prty 1st |
| TLP2 | 13A-008-008 | C | PR | Theft Lost Prty 2nd |
| TTTS | 13A-005-010.4 | C | PR | Theft Trade Secret/Trademark |
| VIDE | 13A-005-010.4 | C | PR | Theft Trade Secret/Trademark |
| ROB1 | 13A-008-041 | A | PE | Robbery 1st |
| ROB2 | 13A-005-42 | B | PE | Robbery 2nd |
| ROB3 | 13A-005-043 | C | PE | Robbery 3rd |
| FOR1 | 13A-009-002 | B | PR | Forgery 1st |
| FOR2 | 13A-009-003 | C | PR | Forgery 2nd |
| TREA | 13A-011-002 | A | GP | Treason |
| MIOB | 13A-012-191 | B | SX | Porn Obscene Matter Display Mi |
| POBM | 13A-012-192(A) | B | SX | Porn Intent to Distribute |
| PMIO | 13A-012-192(B) | C | SX | Porn Poss Material Minors |
| MIPR | 13A-012-196 | A | SX | Prn Parent/Minors in Sex |
| POMA | 13A-012-197 | A | SX | Porn-Producing w/ Minors |
| PSMF | 13A-012-200.2(1) | C | SX | Obscene Material-Dist/Poss |
| PISF | 13A-012-200.2(2) | C | SX | Obscene Material-Dist/Poss WHO |
| PISP | 13A-012-200.2(3) | C | SX | Obscene Material-Produce |
| UDCS | 13A-012-211 | B | DR | Unlaw Distrib/Furn Cont Subst |

| Code | Code Section | Class | Category | Common Name |
|---|---|---|---|---|
| VSCO | 13A-012-211 | B | DR | Sale Cocaine |
| VSMA | 13A-012-211 | B | DR | Sale Marijuana |
| VAPF | 13A-012-213 | C | DR | Poss Marijuana 1st |
| BIGA | 13A-013-001 | C | PE | Bigamy |
| INCE | 13A-013-003 | C | PR | Incest |

Subsequently, the legal director of the Administrative Office of Courts in a memorandum to county election officials clarified as follows that not all convictions for possessing marijuana under § 13A-12-213 involve moral turpitude:

"...a conviction under subsection (a)(2) of § 13A-12-213 is not a felony involving moral turpitude, since the possession is for personal use only. However, if the conviction is under subsection (a)(1), which is possession for purposes other than personal use, *i.e.*, for sale, then the conviction is one of a felony involving moral turpitude.

Possession of marijuana, second degree, § 13A-12-214, is not a felony and thus a conviction under this statute is not, under any circumstances, a disenfranchising felony involving moral turpitude.

This distinction between subsection (a)(1) and (a)(2) of § 13A-12-213 is of critical importance, since if it is not observed, erroneous and illegal disqualification of voters or persons registering to vote will occur."

Amendment 579 of the Alabama Constitution, ratified on June 19, 1996, restored voting rights to Alabamians with convictions that did not involve moral turpitude.

## 6.9 Judicial Review

Registration is at the discretion of the board of registrars. § 17-3-54. Persons denied registration may appeal to the probate court to have their qualifications for voting judicially determined. One may appeal from the probate court to the circuit court and from there to the Alabama Supreme Court. § 17-3-55.

## 6.10 Official List of Registered Voters

No person may be registered to vote within 14 days prior to any election. § 17-3-50. From the state voter registration list, in either print or electronic form pursuant to administrative rules by the secretary of state, the judge of probate prepares and prints alphabetical lists of all registered voters, by precincts and districts. The lists certified by the judge of probate contain the names of the county's qualified voters. An electronic archive in the database for the state voter registration list is recorded simultaneously with the printing of each county's lists of qualified voters. The judge of probate is required by law to publish the official list of qualified voters provided by the board of registrars on or before the twentieth day preceding the regularly scheduled primary election in a newspaper of general circulation in the county. A supplemental list is published seven days before the primary election. §§ 17-4-1 and 17-4-2.

The statewide voter registration list contains all information deemed necessary by the Voter Registration Advisory Board. §§ 17-4-33(a)(2) and 17-4-34. Local boards of registrars shall provide to the secretary of state the required information for each voter to establish and maintain the statewide list. § 17-4-36.

## 6.11 Computerized Statewide Voter Registration List

The Statewide Voter Registration File Act provides for a statewide, computerized voter file maintenance system. §§ 17-4-33 through 17-4-37. Registration must be in compliance with the federal Help America Vote Act of 2002 and the National Voter Registration Act of 1993. Every four years each county's board of registrars conducts voter list maintenance activities involving a postcard notification system. The most recent voter list maintenance activity was in 2013 and the next will be in 2017. § 17-4-30(b).

The re-identification of voters is continuous, therefore, re-identification information should be used to update voter registration information between the primary and the primary run-off election in order to place voters in the appropriate precincts. AG Op. 98-0148 (1998).

## 6.12 Continuous Purging of the Voter Registration List

Registration in Alabama historically has been of a "permanent" type such as once a person is registered his or her name was removed from the list only for cause. Obviously, one of the major problems involved in the use of the permanent system of registration is that of keeping the registration lists current. The county board of registrars continually purges the voter list when it receives information that the voter is no longer qualified to be an elector. Provision is made for removing the name of a person who has died, become a non-resident, been declared mentally incompetent, been convicted of a disqualifying felony, or who has otherwise become disqualified, so that the registration lists will always constitute an accurate reflection of the county electorate. The Alabama registration law attempts to accomplish this by a removal process known as "purgation of the voter registration list". (*See* Chapter 15)

Whenever the board proposes to strike any person's name from the registration list, it must give notice and allow the person an opportunity for a hearing on the question of whether his or her name should be removed. If following the hearing, the board does strike the person's name from the registration list, he or she may appeal to the probate court of the county to determine the matter. § 17-4-3.

To perform the voter purging activities properly, the boards of registrars must receive notification of events affecting a person's qualifications as a voter. Therefore, state law requires state and county officials having knowledge of such events to report them to the boards of registrars. Thus, the Bureau of Vital Statistics of the State Department of Public Health is required to submit reports on the deaths of persons of voting age; the judges of probate are required to report the names of those declared mentally incompetent; and the circuit and district court clerks must submit reports concerning persons convicted of disqualifying felonies. § 17-4-4.

With implementation of the Help America Vote Act, registrars also receive notifications of deaths and felony convictions through the statewide voter registration system. §§ 17-4-4 and 17-4-33. The Alabama Department of Public Health and Administrative Office of Courts transmit data on deaths and convictions, respectively, to the Alabama Voter Registration System for cross-checking against records of registered voters as well as new applicants.

The boards of registrars are required to question applicants for registration as to whether they have been registered previously in another county. If any registrant has been previously registered, the board registering the person must notify the board in the county of previous registration. The board receiving the notification must then strike the name of the person from the list of qualified voters of that county. § 17-4-5.

## 6.13 List of Municipal Voters

The mayor or other chief executive officer of each municipality sees to the preparation of a list of the qualified voters who reside within the corporate limits of the municipality. The municipal list is based on the county registration list and is also divided alphabetically by wards and voting places. A copy of the list must be filed with the municipal clerk on or before the third Tuesday in July before each municipal election. The clerk is responsible for publishing the list of municipal voters in the manner prescribed by law, at least five days before the ensuing election, and, also, for furnishing the list to the election officials staffing the polls on election day. §§ 11-46-36 and 11-46-107.

Although publishing the list of municipal voters is expensive, doing so helps eliminate the problem of people trying to vote at the wrong voting place. This is an especially acute problem in those municipalities which provide for election of councilmen by wards and in those instances where redistricting or precinct changes have recently occurred. However, according to the statutes, cities are not required to publish in a newspaper. The Code of Alabama allows the municipal clerk to publish the list of voters in three public places. This allowance is appropriate for smaller cities where publication is not feasible.

# CHAPTER 7

# ABSENTEE VOTING QUALIFICATIONS

***Summary of Contents:***

7.1 Qualifications for an Absentee Ballot
7.2 Application for an Absentee Ballot
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7.5 Voter List
7.6 Delivering, Counting and Reporting Absentee Ballots
7.7 Absentee Provisional Ballots
7.8 Ballots and Supplies
7.9 Disqualification of Circuit Clerk
7.10 Municipal Elections
7.11 Penalty

## 7.1 Qualifications for an Absentee Ballot

A qualified voter can apply for an absentee ballot that can be cast by mail or hand delivery if he or she meets one of the following conditions set forth in § 17-11-3:

1. The voter will be out of the county or the state on election day;
2. The voter has any physical illness or infirmity which prevents his or her attendance at the polls whether or not he or she is within the county on election day;
3. The voter works a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place;
4. The voter is enrolled as a student in an educational institution located outside the county of his or her personal residence, which prevents his or her presence at the polls;
5. The voter is a member of the armed forces of the United States or the spouse or dependent of a member of the armed forces of the United States or similarly qualified to vote

reapportionment or on adjusting precinct boundaries due to legislative reapportionment. § 17-6-2(d).

When changes are made in voting precincts and locations, new voter identification cards must be issued before the next election. 226 AG. Op. 97 (Hon. Joan Neville, 1992).

## 16.4 Voter Registration

The most important task of the board of registrars is voter registration. Registrars must decide whether to accept or reject a voter application, assign a registered voter to the proper precinct, maintain and update the voter file, maintain the records of the office, certify alphabetical lists of registered voters for polling places, provide proof of registration to voters, and notify registration officials in other states.

### 16.4.1 Taking Applications

Registrars are authorized to take applications and administer oaths to residents. §§ 17-3-52 and 17-3-54. Applications taken by registrars are normally taken during scheduled sessions of the board and when individual registrars are keeping the office open on days when the full board does not meet. Applications may be presented in person by individuals, or may arrive in the mail in the form of mail-in applications, or as packages from agencies and offices conducting agency-based or "motor voter" registration. These agencies may also deliver the forms by courier.

To fulfill the record keeping requirements of the National Voter Registration Act, the secretary of state promulgated rules for tracking voter registration data. Alabama Administrative Rule 820-X-8-.15(1). Boards of registrars are required to track the total number of voter registration forms received through each voter registration program as well as the number of applications that are for new registrations and for duplicate registrations. Forms for tracking and reporting this data are provided by the secretary of state.

Additionally, in December of each even-numbered year, the boards of registrars are required to report the following: (1) the total number of registered voters (inactive and active) eligible to vote in the last federal election; (2) the total number of registrants designated inactive after the close of the last federal general election; (3) the total number of registrants deleted from the voter lists between the last two federal general elections;

and (4) the total number of address confirmation notices mailed out between the past two federal general elections. Alabama Administrative Rule. 820-2-2-.15

If the applicant is unable to read or write, then the applicant shall be exempt (to the extent the applicant cannot meet the requirement) from completing the voter registration form in writing, and, in such cases, a witness shall read to the applicant the application and oath herein provided for, the applicant's answers thereto shall be written down by the witness, and the applicant shall be registered as a voter if he or she meets all other requirements. §§ 17-3-52 and 17-3-53.

In general, the information on the application is not a public record and, therefore the information on the application may not be disclosed except with consent of the applicant or when directed by court order or as otherwise provided by state law. However, the county political parties can obtain all voter registration information in possession of the board or the judge of probate except for each voter's social security number, driver's license number, and month and day of birth. § 17-3-52 and 17-3-53. The secretary of state is required to provide an electronic copy of the voter registration list free of charge to each political party within 30 days of the certification of the election or when the election history is complete. Up to two additional copies shall be provided upon request. § 17-4-33, as amended by Act No. 2010-537. Additionally, the secretary of state must provide all voter registration in the statewide voter registration system, except for social security numbers and driver's license numbers, to anyone making application for this data. § 17-4-38. Judges of probate have immediate online accessibility to the list of registered voters. § 17-4-32. The board of registrars must provide the list to the judge of probate, at no cost, within seven days of his or her request. The board of registrars or judges of probate can charge the county party chairs the actual cost of providing this information. §§ 17-3-52 and 17-3-53. Only the secretary of state can provide voter lists to the general public. § 17-4-38.

### 16.4.2 Deciding on Applications

A registrar may take an application, but it takes a majority of the board of registrars for an application to be approved and for the voter to be registered. Denial of a voter's registration also requires a majority vote of the board. § 17-3-1.

**16.4.2.1 Voter Qualifications**. Voter qualifications in the Alabama Constitution have been modified over the years by court decisions, other

laws, and amendments to the U.S. Constitution. An applicant qualifies to be a voter if he or she:

(a) Is a citizen of the United States.

The voter registration application is considered prima facie evidence of the applicant's qualifications to register to vote, including the applicant's citizenship status. 42 USC 1973-gg-5(a)(6)(A), 42 USC 1973-gg-7(b)(3). However, if the board of registrars has a question or concern about a voter's qualifications, including citizenship status, or information comes to the board's attention that draws into question the applicant's citizenship, the board may request documentation, including proof of citizenship, to support the application. AG Op. 2009-02. The board of registrars may request such information as naturalization papers if they deem such documents necessary for deciding on the applicant's qualifications. 194 AG Op. 82 (Hon. Don Siegelman, 1984).

(b) Is over 18-years-old by the date of the election.

A 17-year-old applicant can register if he or she will turn 18 after the registration cutoff but before the election. AG Op. 2005-124 (Honorable Nell Hunter).

(c) Is a resident of the state and county where the applicant applies.

A discussion of residency is given later in this chapter.

(d) Has not been declared mentally incompetent by a court.

(e) Has not been convicted of any disqualifying offenses.

A discussion of what offenses disqualify a voter is given later in this chapter.

If the board approves the application, it assigns the new voter a precinct and adds the voter to the list of registered voters. It then issues a certificate of registration to the applicant. §17-3-51.

If the board refuses an application, it must notify the refused applicant within 10 days. The notification must state the specific reason the application was turned down. The applicant can appeal the board's decision within 30 days to the probate court. §§ 17-3-54 and 17-3-55.

**16.4.2.2 Residence**. The board of registrars must decide whether the applicant is a resident of the county. To do so, the board must determine where the voter intends to reside. 226 AG Op. 97 (Hon. Laverne Owens, 1992).

The board must consider all surrounding circumstances of each individual case, not just one factor. Factors the board can consider include where a person pays taxes, where he owns a home, where he is employed, and where he has a driver's license.

To establish residency, a person must physically live in the county at the time of registration, but the applicant is not required to have lived in a jurisdiction a set period of time before registering.

Specified citizens living temporarily outside the county, such as members of the armed services, college students and people temporarily working outside the jurisdiction, can register. §§ 17-3-32 and 17-3-59. A person who is temporarily residing overseas remains a resident of Alabama for voting purposes if the person's last place of residence in the United States before moving overseas was in Alabama. Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

The board may take additional testimony on an absentee registration application. § 17-3-59.

A person living in a residence that is cut by a precinct or county line can choose his or her county or precinct of residence by filing a statement in the office of the judge of probate. § 17-3-33.

A college student may qualify to register in the county where he or she attends school. State law requires boards to hold special registration sessions at colleges within the county. § 17-3-11.

College students must not be treated differently because they are students. The same criteria applied to other applicants applies to students. Dorm residence does not limit a student's registration rights, and such residence must be treated the same as owning or renting a room or apartment elsewhere in the county would be treated. 162 AG Op. 30 (1976).

**16.4.2.3 Mental Incompetence**. An applicant can be denied registration if he or she has been found mentally incompetent by a court. Mere medical care or institutionalization does not disqualify an applicant. The judge of probate must provide the board with a list of people who have been declared mentally incompetent. § 17-4-4.

A person found incompetent by court order must be declared competent by a court before being allowed to vote. The board of registrars may ask an

applicant to present a court order as evidence of competence. 180 AG Op. 90 (Hon. Marguerite Rodgers, 1980).

A finding of incapacity under the Guardianship and Protective Proceedings Act (§ 26-2A-1) by the judge of probate does not by itself deem the person incompetent to vote. 231 AG Op. 17 (Hon. Cletus N. Youmans, 1993)

**16.4.2.4 Disqualifying Offenses**. Any applicant convicted of a felony involving moral turpitude is not eligible to vote. Amendment 579, Alabama Constitution of 1901. The Administrative Office of Courts has developed a list of disqualifying felonies which "involve moral turpitude". *See* Chapter 6, Voter Registration, "List of Disqualifying Felony Convictions".

**16.4.2.5 Restoration of Voting Rights to a Convicted Felon**. Persons who have completed their sentences may make application for reinstatement of their voting rights to the Alabama Board of Pardons and Paroles. § 17-3-31.

**16.4.2.6 Assigning or Changing Precincts**. The board of registrars assigns a voter to a precinct immediately after registering. When the elector has changed precincts and when the precinct boundaries change, the board of registrars shall change the precinct assignment.

**16.4.2.7 Change in Precinct Boundaries**. The county commission must file a description and map of new precinct boundaries with the board of registrars when it changes precinct lines. § 17-6-2.

The board must use this list to update its records. To reflect any changes, the board must send out new certificates of registration (voter identification cards) before the next election. 226 AG Op. 97 (Hon. Joan Neville, 1992).

## 16.5 Voter File Maintenance–Three Methods

Under the National Voter Registration Act and state law, voters remain on the voting list unless their qualifications change. A person may be removed from the voter rolls by the board of registrars only if the board determines that the voter is no longer qualified to vote in its county. (*See* section on "Deciding on Applications" in this chapter). At the same time, an eligible voter cannot be disenfranchised by his or her name being removed by mistake.

Voters may not be removed from the list simply because they have not voted for some period of time. Just as voters may choose to exercise their right to vote, they may choose not to exercise their right to vote.

Alabama must follow three voter file maintenance methods and federal law to maintain voters files: the traditional disqualification method; the continuous purging of the list method; and, the 1995 mail-in address verification method. The mail-in address verification method must be read in conjunction with the disqualification method and the postcard address verification method sections in this chapter. §§ 17-4-4, 17-4-8 and 17-4-30.

### 16.5.1 The Disqualification Method

Since 1907, boards have used a removal procedure to maintain their voter lists. This method relies on official notices that registrants have become ineligible to vote.

Official notice plays a large part in the disqualification method, because evidence that a voter is no longer eligible to vote in the county must be confirmed.

The **reasons** for removing a name from the voter roles and the official sources of information to confirm such evidence include the following:

**16.5.1.1 Death**. The County Board of Registrars receives from the Bureau of Vital Statistics of the State Department of Public Health information concerning deaths of all persons over 18 years of age who resided in their district. § 17-4-4. The information may come as a hard copy list or may be provided electronically through a connection between the statewide voter registration system and the Department of Public Health.

**16.5.1.2 Mental incompetence**. The judge of probate provides monthly lists to the board of registrars of adults in the county who have been declared incompetent. § 17-4-4.

**16.5.1.3 Convicted of a disqualifying offense**. The clerks of the circuit and district courts are required to provide a monthly list of all residents of the county who have been convicted of a disqualifying offense. However, no one is to be stricken from the list of registered voters while an appeal of such a conviction is pending. § 17-4-4. Additionally, the Administrative Office of Courts provides information on felony convictions electronically through a connection between its computer system and the statewide voter

registration system.

**16.5.1.4 Receipt of at least one of two types of written notification that the registrant has moved outside the jurisdiction.** A written notice from the registrant of a move outside the jurisdiction is sufficient. 42 USC 1973gg-6(d).

Notice is also sufficient when a board of registrars from another county or registration official from another state notifies registrars in writing that the voter has registered elsewhere. After having asked an elector if they have previously registered in another county, the board shall ascertain if the voter had previously registered in another county by conducting a computerized search of the statewide voter registration list. § 17-4-5.

**16.5.2 Continuous Purging of the Voter List Method**

The **purge method** of removing voters from the statewide voter registration list includes the following steps:

**16.5.2.1 Disqualifying Event.** Receive and confirm information that a voter has died, become a nonresident of the state or county, been declared mentally incompetent, or been convicted of a felony crime of moral turpitude as provided in Article VIII of the Alabama constitution.

**16.5.2.2 Notice.** Give notice to the elector that the voter will be stricken from the list of registered voters.

A registrant convicted of a disqualifying offense must be notified by certified mail. § 17-4-3.

The notice sent to those to be stricken from the list must include the date that the board of registrars will meet to decide whether or not the names will be stricken. § 17-4-3.

**16.5.2.3 Adjudication.** The board of registrars hears and decides each case.

The voter must be given an opportunity to appear before the board and present evidence as to why his other name should not be taken off the voter rolls. § 17-4-4.

**16.5.2.4 Appeal Process.** Registrants removed from the list by the board of registrars have the right to appeal the decision to the judge of probate. An appeal from the judge of probate may be appealed to the circuit court. §§ 17-4-3 and 17-3-55.

**16.5.2.5 Removal**. Any person whose name is removed from the list of qualified voters for failure to reidentify must reidentify before voting. § 17-4-12.

**16.5.2.6 Restoration**. A person who re-identifies shall be eligible to have their name restored to the list of qualified voters. § 17-4-13.

**16.5.3 Address Verification Program Method**

The postcard address verification program began in January of 1997 with subsequent verifications every four years, i.e. 2001, 2005, 2009, etc.

The **steps** for the address verification program are as follows:

**16.5.3.1 First notice to voters mailout (non-forwardable postcard)**. The address verification process begins with a mailout by the Boards of Registrars to all registered voters at their last known address. This initial mailout is a non-forwardable postcard designed by the Secretary of State. § 17-4-30(a).

Successful delivery of the initial postcard to the registrant after 90 days from mailing will indicate that the address on file for the registrant is valid and no changes need to be made to the registrant's voter registration records. No further action under the postcard address verification system should be taken with regard to this registrant. § 17-4-30(b).

**16.5.3.2 Second notice to voters (forwardable)**. The board of registrars sends a forwardable address confirmation notice to those registrants whose first postcard mailings are returned as undeliverable. This notice is designed by the secretary of state and notifies the registrant of the need to update his or her voter registration information on a postage-paid confirmation card. § 17-4-30(c).

Some cards from the 1997 first mailout were rejected for delivery by the United States Postal Service due to lack of a complete mailing address for a voter. In these cases, the attorney general advised the secretary of state that the registered voters should not be sent the second, forwardable mailing, since it would only be returned as undeliverable. AG Opinion 97-00109, (Bennett, 1997). The registered voters in these cases should be placed on the inactive list and in the suspense file as detailed in step "c".

Also in 1997, some of the first mailed postcards were returned as

undeliverable indicating the individual's forwarding order had expired. In these cases, the attorney general has advised the secretary of state that the registered voters should not be sent the second, forwardable mailing, since it would only be returned as undeliverable [AG Opinion 97-00109, Bennett (1997)]. The registered voters in these cases should be placed on the inactive list, and in the suspense file as detailed in step "c".

**16.5.3.3. Voters placed on inactive list and in suspense file.** If the second, forwardable notice is returned as undeliverable, or if the voter does not return the address confirmation card within 90 days of the second mailout, the registrant's name is to be placed on the inactive list and in a suspense file. The suspense file should also contain the voter's (1) name (2) last known address, (3) at least the last four digits of the social security number or other personal identification number of the voter, and, (4) the date on which the voter was placed in the suspense file. § 17-4-30(b).

If a voter whose name is in the suspense file does not vote in an election conducted during the next two federal election cycles or otherwise provide updated information to the board of registrars during the same time period, he or she will be subject to removal from the voter list. § 17-4-30(c).

The names of persons removed from the registered list shall be published in a newspaper of general circulation in the county for two consecutive weeks in November and December each year in which the statewide voter file maintenance is conducted. § 17-4-10.

If a registrant responds to the address confirmation notice with a change of address that lies within the registrar's jurisdiction, the registrar will update the voter list to reflect this new address information.

Registrars cannot change the address of a voter unless this change of address is confirmed in writing by the registrant.

> If a registrant responds to the address confirmation notice with a change of address that lies outside the registrars' jurisdiction, the registrars will remove the registrant from the voter list.
>
> The boards of registrars must develop procedures with the judge of probate to make sure a voter's inactive status is placed on the list of registered voters that goes to the polling place. Under state law, voters who are put on the inactive list must first provide update information prior to voting (*See* step "d").

**16.5.3.4 Voters on inactive list may vote**. If a person whose name is on the inactive list appears on election day, the voter must be allowed to reidentify and vote a regular ballot. § 17-4-9. The secretary of state has established a reidentification procedure to use at the polling place which requires the completion of a reidentification form prior to voting. This plan has been precleared by the Voting Rights Section, Civil Rights Division, Department of Justice. *See* also §§ 17-4-9, 17-1-2(5) and 17-9-15.

**16.5.3.5 Return of voting lists.**
After the election, the list of registered voters sent to the polling place is returned to the board of registrars along with the completed voter update forms. The board of registrars must certify to the secretary of state any additions, deletions, corrections, or changes to the state voter registration list. § 17-4-2.

# EXHIBIT A.8

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CASE NUMBER: 2:15-cv-02193-LSC
GREATER BIRMINGHAM
MINISTRIES, et al.,
Plaintiffs,
vs.
STATE OF ALABAMA, et al.,
Defendants.

S T I P U L A T I O N

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel, that the videotaped deposition of Edward Packard may be taken before Angela Smith McGalliard, CCR, at the offices of the Attorney General, State of Alabama, at 501 Washington Avenue, Montgomery, Alabama 36104, on the 9th day of February, 2017.

DEPOSITION OF EDWARD PACKARD

VOLUME III

IT IS FURTHER STIPULATED AND AGREED that the signature to and the reading of the deposition by the witness is not waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of Court relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions except as to form or leading questions, and that counsel for the parties may make objections and assign grounds at the time of the trial, or at the time said deposition is offered in evidence, or prior thereto.

IT IS FURTHER STIPULATED AND AGREED that the notice of filing of the deposition by the Commissioner is waived.

* * * * * * * * * * * * * * *

A. Okay.

Q. So a felony conviction can be a basis for disqualifying a registered voter; is that right?

MR. MAZE: Object to form.

A. If it's a conviction for a felony crime that's deemed one of moral turpitude.

Q. Okay. Is there official guidance from the Secretary of State's office on which crimes qualify as crimes of moral turpitude?

A. There was a publication released by the Secretary of State's office in 2015 that had some information related to disqualifying crimes. Additionally, although we didn't compile the list, we do provide editing of the Alabama Election Handbook. And that handbook includes a list of crimes that have been deemed disqualifying under various court rulings and Attorney General's opinions.

Q. Okay. And the handbook and

publication you mentioned -- the other publication you mentioned --

A. Yes.

Q. -- provide guidance to Boards of Registrars in Alabama; is that right?

MR. MAZE: Object to form.

A. Yes.

Q. Decisions as to whether a registered voter is disqualified are made by the Boards of Registrars?

MR. MAZE: Object to form.

A. That is correct.

Q. The registrars have received this guidance from the Secretary of State or from Attorney General opinions, but ultimately they have some discretion to determine when a particular felony conviction does involve a crime of moral turpitude?

MR. MAZE: Object to form.

A. Right. The Boards of Registrars, as the voter registration officials of each county, are judicial officers, and they are charged with making

that decision, that ultimate decision, of whether or not a crime is one of moral turpitude if it's a felony, and whether or not the voter should be disqualified due to that reason.

Q. Is it possible that Boards of -- different Boards of Registrars could reach different results on that question in very similar cases?

MR. MAZE: Object to form.

A. Yes.

(Plaintiff's Exhibit 75 was marked for identification.)

Q. I'd like to hand you Plaintiff's Exhibit 75. The 75th and final.

You'll see, Mr. Packard, that you're a recipient of this email chain, forwarded to you on the first page. But I want to direct your attention to an earlier -- to the beginning of the chain at the back of the exhibit. I'll give you a moment to review it.

A. (Witness complies.)

Okay. I'm ready.

Q. There's a lot going on in this exchange, but I want to focus our attention just on the aspects that relate to felons and their status as electors.

So in the -- So, number one, do you recognize this document, Mr. Packard?

A. I don't have a specific recollection of the document, but I have no reason to doubt it's authenticity.

Q. Okay. In the first email in the chain, this is a message from Harry Butler to Clay Helms. Harry Butler is a registrar in Etowah County; is that correct?

A. That is correct.

Q. And Mr. Butler complained about the word recently that we should not call probation/parole for information regarding registered felon activity, and suggests that all registrars be notified as some are doing this on a regular basis; is that right?

A. That is correct.

Q. And he goes on in the second page to explain further his complaint. He says he recently asked about whether we should call the local parole folk re: Felons who are either registered who replied, and he was told no. And he says that this is perhaps something that all registrars should be told as it is a normal procedure in many offices, he is told.

MR. MAZE: Object to form.

Q. Is that correct?

A. Yes.

Q. And Mr. Helms responds that Mr. Helms had already discussed the procedures for processing felon notices and the contact persons for that with Mr. Butler and that he hasn't received that question from other counties. So I just have a couple of questions about this.

Mr. Butler says that he was talking to probation or parole officials in his county for information about whether registered voters or applicants had been

convicted of a felony.

Is that improper for a registrar to do?

MR. MAZE: Object to form.

A. I'm not sure exactly what information he was seeking from the probation or the parole office. It just says info regarding our registrant's felon activity.

There are some county Boards of Registrars that I'm aware of that sometimes call the local probation or parole office, pardons and parole office, to determine, for example, whether there's any record that a voter's rights have been restored. And since the pardons and paroles board additionally makes determinations as to whether crimes are even disqualifying due to their statutory mandate to restore voting rights, I understand there are some registrars that sometimes contact their local pardons and paroles office to obtain advice as to whether a particular crime might be disqualifying or not.

Q. Okay. And to do that would be entirely proper for a registrar, in exercising their duties; is that correct?

A. Personally, I don't have a problem with that. You said I was answering this in my 30(b)(1) capacity; correct?

Q. Yes

A. I don't have any issue with registrars going to people they may see as authoritative resources to obtain information that they may be able to use in making their own final determination.

Q. But if the -- If the registrar -- What would be problematic for registrars to seek from the pardon and parole folk, that Mr. Helms here was trying to discourage?

MR. MAZE: Object to form.

A. Well, I can't speak as to what the motivation was for Mr. Helms. But, for example, I think it would be improper for a registrar to contact a parole officer and ask them whether they should deny someone the right to vote because of a particular

conviction, their personal opinion, as to whether they should be disqualified due to a particular conviction. But if they have -- If the parole officer has information in their system based on what pardons and paroles has issued certificates of eligibility for, then that sort of information that's authoritative coming from their headquarters, I don't see an issue with that.

MR. SMITH: Nothing further from me.

MR. MAZE: Can we go off the Record and tally the time?

VIDEOGRAPHER: This ends disk four. Going off the Record at 4:45.

(Recess taken.)

VIDEOGRAPHER: This begins disk five. Going back on the Record at 5:27.

EXAMINATION

BY MR. MAZE:

Q. All right. Mr. Packard, my name is Corey Maze representing Defendant

# EXHIBIT A.9

Please mail or hand-deliver your completed voter registration application to your county Board of Registrars office.

The mailing address and phone number for each county Board of Registrars office is provided on page 3 of this document.

# State of Alabama Mail-In Voter Registration Form

NVRA-2
2015.02.09

*FOR USE BY U.S. CITIZENS ONLY ◆ FILL IN ALL BOXES ON THIS FORM ◆ PLEASE USE INK ◆ PRINT LEGIBLY*

**You can use this form to:**

- Register to vote in Alabama.
- Update your voter registration record, if you have changed your name or address.

**Deadline for submitting application:**
Voter registration and updating of voter records is closed during the 14 days prior to each election in Alabama.

**To register to vote in the State of Alabama, you must:**

- Be a citizen of the United States.
- Reside in Alabama.
- Be at least 18 years of age on or before election day.
- Not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored.
- Not have been declared "mentally incompetent" by a court.

**ID requested:** You may send with this application a copy of valid photo identification. You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law. For more information, go to www.AlabamaVoterID.com or call the Elections Division: 800-274-8683.

① Are you a citizen of the United States of America? ☐ Yes ☐ No ← ATTENTION! If you answer "No" to either of these questions, do not complete this application.

② Will you be 18 years of age on or before election day? ☐ Yes ☐ No

③ Print Your Name: First | Middle | Last | Suffix

④ Print Maiden Name / Former Name (if reporting a change of name): First | Middle | Last | Suffix

⑤ Date of Birth (mm/dd/yyyy) | ⑥ Primary Telephone | ⑦ Email Address

Alabama Driver's License or Non-Driver ID Number: STATE | NUMBER

IF YOU HAVE NO ALABAMA DRIVER'S LICENSE OR ALABAMA NON-DRIVER ID NUMBER

Last four digits of Social Security number:

☐ I do not have an Alabama driver's license or Alabama non-driver ID or a Social Security number.

⑧ Addresses — Current / Old

| | | | | | |
|---|---|---|---|---|---|
| Address where you live: (Do not use post office box) | Home Address (include apartment or other unit number if applicable) | City | | State | ZIP |
| Address where you receive your mail: | Mailing Address, if different from Home Address | City | | State | ZIP |
| Address where you were last registered to vote: (Do not use post office box) | Former Address | City | County | State | ZIP |

⑨ Sex (check one) ☐ Female ☐ Male

⑩ Race (check one) ☐ White ☐ Black ☐ Asian ☐ American Indian ☐ Hispanic ☐ Other

⑪ Place of Birth: City | County | State | Country

⑫ Map / Diagram
If your home has no street number or name, please draw a map of where your house is located. Please include roads and landmarks.

⑬ Did you receive assistance?
If you are unable to sign your name, who helped you fill out this application? Give name, address, and phone number (phone number is optional).

**REGISTRARS USE ONLY**

DATE ☐ APPROVED ☐ DENIED

(mm/dd/yyyy)

County Pct _____

City Pct _____

Board member

Board member

Board member

**Voter Declaration - Read and Sign Under Penalty of Perjury**

- I am a U.S. citizen
- I live in the State of Alabama
- I will be at least 18 years of age on or before election day
- I am not barred from voting by reason of a disqualifying felony conviction
- I have not been judged "mentally incompetent" in a court of law

I solemnly swear or affirm to support and defend the constitution of the United States and the State of Alabama and further disavow any belief 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.

YOUR SIGNATURE _____ DATE (mm/dd/yyyy) _____

If you falsely sign this statement, you can be convicted and imprisoned for up to five years.

The decision to register to vote is yours. If you decide to register to vote, the office at which you are submitting this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, your decision will remain confidential and will be used only for voter registration purposes.

John H. Merrill - Secretary of State Questions? Call the Elections Division at 1-800-274-8683 or 334-242-7210

**To mail, put the address of your county Board of Registrars on the lines below.**

**AUTAUGA COUNTY**
PO Box 680036
Prattville 36068-0036
(334) 358-6740

**BALDWIN COUNTY**
PO Box 1507
Bay Minette 36507-1507
(251) 937-0305

**BARBOUR COUNTY**
PO Box 402
Clayton 36016-0402
(334) 775-8579

303 E Broad St Rm 108
Eufaula 36027
(334) 687-1585

**BIBB COUNTY**
8 Court Square W
Centreville 35042
(205) 926-3102

**BLOUNT COUNTY**
220 Second Ave E Rm B-5
Oneonta 35121
(205) 625-4182

**BULLOCK COUNTY**
217 Prairie St N Rm 101
Union Springs 36089-1659
(334) 738-5372

**BUTLER COUNTY**
700 Court Sq Rm 8
Greenville 36037-2308
(334) 382-5685
(334) 382-6829

**CALHOUN COUNTY**
1702 Noble St Ste 113
Anniston 36201-3889
(256) 241-2930

**CHAMBERS COUNTY**
18 Alabama Ave E Rm 101
LaFayette 36862
(334) 864-4313

610 S Gilmer Ave
Lanett 36863
(334) 644-7781

**CHEROKEE COUNTY**
260 Cedar Bluff Rd Ste 106
Centre 35960-1403
(256) 927-5336

**CHILTON COUNTY**
PO Box 640
Clanton 35046-0640
(205) 755-3820

**CHOCTAW COUNTY**
117 S Mulberry Ave Ste 1
Butler 36904-0132
(205) 459-2531

**CLARKE COUNTY**
PO Box 10
Grove Hill 36451-0010
(251) 275-3062

**CLAY COUNTY**
PO Box 446
Ashland 36251-0446
(256) 354-7815

**CLEBURNE COUNTY**
120 Vickery St Rm 103
Heflin 36264-1166
(256) 463-5299

**COFFEE COUNTY**
6 County Complex
New Brockton 36351-9791
(334) 894-5347

**COLBERT COUNTY**
201 N Main St
Tuscumbia 35674-2095
(256) 386-8535

**CONECUH COUNTY**
111 Court St Rm 102
Evergreen 36401
(251) 578-7024

**COOSA COUNTY**
PO Box 218
Rockford 35136-0218
(256) 377-2418

**COVINGTON COUNTY**
228 Hillcrest Dr
Andalusia 36420-2570
(334) 428-2685

**CRENSHAW COUNTY**
PO Box 328
Luverne 36049-0328
(334) 335-6568 x252
(334) 335-6568 x253

**CULLMAN COUNTY**
500 2nd Ave SW Ste 112
Cullman 35055-4135
(256) 775-4697
(256) 775-4750

**DALE COUNTY**
PO Box 1101
Ozark 36361-1101
(334) 774-9038

**DALLAS COUNTY**
PO Box 987
Selma 36702-0987
(334) 874-2534

**DEKALB COUNTY**
111 Grand Ave SW Ste 105
Fort Payne 35967
(256) 845-8598

**ELMORE COUNTY**
100 E Commerce St Rm 205
Wetumpka 36092-2746
(334) 567-1150
(334) 567-1197

**ESCAMBIA COUNTY**
PO Box 557
Brewton 36427-0557
(251) 867-0243
(251) 867-0312

**ETOWAH COUNTY**
800 Forrest Ave Ste 206
Gadsden 35901-3651
(256) 549-5384

**FAYETTE COUNTY**
103 First Ave NW Ste 4
Fayette 35555-2627
(205) 932-5432

**FRANKLIN COUNTY**
PO Box 70
Russellville 35653-0070
(256) 332-8849

**GENEVA COUNTY**
PO Box 430
Geneva 36340-0430
(334) 684-5655

**GREENE COUNTY**
PO Box 224
Eutaw 35462-0224
(205) 372-9669

**HALE COUNTY**
905D Centerville St
Greensboro 36744-1536
(334) 624-4672

**HENRY COUNTY**
101 Court Square Ste K
Abbeville 36310-2135
(334) 585-6080

**HOUSTON COUNTY**
PO Box 6406
Dothan 36302-6406
(334) 677-4776

**JACKSON COUNTY**
PO Box 548
Scottsboro 35768-0548
(256) 574-9339
(256) 574-9335

**JEFFERSON COUNTY**
716 R Arrington Jr Blvd N
Ste A-410
Birmingham 35203-0115
(205) 325-5550

**LAMAR COUNTY**
PO Box 338
Vernon 35592-0338
(205) 695-6348
(205) 695-9197

**LAUDERDALE COUNTY**
PO Box 1059
Florence 35630-1059
(256) 760-5840
(256) 760-5841

**LAWRENCE COUNTY**
14451 Market Street Ste 340
Moulton 35650
(256) 974-2460
(256) 974-2461

**LEE COUNTY**
PO Box 1530
Opelika 36803-1530
(334) 737-3635

**LIMESTONE COUNTY**
100 Clinton St S Ste E
Athens 35611-2665
(256) 233-6405

**LOWNDES COUNTY**
PO Box 311
Hayneville 36040-0311
(334) 548-2389
(334) 548-2080

**MACON COUNTY**
101 Rosa Parks Ave Ste 100
Tuskegee 36083-1735
(334) 724-2617

**MADISON COUNTY**
819 Cook Avenue NW
Suite 150
Huntsville 35801-5983
(256) 532-3510
(256) 532-3519

**MARENGO COUNTY**
PO Box 480715
Linden 36748-0715
(334) 295-2249
(334) 295-2086

**MARION COUNTY**
PO Box 964
Hamilton 35570-0964
(205) 921-3625

**MARSHALL COUNTY**
424 Blount Ave Ste 106A
Guntersville 35976-1122
(256) 571-7740

**MOBILE COUNTY**
151 Government St Ste 165
Mobile 36602
(251) 574-8586
(251) 574-8587

**MONROE COUNTY**
PO Box 972
Monroeville 36461-0972
(251) 743-4107 x141

**MONTGOMERY COUNTY**
PO Box 1667
Montgomery 36102-1667
(334) 832-1215

**MORGAN COUNTY**
PO Box 668
Decatur 35602-0668
(256) 351-4660
(256) 351-4663

**PERRY COUNTY**
PO Box 555
Marion 36756-0555
(334) 683-2218 x5

**PICKENS COUNTY**
PO Box 173
Carrollton 35447-0173
(205) 367-2074

**PIKE COUNTY**
120 W Church St Rm B2
Troy 36081-1913
(334) 566-1757
(334) 566-6449

**RANDOLPH COUNTY**
PO Box 215
Wedowee 36278-0215
(256) 357-2138

**RUSSELL COUNTY**
PO Box 700
Phenix City 36868-0700
(334) 298-1443
(334) 448-1508

**SHELBY COUNTY**
PO Box 1642
Columbiana 35051-1642
(205) 669-3913

**ST. CLAIR COUNTY**
1815 Cogswell Ave Ste B-25
Pell City 35125
(205) 338-3954

**SUMTER COUNTY**
PO Box 783
Livingston 35470-0783
(205) 652-7902

**TALLADEGA COUNTY**
400 N Norton Ave
Sylacauga 35150-2010
(256) 249-1007
(256) 249-1014

PO Box 6170
Talladega 35161-6170
(256) 761-2131
(256) 761-2132

**TALLAPOOSA COUNTY**
125 N Broadnax St Rm 20
Dadeville 36853-1371
(256) 825-1081

**TUSCALOOSA COUNTY**
2501 7th St Ste 200
Tuscaloosa 35401-1801
(205) 349-3870 x415

**WALKER COUNTY**
PO Box 1472
Jasper 35502-1472
(205) 384-7279

**WASHINGTON COUNTY**
PO Box 1224
Chatom 36518-1224
(251) 847-3255

**WILCOX COUNTY**
PO Box 661
Camden 36726-0661
(334) 682-9753

**WINSTON COUNTY**
PO Box 459
Double Springs 35553-0459
(205) 489-3966

**SECRETARY OF STATE**
**ELECTIONS DIVISION**
PO Box 5616
Montgomery 36103
(334) 242-7210
(800) 274-8683

**YOUR ADDRESS:**

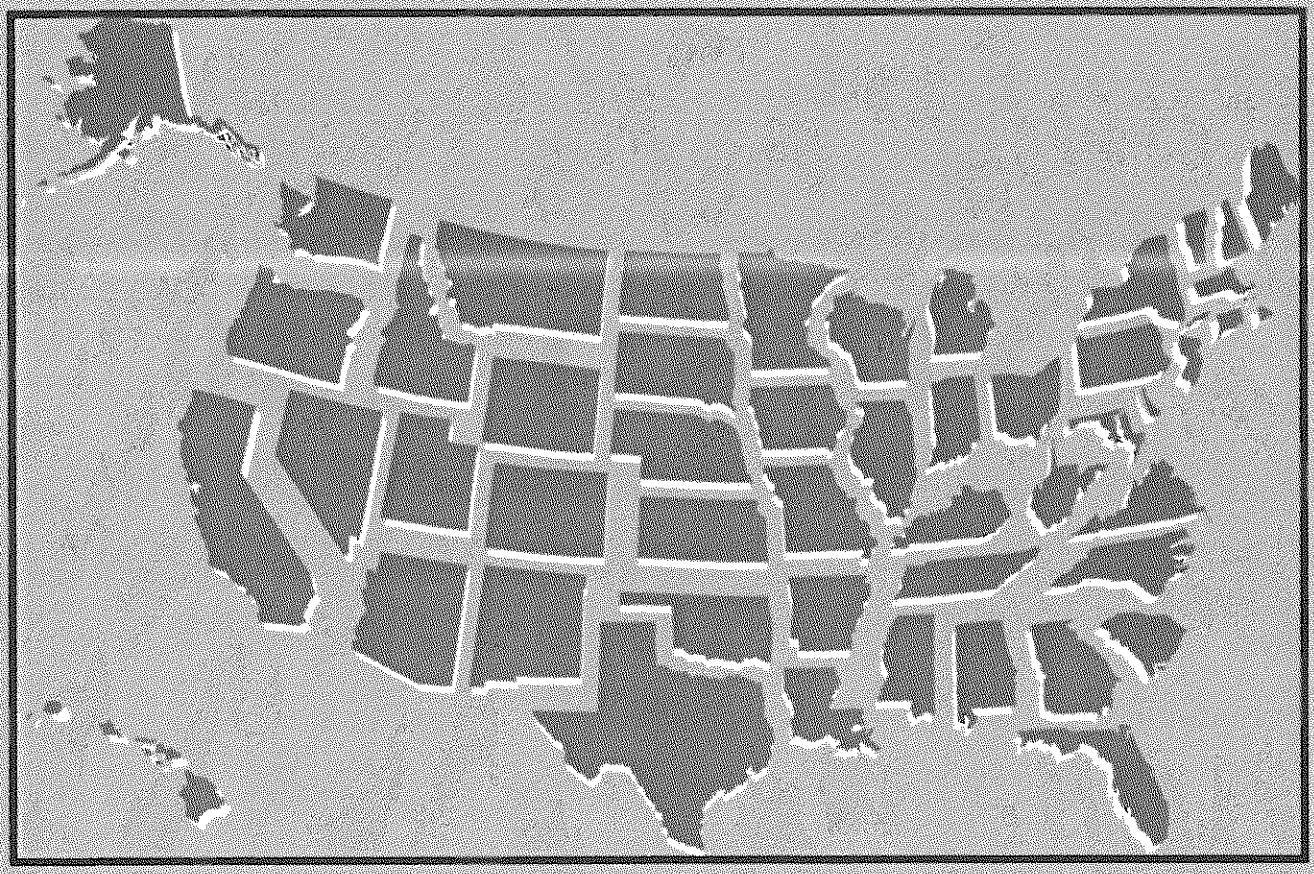
PUT FIRST CLASS STAMP HERE

**MAIL TO:**

**BOARD OF REGISTRARS**

# EXHIBIT A.10

# Register To Vote In Your State By Using This Postcard Form and Guide



## For U.S. Citizens

# General Instructions

**Who Can Use this Application**
If you are a U.S. citizen who lives or has an address within the United States, you can use the application in this booklet to:

- Register to vote in your State,
- Report a change of name to your voter registration office,
- Report a change of address to your voter registration office, or
- Register with a political party.

**Exceptions**
Please do not use this application if you live outside the United States and its territories and have no home (legal) address in this country, *or* if you are in the military stationed away from home. Use the Federal Postcard Application available to you from military bases, American embassies, or consular offices.

**New Hampshire** town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form.
**North Dakota** does not have voter registration.
**Wyoming** law does not permit mail registration.

**How to Find Out If You Are Eligible to Register to Vote in Your State**
Each State has its own laws about who may register and vote. Check the information under your State in the State Instructions. All States require that you be a United States citizen by birth or naturalization to register to vote in federal and State elections. Federal law makes it illegal to falsely claim U.S. citizenship to register to vote in any federal, State, or local election. You **cannot** be registered to vote in more than one place at a time.

**How to Fill Out this Application**
Use both the Application Instructions and State Instructions to guide you in filling out the application.

- First, read the Application Instructions. These instructions will give you important information that applies to everyone using this application.
- Next, find your State under the State Instructions. Use these instructions to fill out Boxes 6, 7, and refer to these instructions for information about voter eligibility and any oath required for Box 9.

**When to Register to Vote**
Each State has its own deadline for registering to vote. Check the deadline for your State on the last page of this booklet.

**How to Submit Your Application**
Mail your application to the address listed under your State in the State Instructions. Or, deliver the application in person to your local voter registration office. The States that are required to accept the national form will accept copies of the application printed from the computer image on regular paper stock, signed by the applicant, and mailed in an envelope with the correct postage.

**First Time Voters Who Register by Mail**
If you are registering to vote for the first time in your jurisdiction and are mailing this registration application, Federal law requires you to show proof of identification the first time you vote. Proof of identification includes:

- A current and valid photo identification or
- A current utility bill, bank statement, government check, paycheck or government document that shows your name and address.

Voters may be exempt from this requirement if they submit a **COPY** of this identification with their mail in voter registration form. If you wish to submit a **COPY**, please keep the following in mind:

- Your state may have additional identification requirements which may mandate you show identification at the polling place even if you meet the Federal proof of identification.
- Do not submit original documents with this application, only **COPIES.**

**If You Were Given this Application in a State Agency or Public Office**
If you have been given this application in a State agency or public office, it is your choice to use the application. If you decide to use this application to register to vote, you can fill it out and leave it with the State agency or public office. The application will be submitted for you. Or, you can take it with you to mail to the address listed under your State in the State Instructions. You also may take it with you to deliver in person to your local voter registration office.
Note: The name and location of the State agency or public office where you received the application will remain confidential. It will not appear on your application. Also, if you decide not to use this application to register to vote, that decision will remain confidential. It will not affect the service you receive from the agency or office.

# Application Instructions

Before filling out the body of the form, please answer the questions on the top of the form as to whether you are a United States citizen and whether you will be 18 years old on or before Election Day. If you answer no to either of these questions, you may not use this form to register to vote. However, state specific instructions may provide additional information on eligibility to register to vote prior to age 18.

**Box 1 — Name**
Put in this box your full name in this order — Last, First, Middle. Do not use nicknames or initials.
*Note:* If this application is for a change of name, please tell us in **Box A** *(on the bottom half of the form)* your full name before you changed it.

**Box 2 — Home Address**
Put in this box your home address (legal address). Do **not** put your mailing address here if it is different from your home address. Do **not** use a post office box or rural route without a box number. Refer to state-specific instructions for rules regarding use of route numbers.

*Note:* If you were registered before but this is the first time you are registering from the address in Box 2, please tell us in **Box B** *(on the bottom half of the form)* the address where you were registered before. Please give us as much of the address as you can remember.

*Also Note:* If you live in a rural area but do not have a street address, or if you have no address, please show where you live using the map in Box C *(at the bottom of the form)*.

**Box 3 — Mailing Address**
If you get your mail at an address that is different from the address in Box 2, put your mailing address in this box. If you have no address in Box 2, you **must** write in Box 3 an address where you can be reached by mail.

**Box 4 — Date of Birth**
Put in this box your date of birth in this order — Month, Day, Year. *Be careful not to use today's date!*

**Box 5 — Telephone Number**
Most States ask for your telephone number in case there are questions about your application. However, you do not have to fill in this box.

**Box 6 — ID Number**
Federal law requires that states collect from each registrant an identification number. You must refer to your state's specific instructions for item 6 regarding information on what number is acceptable for your state. If you have neither a drivers license nor a social security number, please indicate this on the form and a number will be assigned to you by your state.

**Box 7 — Choice of Party**
In some States, you must register with a party if you want to take part in that party's primary election, caucus, or convention. To find out if your State requires this, see item 7 in the instructions under your State.

If you want to register with a party, print in the box the full name of the party of your choice.

If you do not want to register with a party, write "no party" or leave the box blank. Do not write in the word "independent" if you mean "no party," because this might be confused with the name of a political party in your State.
*Note:* If you do not register with a party, you can still vote in general elections and nonpartisan (nonparty) primary elections.

**Box 8 — Race or Ethnic Group**
A few States ask for your race or ethnic group, in order to administer the Federal Voting Rights Act. To find out if your State asks for this information, see item 8 in the instructions under your State. If so, put in Box 8 the choice that best describes you from the list below:

- American Indian *or* Alaskan Native
- Asian or Pacific Islander
- Black, *not* of Hispanic Origin
- Hispanic
- Multi-racial
- White, *not* of Hispanic Origin
- Other

**Box 9 — Signature**
Review the information in item 9 in the instructions under your State. Before you sign or make your mark, make sure that:

(1) You meet your State's requirements, and
(2) You understand **all** of Box 9.

Finally, sign your **full** name or make your mark, and print today's date in this order — Month, Day, Year. If the applicant is unable to sign, put in **Box D** the name, address, and telephone number (optional) of the person who helped the applicant.

# Voter Registration Application

**Before completing this form, review the General, Application, and State specific instructions.**

Are you a citizen of the United States of America? ☐ Yes ☐ No
Will you be 18 years old on or before election day? ☐ Yes ☐ No
If you checked "No" in response to either of these questions, do not complete form.
(Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)

This space for office use only.

| | | | | | |
|---|---|---|---|---|---|
| 1 | ☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms. | Last Name | First Name | Middle Name(s) | ☐ Jr ☐ II ☐ III ☐ Sr ☐ IV |

| | | | | | |
|---|---|---|---|---|---|
| 2 | Home Address | Apt. or Lot # | City/Town | State | Zip Code |
| 3 | Address Where You Get Your Mail If Different From Above | | City/Town | State | Zip Code |

| | | | | | |
|---|---|---|---|---|---|
| 4 | Date of Birth<br>Month Day Year | 5 | Telephone Number (optional) | 6 | ID Number - (See item 6 in the instructions for your state) |
| 7 | Choice of Party<br>(see item 7 in the instructions for your State) | 8 | Race or Ethnic Group<br>(see item 8 in the instructions for your State) | | |

9 I have reviewed my state's instructions and I swear/affirm that:
- I am a United States citizen
- I meet the eligibility requirements of my state and subscribe to any oath required.
- The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States.

Please sign full name (or put mark) ▲

Date: ___/___/___
Month Day Year

**If you are registering to vote for the first time:** please refer to the application instructions for information on submitting copies of valid identification documents with this form.

## *Please fill out the sections below if they apply to you.*

If this application is for a **change of name**, what was your name before you changed it?

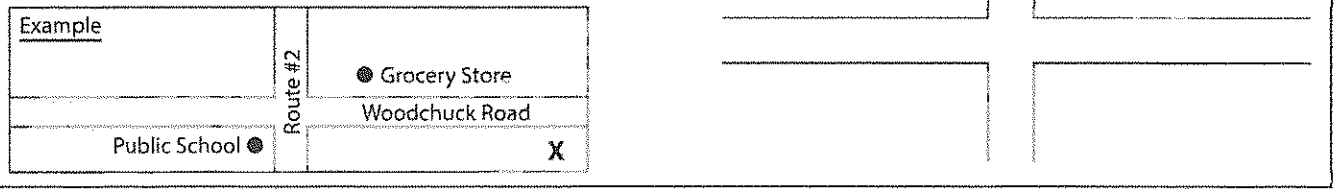
| | | | | | |
|---|---|---|---|---|---|
| A | ☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms. | Last Name | First Name | Middle Name(s) | ☐ Jr ☐ II ☐ III ☐ Sr ☐ IV |

If you were **registered before but this is the first time you are registering from the address in Box 2**, what was your address where you were registered before?

| | | | | | |
|---|---|---|---|---|---|
| B | Street (or route and box number) | Apt. or Lot # | City/Town/County | State | Zip Code |

If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

C
- Write in the names of the crossroads (or streets) nearest to where you live.
- Draw an X to show where you live.
- Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.




If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D

**Mail this application to the address provided for your State.**

**FOR OFFICIAL USE ONLY**

FIRST CLASS STAMP NECESSARY FOR MAILING



# Voter Registration Application

**Before completing this form, review the General, Application, and State specific instructions.**

| | | | | | |
|---|---|---|---|---|---|
| Are you a citizen of the United States of America? ☐ Yes ☐ No<br>Will you be 18 years old on or before election day? ☐ Yes ☐ No<br>**If you checked "No" in response to either of these questions, do not complete form.**<br>(Please see state-specific instructions for rules regarding eligibility to register prior to age 18.) | | | | | This space for office use only. |
| 1 | ☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms. | Last Name | First Name | Middle Name(s) | ☐ Jr ☐ II ☐ III ☐ Sr ☐ IV |
| 2 | Home Address | Apt. or Lot # | City/Town | State | Zip Code |
| 3 | Address Where You Get Your Mail If Different From Above | | City/Town | State | Zip Code |
| 4 | Date of Birth<br>Month Day Year | 5 Telephone Number (optional) | | 6 ID Number - (See item 6 in the instructions for your state) | |
| 7 | Choice of Party<br>(see item 7 in the instructions for your State) | 8 Race or Ethnic Group<br>(see item 8 in the instructions for your State) | | | |
| 9 | I have reviewed my state's instructions and I swear/affirm that:<br>▪ I am a United States citizen<br>▪ I meet the eligibility requirements of my state and subscribe to any oath required.<br>▪ The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States. | Please sign full name (or put mark) ▲<br>Date: / / <br>Month Day Year | | | |

**If you are registering to vote for the first time:** please refer to the application instructions for information on submitting copies of valid identification documents with this form.

## *Please fill out the sections below if they apply to you.*

If this application is for a **change of name**, what was your name before you changed it?

| | | | | | |
|---|---|---|---|---|---|
| A | ☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms. | Last Name | First Name | Middle Name(s) | ☐ Jr ☐ II ☐ III ☐ Sr ☐ IV |

If you were **registered before but this is the first time you are registering from the address in Box 2**, what was your address where you were registered before?

| | | | | | |
|---|---|---|---|---|---|
| B | Street (or route and box number) | Apt. or Lot # | City/Town/County | State | Zip Code |

If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

C

- Write in the names of the crossroads (or streets) nearest to where you live.
- Draw an X to show where you live.
- Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.

Example

Public School ●

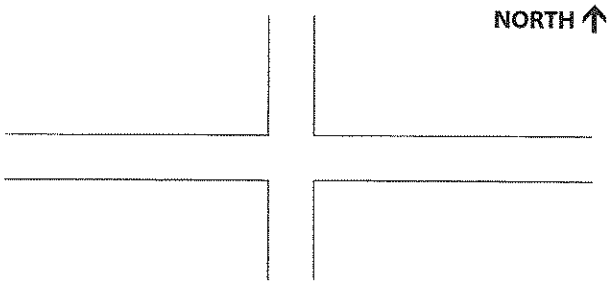
Route #2

● Grocery Store

Woodchuck Road

X

NORTH ↑



If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).

D

**Mail this application to the address provided for your State.**

# FOR OFFICIAL USE ONLY

FIRST CLASS STAMP NECESSARY FOR MAILING



# State Instructions

## Alabama

**Updated: 02-01-2016**

**Registration Deadline** — Voter registration is closed during the fourteen days preceding an election. Applications must be postmarked or delivered by the fifteenth day prior to the election.

**6. ID Number.** If you have one, you must provide your Alabama driver's license number or Alabama nondriver identification card number. If you do not have an Alabama driver's license or nondriver identification card, you must provide the last 4 digits of your Social Security number. If you have not been issued any of these numbers you must write the word "NONE" and a unique identifier will be provided for you.
**7. Choice of Party.** Optional: You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** You are required to fill in this box; however, your application will not be rejected if you fail to do so. See the list of choices under the Application Instructions for Box 8 (on page 2).
**9. Signature.** To register in Alabama you must:
- be a citizen of the United States. The county board of registrars shall accept any completed application for registration, but an applicant shall not be registered until the applicant has provided satisfactory evidence of United States citizenship.
- be a resident of Alabama and your county at the time of registration
- be 18 years old before any election
- not have been convicted of a felony involving moral turpitude (or have had your civil and political rights restored
- not currently be declared mentally incompetent through a competency hearing
- 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"

**Mailing address:**
Office of the Secretary of State
P.O. Box 5616
Montgomery, AL 36103-5616

## Alaska

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** You must provide one of the following identification numbers; Alaska Driver's License or Alaska State Identification Card Number. If you do not have an Alaska Driver's License or Alaska State Identification Card, you must provide the last four digits of your Social Security Number. If you do not have any of these identification numbers, please write "NONE" on the form. A unique identifying number will be assigned to you for voter registration purposes. This information is kept confidential. Having this information assists in maintaining your voter record and may assist in verifying your identity (Title 15 of the Alaska Statutes).
**7. Choice of Party.** You do not have to declare a party affiliation when registering to vote. If you do not choose a party, you will be registered as Undeclared. Alaska has a closed primary election system. Each recognized political party has a separate ballot listing only candidates from that political party. Voters registered as a member of a political party may only vote that party's ballot. Voters registered as undeclared or non-partisan may choose one ballot from the ballots available.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Alaska you must:
- be a citizen of the United States
- be at least 18 years old within 90 days of completing this registration
- be a resident of Alaska
- not be a convicted felon (unless unconditionally discharged)
- not be registered to vote in another State

**Mailing address:**
Division of Elections
State of Alaska
PO Box 110017
Juneau, AK 99811-0017

## Arizona

**Updated: 03-01-2006**

**Registration Deadline** — 29 days before the election.

**6. ID Number.** Your completed voter registration form must contain the number of your Arizona driver license, or non-operating identification license issued pursuant to A.R.S.

# State Instructions

§ 28-3165, if the license is current and valid. If you *do not have* a current and valid Arizona driver license or non-operating identification license, you must include the last four digits of your social security number if one has been issued to you. If you do not have a current and valid driver license or non-operating identification license or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the Secretary of State.
**7. Choice of Party.** If you are registered in a political party which has qualified for ballot recognition, you will be permitted to vote the primary election ballot for that party. If you are registered as an independent, no party preference or as a member of a party which is not qualified for ballot recognition, you may select and vote one primary election ballot for one of the recognized political parties.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Arizona you must:
- be a citizen of the United States
- be a resident of Arizona and your county at least 29 days preceding the next election
- be 18 years old on or before the next general election
- not have been convicted of treason or a felony (or have had your civil rights restored)
- not currently be declared an incapacitated person by a court of law

**Mailing address:**
Secretary of State/Elections
1700 W. Washington, 7th Floor
Phoenix, AZ 85007-2888

## Arkansas

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number or nonoperating identification number. If you do not have a driver's license or nonoperating identification, you must include the last four digits of your social security number. If you do not have a driver's license or a nonoperating identification or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.
**7. Choice of Party.** Optional. You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Arkansas you must:
- be a citizen of the United States
- live in Arkansas at the address in Box 2 on the application
- be at least 18 years old before the next election
- not be a convicted felon (or have completely discharged your sentence or been pardoned)
- not claim the right to vote in any other jurisdiction
- not previously be adjudged mentally incompetent by a court of competent jurisdiction

**Mailing address:**
Secretary of State
Voter Services
P.O. Box 8111
Little Rock, AR 72203-8111

## California

**Updated: 03-01-2006**

**Registration Deadline** — 15 days before the election.

**6. ID Number.** When you register to vote, you must provide your California driver's license or California identification card number, if you have one. If you do not have a driver's license or ID card, you must provide the last four digits of your Social Security Number (SSN). If you do not include this information, you will be required to provide identification when you vote.
**7. Choice of Party.** Please enter the name of the political party with which you wish to register. If you do not wish to register with any party, enter "Decline to State" in the space provided.
California law allows voters who "decline to state" an affiliation with a qualified political party or who affiliate with a nonqualified political party to vote in the primary election of any qualified political party that files a notice with the Secretary of State allowing them to do so. You can call 1-800-345-VOTE or visit www.sos.ca.gov to learn which political parties are allowing nonaffiliated voters to participate in their primary election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in California you must:
- be a citizen of the United States
- be a resident of California
- be at least 18 years of age at the time of the next election
- not be imprisoned or on parole for the conviction of a felony
- not currently be judged mentally incompetent by a court of law

# State Instructions

Signature is required. If you meet the requirements listed above, please sign and date the registration card in the space provided.

**Mailing address:**
Secretary of State
Elections Division
1500 11th Street
Sacramento, CA 95814

## Colorado

**Updated: 03-28-2008**

**Registration Deadline** — 29 days before the election. If the application is received in the mails without a postmark, it must be received within 5 days of the close of registration.

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number or identification number. If you do not have a driver's license or state issued identification, you must include the last four digits of your social security number. If you do not have a driver's license or a state issued identification or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Colorado you must:
- be a citizen of the United States
- be a resident of Colorado 30 days prior to the election
- be 18 years old on or before election day
- not be confined as a prisoner or serving any part of a sentence under mandate

**Mailing address:**
Colorado Secretary of State
1700 Broadway, Suite 270
Denver, Colorado 80290

## Connecticut

**Updated: 03-01-2006**

**Registration Deadline** — 14 days before the election.

**6. ID Number.** Connecticut Driver's License Number, or if none, the last four digits of your Social Security Number.
**7. Choice of Party.** This is optional, but you must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Connecticut you must:
- be a citizen of the United States
- be a resident of Connecticut and of the town in which you wish to vote
- be 17 years old. You can vote when you turn 18
- have completed confinement and parole if previously convicted of a felony, and have had your voting rights restored by Registrars of Voters.
- not currently be declared mentally incompetent to vote by a court of law

**Mailing address:**
Secretary of State
Elections Division
30 Trinity Street
Hartford, CT 06106

## Delaware

**Updated: 02-07-2012**

**Registration Deadline** — The 4th Saturday before a primary or general election, and 10 days before a special election.

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number or nonoperating identification number. If you do not have a driver's license or nonoperating identification, you must include the last four digits of your social security number. If you do not have a driver's license or a nonoperating identification or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Delaware you must:
- be a citizen of the United States
- be a permanent resident of Delaware
- be at least 18 years old on the date of the next general election
- felons are eligible to vote if certain requirements are met: fines and sentence completed at least five years prior to application date; felony convictions can not be disqualifying felonies, which are murder, sexual offenses, or crimes against public administration involving bribery or improper influence or abuse of office.
- not be mentally incompetent

# State Instructions

**Mailing address:**
State of Delaware
Office of the State Election Commissioner
905 S. Governors Ave., Suite 170
Dover, DE 19904

## District of Columbia

**Updated: 10-29-2003**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** Federal law now requires that all voter registration applications must include either the applicant's driver's license number or the last four digits of the applicant's social security number in order to be processed.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in the District of Columbia you must:
- be a citizen of the United States
- be a District of Columbia resident at least 30 days preceding the next election
- be at least 18 years old on or preceding the next election
- not be in jail for a felony conviction
- not have been judged "mentally incompetent" by a court of law
- not claim the right to vote anywhere outside D.C.

**Mailing address:**
District of Columbia Board of Elections & Ethics
441 4th Street, NW, Suite 250
Washington, DC 20001-2745

## Florida

**Updated: 11-30-2011**

**Registration Deadline** — 29 days before the election.

**6. ID Number.** If you have one, you must provide your Florida driver's license number or Florida identification card number. If you do not have a Florida driver's license or identification card, you must provide the last four digits of your social security number. If you have not been issued any of these numbers, you must write the word "NONE."
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** You are requested, but not required, to fill in this box. See the list of choices under the Application Instructions for Box 8 (on page 2).
**9. Signature.** To register in Florida you must:
- be a citizen of the United States
- be a legal resident of both the State of Florida and of the county in which you seek to be registered
- be 18 years old (you may pre-register if you are at least 16)
- not be adjudicated mentally incapacitated with respect to voting in Florida or any other State, or if you have, you must first have your voting rights restored.
- not be a convicted felon, or if you are, you must first have your civil rights restored if they were taken away.
- swear or affirm the following: "I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information in this application is true."

**Mailing address:**
State of Florida
Department of State
Division of Elections
The R.A. Gray Building
500 South Bronough St, Rm 316
Tallahassee, Florida 32399-0250

## Georgia

**Updated: 02-01-2016**

**Registration Deadline** — The fifth Monday before any general primary, general election, or presidential preference primary, or regularly scheduled special election pursuant to the Georgia Election Code. In the event that a special election is scheduled on a date other that those dates prescribed by the Georgia Election Code, registration would close on the 5th day after the call.

**6. ID Number.** Federal law requires you to provide your full GA Drivers License number or GA State issued ID number. If you do not have a GA Drivers License or GA ID you must provide the last 4 digits of your Social Security number. Providing your full Social Security number is optional. Your Social Security number will be kept confidential and may be used for comparison with other state agency databases for voter registration identification purposes. If you do not possess a GA Drivers License or Social Security number, a unique identifier will be provided for you.
**7. Choice of Party.** You do not have to register with a party to take part in that party's primary, caucus or convention.

# State Instructions

**8. Race or Ethnic Group.** You are requested to fill in this box. See the list of choices under the Application Instructions for Box 8 (on page 2).
**9. Signature.** To register in Georgia you must:
- be a citizen of the United States
- be a legal resident of Georgia and of the county in which you want to vote
- be 18 years old within six months after the day of registration, and be 18 years old to vote
- not be serving a sentence for having been convicted of a felony
- not have been judicially determined to be mentally incompetent, unless the disability has been removed
- be found eligible to vote by supplying satisfactory evidence of U.S. citizenship

**Mailing address:**
Elections Division
Office of the Secretary of State
2 Martin Luther King Jr. Drive
Suite 802 Floyd West Tower
Atlanta, Georgia 30334

## Hawaii

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** Your full social security number is required. It is used to prevent fraudulent registration and voting. Failure to furnish this information will prevent acceptance of this application (Hawaii Revised Statutes, Section 11-15).
**7. Choice of Party.** A "choice of party" is not required for voter registration.
**8. Race or Ethnic Group.** Race or ethnic group information is not required for voter registration.
**9. Signature.** To register in Hawaii you must:
- be a citizen of the United States
- be a resident of the State of Hawaii
- be at least 16 years old (you must be 18 years old by election day in order to vote)
- not be incarcerated for a felony conviction
- not be adjudicated by a court as "non compos mentis"

**Mailing address:**
Office of Elections
State of Hawaii
802 Lehua Avenue
Pearl City, HI 96782

## Idaho

**Updated: 03-01-2006**

**Registration Deadline** — 25 days before the election.

**6. ID Number.** Enter your driver's license number. If you have no driver's license, enter the last 4 digits of your social security number.
**7. Choice of Party.** You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Idaho you must:
- be a citizen of the United States
- have resided in Idaho and in the county for 30 days prior to the day of election
- be at least 18 years old
- not have been convicted of a felony, and without having been restored to the rights of citizenship, or confined in prison on conviction of a criminal offense

**Mailing address:**
Secretary of State
P.O. Box 83720
State Capitol Bldg.
Boise, ID 83720-0080

## Illinois

**Updated: 08-14-2012**

**Registration Deadline** — 28 days prior to each election.

**6. ID Number.** Your driver's license number is required to register to vote. If you do not have a driver's license, at least the last four digits of your social security number are required. If you have neither, please write "NONE" on the form. A unique identifier will be assigned to you by the State.
**7. Choice of Party.** Party registration or preference is not required for voter registration. However, when you apply for a primary ballot, you must indicate your party preference for that election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** A signature is required. If signature is missing from registration form, you will be notified your registration is incomplete.
To register in Illinois you must:
- be a citizen of the United States
- be a resident of Illinois and of your election precinct at least 30 days before the next election
- be at least 18 years old on or before the next election
- not be in jail for a felony conviction
- not claim the right to vote anywhere else

# State Instructions

**Mailing address:**
State Board of Elections
2329 S. MacArthur Boulevard
Springfield, IL 62704

## Indiana

**Updated: 03-01-2006**

**Registration Deadline** — 29 days before the election.

**6. ID Number.** Your state voter ID number is your ten digit Indiana issued driver's license number. If you do not possess an Indiana driver's license then provide the last four digits of your social security number. Please indicate which number was provided. (Indiana Code 3-7-13-13)
**7. Choice of Party.** Leave blank.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Indiana you must:
- be a citizen of the United States
- have resided in the precinct at least 30 days before the next election
- be at least 18 years of age on the day of the next general election
- not currently be in jail for a criminal conviction

**Mailing address:**
Election Division
Office of the Secretary of State
302 West Washington Street, Room E-204
Indianapolis, IN 46204-2743

## Iowa

**Updated: 03-28-2008**

**Registration Deadline** — Must be delivered by 5 p.m. 10 days before the election, if it is a state primary or general election; 11 days before all others.* Registration forms which are postmarked 15 or more days before an election are considered on time even if received after the deadline.

*If you fail to meet the voter registration deadlines above you can register and vote by following the guidelines for election day registration. You can find these on the Iowa Secretary of State's website: www.sos.state.ia.us/pdfs/elections/EDRbrochure.pdf.

**6. ID Number.** Your ID number is your Iowa driver's license number (or Iowa non-driver identification number) if you have one, if not then the last four digits of your social security number. The ID number you provide will be verified with the Iowa Department of Transportation or the Social Security Administration.
**7. Choice of Party.** You may, but do not have to, register with a party in advance if you want to take part in that party's primary election. You may change or declare a party affiliation at the polls on primary election day.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Iowa you must:
- be a citizen of the United States
- be a resident of Iowa
- be at least 17-1/2 years old (you must be 18 to vote)
- not have been convicted of a felony (or have had your rights restored)
- not currently be judged by a court to be "incompetent to vote"
- not claim the right to vote in more than one place
- give up your right to vote in any other place

**Mailing address:**
Elections Division
Office of the Secretary of State
Lucas Building-1st Floor
321 E. 12th Street
Des Moines, IA 50319

## Kansas

**Updated: 02-01-2016**

**Registration Deadline** — Postmarked or delivered 21 days before the election

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number or nondriver's identification card number. If you do not have a driver's license or nondriver's identification card, you must include the last four digits of your social security number. If you do not have a driver's license or a nondriver's identification card or social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State. The number you provide will be used for administrative purposes only and will not be disclosed to the public. (KSA 25-2309).
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Kansas you must:
- be a citizen of the United States
- be a resident of Kansas
- be 18 by the next election
- have provided a document, or copy thereof, demonstrating United States citizenship within 90 days of filing the application with

the secretary of state or applicable county election officer
• have completed the terms of your sentence if convicted of a felony; a person serving a sentence for a felony conviction is ineligible to vote
• not claim the right to vote in any other location or under any other name
• not be excluded from voting by a court of competent jurisdiction
• acceptable documents demonstrating United States citizenship as required by K.S.A. § 25-2309(l) include the following:
(1) a driver's license or non-driver state identification card indicating on its face that the holder has provided satisfactory proof of United States citizenship;
(2) a birth certificate indicating birth in the United States;
(3) pertinent pages of a valid of expired United States passport identifying the applicant and the applicant's passport number;
(4) a naturalization document indicating United States citizenship.
(5) A document issued by the federal government pursuant to the Immigration and Naturalization Act of 1952, and amendments thereto, indicating United States citizenship;
(6) a Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;
(7) a consular report of birth abroad of a citizen of the United States;
(8) a certificate of citizenship issued by the U.S. Citizenship and Immigration Services;
(9) a certificate of report of birth issued by the U.S. Department of State;
(10) an American Indian card with KIC classification issued by the U.S. Department of Homeland Security;
(11) a final adoption decree showing the applicant's name and United States birthplace;
(12) an official U.S. military record of service showing the applicant's United States birthplace;
(13) an extract from a U.S. hospital record of birth created at the time of the applicant's birth indicating the applicant's United States birthplace.
If one does not possess any of the listed documents, the person may alternatively prove his or her citizenship through the process described in K.S.A. § 25-2309(m).

**Mailing address:**
Secretary of State
1st Floor, Memorial Hall
120 SW 10th Ave.
Topeka, KS 66612-1594

## Kentucky

**Updated: 03-01-2006**

**Registration Deadline** — 29 days before the election.

**6. ID Number.** Your full social security number is required. It is used for administrative purposes only and is not released to the public (KRS 116.155). No person shall be denied the right to register because of failure to include social security number.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Kentucky you must:
• be a citizen of the United States
• be a resident of Kentucky
• be a resident of the county for at least 28 days prior to the election date
• be 18 years of age on or before the next general election
• not be a convicted felon or if you have been convicted of a felony, your civil rights must have been restored by executive pardon
• not have been judged "mentally incompetent" in a court of law
• not claim the right to vote anywhere outside Kentucky

**Mailing address:**
State Board of Elections
140 Walnut Street
Frankfort, KY 40601-3240

## Louisiana

**Updated: 08-14-2012**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** You must provide your Louisiana driver's license number or Louisiana special identification card number, if issued. If not issued, you must provide at least the last four digits of your social security number, if issued. The full social security number may be provided on a voluntary basis. If the applicant has neither a Louisiana driver's license, a Louisiana special identification card, or a social security number, the applicant shall attach one of the following items to his application: (a) a copy of a current and valid photo identification; or (b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that

# State Instructions

shows the name and address of applicant. Neither the registrar nor the Department of State shall disclose the social security number of a registered voter or circulate the social security numbers of registered voters on commercial lists (R.S. 18:104 and 154; 42 U.S.C. § 405).
**7. Choice of Party.** If you do not list a party affiliation, you cannot vote in the Presidential Preference Primary and party committee elections. Political party affiliation is not required for any other election.
**8. Race or Ethnic Group.** You are requested to fill in this box. See the list of choices under the Application Instructions for Box 8 (on page 2).
**9. Signature.** To register in Louisiana you must:
- be a citizen of the United States
- be a resident of Louisiana (Residence address must be address where you claim homestead exemption, if any, except for a resident in a nursing home or veteran's home who may select to use the address of the nursing home or veterans' home or the home where he has a homestead exemption. A college student may elect to use his home address or his address while away at school.)
- be at least 17 years old, and be 18 years old prior to the next election to vote
- not currently be under an order of imprisonment for conviction of a felony
- not currently be under a judgment of interdiction for mental incompetence

**Mailing address:**
Secretary of State
Attention: Voter Registration
P.O. Box 94125
Baton Rouge, LA 70804-9125

## Maine

**Updated: 08-14-2012**

**Registration Deadline** — Delivered 21 business days before the election (or a voter may register *in-person* up to and including election day).

**6. ID Number.** You must list your valid Maine driver's license number. If you don't have a valid Maine driver's license, then you must provide the last four digits of your Social Security Number. Voters who don't have either of these forms of ID must write "NONE" in this space.

**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention (unless otherwise permitted by a political party).
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Maine you must:
- be a citizen of the United States
- be a resident of Maine and the municipality in which you want to vote
- be at least 17 years old (you must be 18 years old to vote)

**Mailing address:**
Elections Division
Bureau of Corporations,
Elections and Commissions
101 State House Station
Augusta, ME 04333-0101

## Maryland

**Updated: 06-26-2008**

**Registration Deadline** — 9:00 p.m. 21 days before the election.

**6. ID Number.** If you have a current, valid Maryland driver's license or a Motor Vehicle Administration identification card, you must enter the driver's license or identification number. If you do not have a current, valid Maryland driver's license or Motor Vehicle Administration identification card, you must enter at least the last 4 digits of your social security number. However, please note, the disclosure of your full Social Security number is voluntary. The statutory authority allowing election officials to request your full Social Security number is Election Law Article, Section 3-202, Annotated Code of Maryland. The number will be used only for registration and other administrative purposes. It will be kept confidential.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Maryland you must:
- be a U.S. citizen
- be a Maryland resident
- be at least 18 years old by the next general election
- not be under guardianship for mental disability
- not have been convicted of buying or selling votes
- not have been convicted of a felony, or if you have, you have completed serving a court ordered sentence of imprisonment,

including any term of parole or probation for the conviction.

**Mailing address:**
State Board of Elections
P.O. Box 6486
Annapolis, MD 21401-0486

## Massachusetts

**Updated: 03-01-2006**

**Registration Deadline** — 20 days before the election.

**6. ID Number.** Federal law requires that you provide your driver's license number to register to vote. If you do not have a current and valid Massachusetts' driver's license then you must provide the last four (4) digits of your social security number. If you have neither, you must write "NONE" in the box and a unique identifying number will be assigned to you.
**7. Choice of Party.** If you do not designate a party of political designation in this box, you will be registered as unenrolled. Unenrolled voters may participate in party primaries. However, an unenrolled voter must enroll in a party on the day of the Presidential Preference Primary in order to participate in that primary.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Massachusetts you must:
- be a citizen of the United States
- be a resident of Massachusetts
- be 18 years old on or before the next election
- not have been convicted of corrupt practices in respect to elections
- not be under guardianship with respect to voting
- not be currently incarcerated for a felony conviction

**Mailing address:**
Secretary of the Commonwealth
Elections Division, Room 1705
One Ashburton Place
Boston, MA 02108

## Michigan

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number or state issued personal identification card number. If you do not have a driver's license or state issued personal identification card, you must include the last four digits of your social security number. If you do not have a driver's license or a state issued personal identification card or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.
**7. Choice of Party.** A "choice of party" is not required for voter registration.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Michigan you must:
- be a citizen of the United States
- be 18 years old by the next election
- be a resident of Michigan and at least a 30 day resident of your city or township by election day
- not be confined in a jail after being convicted and sentenced

*Notice:* Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide on this form differs from the address shown on a driver license or personal identification card issued by the State of Michigan, the Secretary of State will automatically change your driver license or personal identification card address to match the residence address entered on this form. If an address change is made, the Secretary of State will mail you an address update sticker for your driver license or personal identification card.
**Caution:** If you register by mail, you must vote in person at your assigned precinct the first time you vote, unless you are:
- disabled as defined by state law;
- 60 years of age or older; or
- temporarily residing overseas.

**Mailing address:**
Michigan Department of State
Bureau of Elections
P.O. Box 20126
Lansing, MI 48901-0726

## Minnesota

**Updated: 12-31-2008**

**Registration Deadline** — Delivered by 5:00 p.m. 21 days before the election (there is also election day registration at polling places).

**6. ID Number.** You are required to provide your Minnesota driver's license or state ID number to register to Vote. If you do not have a Minnesota driver's license or state ID then you will have to provide the last four digits of your social security number. If you have neither, please write "none" on the form.
**7. Choice of Party.** Leave blank.

# State Instructions

**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Minnesota you must:
- be a citizen of the United States
- be a resident of Minnesota for 20 days before the next election
- maintain residence at the address given on the registration form
- be at least 18 years old on election day
- if previously convicted of a felony, your felony sentence has expired or been completed, or you have been discharged from the sentence
- not be under a court-ordered guardianship in which the right to vote has been revoked
- not be found by a court to be legally incompetent to vote.

**Mailing address:**
Secretary of State
60 Empire Drive, Suite 100
St. Paul, MN 55103-1855

## Mississippi

**Updated: 05-07-2010**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** You are required to provide your current and valid driver's license number or, if you don't have one, the last four digits of your social security number.
**7. Choice of Party.** Mississippi does not have party registration. Therefore, you do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Mississippi you must:
- be a citizen of the United States
- have lived in Mississippi and in your county (and city, if applicable) 30 days before the election in which you want to vote
- be 18 years old by the time of the general election in which you want to vote
- have not been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, armed robbery, extortion, felony bad check, felony shoplifting, larceny, receiving stolen property, robbery, timber larceny, unlawful taking of a motor vehicle, statutory rape, carjacking, or bigamy, or have had your rights restored as required by law
- not have been declared mentally incompetent by a court

*Note:* State law changed by federal court order in 1998 and by state legislation in 2000. We now accept the form as registration for voting for all state and federal offices.

**Mailing address:**
Secretary of State
P.O. Box 136
Jackson, MS 39205-0136

**Local county addresses:**
You also may return completed applications to the county circuit clerk/registrar where you reside. A complete list of county circuit clerk/registrars is available on Mississippi's website at www.sos.ms.gov.

## Missouri

**Updated: 09-12-2006**

**Registration Deadline** — 28 days before the election.

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number. Your completed voter registration form must also include the last four digits of your social security number. (Section 115.155, RSMo). If you do not have a driver's license or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State. Any electronic media, printouts or mailing labels provided under this section shall not include telephone numbers and social security numbers of voters. (Section 115.157, RSMo).
**7. Choice of Party.** You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To vote in Missouri you must:
- be a citizen of the United States
- be a resident of Missouri
- be at least 17-1/2 years of age (you must be 18 to vote)
- not be on probation or parole after conviction of a felony, until finally discharged from such probation or parole
- not be convicted of a felony or misdemeanor connected with the right of suffrage
- not be adjudged incapacitated by any court of law
- not be confined under a sentence of imprisonment

**Mailing address:**
Secretary of State
P.O. Box 1767
Jefferson City, MO 65102-1767

# State Instructions

## Montana

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** You must provide your Montana driver's license number. If you do not have a Montana driver's license number then you must list the LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER. If you have neither a driver's license, nor a social security number, please write "NONE" on the form. The state of Montana will assign to you a unique identifying number.
**7. Choice of Party.** Montana does not require party registration to participate in any election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Montana you must:
- be a citizen of the United States
- be at least 18 years old on or before the election
- be a resident of Montana and of the county in which you want to vote for at least 30 days before the next election
- not be in a penal institution for a felony conviction
- not currently be determined by a court to be of unsound mind
- meet these qualifications by the next election day if you do not currently meet them

**Mailing address:**
Secretary of State's Office
P.O. Box 202801
State Capitol
Helena, MT 59620-2801

## Nebraska

**Updated: 03-01-2006**

**Registration Deadline** — The third Friday before the election (or delivered by 6 p.m. on the second Friday before the election).

**6. ID Number.** You must provide your Nebraska driver's license number. If you do not have a Nebraska driver's license number then you must list the last four digits of your social security number.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Nebraska you must:
- be a citizen of the United States
- be a resident of Nebraska
- be at least 18 years of age or will be 18 years of age on or before the first Tuesday after the first Monday of November
- not have been convicted of a felony, or if convicted, have had your civil rights restored
- not have been officially found to be mentally incompetent

**Mailing address:**
Nebraska Secretary of State
Suite 2300, State Capitol Bldg.
Lincoln, NE 68509-4608

## Nevada

**Updated: 05-07-2010**

**Registration Deadline** — The deadline for mail-in registration is the fifth Saturday before any primary or general election. In person registration remains available until 9:00 p.m. on the third Tuesday preceding any primary or general election. You may register to vote in person only by appearing at the office of the County Clerk/Registrar of Voters.

**6. ID Number.** You must supply a Nevada's Driver's License Number or Nevada ID Card Number if you have been issued one. If you do not have a Driver's License Number or Nevada ID Card Number, you must supply the last four digits of your Social Security Number. If you do not have a Social Security Number, please contact your County Clerk/Registrar of Voters to be assigned a unique identifier.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention. If you register with a minor political party, or as a Nonpartisan you will receive a Nonpartisan Ballot for the Primary Election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Nevada you must:
- be a citizen of the United States
- have attained the age of 18 years on the date of the next election
- have continuously resided in the State of Nevada, in your county, at least 30 days and in your precinct at least 10 days before the next election
- have your civil rights restored if you were convicted of a felony
- not be determined by a court of law to be mentally incompetent
- claim no other place as your legal residence

# State Instructions

**Mailing address:**
Secretary of State
Elections Division
101 North Carson Street
Suite 3
Carson City, NV 89701-4786

Applications may be returned to the Secretary of State's office at the address above, but to avoid possible delays, you are advised to return your completed voter registration applications directly to your local county election official.

**Local county addresses:**
To meet registration deadlines, especially during the two weeks before the close of the mail-in registration deadline, return completed applications to your respective County Clerk/ Registrar of Voters. A complete list of County Clerk/Registrar of Voters and registration deadlines is available on Nevada's website: www.nvsos.gov.

## New Hampshire

**Updated: 03-01-2006**

**Registration Deadline** — New Hampshire town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form, which must be received by your city or town clerk by 10 days before the election.

New Hampshire town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form. You need to fill in only Box 1 and Box 2 or 3.

The application should be mailed to your town or city clerk at your zip code. These addresses are listed on the Secretary of State web site at www.state.nh.us/sos/clerks.htm

It should be mailed in plenty of time for your town or city clerk to mail you their own form and for you to return that form to them by 10 days before the election.

## New Jersey

**Updated: 03-28-2008**

**Registration Deadline** — 21 days before the election.

**6. ID Number.** The last four digits of your Social Security number OR your New Jersey Driver's License number is required for voter registration. If you do not possess either of these identifications, please write "NONE" on the form. The State will assign a number that will serve to identify you for voter registration purposes.
**7. Choice of Party.** New Jersey's voter registration form does not provide a check-off for political party affiliation. A newly registered voter or voter who has never voted in a political party primary election can declare party affiliation at the polling place on the day of a primary election. In New Jersey, a primary election is only held for the Democratic and Republican parties. A voter may also file a political party declaration form to become a member of a political party. If a declared voter wished to change party affiliation he or she must file a declaration form 50 days before the primary election, in order to vote.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in New Jersey you must:

- be a citizen of the United States
- be at least 18 years of age by the time of the next election
- be a resident of this State and county at your address at least 30 days before the next election
- not be serving a sentence or on parole or probation as the result of a conviction of any indictable offense under the laws of this or another state or of the United States

**Mailing address:**
New Jersey Department of Law and Public Safety
Division of Elections
PO BOX 304
Trenton, NJ 08625-0304

## New Mexico

**Updated: 03-01-2006**

**Registration Deadline** — 28 days before the election.

**6. ID Number.** Your full social security number is required. This registration card containing your social security number will become part of the permanent voter registration records of your locality, which are open to inspection by the public in the office of the county clerk. However, your social security number and date of birth will remain confidential and will not be disclosed to the public. Computerized listings of limited voter registration information (without social security number or birth date) are available to the general public, and are furnished upon request to incumbent election officeholders, candidates, political parties, courts and non-profit organizations promoting voter participation and registration, for political purposes only (§1-5-19B, NMSA 1978).

# State Instructions

**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in New Mexico you must:
- be a citizen of the United States
- be a resident of the State of New Mexico
- be 18 years of age at the time of the next election
- not have been denied the right to vote by a court of law by reason of mental incapacity and, if I have been convicted of a felony, I have completed all conditions of probation or parole, served the entirety of a sentence or have been granted a pardon by the Governor.

**Mailing address:**
Bureau of Elections
325 Don Gaspar, Suite 300
Santa Fe, NM 87503

## New York

**Updated: 06-19-2014**

**Registration Deadline** — 25 days before the election.

**6. ID Number.** Federal law requires that you provide your driver's license number to register to vote. If you do not have a driver's license then you will have to provide at least the last four digits of your social security number. If you have neither, please write "NONE" on the form. A unique identifying number will be assigned to you by your State.
**7. Choice of Party.** You must enroll with a party if you want to vote in that party's primary election or caucus.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in New York you must:
- be a citizen of the United States
- be a resident of the county, or of the City of New York, at least 30 days before an election
- be 18 years old by December 31 of the year in which you file this form (*Note*: You must be 18 years old by the date of the general, primary, or other election in which you want to vote)
- not be in jail or on parole for a felony conviction
- not currently be judged incompetent by order of a court of competent judicial authority
- not claim the right to vote elsewhere

**Mailing address:**
NYS Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

## North Carolina

**Updated: 03-01-2006**

**Registration Deadline** — Postmarked 25 days before the election or received in the elections office or designated voter registration agency site by 5:00 p.m. 25 days before the election.

**6. ID Number.** Provide your North Carolina driver's license number, or North Carolina Department of Motor Vehicles ID number. If you do not have a driver's license, then list the last four digits of your social security number.
**7. Choice of Party.** You must register with a party to vote in that party's primary unless that party allows unaffiliated voters to vote in its primary. If you indicate a political party that is not a qualified party, or indicate no party, you will be listed as "Unaffiliated".
**8. Race or Ethnic Group.** You are required to fill in this box. However, your application will not be rejected if you fail to do so. See the list of choices under the Application Instructions for Box 8 (on page 2).
**9. Signature.** To register in North Carolina you must:
- be a citizen of the United States
- be a resident of North Carolina and the county in which you live for at least 30 days prior to the election
- be 18 years of age by the day of the next general election
- have your rights of citizenship restored if you have been convicted of a felony
- not be registered or vote in any other county or state

**Mailing address:**
State Board of Elections
P.O. Box 27255
Raleigh, NC 27611-7255

## North Dakota

**Updated: 03-01-2006**

North Dakota does not have voter registration.

## Ohio

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** Your social security number is requested. Providing this number is voluntary. This information allows the Board of Elections to verify your registration if necessary (O.R.C. 3503.14). [Federal law requires that you provide your driver's license number to register to vote. If you do not have a driver's license then you will have to provide at least the last four digits of your

# State Instructions

social security number. If you don't have either number you will have to write "NONE" on the form and the State will assign you a number.]
**7. Choice of Party.** You do not register with a party if you want to take part in that party's primary election. Party affiliation is established by voting at a primary election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Ohio you must:
- be a citizen of the United States
- be a resident of Ohio
- be 18 years old on or before election day. If you will be 18 on or before the day of the general election, you may vote in the primary election for candidates only.
- not be convicted of a felony and currently incarcerated
- not be found incompetent by a court for purposes of voting

**Mailing address:**
Secretary of State of Ohio
Elections Division
180 E. Broad Street — 15th Floor
Columbus, OH 43215

## Oklahoma

**Updated: 10-29-2003**

**Registration Deadline** — 25 days before the election.

**6. ID Number.** The last four digits of your social security number are required. (Oklahoma Title 26, Section 4-112) In addition, your Oklahoma driver's license number is requested.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Oklahoma you must:
- be a citizen of the United States and a resident of the State of Oklahoma
- be 18 years old on or before the date of the next election
- have not been convicted of a felony, for which a period of time equal to the original sentence has not expired, or for which you have not been pardoned
- not now be under judgment as an incapacitated person, or a partially incapacitated person prohibited from registering to vote

**Mailing address:**
Oklahoma State Election Board
Box 528800
Oklahoma City, OK 73152-8800

## Oregon

**Updated: 03-01-2006**

**Registration Deadline** — 21 days before the election.

**6. ID Number.** Federal law requires that you provide your driver's license number to register to vote. If you do not have a driver's license then you will have to provide at least the last four digits of your social security number. If you have neither, you will need to write "NONE" on the form. A unique identifying number will instead be assigned to you by your State.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Oregon you must:
- be a citizen of the United States
- be a resident of Oregon
- be at least 18 years old by election day

**Mailing address:**
Secretary of State
Elections Division
141 State Capitol
Salem, OR 97310-0722

## Pennsylvania

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before an election or primary.

**6. ID Number.** You must supply a Driver's License Number, if you have one. If you do not have a Driver's License Number, you must supply the last four digits of your social Security Number. If you do not have a Social Security Number, please write "NONE" in the box.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election.
**8. Race or Ethnic Group.** You are requested to fill in this box. See the list of choices under the Application Instructions for Box 8 (on page 2).
**9. Signature.** To register in Pennsylvania you must:
- be a citizen of the United States at least one month before the next election
- be a resident of Pennsylvania and your election district at least 30 days before the election
- be at least 18 years of age on the day of the next election

**Mailing address:**
Office of the Secretary of the Commonwealth
210 North Office Bldg.
Harrisburg, PA 17120-0029

# State Instructions

## Rhode Island

**Updated: 03-28-2008**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** The applicant shall be required to provide his/her Rhode Island driver's license number if the applicant has been issued a current and valid Rhode Island driver's license. In the case of an applicant who has not been issued a current and valid driver's license he/she must provide the last four (4) digits of his/her social security number. An applicant, who has neither, will be assigned a unique identifying number by the State of Rhode Island.
**7. Choice of Party.** In Rhode Island, a person must register with a party if he/she wishes to take part in that party's primary election. A person who fails to register with a party at the time of registration may, if he/she chooses, register with a party on the day of that party's primary and take part in that party's primary election. If a person does not register with a party, he/she can still vote in general elections and non-partisan primary elections.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Rhode Island you must:
- be a citizen of the United States
- be a resident of Rhode Island for 30 days preceding the next election
- be 18 years old by election day
- not be currently incarcerated in a correctional facility due to a felony conviction
- not have been lawfully judged to be mentally incompetent

**Mailing address:**
Rhode Island State Board of Elections
50 Branch Ave.
Providence, RI 02904-2790

## South Carolina

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** Your full social security number is required. It is required by the South Carolina Code of Laws and is used for internal purposes only. Social security number does not appear on any report produced by the State Election Commission nor is it released to any unauthorized individual. (South Carolina Title 7-5-170)
**7. Choice of Party.** You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** You are required to fill in this box. Your application may be rejected if you fail to do so. See the list of choices under the Application Instructions for Box 8 (on page 2).
**9. Signature.** To register in South Carolina you must:
- be a citizen of the United States
- be at least 18 years old on or before the next election
- be a resident of South Carolina, your county and precinct
- not be confined in any public prison resulting from a conviction of a crime
- never have been convicted of a felony or offense against the election laws, or if previously convicted, have served your entire sentence, including probation or parole, or have received a pardon for the conviction
- not be under a court order declaring you mentally incompetent
- claim the address on the application as your only legal place of residence and claim no other place as your legal residence

**Mailing address:**
State Election Commission
P.O. Box 5987
Columbia, SC 29250-5987

## South Dakota

**Updated: 03-01-2006**

**Registration Deadline** — Received 15 days before the election.

**6. ID Number.** Your driver's license number is requested. If you do not have a valid driver's license, you must provide the last four digits of your social security number.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in South Dakota you must:
- be a citizen of the United States
- reside in South Dakota
- be 18 years old by the next election
- not be currently serving a sentence for a felony conviction which included imprisonment, served or suspended, in an adult penitentiary system
- not have been adjudged mentally incompetent by a court

# State Instructions

**Mailing address:**
Elections, Secretary of State
500 E. Capitol
Pierre, SD 57501-5070

## Tennessee

**Updated: 06-19-2014**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** Your full social security number is required. Social security number, if any, is required for purposes of identification and to avoid duplicate registration (TCA 2.2.116).
**7. Choice of Party.** You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Optional.
**9. Signature.** To register in Tennessee you must:
- be a citizen of the United States
- be a resident of Tennessee
- be at least 18 years old on or before the next election
- not have been convicted of a felony, or if convicted, have had your full rights of citizenship restored (or have received a pardon)
- not be adjudicated incompetent by a court of competent jurisdiction (or have been restored to legal capacity)

**Mailing address:**
Coordinator of Elections
Tennessee Tower, Seventh Floor
312 Rosa L. Parks Ave.
Nashville, TN 37243-1102

## Texas

**Updated: 03-01-2006**

**Registration Deadline** — 30 days before the election.

**6. ID Number.** You must provide your driver's license number to register to vote. If you do not have a driver's license then you will have to provide at least the last four digits of your social security number. If you have neither, please write "NONE" on the form. A unique identifying number will instead be assigned to you by your State.
**7. Choice of Party.** You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Texas you must:
- be a citizen of the United States
- be a resident of the county in which the application for registration is made
- be at least 17 years and 10 months old (you must be 18 to vote)
- not be finally convicted of a felony, or if a convicted felon, you must have fully discharged your punishment, including any incarceration, parole, supervision, period of probation or be pardoned.
- have not been declared mentally incompetent by final judgment of a court of law

**Mailing address:**
Office of the Secretary of State
Elections Division
P.O. Box 12060
Austin, TX 78711-2060

## Utah

**Updated: 03-28-2008**

**Registration Deadline** — 30 days before the election for mail-in applications; 15 days before the election for walk-in registrations at the county clerk's office.

**6. ID Number.** Your completed voter registration form must contain your state issued driver's license number or nonoperating identification number. If you do not have a driver's license or nonoperating identification, you must include the last four digits of your social security number. If you do not have a driver's license or a nonoperating identification or a social security number, please write "NONE" on the form. A unique identifying number will be assigned by the State.
**7. Choice of Party.** Declaring a party is not required in order to register to vote. However, Utah's election law allows each political party to choose whom it will allow to vote in its primary election. If you do not affiliate with a party, you may be restricted from voting in the primary.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Utah you must:
- be a citizen of the United States
- have resided in Utah for 30 days immediately before the next election
- be at least 18 years old on or before the next election
- not be a convicted felon currently incarcerated for commission of a felony
- not be convicted of treason or crime against the elective franchise, unless restored to civil rights

• not be found to be mentally incompetent by a court of law

**Mailing address:**
Office of the Lieutenant Governor
P.O. Box 142325
Salt Lake City, UT 84114

## Vermont

**Updated: 07-29-2008**

**Registration Deadline** — Delivered to the town clerk before 5:00 PM on the Wednesday before the election.

**6. ID Number.** You must provide your Vermont Driver's license number, or if none, the last 4 digits of your Social Security number. If you do not have a Vermont Driver's license or a Social Security number, please write "NONE" on the form. The Secretary of State's office will assign you a unique identifying number.
**7. Choice of Party.** Vermont does not require party registration to participate in any election.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Vermont you must:
• be a citizen of the United States
• be a resident of Vermont
• be 18 years of age on or before election day
• have taken the following Oath: You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the state of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any person [Voter's Oath, Vermont Constitution, Chapter II, Section 42]
By signing in Box 9, you are attesting that you have sworn or affirmed the Vermont voter's oath as printed above.

**Mailing address:**
Office of the Secretary of State
Director of Elections
26 Terrace Street
Montpelier, VT 05609-1101

## Virginia

**Updated: 11-30-2011**

**Registration Deadline** — Delivered 22 days before the election.

**6. ID Number.** Your full social security number is required. Your social security number will appear on reports produced only for official use by voter registration and election officials and, for jury selection purposes, by courts. Article II, §2, Constitution of Virginia (1971).
**7. Choice of Party.** You do not have to register with a party if you want to take part in that party's primary election, caucus, or convention.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Virginia you must:
• be a citizen of the United States
• be a resident of Virginia and of the precinct in which you want to vote
• be 18 years old by the next May or November general election
• not have been convicted of a felony, or have had your civil rights restored
• not currently be declared mentally incompetent by a court of law

**Mailing address:**
Virginia State Board of Elections
1100 Bank Street, 1st floor
Richmond, VA 23219

## Washington

**Updated: 9-24-2012**

**Registration Deadline** — 29 days before the election (or delivered in-person to the local voter registration office until 8 days before the election).

**6. ID Number.** You must provide your Washington driver's license or state ID card number. If you do not have a Washington driver's license, or state ID card, you must provide the last four digits of your Social Security Number. Failure to provide this information may prevent your registration from being processed.
**7. Choice of Party.** You are not required to designate your party affiliation to register in Washington.
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in Washington you must:
• be a citizen of the United States
• be a legal resident of Washington State, your county and precinct for 30 days immediately preceding the election in which you want to vote
• be at least 18 years old by election day
• not be convicted of infamous crime, unless restored to civil rights

**Mailing address:**
Secretary of State
Elections Division
P.O. Box 40229
Olympia, WA 98504-0229

# State Instructions

## West Virginia

**Updated: 09-12-2006**

**Registration Deadline** — 21 days before the election.

**6. ID Number.** Enter your driver's license number. If you do not have a driver's license number, enter the last four numbers of your social security number. If you do not have a driver's license number or a social security number, an identification number will be assigned to you.
**7. Choice of Party.** You must register with a party if you want to take part in that party's primary election, caucus, or convention (unless you request the ballot of a party which allows independents to vote)
**8. Race or Ethnic Group.** Leave blank.
**9. Signature.** To register in West Virginia you must:
- be a citizen of the United States
- live in West Virginia at the above address
- be 18 years old, or to vote in the primary be 17 years old and turning 18 before the general election
- not be under conviction, probation, or parole for a felony, treason or election bribery
- not have been judged "mentally incompetent" in a court of competent jurisdiction

**Mailing address:**
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

## Wisconsin

**Updated: 08-05-2013**

**Registration Deadline** — Postmarked at least twenty days before the election; or completed in the office of the town, village, or city clerk up to 5:00 pm or the close of business whichever is later, on the Friday before the election; or completed at the polling place on Election Day

**6. ID Number.** Provide your driver license or DOT-issued ID card number. If you do not have a current and valid DOT-issued driver license or ID card, provide the last 4 digits of your social security number
**7. Choice of Party.** Not required.
**8. Race or Ethnic Group.** Not required.
**9. Signature.** To register in Wisconsin you must:
- be a citizen of the United States
- be a resident of Wisconsin and have resided at the registration address for at least 28 days.
- be 18 years old
- not have been convicted of treason, felony or bribery, or if you have, your civil rights have been restored
- not have been found by a court to be incapable of understanding the objective of the electoral process
- not make or benefit from a bet or wage depending on the result of an election
- not have voted at any other location, if registering on election day

**Mailing address:**
Government Accountability Board
212 East Washington Avenue, Third Floor
P.O. Box 7984
Madison, WI 53707-7984

## Wyoming

**Updated: 03-01-2006**

Wyoming by law, cannot accept this form unless State law is changed.

# EXHIBIT A.11

# APPLICATION FOR ABSENTEE BALLOT FORM AV-R1

_____ COUNTY, ALABAMA

Return this application to:

**General Voter Information** - *Please provide complete information so that we may verify your eligibility to vote.*

| Last Name (Please print) First Name Middle or Maiden Name | E-mail Address |
|---|---|
| Street Address (address where you are registered to vote; do not use PO box) | City State ZIP |
| Mail my ballot to the address where I regularly receive mail, if different from the street address provided above | |
| Precinct where you vote (name and/or location of your polling place) | |
| Date of Birth Month Day Year | **Driver's License Number** STATE NUMBER / **IF NO DRIVER'S LICENSE NUMBER** Last 4 digits of Social Security number |
| Home Telephone Number ( ) / Work Telephone Number ( ) | |

**For all registered voters**

**I hereby make application for an absentee ballot so that I may vote in the following election:**

- ☐ Primary Election or Presidential Preference Primary — *Select one:* ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only
- ☐ Primary Runoff Election — *Select one:* ☐ Democratic Party ☐ Republican Party ☐ Other _____ ☐ Amendments Only
- ☐ General Election
- ☐ Special Election (*specify*) _____ *If a primary or runoff, check one:* ☐ Democratic Party ☐ Republican Party

- **Absentee ballots for elections more than 42 days apart must be requested on separate applications, unless you are a member of the armed forces, or a spouse or dependent of such person, or you are a United States citizen residing overseas.**
- **An application submitted by a member of the armed forces, or a spouse or dependent of such person, or a United States citizen residing overseas, is valid for all county, state and federal elections in the current calendar year.**

**I am applying for an absentee ballot because (check one box):**

- ☐ I will be out of the county or the state on election day.
- ☐ I have a physical illness or infirmity which prevents my attendance at the polls.
- ☐ I have a physical illness or infirmity which prevents my attendance at the polls. I am unable to access my assigned polling place due to a neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, or other life-altering disorder that affects my ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear or speak **and**:
  - a) I am an elderly voter aged 65 or older; **or**
  - b) I am a voter with a disability.
- ☐ I work a shift which has at least ten (10) hours that coincide with the polling hours at my regular polling place.
- ☐ I am enrolled as a student at an educational institution located outside the county of my personal residence, attendance at which prevents my attendance at the polls.
- ☐ I am a member of, or a spouse or dependent of a member of, the Armed Forces of the United States or am otherwise similarly qualified to vote absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act,42 U.S.C. 1973ff.

  This application for an absentee ballot will be valid for all county, state, and federal elections held during this calendar year unless you specify an earlier expiration date here: _____.
- ☐ I have been appointed as an election officer at a polling place which is not my regular polling place.

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and, when I cast this absentee ballot, I understand that I will not be entitled to vote at my regular polling place.

| Voter's Signature | **Complete this section if voter signs by mark** → | Witness Signature |
|---|---|---|
| | | Print Witness Name |

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail [§17-11-3 and §17-11-4, Code of Alabama, 1975]. **Do not include more than one application per envelope if mailing.**

READ PENALTIES ON BACK

Revised 2016.08.02

# PENALTIES

**§17-17-24, Code of Alabama, 1975, as amended**

(a) Any person who willfully changes an absentee voter's ballot to the extent that it does not reflect the voter's true ballot, any person who willfully votes more than once by absentee ballot in the same election, any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes illegal absentee voting, shall be guilty, upon conviction, of a Class C felony. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and a regular ballot at any election shall be similarly punished.

(b) Upon request by the local district attorney or the Secretary of State, the Attorney General shall provide investigating assistance in instances of absentee ballot or voting violations.

(c) Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.

# EXHIBIT A.12

# *STATE OF ALABAMA*
# *BOARD OF PARDONS AND PAROLES*

500 Monroe Street
P.O. Box 302405
Montgomery, Alabama 36130-2405
Central Office- (334) 353-7318

CLIFFORD WALKER
Associate Member

ROBERT LONGSHORE
Associate Member

BILL WYNNE
Chairman

September 19, 2013

EDDIE COOK, JR.
Assistant Executive Director

ROBERT D. OAKES
Assistant Executive Director

CYNTHIA S. DILLARD
Executive Director

Mark Gary Irby
1727 Bainbridge Terrace
Huntsville, AL 35816

Dear Mr. Irby:

In reviewing your application for a Certificate of Eligibility to Register to Vote, we have determined that you were convicted of Possession of Cocaine. Although this offense was a felony, it does not appear to this agency that the crime involved moral turpitude. According to Amendment 579 of the Alabama Constitution, this conviction does not disqualify you from voting, however, there remains a court ordered payment in this case which has not been paid which does exclude you from gaining your voting rights. The case in question is CC2000-000752, which has an unpaid balance of $2753.10. Until this sum is paid the State of Alabama will not be able to grant your request to regain your voting rights.

Pursuant to Attorney General's Opinion #2005-92, we are closing our file on your application, as you do not need a certificate in order to be eligible to register. You have applied for a Pardon and that investigation has been forwarded to another officer and he/she will be in contact with you.

Sincerely,

Jim Kirkland

Jim Kirkland

Probation and Parole Office

# EXHIBIT A.13

# VOTING RIGHTS DENIED IN ALABAMA

**A Report by**
**The Alabama Alliance to Restore the Vote**
**and**
**The Brennan Center for Justice at NYU School of Law**

**January 17, 2006**

In September 2003, the Alabama Legislature passed a law intended to streamline the restoration of voting rights to people who have completed their sentences for certain offenses. The law created an expedited process for granting Certificates of Eligibility to Register to Vote to some people with felony convictions. The system was designed to restore the franchise more quickly than is possible through the general clemency process.[1]

This report documents the failure of that expedited system. The Board of Pardons and Paroles receives thousands of applications each year from people who are doing all they can to regain their voting rights. Faced with overwhelming demand, the Board does not process applications within the statutory time frames. Nor does the Board consistently abide by the requirement that it respond to all applications.

Moreover, the process itself is flawed in ways that compromise the voting rights of people with criminal convictions. Ironically, individuals with the least serious convictions—for offenses that do *not* result in the loss of voting rights under the Alabama Constitution—remain disfranchised indefinitely. Election officials refuse to register these individuals without proof of restoration of their voting rights, but they cannot obtain such proof because the Board will not restore rights that they never forfeited in the first place. Certificates are also unavailable to those who cannot pay fines, fees, costs, and restitution, with the result that the right to vote in Alabama is conditioned on an otherwise eligible voter's financial status.

The Alabama Legislature has already recognized the importance of the timely restoration of voting rights, but the problem persists. Thousands of eligible voters remain barred from the polls, often for years. It is time to do away with the costly and cumbersome one-by-one restoration process and instead restore the vote automatically when a person is discharged from prison and re-enters the community to work, raise a family, and pay taxes alongside the rest of us.

## The Law

A person loses the right to vote in Alabama when he or she is convicted of a felony involving "moral turpitude." There is no complete list of felonies that involve

[1] Ala. Code 1975 § 15-22-36.1.

moral turpitude, but the Alabama Attorney General has compiled a list of the offenses that the state courts and legislature have defined as such.[2]

A person who has been convicted of a felony involving moral turpitude may apply to the Board of Pardons and Paroles ("Board") for a Certificate of Eligibility to Register to Vote ("Certificate"). A person is eligible for this Certificate if he or she: (1) has no felony charges pending; (2) has paid all applicable fines, court costs, fees, and victim restitution; (3) has not been convicted of certain disqualifying crimes identified by the Legislature; and (4) has either been pardoned or has completed his or her sentence, including probation or parole.

If Board staff determines that an application meets the criteria outlined above, the Board has up to 50 days from the date of the application either to issue a Certificate or to refer the application for a hearing. If Board staff determines that the applicant is ineligible, the Board has 45 days from the date of the application to notify the applicant and explain the denial. An applicant may reapply once the conditions listed above are met.

## Methodology

After learning that people who had applied for Certificates were waiting several months to hear from the Board, the Alabama Alliance to Restore the Vote and the NAACP Legal Defense & Educational Fund served a request pursuant to the Alabama Public Writings Act. The request sought information from the Board about the dispositions of all applications for restoration of voting rights. In response, the Board explained that producing all of the applications, responses, and associated paper work would overwhelm its limited capacity. Instead, on October 21, 2005, the Board produced a compilation of 7,635 applications and their dispositions. This report, and all of its conclusions, are based on the compilation of data the Board provided.

## Findings

The data reveal a widespread determination to vote among people with criminal convictions in Alabama. With 192 applications filed on average each month, the existing system cannot absorb the load. The Board misses the statutory time limits in processing more than 80% of all applications and fails to respond at all in dozens of cases. Beyond violations of the 2003 law, the process itself frustrates the voting rights of thousands of applicants. Many are denied Certificates because their offenses were not serious enough to disfranchise them in the first place. They then face barriers when they try to register because election officials illegally demand proof of restoration of the rights these individuals never lost. In addition, thousands are barred from the polls because they are too poor to pay the money they owe in connection with their convictions.

[2] Ala. Op. Atty. Gen. No. 2005-092 (March 18, 2005), 2005 WL 1121853 (Ala. A.G.).

### 1. Thousands of Applications

Thousands of people with criminal convictions in Alabama are diligently trying to regain their right to participate in the democratic process. In the 22 months between December 24, 2003, when the time limits in the 2003 law took effect, and October 21, 2005, when the Board produced the data, 4,226 applications for restoration of voting rights were filed with the Board, at an average rate of 192 per month. Because more than 250,000 Alabamans are disfranchised by felony convictions, it seems likely that the flow will remain high as long as the existing restoration process is the only available path to regain the vote.

### 2. Illegal Delays

Illegal delay is the rule, rather than the exception, in the current process. Of the 4,226 applications filed after December 24, 2003, 3,483, or 82.4%, were processed outside the statutory time frames, and only 8.5% were processed within those limits. Five hundred thirty took more than a year to process. The longest processing time for an eligible application was 585 days, more than eleven times the 50 days allowed under the law. Illegal delays denied 599 eligible voters the right to vote in state and national elections on November 2, 2004.

Even longer delays are inherent in the clemency process that predates and still serves as an alternative to the expedited system created in 2003.[3] Of the 3,010 applications filed before the expedited system took effect on December 24, 2003, 309 (10.3%) were still pending nearly two years later, when the data were provided on October 21, 2005. The earliest still-pending application was filed on March 1, 1998, almost eight years ago.

### 3. Illegal Failure to Respond

Alabama law requires the Board to respond to all applications. Yet the Board closed 39 eligible applications without sending—or at least without any record of having sent—a Certificate. As to ineligible applications, the Board closed 59 without notifying the applicants or providing legally mandated explanations for the denials.

### 4. Disfranchising People Who Have Never Lost Their Right to Vote

Hundreds of eligible voters have been caught in a Catch-22, required by election officials to provide a document that they are not eligible to receive. Those who are convicted of offenses that do *not* involve "moral turpitude" retain their right to vote in Alabama. Such offenses include driving while intoxicated, doing business without a license, and possession of marijuana, among others. Because people convicted of these offenses do not lose their right to vote, they are ineligible for restoration of that right and thus cannot receive a Certificate.[4] In violation of the law, however, the Secretary of State has directed election officials not to register any new voter with a felony conviction—

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[3] *See* Ala. Code 1975 § 15-22-36.

[4] Ala. Op. Atty. Gen. No. 2005-092 (March 18, 2005), 2005 WL 1121853 (Ala. A.G).

including a conviction that does not involve "moral turpitude"—unless the voter presents a Certificate.[5]

Of the 2,252 applicants who received denials, 363, or 16.1%, were denied because they were never disfranchised to begin with. In refusing to register people who were denied Certificates because their convictions do not involve "moral turpitude," election officials violate their fundamental right to vote under both state and federal law.[6]

**5. Disfranchising Poor People**

Of the 2,252 applicants who received denials, 1,272, or 56.5%, were denied because they owed money to satisfy court-imposed restitution, fines, fees, and costs. An inability to pay thus prevents many people from voting. Yet the Supreme Court held decades ago, in striking down Virginia's $1.50 poll tax, that "[w]ealth, like race, creed, or color, is not germane to one's ability to participate intelligently in the electoral process. . . . To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor."[7] Although Alabama's poll tax was also invalidated forty years ago,[8] the State once again conditions the right to vote on a person's ability to pay.

**6. Inadequate Record-Keeping**

Poor data entry produced numerous unusable pieces of information in the Board's compilation of data. Of the 7,635 total applications on file, 399, or 5.2%, lack an opening date, so that there is effectively no way to tell how long they took to process. Seventy-four of these applications are still pending, and the data provide no indication of how long the applicants have been waiting. Many applications are listed as closed before they were ever opened. One is recorded as opened in 1957 and another in 4054. One file was closed on 9/16/09 and another on 2/185/05. In all, 138 of the 3,267 processed applications filed after 12-24-03, or 4.2%, are fitted with meaningless dates that do not allow the proper tracking of response times.

In addition, many of the categories used to sort the applications are overlapping and confusing. For example, there is a "Closed" category although applications in the "Ineligible," "Granted," "Out of State," and "No Disqualifying Crime" categories are also listed as closed. There is a "Pending" category, although applications in the "No Disqualifying Crime" and "Out of State" categories are also pending. These categories are so unclear as to frustrate careful oversight of the Board's functioning.

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[5] *See Gooden v. Worley*, No. CV 05-5778 (Ala. Cir. Ct., Jefferson County, first amended complaint filed Dec. 19, 2005); *Gooden v. Worley*, No. CV-05-AR-2562-S (N. D. Ala. filed Dec. 19, 2005).
[6] *Id.*
[7] *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 668 (1966).
[8] *United States v. Alabama*, 252 F. Supp. 95 (M. D. Ala. 1966).

7. **Tables Summarizing the Data:**

**Table 1. Illegal Delays and Failures to Respond**

| Date of filing | Status of application | Timing of response | Failure to respond | Meaningless dates |
|---|---|---|---|---|
| **Applications filed after 12-24-03** 4,226 | Eligible applications 1,889 | Certificates issued within 50 days 163 (8.6%) | Closed with no indication of Certificate issued 39 (2.1%) | 93 (4.9%) |
| | | Certificates issued after 50 days 1,594 (84.4%) | | |
| | Ineligible applications 1378 | Notified of ineligibility within 45 days 115 (8.3%) | Closed with no notice of ineligibility 59 (4.3%) | 45 (3.3%) |
| | | Notified of ineligibility after 45 days 1,159 (84.1%) | | |
| | Pending applications; undetermined eligibility 959 | Time limits had already expired as of 10-21-05, when data were provided 730 (76.1%) | | |
| **Applications filed before 12-24-03** 3,010 | All applications (Eligible, Ineligible, and Undetermined) | Applications still pending as of 10-21-05 309 (10.3%) | | 17 (0.6%) |
| **Total applications without opening dates** 399 | | | | |
| **TOTAL Applications filed** 7,635 | | | | Total meaningless dates 155 (2.0%) |

**Table 2. Reasons for Denials**

| Total Applications Denied | Reason for denial |
|---|---|
| 2,252 | No disqualifying offense 363 (16.1%) |
| | Money owed 1,272 (56.5%) |

## Conclusion

The system for restoring voting rights in Alabama is broken. Thousands of eligible citizens wait months beyond the period authorized by statute to learn whether they can vote. Some never receive a response at all. Hundreds are barred from the polls although they were never legally disfranchised in the first place, and thousands are excluded because they cannot pay costs, fees, fines, and restitution.

The Alabama Legislature enacted an expedited restoration process to give people with criminal convictions a second chance to assume the duties of citizenship by exercising the right to vote. But the promise of their reintegration into the democratic process remains unfulfilled. The Board does not process the applications it receives in a manner that complies with the law.

Restoring voting rights one applicant at a time is slow, inefficient, and expensive.[9] It is time for a solution that can work. Like a dozen other states, Alabama should restore voting rights automatically when a person with a disqualifying felony conviction is released from incarceration. Automatic restoration would enrich Alabama's democracy by increasing voter participation and sharpening the responsiveness of government to the state's diverse constituencies. At the same time, exercising the right to vote would help people with criminal convictions to reintegrate into the communities where they live, work, raise families, and pay taxes. And a streamlined restoration process would relieve administrative burdens and their associated costs. Alabama can and should lead the region in fostering inclusive democracy by restoring the franchise to people with convictions when they reenter society.

[9] Of the total $43,330,238 appropriation to the Board in 2006, it is unclear what portion is devoted to the rights restoration process. *See* State of Alabama General Fund, Fiscal Year 2005–2006, as of October 31, 2005, *available at* http://www.budget.state.al.us/GF2006.pdf. The fiscal note associated with the 2003 bill calculated that it "would increase the expenses of the Board of Pardons and Paroles by an estimated $4.6 million annually." Fiscal Note for HB3 (Second Special Session 2003) (Yvonne Kennedy, sponsor), *available at* http://alisdb.legislature.state.al.us/acas/ACASLogin.asp?SESSION=1028. The Accounting Division Director of the Board informs us that the Board does not maintain separate figures on the overall cost of rights restoration, but that it is spending $250,000 on the salary and benefits of the employees who work on this issue. Interview with Carolyn Courson, Accounting Division Director, Board of Pardons and Paroles, in Montgomery, Ala. (Jan. 11, 2006). The disparity between the high costs estimated in the fiscal note and the Board's low actual expenditures on the salaries and benefits of employees dedicated to rights restoration may help to explain why the Board is overwhelmed by the demand.

# EXHIBIT A.14

THE CAMPAIGN LEGAL CENTER

Andrew Brasher
Solicitor General
Office of the Attorney General
501 Washington Ave.
Montgomery, AL 36130

June 9, 2017

Re: Effect of HB 282 on *Thompson et al. v. Alabama et al.*, No. 2:16-cv-783-WKW

Dear Mr. Brasher,

Thank you for reaching out to me to meet and confer about the potential impact of the Felony Voter Disqualification Act (HB 282) on the pending claims in *Thompson v. Alabama*. HB 282—which creates a list of various felony offenses to provide a definition of the term "moral turpitude" as it appears in Section 177(b) of the Constitution of Alabama—certainly does not resolve all of the counts in this case and therefore the case will continue. HB 282 is most relevant to Counts 6-10 of the current complaint. Those counts alleged that the prior standardless system for determining who could vote imposed an unconstitutional burden on the right to vote (Counts 6 and 7), deprived voters of procedural due process (Count 8), was void for vagueness (Count 9), and resulted in arbitrary disenfranchisement (Count 10). We agree that HB 282 is an important step to remedying the harms we alleged in those counts of the complaint. However, we believe further action is necessary to fully remedy the harms of the current arbitrary system of disenfranchisement. It is our hope that, given HB 282, we will be able to agree to appropriate remedial actions and thus agree to the mutual resolution of these claims. If we are not able to agree on appropriate remedial action, these claims are not mooted and HB 282 might require additional requests for relief.

First and foremost, HB 282 is currently scheduled to become effective on August 1, 2017, which is the last day of voter registration for the special primary election for U.S. Senator in Alabama. Thus, while the Legislature has finally settled upon a definition of "moral turpitude," it plans to continue to disenfranchise thousands in the next upcoming statewide election based on an outdated, and unconstitutional, standard. Alabama should implement this new law immediately to ensure that eligible voters are not deprived of their right to vote for any more elections. *See, e.g. Veasey v. Abbott*, 830 F.3d 216, 270 (5th Cir. 2016) ("[T]he November 2016 general election is fast approaching. It would be untenable to permit a law with a discriminatory effect to remain in operation for that election.").

Second, as a result of HB 282, there is now more legal clarity about who has the right to vote in Alabama. However, that new legal clarity cannot alone resolve the years of non-uniform enforcement and accompanying confusion. In order for HB 282 to provide a meaningful remedy

to those unlawfully disenfranchised under the current system, we believe the State must register or reinstate voters whose applications were rejected or whose registrations were purged under the unconstitutional system but who have the right to vote under HB 282, and notify these voters of their eligibility to vote. *See, e.g., North Carolina State Conference of the NAACP v. North Carolina State Bd. of Elections*, 2016 WL 6581284 (M.D. N.C. Nov. 4, 2016) (ordering the immediate restoration of all improperly purged voters); *Georgia State Conference of the NAACP v. Hancock County Bd. of Elections*, Civ. A. No. 5:15-cv-414-CAR (M.D. Ga. Mar. 1, 2017), Doc. 67-1, Consent Decree (agreeing to the restoration of improperly purged voters to the registration list). Alabama should reinstate eligible voters going back as far as there are available records. At minimum, Alabama should reinstate eligible voters whose applications were denied or registrations were purged during the past two years, the mandatory record-keeping period pursuant to the NVRA. *See* 52 U.S.C. § 20507(i)(1).

Further, Alabama must implement a meaningful and robust voter education program to correct the confusion and misapprehension caused by its years-long unlawful system that deterred eligible voters from registering to vote. *See, e.g., Veasey*, 830 F.3d at 256, 271-72 (noting that "the State's lackluster educational efforts resulted in additional burdens on Texas voters" and directing the district court to "consider the necessity of educational and training efforts" in fashioning a remedy for the affected voters). Likewise, Alabama must provide adequate training and protocols to ensure that the registrars properly implement HB 282 and cease to arbitrarily disenfranchise citizens. *Id.*

Finally, as part of any voter education program, Alabama must redesign its state voter registration form and federal form state-specific instructions to adequately apprise voters of their rights. As alleged in Count 6 of our complaint, the federal and state forms—which require Alabama citizens to sign under penalty of perjury that they have not been convicted of a "felony involving moral turpitude" (federal form) or a "disqualifying crime" (state form) without any additional information—place an undue burden on eligible voters with past convictions. If Alabama does not provide voters with meaningful information about HB 282's clarification of Alabama's voter qualifications, ordinary citizens will continue to be misinformed and confused about their access to the right to vote. Failure to amend these forms to reflect HB 282's requirements would also run afoul of the NVRA's requirements that registration forms state each eligibility requirement. 52 U.S.C. §§ 20504(c)(2)(C)(i), 20506(a)(6)(A)(i)(I), 20508(b)(2)(A).

As you know, our clients have filed this action as a class action complaint on behalf of themselves and all those similarly situated. We have a responsibility to seek an adequate remedy for the entire class. Our client Antwoine Giles is representative of the group of individuals who were unlawfully denied the right to vote under the current unconstitutional system but will be eligible to vote because of this remedial step taken by the Alabama Legislature. While we can advise Mr. Giles of this action, without further action by the state, the vast majority of similarly situated individuals will remain in the dark about these changes in affairs. The last

communication from the state they received was an affirmative statement that they were not qualified to vote because of their felony conviction. They would have no reason to believe that has changed. We have already identified several voters in this circumstance. Undoubtedly, many more individuals never applied to vote because Alabama's prior vague system deterred applications from those who could not determine if their convictions were "disqualifying."

In passing this bill, the Alabama Legislature acknowledged the prior arbitrary, non-uniform—and thus unconstitutional—state of affairs. HB 282 states: "Under general law, there is no comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote. Neither individuals with felony convictions nor election officials have a comprehensive, authoritative source for determining if a felony conviction involves moral turpitude and is therefore a disqualifying felony." Ala. Code. 17-3-30.1(b)(1)(b)(effective Aug. 1, 2017). One of the main sponsors of the bill, Senator Cam Ward, admitted that under the current system "[w]hat moral turpitude meant in Shelby County could have been something totally different in Talladega County."[1] Defendant Secretary of State agreed stating that the current system "sow[s] confusion"[2] and can vary county by county: "For example marijuana possession, they might list that as a crime of moral turpitude, whereas only distribution of that drug or that substance would really be considered a crime of moral turpitude."[3]

Alabama will never be able to fully remedy the harms imposed by this unconstitutional system. 1 *Voting Rights Act: Evidence of Continued Need, Hearing Before the Subcommittee on the Constitution of the H. Comm. on the Judiciary*, 109th Cong. 97 (2006) (noting that harmed voters cannot change past electoral outcomes, and the benefits of incumbency adhere to those elected under discriminatory procedures). Nonetheless, the class plaintiffs are entitled to an effective and meaningful remedy. We believe these proposals are tailored to resolve the constitutional wrongs of the current arbitrary system. *United States v. Virginia*, 518 U.S. 515, 547 (1996) ("A remedial decree . . . must be shaped to place persons unconstitutionally denied an opportunity or advantage in 'the position they would have occupied in the absence of [discrimination].'"); *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1, 15 (1971) ("Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies."). We further believe that it would be appropriate to enter into an agreement wherein our client, Greater Birmingham Ministries, with our counsel, acts on an advisory committee to the Secretary of State to oversee and ensure effective implementation of these remedial steps.

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[1] Kim Chandler, Alabama law could allow more people to vote, Associated Press (June 4, 2017), http://www.cullmantimes.com/news/alabama-law-could-allow-more-people-to-vote/article_1d465ae4-4971-11e7-b1b3-eb66aa7ed33a.html.

[2] *Id.*

[3] Kacey Drescher, New law clears up voting confusion for Alabamians with a felony, WSFA (May 24, 2017), http://www.wsfa.com/story/35512463/new-law-clears-up-voting-confusion-for-alabamians-with-a-felony.

Once again, we are encouraged that the Alabama Legislature has taken the first necessary step to resolve the constitutional infirmities raised in Counts 6-10 of our complaint. We believe that the necessary remaining steps are within the Attorney General and Secretary of State's control and fully accord with HB 282's goal of "ensur[ing] that no one is wrongly excluded from the electoral franchise." Ala. Code. 17-3-30.1(b)(2)(b)(effective Aug. 1, 2017). We trust that your office was already considering many of these proposed measures in its plan to implement HB 282. We hope that we will be able to come together to agree upon the appropriate steps that would allow us to resolve the above-mentioned counts in our complaint.

After you have had an opportunity to review this letter, we would recommend scheduling a meet and confer to further discuss next steps in the case. Please respond within fourteen days to let us know of your position and schedule a meet and confer. In the meantime, if you have any questions or concerns, please feel free to contact me at 202-856-7911 or dlang@campaignlegalcenter.org.

Sincerely,

Danielle Lang
Senior Counsel – Voting Rights & Redistricting
Campaign Legal Center

# EXHIBIT A.15

CAMPAIGN
LEGAL CENTER

February 8, 2017

Andrew Brasher
Solicitor General
Office of Alabama Attorney General Luther Strange
501 Washington Avenue
Montgomery, AL 3610

*Via Email*

Dear Mr. Brasher,

Pursuant to our discussion on January 24, 2017, I am delivering to you a request under the Alabama Public Records Law (Alabama Code § 36-12-40) and Section 8 of the National Voter Registration Act of 1993, 52 U .S.C. § 20507(i)(l), addressed to your client Secretary of State John Merrill.

As we discussed on the phone, we are entitled to serve discovery in the matter *Thompson v. Alabama*, 2:16-cv-00783, and plan to do so in due course. Discovery has not been stayed and discovery ordinarily continues during the pendency of a motion to dismiss. However, as an initial matter, we are requesting data that must be made publicly available pursuant to the NVRA and therefore does not require service of any formal discovery on your clients.

The attached NVRA request falls well within the scope of the NVRA's mandate for broad disclosure of "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U .S.C. § 20507(i)(l); *see also See Project Vote/Voting for America, Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012) ("Finally, the fact that [Section 8(i)(1) ] very clearly requires that 'all records' be disclosed brings voter registration applications within its reach. As this court has recognized, the use of the word 'all' [as a modifier] suggests an expansive meaning because 'all' is a term of great breadth." (internal quotation marks and citations omitted)); *Project Vote, Inc. v. Kemp*, Case No. 1:16-cv-2445, 2016 WL 5092512, at @12 (N.D. Ga. Sept. 20, 2016) ("Section 8(i) uses the word 'all' as a modifier to the word 'records,' suggesting an 'expansive meaning because 'all' is a term of great breadth.'" (quoting *Long*, 682 F.3d at 336)).

Courts have recognized that individualized records of voter registration applications and denials as well as voter registration lists are all subject to disclosure under Section 8 of the NVRA. *See Long*, 682 F.3d at 336 (holding that Section 8's mandate "unmistakably encompasses completed voter registration applications"); *Kemp*, 2016 WL 509512 at * 25 (requiring the State to disclose data regarding changes in individual voter registration status, letters to applicants regarding those changes in status, the "specific reason why applicants" were rejected, and other individualized data); *True the Vote v. Hoseman*, 43 F.Supp.3d 693, 723 (S.D. Miss. 2014 (holding that the voter roll is a record subject to disclosure under Section 8 of the NVRA). In *Kemp*, the court specifically held that records concerning "the State's evaluation and processing of voter registration applications to determine whether applicants should be added to

the voter rolls" are covered by Section 8. *Kemp* at *13. The court also held that Section 8 covers information that is only stored electronically. *Id.* at *11.

These individualized documents are crucial to allowing the public to ensure that voter lists are "accurate" and "current." *Long*, 682 F.3d at 335 ("[V]oter lists are not 'accurate or 'current' if eligible voters have been improperly denied registration or if ineligible persons have been added to the rolls."); *Kemp* at *15 ("Limiting the disclosure requirement to a set of general process implementation records without the production of records to show the results of the processes and activities put into place would hinder the public's ability to 'protect the integrity of the electoral process' and to ensure voting regulation programs and activities are implemented in a way that accomplishes the purposes of the statute and are not executed in a manner that is 'discriminatory and unfair.'" (quoting 52 U.S.C. § 20501)). It is the Secretary of State's responsibility, as the State's chief election official, to maintain the necessary records under the NVRA and coordinate the State's compliance with Section 8's disclosure requirements. 52 U.S.C. § 20509.

We have been informed that Project Vote has sent an NVRA request to Secretary Merrill requesting much of the same information we seek as well as other information about Alabama's voter registration administration. In order to minimize the burden on your office and Secretary Merrill's office, we have largely modeled our request on theirs to avoid unnecessary duplication of efforts.

As we discussed on the phone, Plaintiffs are seeking this information first so as not to inconvenience the Court unnecessarily with motion practice on discovery. This information must be made publicly available regardless of the instant litigation. Please advise me on how and when your client will be able to respond to this request within fourteen days so that we can determine next steps. If you have any questions or concerns, please feel free to call me at 202-857-7911 or email me at dlang@campaignlegalcenter.org.

Sincerely,

Danielle Lang
Deputy Director of Voting Rights
Campaign Legal Center

# EXHIBIT A.16

THE CAMPAIGN LEGAL CENTER

Secretary of State John Merrill
Jean Brown, Counsel for Elections and Administrative Affairs
Office of the Secretary of State of Alabama
P.O. Box 5616
Montgomery, AL 36103-5616

February 8, 2016

Dear Secretary Merrill and Ms. Brown,

Pursuant to both Alabama Code § 36-12-40 and Section 8 of the National Voter Registration Act of 1993, 52 U .S.C. § 20507(i)(l), Campaign Legal Center requests that you promptly provide the following information in electronic format:

1. Individualized voter information and individualized processing information for each of the following voter registration applicants or voters:

    a. All voter registration applicants who were rejected or otherwise not added to the official list of eligible voters;
    b. All voters canceled, purged, or otherwise removed from the official list of eligible voters;
    c. All voter registration applicants who applied and were added to the official list of eligible voters where the voter has a felony conviction not deemed to be disqualifying (i.e. not involving moral turpitude); and
    d. All voters who are currently on the official list of eligible voters where the voter has a felony conviction, but has not been removed or canceled.

2. For each individual applicant or voter listed in response to Request 1(a), please provide:

    a. Contemporaneous records documenting the specific reason(s) why voter registration application was rejected or otherwise not added to the voter roll, including information sufficient to understand specifically how the determination of rejection was made, including but not limited to:
        i. If the rejection was made because the person was not eligible, please include the qualification that was determined not to be met, and what information was used to make the determination;
            1. For example, if rejected on the basis of a voter's conviction for a disqualifying felony, i.e., a felony involving moral turpitude, the information must include but not be limited to the specific felony conviction(s) at issue (including jurisdiction and statutory provision) and the reasons why and the method by which the felony conviction was determined to be disqualifying.
        ii. If the rejection was made because the application was not complete, the specific piece(s) of required information that were not provided by the applicant.

3. For each individual applicant or voter listed in response to Request I (b), please provide contemporaneous records documenting the specific reasons why the voter was canceled or otherwise removed from the official list of eligible voters, including information sufficient to understand specifically how the determination of cancelation or removal was made, including but not limited to:

    a. If the cancelation or removal was made on the basis of a voter's conviction for a disqualifying felony, i.e., a felony involving moral turpitude, the information considered including but not limited to the following data:
        i. The specific felony conviction(s) at issue (including jurisdiction and statutory provision) determined to be disqualifying; and
        ii. The reasons why the particular felony conviction(s) and the method by which the felony conviction was determined to be disqualifying.

4. For each individual applicant or voter listed in response to Request l(c) and l(d), please provide the contemporaneous documents recording specific reason(s) why the felony conviction(s) were determined to be non-disqualifying.

5. An electronic copy of the official statewide list of eligible voters, including the individualized voter information and processing information.

6. To the extent not included in the above information, records of any formal or informal determination that a voter registration applicant is disqualified on the basis of a felony conviction for a crime of moral turpitude, including all notification letters sent pursuant to Alabama Code § 17-3-54.

7. To the extent not included in the above information, records of any formal or informal determination that an existing voter is ineligible because of a felony conviction for a crime of moral turpitude, including all notification letters sent pursuant to Alabama Code § 17-4-3.

8. To the extent not included in the above information, records of any formal or informal determination that a voter registration applicant with a felony conviction is <u>not</u> disqualified because their conviction was for a non-disqualifying crime.

9. To the extent not included in the above information, records of any formal or informal determination that an existing voter with a felony conviction is <u>not</u> disqualified because their conviction was for a non-disqualifying crime.

10. Records of any formal or informal policies and procedures for each of the following:

    a. Identifying voter registration applications submitted by applicants with a felony conviction, including any policies or procedures for matching records between the voter registration database and the Alabama Office of Courts or any other list or program used to identify voters who may have a felony conviction.
    b. Determining that a prospective voter with a felony conviction is disqualified on the

basis of that conviction being for a felony involving moral turpitude, including any lists of disqualifying crimes and any policies or procedures for matching records between the voter registration database and the Alabama Office of Courts or any other list or program used to identify voters who may have a disqualifying felony conviction.

c. Determining that a prospective voter with a felony conviction is not disqualified on the basis of his or her conviction, including lists of non-disqualifying crimes and any policies or procedures for matching records between the voter registration database and the Alabama Office of Courts or any other list or program used to identify voters who may have a non-disqualifying felony conviction.
d. Identifying existing registered voters who have subsequently been convicted of a felony, including any policies or procedures for matching records between the voter registration database and the Alabama Office of Courts or any other list or program used to identify voters who may have a felony conviction.
e. Determining that an existing voter with a felony conviction is disqualified on the basis of that conviction being for a crime of moral turpitude, including any lists of disqualifying crimes and any policies or procedures for matching data between the voter registration database and the Alabama Office of Courts or any other list or program used to identify voters who may have a disqualifying felony conviction.
f. Determining that an existing voter with a felony conviction is not disqualified on the basis of his or her conviction, including any lists of non-disqualifying crimes and any policies or procedures for matching data between the voter registration database and the Alabama Office of Courts or any other list or program used to identify voters who may have a non-disqualifying felony conviction.

11. Information on the codes used in electronic records provided sufficient to understand those codes, such as the name and description of the fields in the data and a description of each code, including, where applicable, the means by which a particular code was assigned to an applicant or voter, to the extent not otherwise included in your response to this request.

12. A sample letter of each type of notification of the disposition of a voter registration as it relates to the disqualifying felony eligibility criterion and acceptance, rejection, or removal of a voter on the basis of that criterion.

**Definitions:**

1. "Individualized voter information" as used in this request includes:
   a. First name
   b. Last name
   c. Middle Name
   d. Suffix
   e. Street Number and Address
   f. Apartment Number
   g. City
   h. State

i. Zip Code
j. County
k. Mailing address, if different
l. Phone number
m. Voter ID number assigned by the election official
n. Date of Birth
o. Date registered to vote, if any
p. Place of birth
q. Race, if available
r. Gender, if available
s. Disqualifying felony conviction (including jurisdiction and statutory provision), if any
t. Non-disqualifying felony conviction (including jurisdiction and statutory provision), if any
u. Proof of restoration of rights provided, if any

2. "Individualized Processing information" as used in this request includes:
a. Date voter registration application signed by prospective voter
b. Date voter registration application received
c. Date voter registration application entered into database
d. Current status of applicant or voter (i.e., active, inactive, pending, rejected, suspended, etc.)
e. Date status changed, if at all
f. History of any changes in status, ifany
g. Types of letters or notices mailed, if any
h. Dates of letters or notices mailed, if at aJJ
i. Status of letter or notice, i.e., whether it was returned ; and
j. Any response to notice or letter, including any document(s) provided, if applicable
k. Date voter was flagged for removal, if applicable
l. Date voter removed, if applicable m. Date of status changed, if at all

Campaign Legal Center is requesting these records for the past ten years, to the extent they are available, but for no less than two years (since February 1, 2015), pursuant to 52 U.S.C. § 20507(i)(l). To the extent that there are no records for a specific item requested, please state that no such record exists. If records not specifically requested exist, provide the record available that is closest to the requested information that is not available. If your policies or procedures, e.g., with regard to felony conviction disqualifications, have changed between the date this request was made, and the date of your response, please include information regarding the prior policy and the current policy on your date of response.

Campaign Legal Center expects that any charges imposed to provide copies of this information will comply with Section 8(i) of the NVRA.

I prefer to receive information electronically such as by email (dlang@campaignlegalcenter.org) or FTP transfer. Alternately, you may ship thumb drive or disks to me at the below address. Please provide information immediately available on a rolling basis if you will need additional time to process this request.

Sincerely,

Danielle Lang
Deputy Director of Voting Rights
Campaign Legal Center
1411 K Street NW Suite 1400
Washington, DC 20005

# EXHIBIT A.17

**JEFFERSON COUNTY COMMISSION**

DAVID CARRINGTON - PRESIDENT
GEORGE F. BOWMAN
SANDRA LITTLE BROWN - PRESIDENT PRO TEMPORE
T. JOE KNIGHT
JAMES A. "JIMMIE" STEPHENS

**T. JOE KNIGHT--COMMISSIONER**
COMMISSIONER OF DISTRICT IV

Office of
Board of Registrars

**BARRY STEPHENSON**, Chairman
Suite A-410
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Alabama 35203
Telephone (205) 325-5550

December 5, 2014

BY CERTIFIED MAIL

[redacted]

Re: Notice of Non-qualification to Register to Vote

Dear [redacted]

The Jefferson County Board of Registrars is informed that you have previously been convicted of a felony involving moral turpitude which renders you unqualified to register to vote pursuant to Section 17-3-54, Code of Alabama, as amended.

Pursuant to Section 17-3-55, Alabama Code, persons to whom registration is denied shall have the right of appeal to the Probate Court of Jefferson County. If you wish to appeal, you have thirty (30) days from the date of this letter to submit your written appeal to the Jefferson County Probate Court.

Sincerely,

Barry Stephenson
Chairman

# EXHIBIT A.18

REAL-TIME NEWS FROM AL.COM

# Registering felons to vote in jail: How a new Alabama law impacts voting rights, politics

Comment Posted on June 29, 2017 at 8:17 AM

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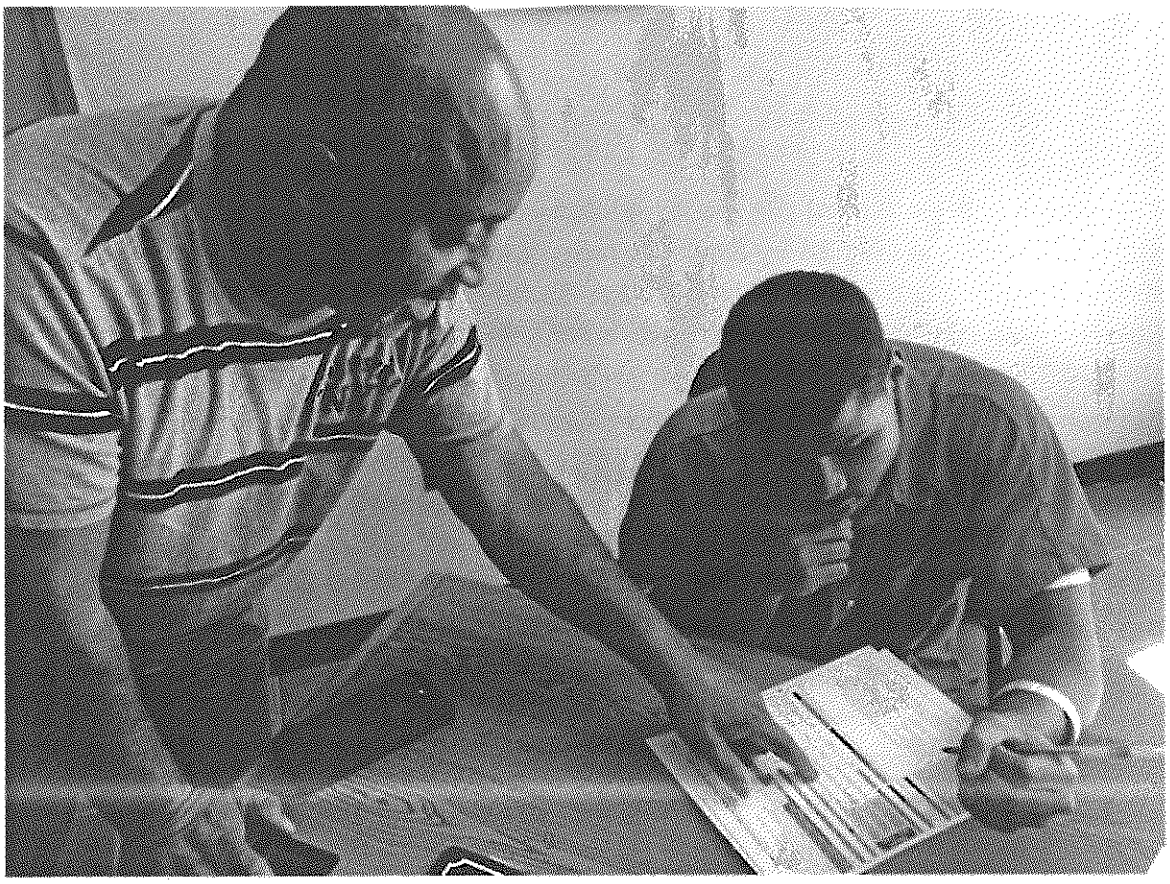
By Connor Sheets, csheets@al.com

**Spencer Trawick lost the right to vote when he was convicted of felony third-degree burglary for breaking into a Dothan house in 2015.**

**As an 18-year-old at the time, he had registered to vote only months before he got in trouble, so he was disappointed to learn that he had been barred from casting a ballot in Alabama.**

**But on Monday, Trawick filled out a registration form while inside the Dothan City Jail with the help of Pastor Kenneth Glasgow, a civil rights advocate who has been registering inmates to vote for more than a decade.**

**"You're registered to vote, man! You're a full citizen now," Glasgow told Trawick after he filled out a voter registration form supplied by the Dothan pastor. "You can say, 'All right, I [am] a citizen!'"**



Pastor Kenneth Glasgow helps Dothan City Jail inmate Spencer Trawick fill out a voter registration form inside the jail Monday afternoon. (Connor Sheets | csheets@al.com)

'Actually delighted'

Because of a newly approved law dubbed the Definition of Moral Turpitude Act, Trawick - like thousands of other felons across the state - is now assured that he has the ability to regain the right to vote, despite the fact that he is an incarcerated convict.

Though the new law was passed with broad bipartisan support, it has generated controversy as some voters and political observers have questioned why a Republican-majority state legislature and GOP governor would approve a bill that will likely result in more convicted felons voting.

Passed by both houses of the state legislature with zero nay votes last month and signed into law on May 24 by Gov. Kay Ivey, the law lists more than 40 felonies that are considered crimes of "moral turpitude" - a phrase in the Alabama Constitution that had never previously been clearly defined.

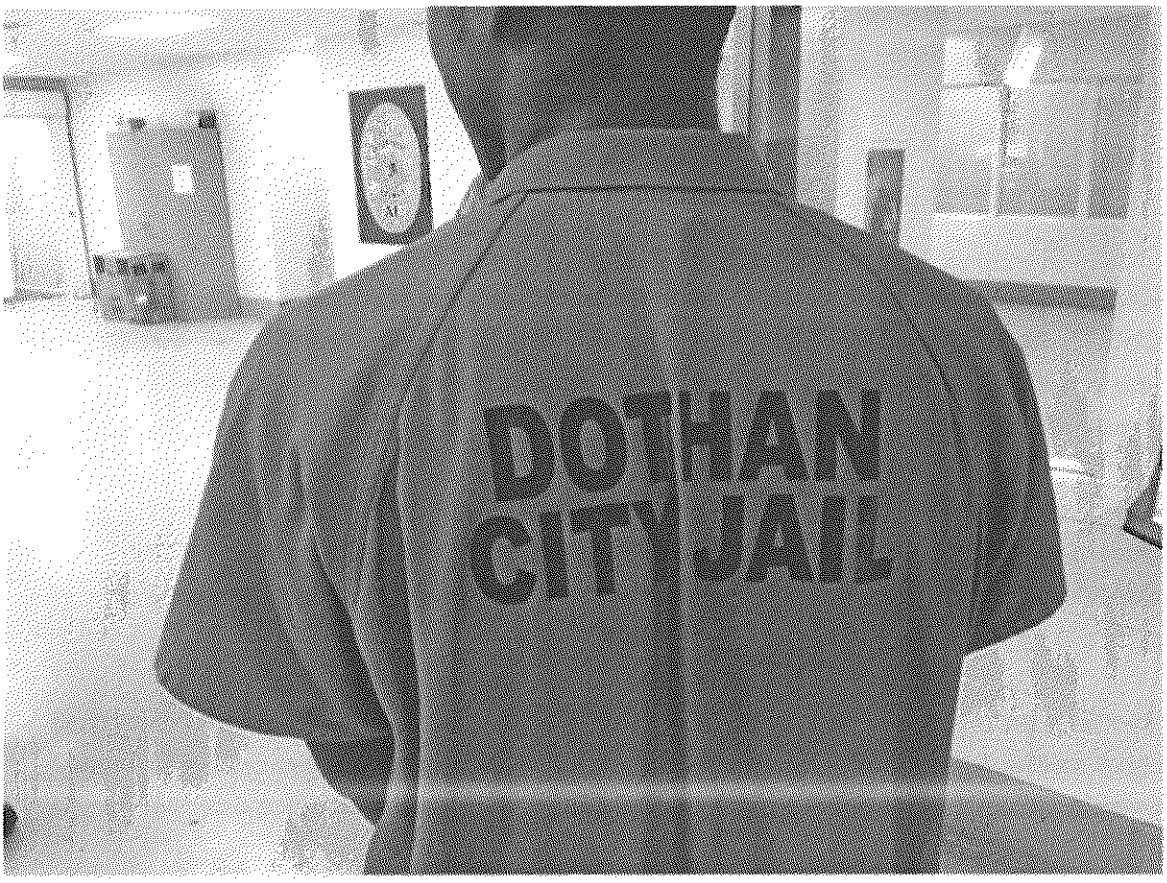
For generations, many people in Alabama believed that they permanently lost their right to vote if they were convicted of any felony. And from the Jim Crow era through President Barack Obama's two terms, Alabama has resisted national political pressure to enfranchise more people, particularly felons.

But the state constitution says that only people who are convicted of a "crime involving moral turpitude" should lose the right to vote. Anyone else retains that basic right, even people incarcerated in state prisons or local jails, who can cast absentee ballots provided they are registered to vote.

Because the vague "moral turpitude" language had never been officially clarified, each of Alabama's 67 county boards of registrars was left to individually interpret it. That meant that one county might allow a person who had been convicted of a specific felony to register to vote, while the next might bar a person who had been convicted of the same crime from doing so. That uncertainty led many felons to abstain from trying to register to vote because it was unclear whether they would be allowed to cast a ballot in a given county, according to Glasgow. The new law eliminates that uncertainty.

The Definition of Moral Turpitude Act identifies first- and second-degree burglary as crimes of moral turpitude, but not third-degree burglary. So Trawick, who grew up in Dothan but lived in Mobile at the time of his incarceration, now has the clarity he needs to know that he is eligible to register to vote in any Alabama county.

"I'm actually delighted about it, really," Trawick said Monday afternoon inside the Dothan City Jail. "A lot of people get felonies and they just feel like their whole world's shattered because there's a lot of things that you can't do, but now that they passed that law a lot of people are going to run towards it."




Dothan City Jail inmate Spencer Trawick stands inside the jail Monday afternoon. (Connor Sheets | csheets@al.com)

'Kiwis to kumquats'

Terry Lathan, chairwoman of the Alabama Republican Party, said she thinks that "many people will be shocked to find out" about some of the law's impacts.

"If you're a person that's had your house broken into, and let's say they stole your lawnmower, you're going to believe that under the definition of moral turpitude they dropped their morals by taking your stuff, but now we're going to not punish them as much?" Lathan said. "If you're the guy whose house got broken into, you're probably not going to like that."

But most Republican lawmakers and leaders across the state who spoke with AL.com about the legislation said it was aimed at clarifying the law and ensuring that no one is wrongly disenfranchised, not giving random criminals voting rights.

Responding to such concerns, Joel Blankenship, vice chairman of the Jefferson County Republican Party, said he believes "the intent behind the bill was to grant the vote back to those who should have it," not to flood the polls with hardened felons.

"To their response, I would say that there are a multitude of crimes that are considered to be a felony. And one felony does not equate another felony. Sometimes comparing one felony to another is like comparing apples to oranges, or kiwis to kumquats," Blankenship said.

"So with an issue as important as voting, we should clearly define who has that right and not give a broad interpretation or ambiguous interpretation to allow people to be disenfranchised."

Alabama Secretary of State John Merrill was instrumental in getting the new legislation - which nearly became law in 2015 and 2016 - passed. The Republican communicated its benefits to legislators and urged them to support it.

Merrill said the bill was drafted largely in response to long-unheeded concerns raised by registrars who told him they felt uncomfortable with the broad leeway they had to determine which felons were allowed to vote.

"Why did I do this? When I was campaigning I went around the state and one of the things that was repeatedly shared with me was that as registrars and election officials they don't know what a crime of moral turpitude is because different people have different interpretations," he said.

Merrill added that the law is aimed at ensuring that people are not wrongly barred from being allowed to cast a ballot.

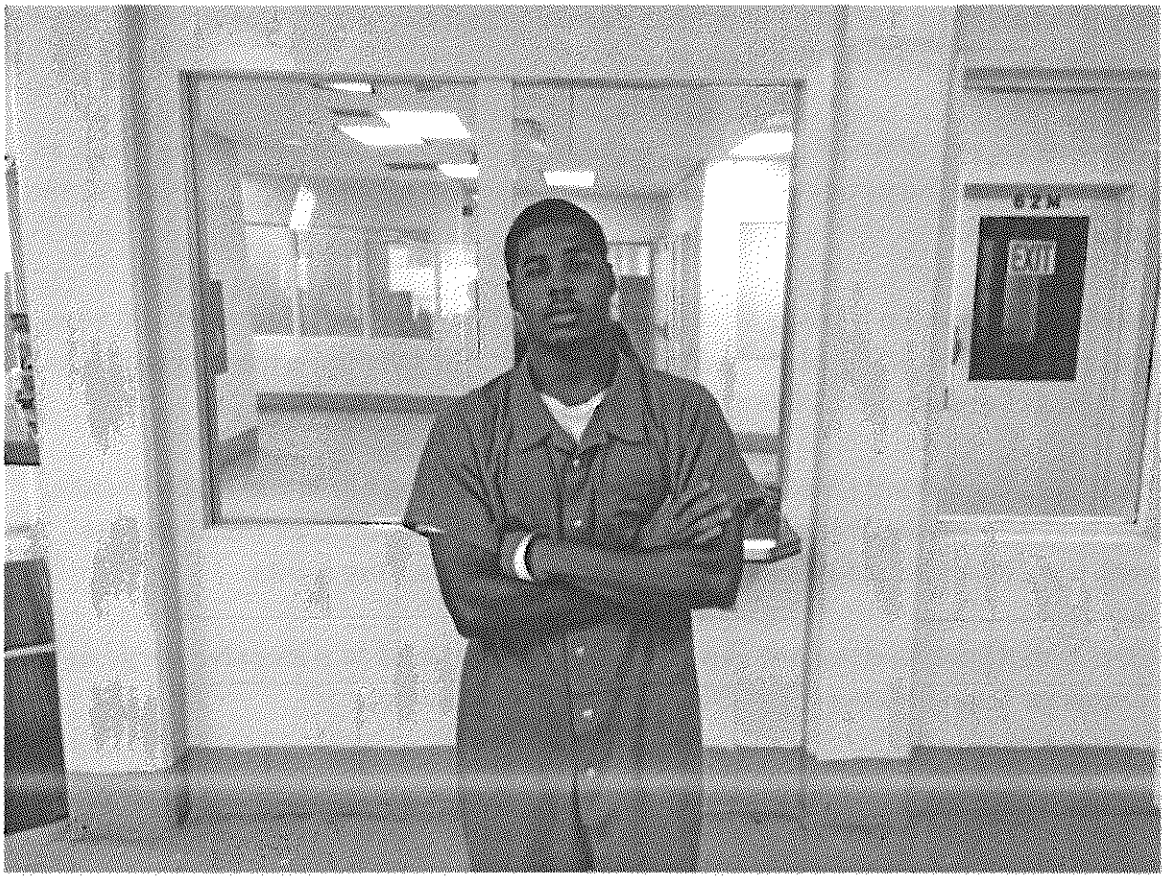
"This law clearly defined and clarified the laws that, if broken, are designated as crimes of moral turpitude without any interpretation by anyone in any role in the state," he said.

"All sins are equal in the eye of the Lord - the Bible says that. But men and women look at crimes in different ways. They don't see that stealing a penny candy from the store is the same as killing somebody."

State Sen. Cam Ward (R-Alabaster), who sponsored the bill in the state Senate, said that another key reason it was necessary was the fact that the state has been sued multiple times over its approach to felon voting rights.

Ward added that he does not expect the new law to lead to a massive surge in the number of felons taking the initiative to register to vote.

"The percentage is still small. [Even though] they can, a huge number of them never apply to vote again," Ward said. "If you talk to registrars across the state, it's a fraction of people who apply for it."




Dothan City Jail inmate Spencer Trawick stands inside the jail Monday afternoon. (Connor Sheets | csheets@al.com)

'A very clear trend'

In 2014, then-Attorney General Eric Holder pressed for felon disenfranchisement reform, saying too many states bar some or all convicted felons from voting.

"Across this country today, an estimated 5.8 million Americans ... are prohibited from voting because of current or previous felony convictions," Holder said in a February 2014 speech.

"That's more than the individual populations of 31 U.S. states. And although well over a century has passed since post-Reconstruction states used these measures to strip African-Americans of their most fundamental rights, the impact of felony disenfranchisement on modern communities of color remains both disproportionate and unacceptable."

In Alabama, 286,266 people - or 7.6 percent of the state's population - were disenfranchised as of 2016, according to The Sentencing Project, a Washington, D.C.-based criminal justice reform non-profit. There were 143,924 disenfranchised African-Americans in Alabama - 15.11 percent of the state's overall African-American population - as of last year, according to the organization.

Alabama is one of only 12 states that still permanently bars some felons from being able to vote even after they serve out their sentences, according to Danielle Lang, senior legal counsel for voting rights and redistricting at the Campaign Legal Center, a nonpartisan electoral rights advocacy outfit in Washington, D.C.

In Maine and Vermont, every single resident has the right to vote despite any criminal convictions. In 14 states plus the District of Columbia, anyone who is registered to vote can do so as long as they are not incarcerated, and in 22 other states, people regain their right to vote once they finish either parole or parole and probation, Lang said.

"There's definitely a very clear trend toward enfranchisement of people with convictions over the past 20 years nationally, that's why the circumstance is you only have 12 states with permanent disenfranchisement," she said. "That number used to be much larger."

Lang pointed out that national public opinion polling shows that Americans largely support granting felons the right to vote, but that lawmakers and officials in states including Alabama have lagged behind.

**"Public opinion surveys report that eight in ten U.S. residents support voting rights for citizens who have completed their sentence, and nearly two-thirds support voting rights for those on probation or parole," The Sentencing Project wrote in a May 2016 report, which went on to state that "24 states have modified felony disenfranchisement provisions to expand voter eligibility" since 1997.**



**Spencer Trawick is an inmate at the Dothan City Jail. (Connor Sheets | csheets@al.com)**

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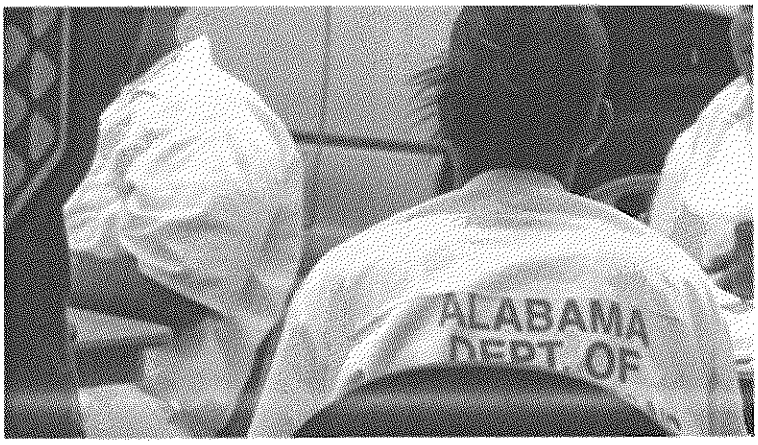
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# New Alabama law more clearly defines which felons can lose their voting rights

By wrbljoeyripley (http://wrbl.com/author/wrbljoeyripley/)
Published: June 21, 2017, 12:07 am | Updated: June 21, 2017, 12:10 am




Some Alabama inmates could reapply to regain their right to vote thanks to a recently passed law.

A new Alabama law now allows some convicted felons to earn back the right to vote (http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/15-22-36.1.htm). Alabama Gov. Kay Ivey signed he bill into law in May, reversing the more than century-old rule. While state lawmakers could not decide how to spend nearly $1 billion on prison reform, they could all agree on one thing. After 116 years, Alabama lawmakers decided it was time to let several criminals have a second chance to make their voices heard.

The defining, unanimous push behind state Sen. Mike Jones' (R-AL, District 92) bill ultimately changed a law dating back to 1901. Rep. Chris Blackshear (R-AL, District 80) says the new law specifically lists more than 40 felonies that would automatically strip criminals of voting rights.



(https://mgtvwrbl.files.wordpress.com/20

Some Alabama inmates could reapply to regain their right to vote thanks to a recently passed law.

"Look at the constitution of 1901, there really was not a definition of moral turpitude," Blackshear explained about what constituted the loss of voting rights. "It was kind of lenient and open for interpretation, which led to a lot of individuals losing their voter rights. Some would say they shouldn't have based on the crimes they committed."

Blackshear says the new law more clearly defines who, as a felon, can vote vs. who cannot.

"I truly believe in second chances for some," Blackshear said. "There are some things you do when you don't deserve second chances because it all starts with individual choices you and I make."

Waleisah Wilson spent time in prison. Now, she helps former inmates find employment and regain their footing in society once they complete their prison sentences. Wilson believes voting provides a voice to all U.S. citizens, whether they are in or out of a prison cell.

"I think every state should allow you to vote, whether you're in prison, on probation, or on parole," Wilson said. "Just because you have a felony does not mean you're a bad person. It just means you've made some poor choices."

Wilson believes keeping felons from voting limits their productivity in society. She says mass incarceration disproportionately affects minorities, a trend, she believes, that has the same message in a different envelope.

"I think there are a lot of systems put in place to remind us that we're not better off," Wilson said. "As you know, mass incarceration, the issues, and the effects of it are known as the New Jim Crow. To exclude such a large number of people out of having a political voice, to me, is just wrong."

Blackshear, meanwhile, admits no law is perfect. But he sees this new law as progress and a way for Alabama lawmakers to continue to review and evolve laws that need a fresh update.

"This makes it simple," Blackshear said. "If you break one of these, you lose your rights. If you don't, you have your voting rights."

People who committed one of the crimes of moral turpitude would have to pay restitution or fines before reapplying for the right to vote. If they committed a felony not listed in this new law, they can apply for the right to vote, even while they are still in prison. To see the new law, click: Act No. 2017-378 (Moral Turpitude). (https://mgtvwrbl.files.wordpress.com/2017/06/act-no-2017-378-moral-turpitude.pdf)

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POLITICS 06/21/2017 12:31 pm ET | Updated Jun 21, 2017

# Alabama Won't Help Disenfranchised Citizens Understand If They Can Now Vote

"I'm not going to spend state resources" on that effort, Alabama's secretary of state says.

By Sam Levine




ICON SPORTS WIRE VIA GETTY IMAGES

Alabama Secretary of State John Merrill at a 2015 rally for then-presidential candidate Ted Cruz.

After Alabama clarified a law from its white-supremacist days that now could potentially extend voting rights to thousands, the state's top election official said he's not going to make any additional effort to help those affected register or understand the changes.

In May, Alabama Gov. Kay Ivey (R) signed legislation outlining which specific felonies constituted "moral turpitude" and would disqualify someone from the right to vote. The original law, enacted in 1901, disenfranchised anyone who had committed any crime considered to involve moral turpitude — a broad definition that for much of the 20th Century was used to keep blacks off voting rolls.

The Supreme Court found the language unconstitutional in 1985, and state lawmakers altered it to apply only to felonies. But which felonies were severe enough to disenfranchise an individual remained undefined until the new law was passed.

The Southern Poverty Law Center estimated the change could affect thousands of people convicted of felonies that now won't constitute moral turpitude. Prior to the clarification last month, more than 250,000 people were disenfranchised in Alabama, which included 15 percent of the state's black population and less than 5 percent of its white population.

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to go through to get on the rolls, said Artur Davis, the executive director of Legal Services Alabama.

But Alabama Secretary of State John Merrill (R) told HuffPost he was unaware of people being wrongly told they couldn't vote. While the state will continue its usual efforts to encourage people to register to vote, Merrill said he wasn't going to make an effort to focus on those whose felony convictions will no longer disqualify them — or may not have been reason enough to block them from registering in the past.

"I'm not going to spend state resources dedicating to notifying a small percentage of individuals who at some point in the past may have believed for whatever reason they were disenfranchised," he said. "But I am going to continue to spend state resources to promote the opportunity for all citizens to determine their eligibility and to assist them in becoming registered to vote and obtaining a photo ID so they can participate in whatever level they'd like to."

Danielle Lang, a lawyer at Campaign Legal Center in Washington representing 10 plaintiffs suing the state over the moral turpitude law, said she has a growing list of people who were disenfranchised but would now be eligible to vote under the clarified law. The reason people believed they were ineligible to vote, Lang said, is that they received a letter from the state telling them that.

"This is confusion that was wrought by the state," she said. "Under this newfound definition, it turns out [some] do have the right to vote. I don't see how anyone would know that unless they're kind of legislative junkies."

> **"This is confusion that was wrought by the state."**
>
> —Danielle Lang, lawyer for the Campaign Legal Center

People affected by the new law may have to learn about it from Legal Services Alabama and the state's ACLU chapter, which will jointly hold at least three clinics this summer on the changes. The changes define fewer than 50 crimes — including murder, kidnapping and rape — as constituting moral turpitude.

Still, there's ample room for confusion. People convicted of felonies not defined as moral turpitude can apply to have their voting rights restored only if they pay paying certain fines and legal fees and meet other qualifications.

"Even though there is a new law restoring the right to vote to many people who've been disenfranchised, that right doesn't automatically restore itself," Davis said in an interview. "There has to be guidance from the state of Alabama on what the disenfranchised individual has to do to literally get back on the voter list."

Merrill said the ACLU and Legal Services Alabama were better suited to contact the people who would be affected by the new law. But Lang said federal law required the secretary of state's office to keep records of everyone who had been blocked from registering to vote, meaning Merrill could easily handle the task.

"The state created this problem by having an unconstitutional and arbitrary system of disenfranchisement," she said. They've taken a step to fix it. But when there are legal wrongs, there's a responsibility to fully remedy those harms."

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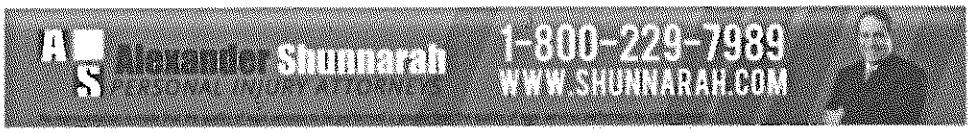
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# ALABAMA LAW COULD ALLOW MORE FELONS TO VOTE

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By Kim Chandler
Associated Press



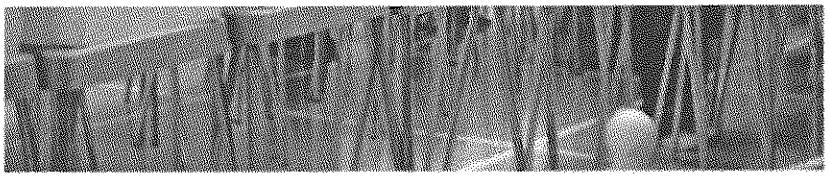

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*The Definition of Moral Turpitude Act signed by Governor Kay Ivey will restore voting rights for some Alabama felons.*

MONTGOMERY, Ala. — Alabama might allow more former felons to vote in upcoming elections after lawmakers, for the first time, approved a definitive list of what crimes will cause someone to lose their voting rights.

Alabama lawmakers last month gave final approval to legislation that defines a crime of "moral turpitude" that will cause someone to lose their voting rights. The measure, which was signed into law by Republican Gov. Kay Ivey, is aimed at ending confusion over who can, and can't vote, because of prior convictions.

The new list of 46 types of felonies includes robbery, assault, felony theft and drug trafficking but not offenses such as drug possession.

Voting rights advocates called it a "step forward" in softening the policy of blocking ballot box access for people with criminal records – and hit African-Americans particularly hard.

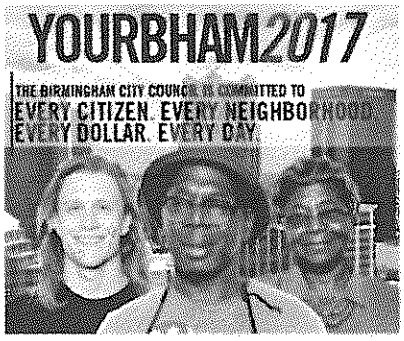
"It's like a step toward freedom after years of waiting. It's giving people their citizenship back," said the Rev. Kenneth Glasgow, who for years has fought to register people with prison records to vote.

The 1901 Alabama Constitution says people convicted of crimes involving "moral turpitude" are no longer able to vote, but didn't define the term nor list any crimes meeting the definition. Politicians for decades have squabbled for decades over what crimes should be on that list.

"What moral turpitude meant in Shelby County could have been something totally different in Talladega County," Sen. Cam Ward, R-Alabaster, said.

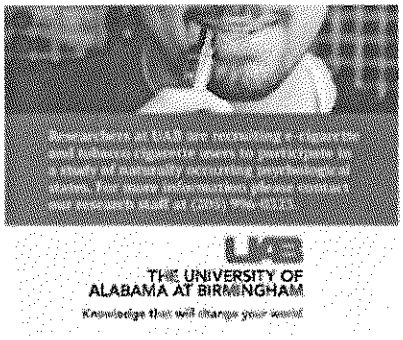
Danielle Lang, deputy director of voting rights at Campaign Legal Center, said there are still deeply troubling aspects to the state's disenfranchisement law.









"Alabama still continues to be one of only a dozen states that disenfranchises people permanently even though they have fully completed their sentence," Lang said.

People in Alabama can apply to have their voting rights restored, but must have paid their court-ordered fees and fines. "That functions as nothing more than a modern day poll tax," Lang said.

The Sentencing Project has estimated more than 260,000 people have been blocked from voting in Alabama. Nearly half of those were African-American. The prior lack of a definitive list has sowed confusion, said Secretary of State John Merrill, who praised the passage of the bill.

Yoli Taylor of Dothan was told by local registrars in 2014 that she was ineligible to vote because of a decade-old conviction for marijuana possession, even though she had voted in 2012.

Alabama's secretary of state at the time later contacted registrars to tell them that marijuana possession for personal use should not be considered a crime of moral turpitude under their interpretation of the law.

Glasgow wore his voter registration card around his neck when his voting rights were restored after he was released from prison.

It was proof, he said, he was a citizen again. "You really don't have citizenship until you have your voting rights."

Glasgow said the next step after the law's passage is education to make sure people know they can vote.

"I am going across this state and make sure each and every person who has felony— that is not on the list — that they are registered to vote," Glasgow said.

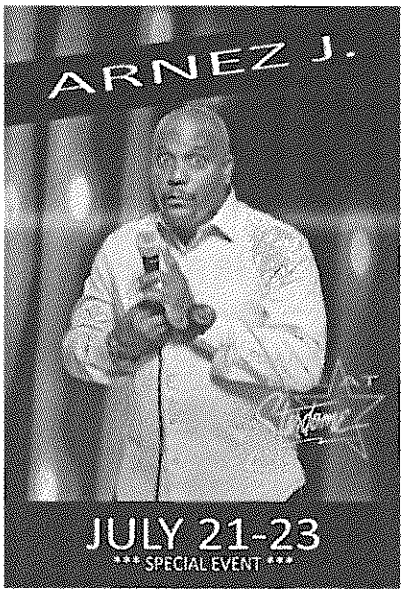
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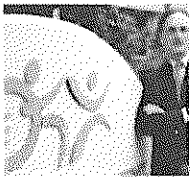
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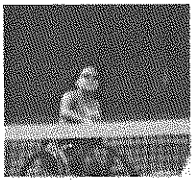
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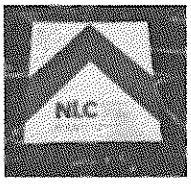
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http://www.dothaneagle.com/news/government/paul-lee-new-felony-voter-law-will-eliminate-confusion/article_05be90f4-41a0-11e7-a41e-cb604a4c97fe.html

# Paul Lee: New felony voter law will eliminate confusion

Kendall Clinton
kclinton@dothaneagle.com May 25, 2017



Rep. Paul Lee

A bill signed by Gov. Kay Ivey on Wednesday should end confusion over which felony crimes will result in the loss of a person's right to vote.

Rep. Paul Lee, R-Dothan, said the Felony Voter Disqualification Act lists specific felonies that involve crimes of "moral turpitude", a term that was never specifically defined in the past and led to confusion for boards of registrars and for judges considering whether to restore a convicted felon's voting rights.

"They're not sure whether they should sign them up to vote or not," Lee said. "That has been a problem in this state for many years."

Now there is a list to go by, which includes almost 50 felony crimes, including murder, rape, robbery, sex abuse, sodomy, and others that are defined as being crimes of moral turpitude.

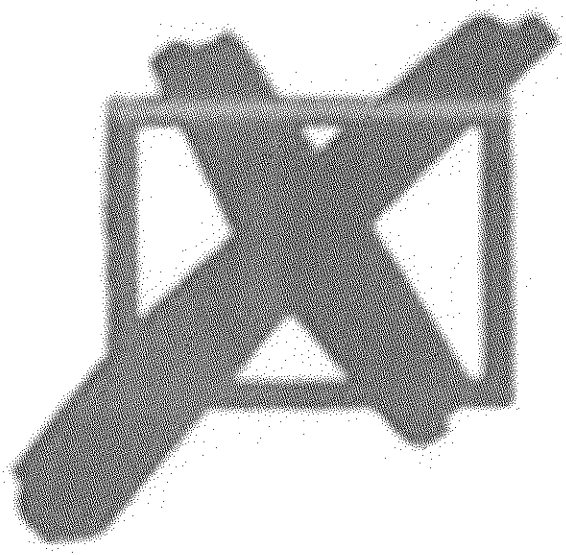
Before the bill was signed, only five felony crimes were not considered to be crimes of moral turpitude. Since moral turpitude wasn't specifically defined, some courts were allowing convicted felons to vote while other courts were denying voting rights to people convicted of the same crimes in other parts of the state. Lee said the bill, for which he voted in favor, wasn't legislation to give voting rights to convicted felons.

"We were voting to define moral turpitude," Lee said. "It defines how and if you get your voting rights back. This will hopefully clarify for the board of registrars who can register and who can not."

Lee considers the legislation to be a conservative measure that will ensure those convicted of specific felonies will lose their voting rights.

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Kendall Clinton

# New law clears up voting confusion for Alabamians with a felony

*Published: Wednesday, May 24th 2017, 10:55 pm EDT*
*Updated: Thursday, May 25th 2017, 12:30 am EDT*

MONTGOMERY, AL (WSFA) - Governor Kay Ivey signed a bill into law Wednesday that clears up confusion for some 250,000 Alabamians who currently can't vote due to a felony conviction.

There's now a list that clearly defines which felonies prohibit someone from the ballot box for life. For others, this bill could restore their voting rights, but just how many remains unclear.

If you've been convicted of a crime, the Southern Poverty Law Center breaks it down like this: your voting rights fall into one of three categories.

The first, you're permanently disenfranchised. This includes people with murder or rape convictions. The third category is for those with misdemeanors who never lost the right to vote, but the middle category, the one the law deals with, is for those who have been convicted of a felony, but there's a grey area surrounding their voting rights.

The constitution says you can lose your right to vote if you're convicted of a felony involving moral turpitude.

"Because there was no codified list or state law that said these are the crime for which you lose your right to vote, there was arbitrary application among the different registrar's office," said Shay Farley, Policy Council, Southern Poverty Law Center.

Meaning up until this point, a felon's right to vote varied county by county.

"For example marijuana possession, they might list that as a crime of moral turpitude, whereas only distribution of that drug or that substance would really be considered a crime of moral turpitude," said John Merrill, Alabama Secretary of State.

Now there's no gray area.

"Once they've made for restitution and they serve their sentence we want their voting rights restored," said Merrill.

"Anything that is not on this list, then they never lost their right to vote," said Farley.

The SPLC says statistics show 15 percent of Alabama's population can't vote due to a felony record.

"We're estimating that it will impact a few thousand people," said Farley.

But Secretary of State John Merrill disagrees.

"That's like when people tell me that there's thousands and thousands of people being disenfranchised by the photo ID component which that's not true and it's not true that there's thousands and thousands of people that are going to be affected by this legislation," said Merrill.

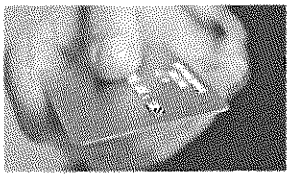
The SPLC points out the majority of Alabamians with a felony record are African American and there are very few white-collar crimes on this list so no fraud or public corruption charges listed. While this is a step forward, Farley says there's still work to be done when addressing voting rights.

Similar bills have fallen flat in years past but this year, the Definition of Moral Turpitude Act, passed both chambers of the legislature with bipartisan support.

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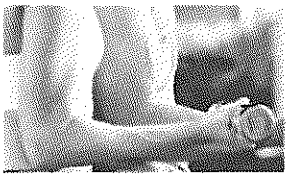

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# Which felonies disqualify voters?



(http://www.andalusiastarnews.com/author/michelegerlach/)
By Michele Gerlach (http://www.andalusiastarnews.com/author/michelegerlach/)
Email the author (mailto:michele.gerlach@andalusiastarnews.com)

Published 12:00 am Friday, March 10, 2017

**House OKs Jones' bill defining moral turpitude**

A bill sponsored by Rep. Mike Jones, R-Andalusia, the Felony Voter Disqualification Act, gained unanimous approval in the House Thursday, 102-0.



(http://www.andalusiastarnews.com/wp-content/uploads/2016/08/mike-jones-copy.jpg)At present, the Constitution says that Alabama citizens shall lose the right to vote when convicted of a crime of moral turpitude.

But, Jones said, Alabama statute has never defined moral turpitude.

"As a result, boards of registrars across the state had their own definitions of moral turpitude," he said. "We needed to make it uniform."

Basically, he said, the bill establishes the "worst of the worst" crimes as crimes of moral turpitude, including capital murder, rape, solicitation of sexual conduct with a child, human trafficking, terrorism, drug trafficking, aggravated child abuse, robbery, theft, and forgery.

"These are bad crimes, and some that nobody would ever hesitate about (calling moral turpitude). We're not talking about simple possession or DUIs.

"It does include everything involving theft from securities fraud to Theft I and Theft II," Jones said. "This would include crimes committed by the wealthy, upper class to robbing a store or stealing from a business."

A similar bill was introduced last year, but Jones said some of the laws about some of the offenses included had to be updated because technology has changed. One change was made from last year's bill, he said, and Democrats and Republicans worked on a compromise bill.

"That's what we've done, is pass a compromise bill from Republicans and Democrats," he said. "It may not be perfect, but it's why we got a 102-0 vote."

The bill is set for its second reading in the Senate next week.

"The Secretary of State has been pushing for this for a quite a while," Jones said. "It needs to be done."

"Instead of disenfranchising voters, we want to make sure those who should be are legally allowed to vote," he said.

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# Felons play a role in Alabama's electorate

Posted by Jason Johnson | Oct 19, 2016 | Cover Story | 0 |

On his block in Mobile Metro Jail, Alvarez Ruiz says his political views have made him the "sore thumb" among his cellmates — a young, black convicted felon planning to cast a vote for Donald J. Trump.

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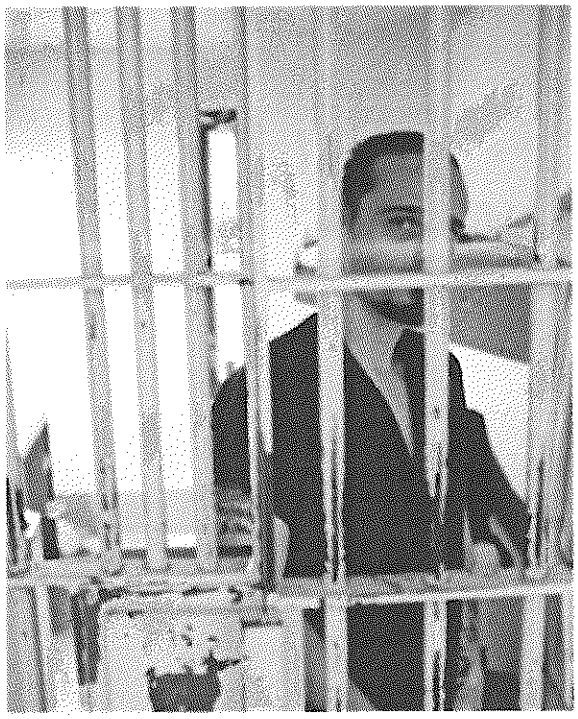
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"Why not treat this country like a business? We trade with other countries all the time, and we're losing three, four, five times as much as we're gaining," Ruiz said. "People saying, 'Well, he's racist,' but they're worrying about the wrong thing. If you're trying to make America great again, worrying about color is not going to do it."

With the election set 10 days before his scheduled release, Ruiz will have to cast his vote for the New York billionaire from behind bars via an absentee ballot. Whether his vote counts will be up to judicial officers in Mississippi, Ruiz' last state of residence.



State law will allow a handful of prisoners in Mobile Metro Jail to file absentee ballots during the Nov. 8 general election. (Daniel Anderson)

There are 38 states that automatically restore felons' voting rights following their release, but in Alabama, a recent lawsuit is challenging the constitutionality of stripping certain convicted felons of those rights long after they've served time.

According to the Alabama secretary of state's office, if a felon is registered to vote prior to their conviction, the responsibility of removing their

name from the list of eligible voters has for years fallen to each county's board of registrars.

Ex-felons can apply to the Alabama Board of Pardons and Paroles (ABPP) to have those voting rights restored, but only if they have paid all their court fines and fees. Based on ABPP's annual report, only 572 of the 2,009 felons who applied to have their voting rights restored in 2015 were successful.

The current lawsuit is being brought by Greater Birmingham Ministries on behalf of 10 convicted felons from across Alabama who have either applied to restore their voting rights and been denied or who couldn't afford to pay their outstanding court fines following their prison sentence.

However, other plaintiffs weren't even allowed to apply for the restoration of their voting rights. That's because some crimes in Alabama — those involving "moral turpitude" — permanently prevent convicted felons from voting.

**Alabama's history of "moral turpitude"**

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While Alabama's poll taxes, literacy tests and open gerrymandering in the Jim Crow era were well documented, the Yellowhammer State also ran afoul of the Voting Rights Act several times — including the 24 federal objections to state election laws proposed between 1990 and 2008.

Though the legal challenge to the current laws governing felons' voting rights includes black and white plaintiffs, it frames much of its argument with the backdrop of Alabama's history of racially discriminatory voting practices. It also specifically takes issue with the phrase "moral turpitude."

Marc Mauer is the executive director of the Sentencing Project, a Washington, D.C.-based nonprofit dedicated to a "fair and effective U.S. criminal justice system." Among the constitutions of all 50 states, the phrase "moral "turpitude" is unique to Alabama.

"There's a documented racist history behind it, but even setting that aside, the fact that you'd have such a policy with no guidance about how to interpret it leaves it open to causing all sorts of problems," Mauer said. "What is that supposed to look like in terms of equity and fairness? It's a very slippery slope to go down."



State law will allow a handful of prisoners in Mobile Metro Jail to file absentee ballots during the Nov. 8 general election. (Daniel Anderson)

It's not the first time Alabama has had issues with the phrase, either. In the 1980s, a similar lawsuit accused the state of using its legal system to subvert the black vote by disqualifying registered voters who'd been convicted of felonies involving moral turpitude — a phrase that first appeared during the state's 1901 Constitutional Convention.

Under a legal challenge, the U.S. Supreme Court agreed that "discriminatory intent motivated" the law before striking down its relevant passages. Then, in 1996, Alabama adopted new laws stripping felons of their voting rights and once again used moral turpitude as the barometer to determine which felons deserve to reclaim those rights.

Regardless of the intent, opponents say the outcome of the second law has had the same effect as its predecessor. According to the Sentencing Project, the law has "disenfranchised" more than 250,000 Alabama voters — including 15 percent of Alabama's black voting-age population.

However, another issue with the law — one the state itself has acknowledged — is that it's ambiguous and leaves the standard for revoking someone's voting rights open to interpretation by failing to clearly outline what crimes actually constitute "moral turpitude."

"In most other states, a person has their right to vote taken for a period of time, but rarely do they make distinctions between felonies," Mauer said. "If there was a clear-cut way this was supposed to happen, you would think someone would have found a piece of paper by now that describes what that is."

Officials in Alabama are still looking for that piece of paper. In fact, Secretary of State John Merrill jokingly compared the task of finding a concrete list of crimes involving moral turpitude to Ponce de León's search for the "fountain of youth."

"You don't want anything that's uncertain when it comes to people being able to vote," Merrill said. "You want it to be clear, and right now it's not as clear as it should be."

**Ambiguous laws, disparaging outcomes**

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Merrill is not the only state official that's expressed concern with the current law.

In a 2007 memo, former director of the Alabama Administrative Office of Courts' legal division Griffin Sikes said the continued use of the state's moral turpitude standard was "suspect," and went on to call its history in the state "dubious" and "ignoble."

As written, the law fails to list the specific state statutes a person would have to violate in order for

their crime to involve "moral turpitude." That has led to different interpretations from the board of registrars in Alabama's 67 counties tasked with removing felons convicted of those offenses from the state's list of eligible voters.

"It's those local judicial officers who make the interpretation as to whether somebody is eligible to vote," Merrill explained. "We do have a list published in our handbook that helps people understand what they need to follow because there's a difference in things like possession of marijuana and possession of marijuana with an intent to sell it."

Over the years, though, the issue has actually been complicated by attempts to clarify it. In 2005, an attorney general's opinion named several disqualifying crimes not listed in state law, including "income tax evasion, forgery and all crimes where fraud is an element."

In 2008, the AOC issued its own list in hopes of clarifying the process for the judicial officers in each county. However, according to the lawsuit, the AOC's interpretation is still "incongruent" with the AG opinion.

Today, one or both of those lists are reviewed and cross-referenced with the actual state statute when local registrars ultimately determine which convicted felons are removed from their respective voter rolls.

Because of that ambiguity, the lawsuit claims registrars in Alabama fail to "uniformly follow" the moral turpitude requirement. A few state legislators have even expressed concern that some registrars could interpret it to mean any felony conviction would prevent a resident from voting in the future.

"It's still not clear, and that's why we've pushed for legislation the past two sessions to address that," Merrill said. "We want to make sure everybody who's supposed to vote gets to vote."

Bills sponsored by State Rep. Mike Jones (R-Andalusia) in 2015 and 2016 aimed to create a definitive list of felony offenses that would lead to a felon's loss of the right to vote upon conviction. The list included murder, manslaughter, assault, multiple sexual crimes, burglary, several crimes related to theft, robbery, treason, forgery, unlawful distribution of controlled substances, possession with intent to distribute a controlled substance, bigamy, incest, human trafficking and terrorism-related offenses.

While that bill failed twice, lawmakers did manage to pass a 2016 law establishing a timeframe for decisions related to restoration applications through the ABPP. It also required prisons to post information about that process and clarified that outstanding fees from unrelated court cases could not prevent someone from voting.

Merrill said his office would be continuing its efforts in the Legislature. Still, he said if Jones' bill had made it to the governor's desk, Alabama might have dodged the lawsuit it's currently facing in Montgomery.

"I wish [the plaintiffs] had come together with us to help us pass that legislation so it would be clear and in place already," Merrill said. "I think our end goal is the same. We want every eligible U.S. citizen that's a resident of Alabama to register to vote, have a photo ID and vote. Period."

**Effect in Mobile**

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Mobile County's Board of Registrars has not managed to avoid the confusion caused by the current laws. Though they aren't named as defendants, the local board of registrars has a small role in the ongoing lawsuit because one of the plaintiffs is a resident of Mobile.

Following a 2014 conviction for trafficking cocaine, Mario Dion Yow — a former Mobile County constable — was removed from the list of registered voters by the Board of Registrars. However, the

complaint claims his crime "doesn't appear as a disqualifying felony" in state law, in the 2005 AG opinion or in the AOC's clarified list of disqualifying crimes.

Lagniappe reached out to Yow for comment but was unable to reach him before this publication's press deadline.

Mobile County's current registrars are Virginia Delchamps, Pat Tyrrell and Shirley Short, all of whom spoke to a Lagniappe reporter during an Oct. 17 conference call. However, the members declined to attribute their comments to any single board member.

When asked about the process used locally to remove voters who, like Yow, have supposedly been convicted of crimes of moral turpitude, one of the board members said the process "is the same statewide in every county."

"We don't make those decisions. It's based on what we get from the Board of Pardons and Paroles," another member said. "If you're just a regular voter, we enter you in, but if you come up as a felon, we have to have something from the Board of Pardons and Paroles."

Those statements, however, seem to be at odds with others from state officials. In a follow-up interview, Merrill's chief of staff, John Bennett, confirmed that the decision of determining whether a felony involves moral turpitude "truly is up to the Board of Registrars."

Again, Bennett said the discretion given to those local registrars is likely the reason state election officials have seen different standards of moral turpitude applied in different Alabama counties.

**Ballots behind bars**

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While the laws related convicted felons is unclear, current prisoners and inmates awaiting trial in

Alabama or serving time for an offense that doesn't involve moral turpitude can still vote.

They are allowed to do so using the same absentee ballot process used by other residents who can't make it to their designated polling location on election day.

However, in her career at Mobile Metro Jail, Capt. Sadie Stallworth said she hasn't ever seen a large influx of inmates looking to file absentee ballots. She also said the staff doesn't make deliberate efforts to inform inmates about the option, either.

Despite that, Stallworth said captains at the jail are willing and able to assist any inmate, should they ask.

"I've got family members that got felonies under different statutes and things like that, and their right to vote has been stripped from them. But for the most part, I'm ignorant to the system," Ruiz said. "I don't get in trouble, so when they put me in a felon uniform, I just immediately thought, 'Oh well, I can't vote no more.'"

Ruiz pleaded guilty to federal charges of misprision of justice in March because of his limited role in a drug trafficking operation.

According to court records, Ruiz agreed to ride along in a U-Haul to maintain the false image he and three other men had traveled to Mobile "to move furniture" and not drugs.

Yet, even for inmates serving time for lesser felonies and misdemeanors, there is often an assumption their right to vote has already been lost. Recently, Merrill's office sent a memo to every corrections facility in Alabama hoping to clarify.

"We told them, if somebody at your facility is supposed to vote, make sure they know they're to apply to vote by absentee ballot," Merrill said. "We want to make sure that opportunity is afforded."

That memo was sent out Sept. 30 — four days after Merrill and other state officials were named as defendants in Greater Birmingham Ministries' lawsuit. Yet, this week, Ruiz said the vast majority of inmates at Metro had no idea about the absentee ballot option. In fact, Ruiz said he wasn't aware until a captain asked him about being interviewed for this report.

Mauer said that's not uncommon in other states, either.

"Theoretically, they certainly have that right. Practically, though, they rarely get it. That's another real problem," Mauer said. "There are 700,000 people in U.S. prisons on any given day, and the vast majority are either awaiting trial for a felony conviction or serving time on a misdemeanor."

While there is only a few days until the Oct. 24 voter registration deadline, Ruiz said he still plans to file his application for an absentee ballot, and he's not the only one.

Johnny Bazzel, 34, of Semmes is currently awaiting trial after being arrested in September for distribution of a controlled substance. Unless Alabama's laws regarding moral turpitude are changed, it's likely the absentee ballot he files will be the last time he participates in this country's political system.

That last vote, he says, will be for Democratic nominee Hillary Clinton.

"Democrats, they're for the working man, for the most part," Bazzel said. "Taking from the poor and giving to the rich, that's how the Republicans do. That's just my opinion, though."

As for Ruiz, he still supports Trump, though he did express some concern over some of the recent turmoil in the GOP nominee's campaign. In all, Ruiz said, the fact he'll return home with a felony on his record makes it hard to support someone he believes skirted the law.

"Hillary committed serious felonies, and they're not even pursuing nobody," Ruiz said. "If I committed the same type of felonies, they'd forget my name. I'd be under the jail."

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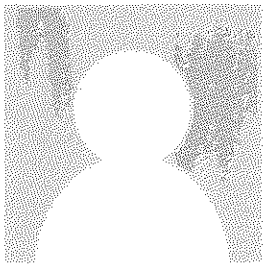
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## ABOUT THE AUTHOR



### Jason Johnson

Jason Johnson originally hails from Elba, Alabama, and graduated summa cum laude from Troy University in 2011. He's been a reporter for Lagniappe since 2014, where he covers an array of topics with a focus on county government, local courts and education. Previously, Jason worked for the Southeast Sun (Enterprise, Alabama), the Alexander City Outlook and 94.7 WTBF FM (Troy, Alabama). He's also been recognized by the Alabama Press Association with designations in general excellence, photography and education reporting. In his spare time, Jason is a guitarist and drummer who enjoys the benefit of regularly playing with musicians better than himself.

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# Committee working to restore felons' voting rights

MOON OVER MONTGOMERY (//WWW.MONTGOMERYADVERTISER.COM/BLOG/MOONBLOG/)

Josh Moon (http://www.montgomeryadvertiser.com/staff/12387/josh-moon/), Montgomery Advertiser Published 9:26 p.m. CT Jan. 23, 2016

In a meeting room in Alabama's State House on Wednesday afternoon, Pastor Kenneth Glasgow, a longtime advocate for those who have been incarcerated in the state, looked across the room at Department of Corrections Commissioner Jeff Dunn and announced, with a laugh, that they were in agreement.

That exchange came after several minutes of discussion on the intricacies of imposed court fees, but the conclusion was a microcosm of the meeting of the Voter Disenfranchisement and Restoration of Voting Rights Exploratory Committee – a mishmash of state officials, law enforcement, court workers, legislators and public advocates.

The committee has been meeting for more than five months, with a primary goal of crafting a series of bills that will restore the voting rights of some felons in the state and also define a number of vague criminal statutes.

"This is not a liberal or conservative issue," said Alabama Secretary of State John Merrill, who is leading the committee. "It's not some cutting edge thing we're doing here. We're just trying to make sure we protect the right to vote for citizens of this state.

"Right now, we have people in certain positions who are determining the eligibility of citizens to vote based on nothing more than their own interpretations of the law. That's not right. It's not fair."

Fair or not, the act of restoring the rights of some felons will undoubtedly be greeted less than favorably by some voters and those who craft political ads. But Merrill, a Republican from Tuscaloosa, said the task was worth the political risk.

"We tell these people that we want them to return to society and contribute," Merrill said. "Shouldn't we show them that we're serious about that? This is a way we can do that."

The bill being discussed by the committee would allow for those who have served their time in prison, cleared probation and paid back all restitution and court costs to reapply for voting rights. It would require parole officers to explain the process to all parolees.

Separate bills are being discussed to help define Alabama's vague felony statutes in relation to the loss of voting rights.

According to a 2005 opinion by then-attorney general Troy King, only felonies that involve "moral turpitude" can strip a person of his or her voting rights. However, as Glasgow and others relayed experiences from within the criminal justice system, two things became apparent: 1. "Moral turpitude" is defined differently by different judges, and 2. Some judges were simply applying the loss of voting rights to all felonies.

"We have people being denied the right to vote who never should've lost it," Merrill said. "It's vitally important that we clean this up."

That, of course, has been a painstaking and complicated process, as the committee members picked apart each statute and the definitions of those statutes. That has resulted in discussions over whether the state's terrorism statute was even necessary -- it hasn't convicted a single person, because almost all terrorism cases are federal crimes -- and pointing out the inconsistencies and problems with the state's drug laws.

The latter took much of the time on Wednesday, as committee sorted through the potential unintended consequences of drug laws that could result in a person who picked up their parent's controlled prescription drugs being arrested for illegal drug possession and possibly distribution – both felonies.

"I just don't think this is right," Sen. Linda Coleman said. "We are basically saying that the possession of these drugs means you're going to distribute them. That's like charging someone with attempted murder for having a gun. That needs to be better clarified."

By the end of Wednesday's meeting, the committee had approved a bill that will be introduced in the Senate by Coleman when the legislative session begins on Feb. 2. Other bills to address some of agreed-upon changes to statute definitions will also be crafted.

"I think we've made a lot of really good progress and a lot of people will be better off for this," Glasgow said. "(Merrill) has been amazing. None of this would have happened without him pushing it. It's the right thing for the state."

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# EXHIBIT B

**DECLARATION OF MOLLY DANAHY**

1. I am a lawyer with the Campaign Legal Center. I submit this Declaration in connection with the Plaintiffs' Motion for Preliminary Injunction.

2. On Thursday, June 29, 2017, I reviewed the Alabama Secretary of State website to determine whether any information had been posted to the site regarding the passage of HB 282, defining crimes of moral turpitude.

3. At that time, I found no reference to the passage of HB 282 in the section of the website announcing news from the Secretary of State's office, as evidenced in the screenshot of that section submitted as part of Exhibit E to Plaintiffs' Motion for Preliminary Injunction and included here as Exhibit B.1 to this Declaration.

4. At that time, I found no reference to the passage of HB 282 on the front page of the voter registration section of the Secretary of State website.

5. At that time, I found no reference to the passage of HB 282 in the instructions for registering to vote online via the Secretary of State website, as evidenced in the screenshot of the website submitted as part of Exhibit E to Plaintiffs' Motion for Preliminary Injunction and included here as Exhibit B.1 to this Declaration. The online registration instructions included a list of voter qualifications, but simply stated that eligible voters "must not be barred by reason of a disqualifying felony conviction."

6. At that time, I found no reference to the passage of HB 282 in relation to the links provided to the mail-in state voter registration form, or in the form itself, included as Exhibit F to Plaintiffs' Motion for Preliminary Injunction. The state form includes a list of voter qualifications, but simply states that eligible voters must "not have been convicted of a disqualifying felony, or if you have been convicted, you must have had your civil rights restored."

7. On Tuesday, July 18, 2017, I reviewed the Alabama Secretary of State website to determine whether any information had been posted to the site regarding the passage of HB 282, defining crimes of moral turpitude.

8. At that time, I found no reference to the passage of HB 282 in the section of the website announcing news from the Secretary of State's office.

9. I then navigated to the Alabama Votes website, the main page for Alabama Elections information from the Secretary of State's office. There was no reference to the passage of HB 282 on this page.

10. I then clicked on "Voter Registration" and navigated to the front page of the voter registration section of the Alabama Secretary of State website. I found no reference to the passage of HB 282 on this section of the website.

11. I then clicked on "Online Registration" and navigated to the instructions for registering to vote online. I noted a change had been made to the list of qualifications for voter registration, whereby the words "disqualifying felony conviction" are now a hyperlink. I clicked on the link, and it took me to a page listing crimes involving moral turpitude, as defined by HB 282. A true and correct copy of that page is attached here as Exhibit B.2. There were no further instructions regarding eligibility of voters with felony convictions. The page listed the effective date of the law as August 1, 2017, but did not include any other reference to the impact of HB 282.

12. I then navigated to the state mail-in voter registration form. I found no reference to the passage of HB 282 in relation to the linked form, or in the form itself.

13. I then navigated back to the main voter registration page and clicked on "Election Laws." This took me to a page listing sections of the Alabama Code dealing with elections, including Chapter 3, Article 2 governing "Qualifications of Electors." This section included links to Ala. Code § 17-3-30, stating the general qualifications by reference to Article 8 of the Alabama Constitution, and to Ala. Code § 17-3-31 regarding eligibility for the restoration of the right to vote by pardon or by grant of a Certificate of Eligibility to Register to Vote by the Board of Pardons and Paroles. This section did not include a link to Ala. Code § 17-3-30.1, the codification of HB 282 defining crimes of moral turpitude. A true and correct screenshot of the Election Laws page is included here as Exhibit B.3.

14. On Wednesday, July 19, 2107, I visited the website of the Alabama Board of Pardons and Paroles. I clicked on "Pardons and Voter Restoration." I scrolled to the bottom of the page to the section headed "Voter Rights." The contents of this section consisted of a single line stating "Notice: this website is under construction following the passage of Act 2017-378 (Felony Voter Disqualification Act)," and linking to the enrolled version of HB 282. A true and correct screenshot of the BPP page on pardons and voter restoration, and the linked version of HB 282 are included here as Exhibit B.4 to this declaration.

15. A true and correct screenshot of the Board of Pardons and Paroles "Pardons and Voter Restoration" page prior to the passage of HB 282 is included here as Exhibit B.5 to this declaration. That page had the following information regarding moral turpitude: "Please note that due to a recent Attorney General opinion, a person does not lose voting right sunless the felony conviction involves moral turpitude. Our agency has determined that Felony DUI and Possession of Drugs do not involve moral turpitude."

16. On Sunday, July 23, 2017, I reviewed the Alabama Secretary of State website to determine whether any additional information had been posted to the site regarding the passage of HB 282, defining crimes of moral turpitude. I found no changes from my review on July 18, 2017.

17. On Sunday, July 23, 2017, I also visited the "Pardons and Vote Restoration" page of the Alabama Board of Pardons and Paroles website. I noted no change from my review of this page and the linked version of HB 282 on July 19, 2017.

18. On Sunday, July 23, 2017, I also visited the "Upcoming Elections" page of the Alabama Secretary of State's website. A true and correct copy of that page is attached as Exhibit B.6.

19. On Sunday, July 23, 2017, I also visited the "Absentee Voting Information" page of the Alabama Secretary of State's website. There was no reference to the passage of HB 282 on this page. A true and correct copy of that page is attached as Exhibit B.7.

This Declaration is submitted pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed July 23, 2017.



Molly E. Danahy

# EXHIBIT B.1

Alabama Secretary of State

# Secretary of State Online Services

# Electronic Voter Registration Application

Welcome to the Alabama Electronic Voter Registration Application website.

You may use this application to submit an application for voter registration or to submit an update to your registration information.

**For any election, the last day to register to vote or update your voter registration is the 15th day prior to the election.**

To submit an application to register to vote, you must meet the following requirements:

- You must be a citizen of the United States.
- You must live in the State of Alabama.
- You must be at least 18 years of age on or before election day.
- You must not be barred from voting by reason of a disqualifying felony conviction.
- You must not have been judged "mentally incompetent" in a court of law.

You will be required to present valid photo identification when you vote at your polling place or by absentee ballot, unless exempted by law.

For questions regarding the requirements listed above and your eligibility, please Contact Us.

## Do you currently have a valid Alabama Driver's License or Non-Driver's Identification card?

In addition to the requirements listed above, you must have a valid Alabama Driver's License or valid Alabama Non-Driver's Identification card to submit an Electronic Voter Registration Application.

- If your answer is "yes", you may now begin the application process

- If your answer is "no", please click here to access the form-fillable State of Alabama Mail-In Voter Registration Form
  This form is a PDF that you can fill out on your computer, print, sign, and mail to your Board of Registrars.

To check your voter registration status or view your polling place, you may use our online voter information tool. You may also contact your county Board of Registrars.

Please remember that you are submitting an application for voter registration through this web site.

## You are not registered to vote until your County Board of Registrars reviews and approves your application!

This application requires that your browser supports both javascript and cookies. Please make sure that javascript and cookies are enabled in your browser settings.

For security purposes, please close this browser window once you complete the application process.

**Begin the Application Process**


P.O. Box 5616 Montgomery, AL 36103-5616 Phone: (334) 242-7200 Fax: (334) 242-4993



Alabama Secretary of State

# Newsroom

Home

## The Business Services Division in the Office of the Secretary of State establishes new standard for consistency and public

## UPDATE: Alabama Secretary of State Releases Names of Fair Campaign Practices Act Violators

FOR IMMEDIATE RELEASE

## Alabama Secretary of State Releases Names of Fair Campaign Practices Act Violators

**FOR IMMEDIATE RELEASE...**

Published on May 1, 2017

## service expectations

FOR IMMEDIATE RELEASE

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June 27, 2017
MONTGOMERY - Historically, the Business Services Division in the office of the Secretary of State has always processed its paperwork...

Published on June 27, 2017

June 2, 2017
MONTGOMERY - Several weeks ago Alabama Secretary of State John H. Merrill released the names of 92 campaign committees which...

Published on June 2, 2017

## Nearly 200 Years of Legislative Acts Now Available Online!

MONTGOMERY, April 21, 2017 – Secretary of State John H. Merrill announced the digitization of nearly 200…

Published on April 21, 2017

## Alabama Senate Special Election Release

FOR IMMEDIATE RELEASE

MONTGOMERY, April 18, 2017 –Alabama Governor Kay Ivey issued a proclamation today moving the date of the special election for the U.S. Senate seat vacated by U.S. …

## Alabama Secretary of State's Office Honored with Award for Mock Election

FOR IMMEDIATE RELEASE

March 21, 2017

MONTGOMERY – The Alabama Secretary of State's Office is delighted

Published on April 18, 2017

to announce that we were honored with The National Association of…

Published on March 21, 2017

## Secretary John Merrill Recognizes Steve Flowers

**Secretary Merrill awards Steve Flowers with the NASS Medallion Award**

Montgomery, AL, February 28, 2017– Secretary of State John H. Merrill is excited to announce the…

Published on February 27, 2017

## Senate Special Election

February 14, 2017

Alabama Secretary of State
Secretary Merrill Cell: 334.328.2787
Communications: 334.220.4757

MONTGOMERY - With the appointment of Senator Jeff…

Published on February 14, 2017

## Alabama State House District 67

FOR IMMEDIATE RELEASE

MONTGOMERY – The Alabama Secretary of State's Office is announcing the date of the Special General Election for House District 67. Prince Chestnutt won the…

Published on February 3, 2017

## Alabama's New Uniform Pistol Permit

State Law requires the Alabama Secretary of State's office to work in consultation with the Alabama Sheriffs Association to create a uniform pistol permit for residents of the state of...

Published on February 2, 2017

## Alabama Voter Record Refresh

The Alabama Secretary of State's Office has prepared and will soon begin to mail a voter contact post card to all 3.3 million registered voters. This mailing is being completed at the direction of...

Published on January 25, 2017

## Alabama Voter Record Refresh

The Alabama Secretary of State's Office has prepared and will soon begin to mail a voter contact post card to all 3.3 million registered voters. This mailing is being completed at the direction of...

Published on January 25, 2017

## Alabama is Open for Business

MONTGOMERY – Under the continued direction of Alabama Secretary of State John Merrill, the Secretary of State's Office has extended its 24-hour business filing successes for a total of 26 weeks (6...

## 2016 Electoral College Event

MONTGOMERY - Alabama's 2016 Electoral College Event is scheduled to take place in the Capitol's Old House Chamber on December 19, 2016. The ceremony is

## Statement on Ballot Error and Reprinting

MONTGOMERY – Today, Friday December 2, 2016 the Secretary of State's Office was updated on the final costs incurred related to the reprinting of the ballot for the November 8 General Election. ...

Published on January 11, 2017

open to the public and will…

Published on December 13, 2016

Published on December 2, 2016

## Information on Poll Watchers in Alabama

MONTGOMERY – The purpose of this release is to provide much needed information to the people of Alabama regarding poll watchers in the State of Alabama.

The Code of Alabama allows for…

Published on November 2, 2016

## Record Voter Registration Numbers In Alabama!

The deadline for Alabamians to register to vote has passed. As of today we have registered more than 584,252 making the total number of registered voters in the state a record 3,330,802…

Published on October 31, 2016

## 2016 Mock Election Results!

MONTGOMERY – Alabama's statewide Student Mock Election was held October 25th between 8 a.m. and 3 p.m. and closed with an impressive 174,125 total votes from 441 public, private,…

Published on October 28, 2016

## Casting a "Write-In" Vote Press Release

## 2016 Mock Election

MONTGOMERY - Secretary of State John Merrill reminds all

## Statement from Secretary Merrill on

This release is intended to provide much needed information regarding the proper procedures for casting a “write-in” vote. Please share this information with the public so that we can make sure to…

Published on October 28, 2016

principals, teachers, superintendents, and 4th – 12th grade students that the statewide Student Mock Election will be…

Published on October 24, 2016

## Alabama Elections and Cyber Security

MONTGOMERY - "In response to concerns that have been raised regarding the security of the voter rolls in the state of Alabama, I have asked for our election systems vendor to complete a…

Published on October 14, 2016

## Helping Businesses in Alabama

MONTGOMERY - Under the direction of Secretary John Merrill the Secretary of State’s Office has worked to more expeditiously process the large volume of business filings coming in from throughout…

## Secretary of State John H. Merrill Teams with the Legislature and Probate Judges to Ensure Voter Readiness

## Alabama Secretary of State Initiates ERIC Mailing Assistance Program

On Thursday, Secretary of State John Merrill announced that approximately 1.2 million eligible Alabamians who

Published on October 14, 2016

In an effort to ensure that eligible Alabama citizens are able to vote, Alabama's Secretary of State John H. Merrill has asked the members of the Legislature, as well as all Probate Judges to…

Published on August 1, 2016

are either not registered to vote or in need of updating voter registration…

Published on July 28, 2016

## Secretary of State John H. Merrill Teams with the Legislature and Probate Judges to Ensure Voter Readiness

In an effort to ensure that eligible Alabama citizens are able to vote, Alabama's Secretary of State John H. Merrill has asked the members of the Legislature, as well as all Probate Judges to…

## Alabama Secretary of State Releases Video Encouraging Voter Registration

On Wednesday, the Office of the Secretary of State released a video aimed at encouraging eligible U.S. citizens that are residents of Alabama to register to vote, as well as update their voter…

Published on July 27, 2016

## Student Mock Election Convention at the American Village

A Student Mock Election Convention at the American Village will be held on July 12th and 13th. Students in grades 9, 10, 11 and 12 as of the fall 2016 school year in public,…

Published on July 11, 2016

Published on July 27, 2016

## Secretary Merrill Releases Details for Business Pre-Filings

On Monday, Secretary of State John Merrill released details on the participation for electronic business filings.

Originally, domestic LLCs (limited liability companies) were only accepted...

Published on July 11, 2016

## Nation's Secretaries of State to Convene for NASS 2016 Summer Conference in Nashville, Tennessee

**WHO:** State government leaders from 40 states and the U.S. Territorial Island of Guam will gather in Nashville, Tennessee on July 14-17 for the annual summer meeting of the ...

Published on July 7, 2016

## Secretary of State John H. Merrill Teams with the Legislature and Probate Judges to Ensure Voter Readiness

In an effort to ensure that eligible Alabama citizens are able to vote, Alabama's Secretary of State John H. Merrill has asked the members of the Legislature, as well as all Probate Judges to...

Published on July 6, 2016

## Secretary of State John H. Merrill Teams with the

## Secretary John Merrill Recognizes

## Special Election Timeline for

## Legislature and Probate Judges to Ensure Voter Readiness

**MONTGOMERY** – In an effort to ensure that eligible Alabama citizens are able to vote, Alabama's Secretary of State John H. Merrill has asked the members of the Legislature, as well…

Published on June 28, 2016

## Judge John H. England, Jr.

On June 24, 2016, Secretary Merrill recognized Judge John H. England, Jr. of Tuscaloosa by awarding him the National Association of Secretaries of State (NASS) Medallion Award.

The NASS…

Published on June 24, 2016

## House District 79

On Friday, Governor Robert Bentley released a proclamation outlining the timeline to fill the vacant House District 79 seat in the Alabama House of Representatives.

House District 79,…

Published on June 17, 2016

## Secretary of State John H. Merrill Releases Searchable Digitized Acts of Alabama

Following an idea recently made by the Executive Budget Office, Secretary of

## Secretary of State John Merrill Announces Vote for Alabama App

On Thursday, Alabama Secretary of State John Merrill announced that the state of Alabama has launched efforts to

## Secretary of State John H. Merrill Teams with the Legislature and Probate Judges to Ensure Voter Readiness

State John Merrill directed his IT staff to make searchable the Acts of Alabama on the Secretary of State's website....

Published on May 27, 2016

implement a Vote for Alabama app, available to all iPhones and Androids.

...

Published on May 19, 2016

In an effort to ensure that eligible Alabama citizens are able to vote, Alabama's Secretary of State John H. Merrill has asked the members of the Legislature, as well as all Probate Judges to...

Published on May 17, 2016



**P.O. Box 5616 Montgomery, AL 36103-5616 - Phone: (334) 242-7200 - Fax: (334) 242-4993**

# EXHIBIT B.2

# CRIMES INVOLVING MORAL TURPITUDE INCLUDE:

**Listed under the Felony Voter Disqualification Act Codified as Code of Alabama (1975), section 17-3-30.1**
**Effective August 1, 2017 per Act #2017-378**

- Murder – Section 13A-5-40 (A) 1-19
- Murder (Non-Capital, Reckless, Felony Murder, etc.) – Section 13A-6-2
- Manslaughter – Section 13A-6-3 Exceptions: 13A-6-20 (A) (5) and 13A-6-21
- Assault 1st Degree – Section 13A-6-20
- Assault 2nd Degree – Section 13A-6-21
- Kidnapping 1st Degree – Section 13A-6-43
- Kidnapping 2nd Degree – Section 13A-6-44
- Rape 1st Degree – Section 13A-6-61
- Rape 2nd Degree – Section 13A-6-62
- Sodomy 1st Degree – Section 13A-6-63
- Sodomy 2nd Degree – Section 13A-6-64
- Sexual Torture – Section 13A-6-65.1
- Sexual Abuse 1st Degree – Section 13A-6-66
- Sexual Abuse 2nd Degree – Section 13A-6-67
- Sexual Abuse of a child less than 12 years old – Section 13A-6-69.1
- Enticing a child to enter a vehicle, house, etc. for immoral purposes – Section 13A-6-69
- Facilitating solicitation of unlawful sexual conduct with a child – Section 13A-6-121
- Electronic solicitation of a child – Section 13A-6-122
- Facilitating the on-line solicitation of a child – Section 13A-6-123
- Traveling to meet a child for an unlawful sex act – Section 13A-6-124
- Facilitating the travel of a child for an unlawful sex act – Section 13A-6-125
- Human Trafficking 1st Degree – Section 13A-6-152
- Human Trafficking 2nd Degree – Section 13A-6-153
- Terrorism – Section 13A-10-152
- Soliciting or providing support for an act of terrorism – Section 13A-10-153
- Hindering prosecution of terrorism – Section 13A-10-154
- Endangering the water supply – Section 13A-10-171
- Possession, manufacture, transport, or distribution of a destructive device or bacteriological weapon, or biological weapon – Section 13A-10-193
- Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age – Section 13A-10-194
- Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device – Section 13A-10-195
- Possession or distribution of a hoax device represented as a destructive device or weapon – Section 13A-10-196 (c)
- Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime – Section 13A-10-197
- Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime – Section 13A-10-198
- Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon –

Section 13A-10-199

- Possession or distribution of a destructive device or weapon intended to cause injury or destruction – Section 13A-10-200
- Treason – Section 13A-11-2
- Dissemination or public display of obscene matter containing visual depiction or persons under 17 years of age involved in obscene acts – Section 13A-12-191
- Possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts – Section 13A-12-192
- Parents or guardians permitting children to engage in production of obscene matter – Section 13A-12-196
- Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts – Section 13A-12-197
- Distribution, possession with intent to distribute, production of obscene material, or offer or agreement to distribute or produce – Section 13A-12-200.2
- Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine and methamphetamine – Section 13A-12-231
- Bigamy – Section 13A-13-1
- Incest – Section 13A-13-3
- Torture or other willful maltreatment of a child under the age of 18 – Section 26-15-3
- Aggravated child abuse – Section 26-15-3.1
- Prohibited acts in the offer, sale, or purchase of securities – Section 8-6-17
- Burglary 1st Degree – Section 13A-7-5
- Burglary 2nd Degree – 13A-7-6
- Theft of Property 1st Degree – Section 13A-8-3
- Theft of Property 2nd Degree – Section 13A-8-4
- Theft of Lost Property 1st Degree – Section 13A-8-7
- Theft of Lost Property 2nd Degree – Section 13A-8-8
- Theft of trademarks or trade secrets – Section 13A-8-10.4
- Robbery 1st Degree – Section 13A-8-41
- Robbery 2nd Degree – Section 13A-8-42
- Robbery 3rd Degree – Section 13A-8-43
- Forgery 1st Degree – Section 13A-9-2
- Forgery 2nd Degree – Section 13A-9-3
- Any crime as defined by the laws of the United States or by the laws of another state, territory, country, or other jurisdiction, which, if committed in this state, would constitute one of the offenses listed in this subsection.

# EXHIBIT B.3

# Election Laws



Title 11 - COUNTIES AND MUNICIPAL CORPORATIONS

- Title 2 PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY
  - Chapter 46 - ELECTIONS
    Article 1 General Provisions
    - Section 11-46-1 Municipalities may provide for election, compensation, bond, etc., of officers.
    - Section 11-46-2 Establishment of qualification fee for candidates for office.
    - Section 11-46-3 Primary elections by political parties and partisan elections abolished in municipalities having 300,000 inhabitants or less.
    - Section 11-46-4 Identification of electors eligible to vote; municipality, county contracts; official poll list.
    - Section 11-46-5 Date of elections in certain municipalities.
    - Section 11-46-6 Date of elections in certain Class 5 municipalities.
    - Section 11-46-7 Polling places for municipal elections in Class 1 municipalities.

- Section 11-46-8 Election of mayor and members of city council in Class 1 municipalities.
- Section 11-46-9 Election commission in Class 1 municipality.

Article 2 Elections in Certain Cities or Towns Having Mayor-Council Form of Government

- Section 11-46-20 Cities and towns governed by article; costs of elections; standard of time applicable; effect of legal holidays or closing days.
- Section 11-46-21 Time of elections; notice; assumption of duties by elected officers.
- Section 11-46-22 Notice of elections.
- Section 11-46-23 Authority and procedure for adjustment of boundary lines of wards, division of wards into voting districts, etc.
- Section 11-46-24 Designating and equipping voting places; election officials; canvass returns.
- Section 11-46-24.1 Designation of voting places in Class 8 municipalities by combination of districts and wards.
- Section 11-46-25 Ballots; statements of candidacy; withdrawal of candidacy.
- Section 11-46-26 Proceedings where only one candidate or nominee for office.
- Section 11-46-27 Appointment, compensation, etc., of election officers.
- Section 11-46-28 Polling place hours; duties of election officers; challenger; deletion of absentee voter applicants from voter list; preservation of order.
- Section 11-46-29 Appointment of election officers upon failure of others to attend polls.
- Section 11-46-30 Schools for instruction of election officials in use of voting machines; qualifications and certification of election officials.
- Section 11-46-31 Exhibition of voting machines for voter instruction and information; diagrams furnished with voting machines.
- Section 11-46-32 Election supplies.
- Section 11-46-33 Duties of clerk as to voting machines.
- Section 11-46-34 Voting booths.
- Section 11-46-35 Watchers.
- Section 11-46-36 Preparation, certification, filing, and publication of lists of qualified regular voters.
- Section 11-46-37 Preparation, etc., of lists of qualified voters upon disqualification of mayor, etc.
- Section 11-46-38 Electors to vote in wards or precincts of residence, etc.; qualifications for voting.

- Section 11-46-39 Oath and identification of voters challenged; voting procedure where paper ballots used.
- Section 11-46-40 Assistance of disabled electors generally.
- Section 11-46-41 Forms of oaths to be taken by and for challenged voters; penalty for false oath; refusal to take oath.
- Section 11-46-42 Number of electors allowed in polling place; time limit, etc., for occupation of booth.
- Section 11-46-43 Right of secret ballot; write-in voting prohibited.
- Section 11-46-44 Votes not to be counted until polls closed; disposition of poll lists and affidavits; counting of ballots.
- Section 11-46-45 Preparation of statements of vote; certification, sealing, and delivery of statements and poll lists; packaging of ballots; sealing and delivery of ballot boxes.
- Section 11-46-46 Delivery of returns, etc.; retention and destruction of ballot boxes; opening of ballot boxes.
- Section 11-46-47 Delivery, examination, and identification of keys to voting machines; examination of counters, ballots, etc.; certification as to keys, counters, and ballots; opening of machines and polls.
- Section 11-46-48 Provision of election materials and supplies; preparation of lighting facilities; posting and placement of diagrams and models.
- Section 11-46-49 Election officers for voting machines; duties.
- Section 11-46-50 Identification of voters where voting machines used; voting procedure; assistance of voters; provisional ballot.
- Section 11-46-51 Instruction of voters in use of machines; oath, etc., of disabled voters; assistance of voters.
- Section 11-46-52 Closing of polls; locking of machines; announcement of results; statements of canvass; proclamation; disposition of voting materials.
- Section 11-46-53 Voting machines to remain locked during period for filing of contests; when seals of machines may be broken; disposition of records taken from machines.
- Section 11-46-54 Designation, etc., of custodians of voting machines and keys; transportation, storage, and protection of machines.
- Section 11-46-55 Canvassing of returns and certificate of election; determination of majority; runoff elections.
- Section 11-46-55.1
- Section 11-46-56 Absentee ballots - Eligibility.
- Section 11-46-57 Absentee ballots - Casting and handling of ballots; duties and compensation of clerks, etc., generally; applicability of other laws.
- Section 11-46-58 Absentee ballots - Marking, posting, etc., of lists of applicants.
- Section 11-46-59 Offenses of mayor and other executive officers.

- Section 11-46-60 Offenses of clerks.
- Section 11-46-61 Offenses of election officers generally.
- Section 11-46-62 Offenses of inspectors.
- Section 11-46-63 Failure of returning officer to deliver statement of votes and poll list.
- Section 11-46-64 Deception of disabled voters by marker, etc.
- Section 11-46-65 Drinking of intoxicating liquors by watcher.
- Section 11-46-67 Offenses of electors.
- Section 11-46-68 Miscellaneous offenses.
- Section 11-46-69 Contest of elections - Grounds; commencement of action.
- Section 11-46-70 Contest of elections - Trial; entry of judgment.
- Section 11-46-71 Annulment of elections.
- Section 11-46-72 Procedure where election not held on day appointed.
- Section 11-46-73 Provisions of article as to offenses cumulative.
- Section 11-46-74 Use of election dates established by classification act or local act.

Article 3 Elections in Certain Cities or Towns Having Commission Form of Government

- Section 11-46-111 Assistance of disabled electors generally.
- Section 11-46-112 Forms of oaths to be taken by and for challenged voters; penalty for false oath; refusal to take oath.
- Section 11-46-113 Number of electors allowed in polling place; time limit, etc., for occupation of booth.
- Section 11-46-114 Right of secret ballot; write-in voting prohibited.
- Section 11-46-115 Votes not to be counted until polls closed; disposition of poll lists and affidavits; counting of ballots.
- Section 11-46-116 Preparation of statements of vote; certification, sealing, and delivery of statements and poll lists; packaging of ballots; sealing and delivery of ballot boxes.
- Section 11-46-117 Delivery of returns, etc., to governing body; retention and destruction of ballot boxes generally; when ballot boxes may be opened.
- Section 11-46-118 Delivery, examination, and identification of keys to voting machines; examination of ballots, counters, etc.; certification as to keys, counters, and ballots; opening of machines and polls.
- Section 11-46-119 Provision of election materials and supplies; preparation of lighting facilities; posting and placement of diagrams and models.
- Section 11-46-120 Election officers for voting machines; duties.

- Section 11-46-121 Identification of voters where voting machines used; voting procedure generally; assistance of voters generally; challenges to voters.
- Section 11-46-122 Instruction of voters in use of machines; oath, etc., of disabled voters; assistance of voters.
- Section 11-46-123 Closing of polls; locking of machines; announcement of results; statements of canvass; proclamation; disposition of voting materials.
- Section 11-46-124 Voting machines to remain locked during period for filing of contests; when seals of machines may be broken; disposition of records taken from machines.
- Section 11-46-125 Designation, etc., of custodians of voting machines and keys; transportation, storage, and protection of machines.
- Section 11-46-126 Canvassing of returns, declaration of election result, and issuance of certificate of election by board of commissioners; runoff elections.
- Section 11-46-127 Absentee ballots - Eligibility.
- Section 11-46-128 Absentee ballots - Casting and handling of ballots generally; duties of registers, clerks, etc., generally; applicability of other laws relating to absentee voting.
- Section 11-46-129 Absentee ballots - Marking, posting, etc., of lists of applicants for absentee ballots.
- Section 11-46-130 Offenses of mayors and other executive officers.
- Section 11-46-131 Offenses of clerks.
- Section 11-46-132 Offenses of election officers generally.
- Section 11-46-133 Offenses of inspectors.
- Section 11-46-134 Failure of returning officer to deliver statement of votes and poll list.
- Section 11-46-135 Deception of disabled voter by marker, etc.
- Section 11-46-136 Drinking of intoxicating liquors by watcher.
- Section 11-46-138 Offenses of electors.
- Section 11-46-139 Miscellaneous offenses.
- Section 11-46-140 Contest of elections - Grounds; commencement of action.
- Section 11-46-141 Contest of elections - Trial; entry of judgment.
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- Section 17-16-74 Compensation of witnesses.
- Section 17-16-75 Sheriffs to serve commission's writs.
- Section 17-16-76 Execution for costs.

- Chapter 17 - ELECTION OFFENSES
  - Section 17-17-1 Arrest of electors attending, going to, or returning from elections.
  - Section 17-17-2 Duty of sheriff to preserve order at elections.
  - Section 17-17-3 Neglect of duties by election official.
  - Section 17-17-4 Improper use of official authority or position for political activities.
  - Section 17-17-5 Improper use of state property, time, etc., for political activities
  - Section 17-17-6 Penalty for failure to purge disqualified electors.
  - Section 17-17-7 Officers not to compare poll list with ballot.
  - Section 17-17-8 Penalties for making false statements to board, etc.
  - Section 17-17-9 Penalties for violating the National Registration Act and the Help America Vote Act of 2002.
  - Section 17-17-10 Notice of ineligibility for appointing board; serving on board when ineligible.
  - Section 17-17-11 Failure of inspector or clerk to attend election.
  - Section 17-17-12 Consumption of intoxicating liquors during election.
  - Section 17-17-13 Suppressing nomination.
  - Section 17-17-14 Voting without registration and oath.
  - Section 17-17-15 Signing name of other person on poll list.
  - Section 17-17-16 Unlawful use of poll lists.
  - Section 17-17-17 Loitering about polling place; standing in line of voters after having voted.
  - Section 17-17-18 Disclosing votes by inspectors, clerks, etc.
  - Section 17-17-19 Deceiving elector in preparation of ballot.
  - Section 17-17-20 Inspector refusing to advise elector regarding assistants, or to allow selection thereof.
  - Section 17-17-21 Disclosing or removing ballot; interfering with or influencing elector; remaining in booth, etc.
  - Section 17-17-22 Official refusing watcher to exercise rights.
  - Section 17-17-23 Tampering with, injuring, etc., machines; misuse; unauthorized possession of keys.
  - Section 17-17-24 Changing ballots, unlawful use of absentee ballots, etc.; investigative assistance; encouraging voter participation.
  - Section 17-17-25 Failure to perform duties as to absentee voting.
  - Section 17-17-26 Preparation of absentee ballot of person in comatose or other noncommunicative state.
  - Section 17-17-27 Failure to count legal vote.

- Section 17-17-28 Failure to require proper identification; voting at multiple or unauthorized locations; liability of officials.
- Section 17-17-29 Violation of requirements for disposition of election records.
- Section 17-17-30 Failure to provide notice in contested election.
- Section 17-17-31 Failure to provide notice under Section 17-15-5.
- Section 17-17-32 Failure to provide notice under Section 17-15-6.
- Section 17-17-33 Obstruction, intimidation, etc., of voting rights of others.
- Section 17-17-34 Paying, etc., or accepting payment for vote.
- Section 17-17-36 Illegal voting or attempting to vote.
- Section 17-17-37 Illegal voting at municipal elections.
- Section 17-17-38 Bribing or attempting to influence voter.
- Section 17-17-39 Buying votes.
- Section 17-17-40 Selling votes.
- Section 17-17-41 Candidate barred by bribery.
- Section 17-17-42 Altering or changing vote of elector.
- Section 17-17-43 Disturbing elector on election day.
- Section 17-17-44 Intimidation of employee by employer.
- Section 17-17-45 Coercion of employee by officer, agent, etc., of corporation.
- Section 17-17-46 Providing false information to register to vote.
- Section 17-17-47 Assessment of unauthorized fees against candidate.
- Section 17-17-48 Unauthorized assistance to voter in preparation of ballot.
- Section 17-17-49 Failure of returning office to return ballots and election supplies.
- Section 17-17-50 Holding, participating in, etc., illegal meetings for purpose of nominating candidates or selecting delegates to convention.
- Section 17-17-51 Intoxication at polling place.
- Section 17-17-52 False or fraudulent returns.
- Section 17-17-53 Opening poll list.
- Section 17-17-54 Failure to place candidate's name, etc., on ballot.
- Section 17-17-55 Unauthorized marking of ballot, electioneering, or divulging how elector voted.
- Section 17-17-56 Penalty for violation of Chapter 13.

Title 21 - HANDICAPPED PERSONS

- Chapter 4 - ACCESSIBILITY TO AND USE OF PUBLIC BUILDINGS AND FACILITIES BY PHYSICALLY HANDICAPPED PERSONS
  Article 2 Accessibility of Registration and Polling Places

  - Section 21-4-20 Legislative intent.
  - Section 21-4-21 Definitions.
  - Section 21-4-22 Promulgation of guidelines.
  - Section 21-4-23 Registration and voting aids.
  - Section 21-4-24 Actions for injunctive relief to enforce article.

Title 28 - INTOXICATING LIQUOR, MALT BEVERAGES, AND WINE

- Chapter 2 - ELECTIONS AS TO SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN COUNTIES
  Article 1 General Provisions
    - Section 28-2-1 Procedure for elections to determine classification of counties as wet or dry counties; laws applicable in dry counties.

  Article 2 Special Method Referendum
    - Section 28-2-20 Short title.
    - Section 28-2-21 Petitioners for election under Section 28-2-1 may request election on adoption of this article; question to be asked voters.
    - Section 28-2-22 Conditions governing sale of alcoholic beverages in county and municipalities therein where majority of voters approve sale and distribution under article; penalty for violation of section.
    - Section 28-2-23 Levy and collection of tax upon sale of malt beverages by counties or municipalities permitting sale under article; disposition of proceeds from tax.
    - Section 28-2-24 Counties not authorized to conduct referenda under provisions of Section 28-2-21.
    - Section 28-2-25 Applicability of other provisions of title, etc., in county adopting article.
- Chapter 2A - ELECTIONS AS TO SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN MUNICIPALITIES
    - Section 28-2A-1 Procedure for wet or dry classification option elections.
    - Section 28-2A-1.1 Ratification and confirmation of option elections and related taxes and licenses.
    - Section 28-2A-2 Distribution of funds pursuant to Chapters 3 and 28 of Title 40.
    - Section 28-2A-3 Legislative intent.
    - Section 28-2A-4 Elections in municipalities in same county with populations of 4,000 or more.

Title 31 - MILITARY AFFAIRS AND CIVIL DEFENSE

- Chapter 13 - ILLEGAL IMMIGRATION
    - Section 31-13-28 Voter registration eligibility and requirements.

Title 36 - PUBLIC OFFICERS AND EMPLOYEES

- Chapter 14 - SECRETARY OF STATE
    - Section 36-14-18 Performance of duties under Alabama Fair Campaign Practices Act.
- Chapter 25 - CODE OF ETHICS FOR PUBLIC OFFICIALS, EMPLOYEES, ETC

- Section 36-25-1 Definitions.
- Section 36-25-4 State Ethics Commission - Duties; complaint; investigation; hearings; fees; finding of violation.
- Section 36-25-5.2 Public disclosure of information regarding officials, candidates, or spouses employed by or contracting with the state or federal government.
- Section 36-25-6 Use of contributions.
- Section 36-25-13 Actions of former public officials or public employees prohibited for two years after departure.
- Section 36-25-14 Filing of statement of economic interests.
- Section 36-25-15 Candidates required to file statements of economic interests; official to notify commission of name of candidate; failure to submit statement.
- Section 36-25-27 Penalties; enforcement; jurisdiction, venue, judicial review; limitations period.

Canons of Judicial Ethics

- Canon 6
  - Refer to Section C
- Canon 7
  - Canon 7

# Voters

- Absentee Voting
- County Election Officials
- Election Information
- Election Laws
- Elections Data
- Find Your Elected Official Map
- Find Your Polling Location
- Military/Overseas Voting
- Provisional Ballot Status
- Voter ID requirements
- Voter Registration

P.O. Box 5616 Montgomery, AL 36103-5616 - Phone: (334) 242-7200 - Fax: (334) 242-4993

# EXHIBIT B.4

# Alabama Board of Pardons and Paroles
# Pardons and Voter Rights



## Pardon Unit

**The Pardon Unit is responsible for processing investigations for Voter Rights Restoration, Pardons and Remissions of Fines and Forfeitures.**

**To make application for one of the above, an applicant may apply by one of the following methods:**

1) **Contacting the local State Probation and Parole Office in the area the applicant lives.**
2) **Contacting the Board of Pardons and Paroles by telephone and asking to speak with the Pardon Unit staff.**
3) **Contacting the Board of Pardons and Paroles in writing.**
4) **Contacting the Board of Pardons and Paroles electronically.**

**The request should include all of the following information:**

a) **Name under which convicted**
b) **True name**
c) **Sex and race**
d) **Date of birth**
e) **Social Security Number**
f) **AIS# (Alabama Prison #), if you have one**
g) **Current physical address including county**
h) **Current mailing address if different from physical address**
i) **Indicate if the conviction was a State or Federal Conviction**
j) **Home telephone number, including area code**
k) **Work or alternate telephone number, including area code**
l) **Complete list of convictions, county of convictions and year of convictions**

**NOTE: The applicant should indicate if they are only interested in voting rights or both voting rights and a pardon. If the applicant is interested in a pardon, he/s indicate if he/she needs a misdemeanor pardoned for purposes of obtaining a license (such as bonding or nursing, etc). If this is not indicated, it will be assumed tl applicant is only interested in having felony convictions pardoned.**

## Voter Rights

**NOTICE: this website is under construction following the passage of Act 2017-378 (Felony Voter Disqualification Act)**

Get Adobe Reader **Click here to download the Acrobat Reader.**

**You must have AcrobatReader installed on your PC in order to view the Felony Voter Disqualification Act. There is no charge for Acrobat Reader. When you have finished with viewing the Felony Voter Disqualification Act, use the back arrow at the top of the page to return to this screen.**

**© 2017 Alabama Board of Pardons and Paroles South Ripley Street - Montgomery, AL. 36130**
**Phone: 334.353.7771 - 334.353.8067 / Main Fax: 334.353.9400**

ACT #2017-378

HB282

178796-3

By Representative Jones

RFD: Judiciary

First Read: 21-FEB-17



ENROLLED, An Act,

To add Section 17-3-30.1 to the Code of Alabama 1975, to create the Felony Voter Disqualification Act; to establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote; and to amend Sections 17-4-3 and 17-4-4, Code of Alabama 1975, relating to voter registration lists, to provide procedures for the Board of Pardons and Paroles and the Secretary of State to follow to purge certain disqualified voters from voter registration lists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-3-30.1 is added to the Code of Alabama 1975, to read as follows:

§17-3-30.1.

(a) This section shall be known and may be cited as the Felony Voter Disqualification Act.

(b)(1) The Legislature finds and declares that:

a. Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended, provides that Alabama citizens shall lose the right to vote when convicted of a crime only if the conviction was for a felony involving moral turpitude.

b. Under general law, there is no comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote. Neither individuals with felony convictions nor election officials have a comprehensive, authoritative source for determining if a felony conviction involves moral turpitude and is therefore a disqualifying felony.

(2) The purposes of this section are:

a. To give full effect to Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

b. To ensure that no one is wrongly excluded from the electoral franchise.

c. To provide a comprehensive list of acts that constitute moral turpitude for the limited purpose of disqualifying a person from exercising his or her right to vote.

(c) For purposes of Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended, a person is disqualified to vote by reason of conviction of a felony involving moral turpitude only when convicted of any of the following offenses in a degree constituting a felony:

(1) Murder as defined in the following sections:

a. Subdivision (1) of subsection (a) of Section 13A-5-40.

b. Subdivision (2) of subsection (a) of Section 13A-5-40.

c. Subdivision (3) of subsection (a) of Section 13A-5-40.

d. Subdivision (4) of subsection (a) of Section 13A-5-40.

e. Subdivision (5) of subsection (a) of Section 13A-5-40.

f. Subdivision (6) of subsection (a) of Section 13A-5-40.

g. Subdivision (7) of subsection (a) of Section 13A-5-40.

h. Subdivision (8) of subsection (a) of Section 13A-5-40.

i. Subdivision (9) of subsection (a) of Section 13A-5-40.

j. Subdivision (10) of subsection (a) of Section 13A-5-40.

k. Subdivision (11) of subsection (a) of Section 13A-5-40.

l. Subdivision (12) of subsection (a) of Section 13A-5-40.

m. Subdivision (13) of subsection (a) of Section 13A-5-40.

n. Subdivision (14) of subsection (a) of Section 13A-5-40.

o. Subdivision (15) of subsection (a) of Section 13A-5-40.

p. Subdivision (16) of subsection (a) of Section 13A-5-40.

q. Subdivision (17) of subsection (a) of Section 13A-5-40.

r. Subdivision (18) of subsection (a) of Section 13A-5-40.

s. Subdivision (19) of subsection (a) of Section 13A-5-40.

t. Section 13A-6-2.

(2) Manslaughter as defined in Section 13A-6-3.

(3) Assault as defined in Section 13A-6-20, except for subdivision (5) of subsection (a) of Section 13A-6-20, and Section 13A-6-21.

(4) Kidnapping in the first degree as defined in Section 13A-6-43.

(5) Kidnapping in the second degree as defined in Section 13A-6-44.

(6) Rape as defined in Sections 13A-6-61 and 13A-6-62.

(7) Sodomy as defined in Sections 13A-6-63 and 13A-6-64.

(8) Sexual torture as defined in Section 13A-6-65.1.

(9) Sexual abuse as defined in Sections 13A-6-66, 13A-6-67, and 13A-6-69.1.

(10) Enticing a child to enter a vehicle for immoral purposes as defined in Section 13A-6-69.

~~(11) Soliciting a child by computer as defined in Section 13A-6-110.~~

(11) Facilitating solicitation of unlawful sexual conduct with a child as defined in Section 13A-6-121.

(12) Electronic solicitation of a child as defined in Section 13A-6-122.

(13) Facilitating the on-line solicitation of a child as defined in Section 13A-6-123.

(14) Traveling to meet a child for an unlawful sex act as defined in Section 13A-6-124.

(15) Facilitating the travel of a child for an unlawful sex act as defined in Section 13A-6-125.

(16) Human trafficking as defined in Sections 13A-6-152 and 13A-6-153.

(17) Terrorism as defined in Section 13A-10-152.

(18) Soliciting or providing support for an act of terrorism as defined in Section 13A-10-153.

(19) Hindering prosecution of terrorism as defined in Section 13A-10-154.

(20) Endangering the water supply as defined in Section 13A-10-171.

(21) Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon as defined in Section 13A-10-193.

(22) Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological weapon, or biological weapon to a person who is less than 21 years of age as defined in Section 13A-10-194.

(23) Possession, manufacture, transport, or distribution of a detonator, explosive, poison, or hoax device as defined in Section 13A-10-195.

(24) Possession or distribution of a hoax device represented as a destructive device or weapon as defined in subsection (c) of Section 13A-10-196.

(25) Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime as defined in Section 13A-10-197.

(26) Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime as defined in Section 13A-10-198.

(27) Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon as defined in Section 13A-10-199.

(28) Possession or distribution of a destructive device or weapon intended to cause injury or destruction as defined in Section 13A-10-200.

(29) Treason as defined in Section 13A-11-2.

(30) Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-191.

(31) Possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-192.

(32) Parents or guardians permitting children to engage in production of obscene matter as defined in Section 13A-12-196.

(33) Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-197.

(34) Distribution, possession with intent to distribute, production of obscene material, or offer or agreement to distribute or produce, as defined in Section 13A-12-200.2.

(35) Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine and methamphetamine as defined in Section 13A-12-231.

(36) Bigamy as defined in Section 13A-13-1.

(37) Incest as defined in Section 13A-13-3.

(38) Torture or other willful maltreatment of a child under the age of 18 as defined in Section 26-15-3.

(39) Aggravated child abuse as defined in Section 26-15-3.1.

(40) Prohibited acts in the offer, sale, or purchase of securities as defined in Section 8-6-17.

(41) Burglary as defined in Sections 13A-7-5 and 13A-7-6.

(42) Theft of property as defined in Sections 13A-8-3 and 13A-8-4.

(43) Theft of lost property as defined in Sections 13A-8-7 and 13A-8-8.

(44) Theft of trademarks or trade secrets as defined in Section 13A-8-10.4.

(45) Robbery as defined in Sections 13A-8-41, 13A-8-42, and 13A-8-43.

(46) Forgery as defined in Sections 13A-9-2 and 13A-9-3.

(47) Any crime as defined by the laws of the United States or by the laws of another state, territory, country, or

other jurisdiction, which, if committed in this state, would constitute one of the offenses listed in this subsection.

(d) Nothing in this section shall be interpreted as determining moral turpitude for any purpose other than disqualifying a person from exercising his or her right to vote.

(e) The felonies involving moral turpitude listed in subsection (c) are the only felonies for which a person, upon conviction, may be disqualified from voting. Additional felonies may be added to the list in subsection (c) only by amendment to this section.

Section 2. Sections 17-4-3 and 17-4-4 of the Code of Alabama 1975, are amended to read as follows:

"§17-4-3.

"(a) Each county board of registrars shall purge the computerized statewide voter registration list on a continuous basis, whenever it receives and confirms information that a person registered to vote in that county has died, become a nonresident of the state or county, been declared mentally incompetent, been convicted of any offense ~~mentioned in~~ designated pursuant to Section 17-3-30.1 as a felony involving moral turpitude for the purposes of Article VIII of the Constitution of Alabama of 1901 since being registered, or otherwise become disqualified as an elector. ~~A~~ Except as provided below, a person convicted of a disqualifying criminal

offense ~~must~~ shall be notified by certified mail sent to the voter's last known address of the board's intention to strike his or her name from the list. No person convicted of a disqualifying crime may be stricken from the poll list while an appeal from the conviction is pending.

"(b) On the date set in the notice, or at a later date to which the case may have been continued by the board, the board shall proceed to consider the case of the elector whose name it proposes to strike from the registration list and make its determination. Any person whose name is stricken from the list may appeal from the decision of the board without giving security for costs, and the board shall forthwith certify the proceedings to the judge of probate who shall docket the case in the probate court.

"(c) An appeal from the judge of probate shall be as appeals set forth in Section 17-3-55.

"(d) In the event the Board of Pardons and Paroles is supervising a person convicted of a disqualifying criminal offense on probation or parole, and the person has received face-to-face counseling from the supervising officer regarding voter disqualification and executed documentation explaining the loss and restoration of civil and political rights, upon receipt of the documentation, signed by the disqualified elector, the county board of registrars shall be exempt from providing notice as otherwise required by this section. The

document administered by the Board of Pardons and Paroles and to be signed by the disqualified elector shall contain the following statement: "Any person convicted of a disqualifying felony loses his or her civil and political rights, which includes the right to vote. Restoration of these rights may be applied for through the Central Montgomery Office of the Board of Pardons and Paroles, but only upon completion of the requirements of Section 15-22-36.1."

"(e) The Board of Pardons and Paroles shall provide signed documentation to county boards of registrars to indicate those persons under probation or parole supervision with the board who have been convicted of a disqualifying criminal offense and been counseled regarding voter disqualification and the restoration of civil and political rights, and may otherwise share privileged records and files with county boards of registrars for the limited purpose of implementing the requirements of this section.

"(f) When the board has sufficient evidence furnished it that any elector has permanently moved from one precinct to another within the county, it shall change the elector's precinct designation in the voter registration list, and shall give notice by mail to the elector of the precinct in which the elector is registered to vote.

"(g) The Secretary of State and the Board of Pardons and Paroles may promulgate rules in accordance with the

Alabama Administrative Procedure Act as necessary to implement this section.

"§17-4-4.

"(a) In addition to all other duties now required by law, the Office of Vital Statistics of the State Department of Public Health shall furnish to the board of registrars of the county in which such district is located, once each month, a report of the death of all persons over 18 years of age who resided in such registration district.

"(b) In addition to all other duties now required by law, the judges of probate of the several counties of this state shall furnish to the board of registrars of their respective counties, once each month, a list of all residents of the county, 18 years of age or over, who have been declared mentally incompetent.

"(c) In addition to all other duties required by law, the clerks of the circuit and district courts of this state shall furnish to the board of registrars of each county, once each month, a list of all residents of that county who have been convicted of any offense ~~mentioned in~~ designated pursuant to Section 17-3-30.1 as a felony involving moral turpitude for the purposes of Article VIII of the Constitution of Alabama of 1901. Any person who willfully fails to perform such duties shall forfeit the sum of one hundred dollars ($100) for each such failure. Such sum may be recovered in an

action by law by any citizen of the county in which the officer acts, one half to his or her own use and one half to the use of the state.

"(d) The Secretary of State and the Board of Pardons and Paroles may promulgate rules in accordance with the Alabama Administrative Procedure Act as necessary to implement this section."

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Mac McCutcheon

Speaker of the House of Representatives

Del Marsh

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 09-MAR-17, as amended.

Jeff Woodard
Clerk

Senate 17-MAY-17 Passed

**APPROVED** 5-24-2017

**TIME** 3:40 PM

Kay Ivey

**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2017-378
Bill Num...: H-282

Recv'd 05/25/17 09:31amSLF

Judy

## HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 282

YEAS 93 NAYS 1

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. _____ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

**CONFERENCE COMMITTEE**

House Conferees _____

_____

_____

## SENATE ACTION

DATE: 3-9 20 17

RD 1 RFD Judy

This Bill was referred to the Standing Committee of the Senate on

JUDY

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) ____ w/sub ____ by a vote of yeas 8 nays 0 abstain 0

this 15 day of March 20 17

_____, Chairperson

DATE: 3-15 20 17

RF FAV RD 2 CAL

DATE: 20__

RE-REFERRED ☐ RE-COMMITTED ☐

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 282

YEAS 32 NAYS 0

PATRICK HARRIS, Secretary

Case 2:16-cv-00783-WKW-CSC Document 66-2 Filed 07/24/17 Page 62 of 76

# EXHIBIT B.5

## PARDONS UNIT:

The Pardon Unit is responsible for processing investigations for Voter Rights Restoration, Pardons and Remissions of Fines and Forfeitures.

To make application for one of the above, an applicant may apply by one of the following methods:

1) Contacting the local State Probation and Parole Office in the area the applicant lives.
2) Contacting the Board of Pardons and Paroles by telephone at (334) 242-8700, choosing option 4 on the menu and then option 5 to speak with Pardon Unit Staff.
3) Contacting the Board of Pardons and Paroles in writing at P. O. Box 302405, Montgomery, Alabama 36130-2405

The request should include all of the following information:

a) Name under which convicted
b) True name
c) Sex and race
d) Date of birth
e) Social Security Number
f) AIS# (Alabama Prison #), if you have one
g) Current physical address including county
h) Current mailing address if different from physical address
i) Indicate if the conviction was a State or Federal Conviction
j) Home telephone number, including area code
k) Work or alternate telephone number, including area code
l) Complete list of convictions, county of convictions and year of convictions

**NOTE:** The applicant should indicate if they are only interested in voting rights or both voting rights and a pardon. If the applicant is interested in a pardon, he/she should indicate if he/she needs a misdemeanor pardoned for purposes of obtaining a license (such as bonding or nursing, etc). If this is not indicated, it will be assumed that the applicant is only interested in having felony convictions pardoned.

## GENERAL INFORMATION FOR VOTER RIGHTS RESTORATION:

All applicants are not eligible for voter rights restoration. To be eligible for voter rights to be restored, the applicant cannot have convictions listed below:

- Impeachment, Murder, Rape (any degree),
- Sodomy (any degree), Sexual Abuse (any degree),
- Incest, Sexual Torture,
- Enticing a Child to Enter a Vehicle for Immoral Purposes,
- Soliciting a Child by Computer,
- Production of Obscene Matter Involving a Minor,
- Production of Obscene Matter,

- Parents or Guardians Permitting Children to Engage in Obscene Matter,
- Possession of Obscene Matter,
- Possession with Intent to Distribute Child Pornography or
- Treason

In addition, the applicant must not have any pending felony cases, must not owe any court ordered monies on disqualifying cases, must not owe any supervision fees, and must not be under sentence (off of probation, parole, not incarcerated, etc).

If the applicant meets the criteria, an investigation will be completed and a voter right restoration certificate will be issued.

Please note that due to a recent Attorney General opinion, a person does not lose voting rights unless the felony conviction involves moral turpitude. Our agency has determined that Felony DUI and Possession of Drugs do not involve moral turpitude.

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# EXHIBIT B.6

# Upcoming Elections



## State Elections

| Date | Election |
|---|---|
| August 15, 2017 | Special Primary Election - U.S. Senate |
| September 26, 2017 | Special Primary Runoff Election - U.S. Senate |
| December 12, 2017 | Geneva County - Constitutional Amendment - Judge of Probate maximum age |
| December 12, 2017 | Lamar County - Constitutional Amendment - Court fees in drug cases |
| December 12, 2017 | Lamar County - Constitutional Amendment - Sales and Use Tax |

| Date | Election |
|---|---|
| December 12, 2017 | Special General Election - U.S. Senate |
| June 5, 2018 | Statewide Primary Election |
| July 17, 2018 | Statewide Primary Runoff Election |
| November 6, 2018 | Statewide General Election |

# Local Elections/Referendums

| Date | Election |
|---|---|
| August 1, 2017 | City of Dothan - Regular Municipal Election |
| August 15, 2017 | Walker County - One-Cent Sales and Use Tax |
| August 15, 2017 | Sumter County - One-Cent Sales and Use Tax |
| August 15, 2017 | Tallapoosa County - Union Volunteer Fire and Rescue District - Fire Protection Fee |
| August 22, 2017 | City of Lincoln - Sunday Alcohol Sales |
| August 22, 2017 | City of Birmingham - Regular Municipal Election |
| August 22, 2017 | City of Mobile - Regular Municipal Election |
| October 10, 2017 | City of Troy - Sunday Alcohol Sales |
| August 28, 2018 | City of Gadsden - Regular Municipal Election |

| Date | Election |
|---|---|
| August 28, 2018 | City of Huntsville - Regular Municipal Election - City Council Seats |
| August 28, 2018 | City of Mountain Brook - Municipal Election - City Council Seats |
| August 28, 2018 | City of Oneonta School Board Election - Places 2 and 4 |
| August 28, 2018 | City of Scottsboro - Municipal Election - City Council Seats |
| August 28, 2018 | City of Auburn - Regular Municipal Election |
| August 28, 2018 | City of Bessemer - Regular Municipal Election |

# Alabama Election Cycle Calendar

See below for information regarding upcoming election cycles in Alabama. In addition to the election cycle calendar, you will also find a list of Alabama State School Board districts, a list of Circuit Court Judge districts, and a list of Alabama counties with elected School Board Superintendents.

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> *2017 Election Information*
> *Alabama Election Cycle Calendar*
> *State School Board and Circuit Court Judge Districts*
> *Counties with Elected School Board Superintendents*

## Voters

- Absentee Voting
- County Election Officials
- Election Information
- Election Laws

- Elections Data
- Find Your Elected Official Map
- Find Your Polling Location
- Military/Overseas Voting
- Provisional Ballot Status
- Voter ID requirements
- Voter Registration



P.O. Box 5616 Montgomery, AL 36103-5616 - Phone: (334) 242-7200 - Fax: (334) 242-4993

# EXHIBIT B.7

# Absentee Voting Information



Here you can find answers to your questions about topics such as eligibility for an absentee ballot, applying for an absentee ballot, and casting an absentee ballot.

For statewide elections, absentee ballot applications and completed absentee ballots should be hand delivered or mailed to the Absentee Election Manager for your county. You can find the address for your county's Absentee Election Manager here.

- Absentee Ballot Application - Adobe Acrobat Format
  Please fill in all information completely and accurately
- Municipal Absentee Ballot Application - Adobe Acrobat Format
  Please fill in all information completely and accurately
- UOCAVA Application for Absentee Ballot - Adobe Acrobat Format
  Please fill in all information completely and accurately
- Emergency Absentee Ballot Application - Adobe Acrobat Format
  Please fill in all information completely and accurately

## MILITARY AND OVERSEAS VOTERS

Military and overseas voters may now choose to receive their ballots for Federal offices either electronically or by regular U.S. mail. Please click here for more information.

Alabama citizens who are members of the Uniformed Services and their family members, merchant marine, commissioned corps of the Public Health Service, the National Oceanic and Atmospheric Administration, and Alabama overseas citizens can find additional information on absentee voting here.

# Absentee Voting Eligibility

A voter may cast an absentee ballot if he or she

- WILL BE ABSENT FROM THE COUNTY on election day
- IS ILL OR HAS A PHYSICAL DISABILITY that prevents a trip to the polling place
- IS A REGISTERED ALABAMA VOTER LIVING OUTSIDE THE COUNTY, such as a member of the armed forces, a voter employed outside the United States, a college student, or a spouse or child of such a person
- IS AN APPOINTED ELECTION OFFICER OR POLL WATCHER at a polling place other than his or her regular polling place
- WORKS A REQUIRED SHIFT, 10-HOURS OR MORE, that coincides with polling hours

BUSINESS/MEDICAL EMERGENCY VOTING applications can be made after the absentee deadline but no later than 5 PM on the day before the election, if the voter:

- is required by an employer under unforeseen circumstances to be out of the county on election day for an emergency business trip, or
- has a medical emergency requiring treatment from a licensed physician

In addition to application information outlined in the next section, the business emergency application contains an affidavit acknowledging that the voter was not aware of the out-of-county business trip prior to the normal absentee ballot deadline. The medical emergency application requires that the attending physician describe and certify the circumstances as constituting an emergency.

# Absentee ballot application

To obtain an absentee ballot, write or visit the local Absentee Election Manager (usually the Circuit Clerk), request an absentee ballot, and provide the following:

- name and residential address (or other such information in order to verify voter registration)
- election for which the ballot is requested
- reason for absence from polls on election day
- party choice, if the election is a party primary. (It is not necessary to give a party choice for a general election; however, in a party primary a voter may participate in only one political party's primary; thus a choice must be designated so that the appropriate ballot can be provided. If the voter declines or fails to designate a choice for a primary or primary runoff ballot, the absentee election manager may send only the ballot for constitutional amendments.)
- address to which the ballot should be mailed
- voter signature (If a mark is made in place of a signature, it must be witnessed)

The absentee ballot application must be returned to the Absentee Election Manager by the voter in person (or by the voter's designee in the case of medical emergency voting) or by U.S. Mail. No absentee ballot application may be mailed in the same envelope as another voter's absentee ballot application.

Upon receiving the absentee ballot application, the Absentee Election Manager may request additional evidence on the reason for voting absentee if the voter has a history of absentee voting. The absentee ballot applications must turned in no later than the fifth calendar day before the election.

BALLOT RECEIPT/RETURN

If the absentee ballot application is approved, the Absentee Election Manager

- forwards the absentee ballot by U.S. Mail, or
- personally hands the absentee ballot to the voter (or to a designee in the case of emergency voting)

## Ballot Procedure

The absentee ballot comes with three envelopes -- one plain (the secrecy envelope), one with an affidavit, or oath, printed on the outside, and one plain envelope, preaddressed (the outer envelope). Once the voter casts the ballot, the procedure is as follows:

- Seal the ballot in the plain envelope
- Place the plain envelope inside the accompanying affidavit envelope
- Seal the affidavit envelope and complete the affidavit that is on the outside of the envelope
- Sign the affidavit and have the signature witnessed by either a notary public or two witnesses 18 years of age or older
- Place the affidavit envelope and a COPY of voter identification inside the outer envelope
- Remember to place a copy of your I.D. (NOT THE ORIGINAL) inside the outer envelope

WITNESSES OR NOTARIZATION

An absentee ballot cannot be counted unless the affidavit is notarized or has the signatures of two witnesses.

The voter has only the following legal ways to return the absentee ballot:

- forwards the absentee ballot by U.S. Mail, or
- personally hands the absentee ballot to the absentee election manager (or delivers by a designee in the case of emergency absentee voting)

VOTING DEADLINE

An absentee ballot returned by mail must be postmarked no later than the day prior to the election and received by the Absentee Election Manager no later than noon on election day. If hand-delivered, the ballot must be in the office of the Absentee Election Manager by the close of business (but no later than 5 p.m.) on the day prior to the election.

## Voter Resources

Military/Overseas Citizens absentee voting information

Look up your county

County election officials

## Voters

- Absentee Voting
- County Election Officials
- Election Information
- Election Laws
- Elections Data
- Find Your Elected Official Map
- Find Your Polling Location
- Military/Overseas Voting
- Provisional Ballot Status
- Voter ID requirements
- Voter Registration

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# EXHIBIT C

**DECLARATION OF MOLLY DANAHY REGARDING BIANNUAL REPORTING OF VOTER REMOVALS TO THE EAC**

1. I am a lawyer with the Campaign Legal Center. I submit this Declaration in connection with the Plaintiffs' Motion for Preliminary Injunction.

2. Attached as Exhibit C.1 is a true and correct copy of the U.S. Elections Assistance Commission 2014 Election Administration and Voting Survey instrument. In Question A11, the survey describes the data requested as "the total number of voters removed from the voter registration rolls in your jurisdiction between the close of registration for the November 2012 general election and the close of registration for the November 2014 general election." Question A11d asks for voters removed for a disqualifying felony conviction.

3. Attached as Exhibit C.2 is a true and correct copy of an excerpt from the U.S. Elections Assistance Commission 2014 Election Administration and Voting Survey Comprehensive Report . As indicated in table 4D, Alabama reported removing 14,097 voters from the registration database because of a disqualifying felony conviction between the close of registration for the November 2012 general election and the close of the registration for the November 2014 general election. Alabama also reported on the total number of voters removed from the rolls during that time period, broken out among several different categories of removals.

4. Attached as Exhibit C.3 is a true and correct copy of the 2014 Statutory Overview submitted by Ed Packard to the Elections Assistance Commission regarding changes to state election laws and procedures. In response to Question B2 about moving voters from active to inactive status, Mr. Packard notes that the change is triggered if the voter has not voted within the last four years, a policy which depends on tracking voter activity by date.

This Declaration is submitted pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed July 24, 2017.



Molly E. Danahy

# EXHIBIT C.1

# U.S. ELECTION ASSISTANCE COMMISSION

## 2014 Election Administration & Voting Survey

**The ongoing process of improving America's election systems relies in part on having accurate data about the way Americans cast their ballots. In 2002, Congress chartered the U.S. Election Assistance Commission (EAC) to collect information on the state of American elections and make it widely available to policy makers, advocates, scholars, journalists and the general public. Since 2004, the Commission has sponsored a biennial survey as its primary tool for fulfilling that mission. We are pleased to present the 2014 Election Administration and Voting Survey, and we ask for your help in making it the most complete and accurate survey in its history.**

**The questions below ask for information about ballots cast, voter registration, overseas and military voting, Election Day activities, voting technology, and other important issues. The section concerning the Uniformed and Overseas Citizens Voting Act (UOCAVA) serves as the EAC's standardized format for State reporting of UOCAVA voting information as required by 42 U.S.C. §1973ff-1. States that complete and timely submit this section to the EAC will fulfill their UOCAVA reporting requirement under 42 U.S.C. §1973ff-1(c). Additionally, EAC is mandated by the National Voter Registration Act (NVRA) to collection information from states concerning the impact of that statute on the administration of Federal elections. With this information, EAC is required to make a report to Congress and provide recommendations for the improvement of Federal and State procedures, forms, and other NVRA matters. States that timely respond to all questions in this survey concerning voter registration related matters will meet their NVRA reporting requirements under 42 U.S.C. § 1973gg-7 and EAC regulations.**

**The EAC recognizes the burden that asking for these data places on State and local election officials, and we have worked to minimize that burden as much as possible.**

**In advance, we thank you for your cooperation and look forward to answering any questions you might have.**

**Information supplied by:**

| | | | |
|---|---|---|---|
| Name | | Title | |
| Office/Agency name | | | |
| Address 1 | | | |
| Address 2 | | | |
| City | | State | Zip Code |
| E-mail address | | | |
| Telephone (area code and number) | Extension | Fax number (area code and number) | |

**Instructions for Completing the 2014 Election Administration & Voting Survey**

1. This survey collects information on election administration issues in local election offices (typically counties or townships) that are responsible for the administration of the November 2014 general election. As such, all data should be reported at the level of the local jurisdiction. However, the State or Territorial level election office may fill out any or all of the information on behalf of the local election offices under its jurisdiction.

2. Do not leave items blank - always provide an answer to the question asked using the "Data not available" or "Other" categories discussed below, if needed.

3. Use the "Data not available" box if the question asks for details that are not required by your State law or the question asks for information that is not currently collected.

4. You may find it helpful to read an entire section before answering any of the questions in that section.

5. Please attempt to record data according to the categories as they are defined in the question. If your jurisdiction uses a different data classification scheme (for instance, collects data in such a way that combines two or more categories listed in a question), you can use the space provided for "Other" to provide numbers and details on these categories. Use as many "Other" categories as you need to adequately report the relevant statistics for your jurisdiction. If you enter information into the "Other" field, please use the comments field to provide an explanation for the answer.

In the example below, the jurisdiction does not collect separate statistics on the number of duplicate and rejected registration forms, but instead has only one number that represents the total number of registration forms that are either duplicated or rejected.

**EXAMPLE:**

**A5. In order to evaluate the workflow of your office over the last election cycle, enter the total number of registration forms your jurisdiction received from all sources during the period from the close of registration for the November 2012 general election until the close of registration for the November 2014 general election.** Include here any Election Day or Same Day registrations, if applicable. Also include any special categories of voters who may have extended deadlines, such as returning military personnel, if applicable.

**A5a.** Total ..... 5000 ..... ☐ Data not available

**Next, divide the total number of registration application forms received (as entered in A5a) into the following categories.** The amounts should sum to the total provided in A4a.

| | | Data not available ▼ |
|---|---|---|
| **A5b.** New registrations | 4000 | ☐ |
| **A5c**. Invalid or rejected (other than duplicates) | | ☒ |
| **A5d.** Duplicate of existing registration | | ☒ |
| **A5e.** Changes to name, party or within-jurisdiction address change | 500 | ☐ |
| **A5f.** Moved into jurisdiction but was registered elsewhere in the State | 200 | ☐ |
| **A5g.** Other→ comments: duplicate and invalid registrations combined | 300 | |
| **A5h.** Other→ comments: _____ | | |
| TOTAL | 5000 | |

| SECTION A | VOTER REGISTRATION |
|---|---|

**EAC is mandated by the National Voter Registration Act (NVRA) to collect information from States concerning the impact of that statute on the administration of Federal elections. With this information EAC is required to make a report to Congress and provide recommendations for the improvement of Federal and State procedures, forms, and other NVRA matters. States that timely respond to all questions in this survey concerning voter registration related matters will meet their NVRA reporting requirements under 42 U.S.C. § 1973gg-7 and EAC regulations**.

**Roadmap to Section A:**

- **A1**, **A2** and **A3** ask for information about the number of registered voters in your jurisdiction and how you calculate those statistics.
- **A4** asks for information about registration activity on days in which it was possible for a person to both register and vote on the same day.
- **A5** asks for information on all registration forms for all types of registration transactions (successful and unsuccessful) received by your office.
- **A6** asks for the sources of all registration forms (both successful and unsuccessful).
- **A7** asks for the sources of new registrations.
- **A8** asks for the sources of duplicate registrations.
- **A9** asks for the sources of invalid or rejected registrations.
- **A10** asks for information on confirmation notices sent under NVRA Section 8(d) 2.
- **A11** asks for the number of voters removed from the voter registration rolls and the reason for their removal.

**A1. Enter the total number of persons in your jurisdiction who were registered and eligible to vote in the November 2014 general election.** Include all persons eligible to vote in the election including special categories of voters with extended deadlines (such as returning military). Do not include any persons under the age of 18 who may be registered under a "pre-registration" program.

A1a. Total [ ] ..... ☐ Data not available

**A1 Comments**

**A2. When you report the number of registered voters in your jurisdiction for the November 2014 general election (as in A1a) do you include both active and inactive voters in the count, or does your jurisdiction only include active voters? (Select only one)**

A2a. Jurisdiction uses both active and inactive registered voters ..... ☐

A2b. Jurisdiction only uses active registered voters ..... ☐

A2c. Other → comments: _____ ..... ☐

**A2 Comments**

**A3. Enter the total number of persons who were registered and eligible to vote in the November 2014 general election into the following categories.** Do not include any persons under the age of 18 who may be registered under a "pre-registration" program.

| | | Data not available ▼ |
|---|---|---|
| **A3a.** Active | | ☐ |
| **A3b.** Inactive | | ☐ |

**A3 Comments**

**A4. If your State's laws allowed <u>any</u> voters to register and then to vote on the same day, enter the total number of registration forms received on those days in which it was possible to both register for and vote in the November 2014 general election on the same day.** This question includes jurisdictions in States that have formal Election Day Registration or Same Day Registration and those States that have other situations that provide Election Day Registration or Same Day Registration. This question includes jurisdictions in States that permit Election Day Registration for voting for office of President, such as Alaska and Rhode Island.

**A4a.** Total new Same Day registrations… ☐ Data not available

☐ Not applicable

**A4b. Are the numbers you provided for question A4a because your State allows Election Day Registration or Same Day Registration for all voters, or does your answer come from a different circumstance?**

☐…..Yes, our State has Election Day Registration or Same Day Registration.

☐…. No, our State does not have formal Election Day Registration or Same Day Registration, but some voters were able to register and vote on the same day for the 2014 election.

☐…. Other → comments: _____

☐…. Not applicable.

**A4 Comments**

**A5. In order to evaluate the workflow of your office over the last election cycle, enter the total number of forms your jurisdiction received from all sources during the period from the close of registration for the November 2012 general election until the close of registration for the November 2014 general election.** Include any forms that were processed, such as changes to name, party or address, duplicates, or pre-registrations. Include here any Election Day or Same Day registrations, if applicable. Also include any special categories of voters who may have extended deadlines such as returning military personnel, if applicable.

**A5a.** Total ..... ☐ Data not available

**Next, divide the total number of registration application forms received (as entered in A5a) into the following categories.** The amounts should sum to the total provided in A5a.

| | | Data not available ▼ |
|---|---|---|
| **A5b.** New valid registrations (excluding pre-registrations of persons under 18) | | ☐ |
| **A5c.** New "pre" registrations of persons under age 18 | | ☐ |
| **A5d.** Duplicate of existing valid registration | | ☐ |
| **A5e.** Invalid or rejected (other than duplicates) | | ☐ |
| **A5f.** Changes to name, party or within-jurisdiction address change | | ☐ |
| **A5g.** Address changes that cross jurisdiction borders | | ☐ |
| **A5h.** Other → comments: _____ | | |
| **A5i.** Other → comments: _____ | | |
| **A5j.** Other → comments: _____ | | |
| **A5k.** Other → comments: _____ | | |
| **A5l.** Other → comments: _____ | | |
| TOTAL | **A5a** | |

**A5 Comments**

**A6a through A6o: Divide the total number of all registration forms received (as entered in A5a) into the following sources.**
**A7a through A7o: Divide the total number of new registration forms received (as entered in A5b) into the following sources.**
**A8a through A8o: Divide the total number of duplicate registration forms received (as entered in A5d) into the following sources.**
**A9a through A9o: Divide the total number of invalid or rejected registration forms (as entered in A5e) received into the following sources.**

***Sub-question "e" should include all forms handled through the public assistance agency process (i.e., paper, online).**

| | *(from A5a)* | | *(from A5b)* | | *(from A5d)* | | *(from A5e)* | |
|---|---|---|---|---|---|---|---|---|
| | **A6. Total forms received** | Data not available ▼ | **A7. New registrations** | Data not available ▼ | **A8. Duplicate of existing registrations** | Data not available ▼ | **A9. Invalid or rejected** | Data not available ▼ |
| **a.** Individual voters submitting applications by mail, fax, or email | | ☐ | | ☐ | | ☐ | | ☐ |
| **b.** Individual voters registering in person at the election/registrar's office | | ☐ | | ☐ | | ☐ | | ☐ |
| **c.** Individual voters submitting registration forms via the Internet | | ☐ | | ☐ | | ☐ | | ☐ |
| **d.** Motor vehicle offices or other offices that issue drivers licenses | | ☐ | | ☐ | | ☐ | | ☐ |
| **e.*** Public assistance offices mandated as registration sites under NVRA | | ☐ | | ☐ | | ☐ | | ☐ |
| **f.** State funded agencies primarily serving persons with disabilities | | ☐ | | ☐ | | ☐ | | ☐ |
| **g.** Armed forces recruitment offices | | ☐ | | ☐ | | ☐ | | ☐ |
| **h.** Other agencies designated by the State not mandated by NVRA | | ☐ | | ☐ | | ☐ | | ☐ |
| **i.** Registration drives from advocacy groups or political parties | | ☐ | | ☐ | | ☐ | | ☐ |
| **j.** Other → comments: _____ | | | | | | | | |
| **k.** Other → comments: _____ | | | | | | | | |
| **l.** Other → comments: _____ | | | | | | | | |
| **m.** Other → comments: _____ | | | | | | | | |
| **n.** Other → comments: _____ | | | | | | | | |
| **o.** Other → comments: _____ | | | | | | | | |
| TOTAL | **A5a** | | **A5b** | | **A5d** | | **A5e** | |

**A6, A7, A8, and A9 Comments**

**A10. Enter the total number of confirmation notices sent to voters in the period between the close of registration for the November 2012 general election and the close of registration for the November 2014 general election because either 1) there is an indication that the registrant no longer resides in the registrar's jurisdiction, or 2) the voter has not voted or appeared to vote in a Federal election during the period.**

**A10a.** Total ..... ☐ Data not available

**Next, divide the total number of confirmation notices mailed (as entered in A10a) into the following categories.** The amounts should sum to the total provided in A10a.

| | | Data not available ▼ |
|---|---|---|
| **A10b.** Received back from voters confirming registration | | ☐ |
| **A10c.** Received back confirming registration should be invalidated | | ☐ |
| **A10d.** Returned back as undeliverable | | ☐ |
| **A10e.** Status unknown (neither received confirmation nor returned undeliverable) | | ☐ |
| **A10f.** Other → comments: _____ | | |
| **A10g.** Other → comments: _____ | | |
| **A10h.** Other → comments: _____ | | |
| TOTAL | **A10a** | |

**A10 Comments**

**A11. Enter the total number of voters removed from the voter registration rolls in your jurisdiction in the period between the close of registration for the November 2012 general election and the close of registration for the November 2014 general election.** Note this question asks for those ineligible to vote, not merely those moved into an "inactive" status.

**A11a.** Total [ ] ☐ Data not available

**Next, divide the total number of voters removed (as entered in A11a) into the following categories.** The amounts should sum to the total provided in A11a.

| | | Data not available ▼ |
|---|---|---|
| **A11b.** Moved outside jurisdiction | [ ] | ☐ |
| **A11c.** Death | [ ] | ☐ |
| **A11d.** Disqualifying felony conviction | [ ] | ☐ |
| **A11e.** Failure to respond to notice sent and failure to vote in the two most recent Federal elections | [ ] | ☐ |
| **A11f.** Declared mentally incompetent | [ ] | ☐ |
| **A11g.** Voter requested to be removed for reasons other than felony conviction, mental status, or moved outside jurisdiction | [ ] | ☐ |
| **A11h.** Other → comments: _____ | [ ] | |
| **A11i.** Other → comments: _____ | [ ] | |
| **A11j.** Other → comments: _____ | [ ] | |
| **A11k.** Other → comments: _____ | [ ] | |
| TOTAL | **A11a** | |

**A11 Comments**

**SECTION B UNIFORMED & OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)**

**For 2014, Section B includes the FVAP Post-Election Voting Survey of Local Election Officials. EAC incorporated these questions for the States' reporting of UOCAVA voting information as required by 42 U.S.C. §1973ff-1. States that complete and timely submit this section to the EAC will fulfill their UOCAVA reporting requirement under 42 U.S.C §1973ff-1(c).**

**Pursuant to UOCAVA, this section collects various data elements needed to determine: (1) the combined number of absentee ballots transmitted to UOCAVA voters; (2) the combined number of ballots returned by UOCAVA voters; and (3) the combined number of returned ballots cast by UOCAVA voters (the number of cast ballots is practically determined by collecting data concerning the total votes counted and rejected).**

**Roadmap to Section B:**

- **B1 and B2** ask for information about the number and type of UOCAVA absentee ballots transmitted.
- **B3** asks for the number and type of all UOCAVA ballots returned and submitted for counting.
- **B4, B5, B6, and B7** ask for information on the type of UOCAVA ballot returned by type of UOCAVA voter.
- **B8** asks for the number and type of all UOCAVA ballots counted.
- **B9, B10, B11, and B12** ask for information on the type of UOCAVA ballot counted by type of UOCAVA voter.
- **B13** asks for the number and type of all UOCAVA ballots rejected.
- **B14** asks for information on reasons why UOCAVA ballots were rejected.
- **B15, B16, B17, and B18** ask for information on the type of UOCAVA ballot rejected by type of UOCAVA voter.
- **B19** asks for information about the number and type of registered and eligible UOCAVA voters.
- **B20, B21, and B22** ask for information concerning the Federal Post Card Applications (FPCAs).
- **B23** asks about the date when transmission of absentee ballots to UOCAVA voters began for the November election cycle.
- **B24** asks about UOCAVA ballots transmitted by mode of transmission.
- **B25** asks about transmitted UOCAVA ballots that were returned as undeliverable by transmission mode.
- **B26 and B27** ask about UOCAVA ballots returned by voters, **excluding Federal Write-In Absentee Ballots (FWABs).**
- **B28** and **B29** ask about UOCAVA ballots returned by voters and rejected, **excluding FWABS.**
- **B30** asks about UOCAVA ballots counted by mode of transmission, **excluding FWABS.**
- **B31, B32, B33, B34,** and **B35** ask for information about FWABs.

**B1. Enter the total number of absentee ballots transmitted to UOCAVA voters for the November 2014 general election.**

**B1a.** Total _____ ☐ Data not available

**Next, divide the total number of absentee ballots transmitted to UOCAVA voters (as entered in B1a) into the following categories.** The amounts should sum to the total provided in B1a.

| | | Data not available ▼ |
|---|---|---|
| **B1b.** Uniformed services voters – domestic or foreign | | ☐ |
| **B1c.** Non-military/civilian overseas voters | | ☐ |
| **B1d.** Other → comments: _____ | | |
| **B1e.** Other → comments: _____ | | |
| TOTAL | B1a | |

**B1 Comments**

**B2. Of the UOCAVA absentee ballots transmitted (as entered in B1a) how many were:**

| | | Data not available ▼ |
|---|---|---|
| **B2a.** Returned by voter and submitted for counting (include both those that were counted and those that were rejected) | | ☐ |
| **B2b.** Returned as undeliverable | | ☐ |
| **B2c.** Spoiled or replaced ballots | | ☐ |
| **B2d.** Status unknown (neither returned undeliverable nor returned from voter) | | ☐ |
| **B2e.** Other → comments: _____ | | |
| **B2f.** Other → comments: _____ | | |
| **B2g.** Other → comments: _____ | | |
| TOTAL | B1a | |

**B2 Comments**

**B3. Enter the total number of all UOCAVA ballots (including regular UOCAVA absentee ballots and Federal Write-in Absentee Ballots (FWABs)) returned by UOCAVA voters and submitted for counting for the November 2014 general election.** Please include both those ballots that were later counted and those that were rejected. Do not include ballots that were returned undeliverable.

B3a. Total _____ ☐ Data not available

**B3 Comments**

**B4a through B4c. Divide the total number of UOCAVA ballots returned by UOCAVA voters and submitted for counting (as entered in B3) into each category of UOCAVA voter below.**

**Next, for each type of UOCAVA voter, enter the number of:**

- **B5a through B5c: Regular UOCAVA absentee ballots returned and submitted for counting.**
- **B6a through B6c: FWAB returned and submitted for counting.**
- **B7a through B7c: Other type of ballots returned and submitted for counting.**

| | | | *Of the total UOCAVA ballots returned (as entered in B3a), how many were ballots of each of the following ballot types:* | | | | | |
|---|---|---|---|---|---|---|---|---|
| | **B4. All UOCAVA ballots** | | **B5. Absentee ballots** | | **B6. FWAB** | | **B7. Other type of ballot →** | |
| | | Data not available ▼ | | Data not available ▼ | | Data not available ▼ | | Data not available ▼ |
| **Type of UOCAVA voter:** | | | | | | | | |
| **a.** Uniformed services voters – domestic or foreign | | ☐ | | ☐ | | ☐ | | ☐ |
| **b.** Non-military/civilian overseas voters | | ☐ | | ☐ | | ☐ | | ☐ |
| **c.** Other type of voter→ | | | | | | | | |
| comments: _____ | | | | | | | | |
| TOTAL | B3a | | | | | | | |

**B4, B5, B6, and B7 Comments**

**B8. Enter the total number of all UOCAVA ballots (including regular UOCAVA absentee ballots and FWAB) counted in the November 2014 general election.**

B8a. Total ..... ☐ Data not available

**B8 Comments**

**B9a through B9c. Divide the total number of UOCAVA ballots counted (as entered in B8) into each category of UOCAVA voter below.**

**Next, for each type of UOCAVA voter, enter the number of:**

- **B10a through B10c: Regular UOCAVA absentee ballots counted.**
- **B11a through B11c: FWAB counted.**
- **B12a through B12c: Other type of ballots counted.**

| Type of UOCAVA voter: | B9. All UOCAVA ballots | | *Of the total UOCAVA ballots counted (as entered in B8a), how many were ballots of each of the following ballot types:* B10. Absentee ballots | | B11. FWAB | | B12. Other type of ballot → | |
|---|---|---|---|---|---|---|---|---|
| | | Data not available ▼ | | Data not available ▼ | | Data not available ▼ | | Data not available ▼ |
| **a.** Uniformed services voters – domestic or foreign | | ☐ | | ☐ | | ☐ | | ☐ |
| **b.** Non-military/civilian overseas voters | | ☐ | | ☐ | | ☐ | | ☐ |
| **c.** Other type of voter → comments: _____ | | ☐ | | ☐ | | ☐ | | ☐ |
| TOTAL | **B8a** | | | | | | | |

**B9, B10, B11 and B12 Comments**

**B13. Enter the total number of UOCAVA ballots (including regular UOCAVA absentee ballots and FWAB) rejected in the November 2014 general election.**

B13a. Total ..... ☐ Data not available

**B13 Comments**

**B14. Please divide the total number of all UOCAVA ballots rejected (as entered in B13a) into the following categories indicating the reason the absentee ballots were rejected.** The amounts should sum to the total provided in B13a.

| | | Data not available ▼ |
|---|---|---|
| **B14a.** Ballot not received on time/missed deadline. | | ☐ |
| **B14b.** Problem with voter signature | | ☐ |
| **B14c.** Ballot lacked a postmark | | ☐ |
| **B14d.** Other → comments: _____ | | |
| **B14e.** Other → comments: _____ | | |
| **B14f.** Other → comments: _____ | | |
| TOTAL | **B13a** | |

**B14 Comments**

**B15a through B15c. Divide the total number of UOCAVA ballots rejected (as entered in B13a) into each category of UOCAVA voter below.**

**Next, for each type of UOCAVA voter, enter the number of:**

- **B16a through B16c: Regular UOCAVA absentee ballots rejected.**
- **B17a through B17c: FWAB rejected.**
- **B18a through B18c: Other type of ballots rejected.**

| | | | *Of the total UOCAVA ballots rejected (as entered in B13), how many were ballots of each of the following ballot types:* | | | | | |
|---|---|---|---|---|---|---|---|---|
| | **B15. All UOCAVA ballots** | | **B16. Absentee ballots** | | **B17. FWAB** | | **B18. Other type of ballot →** | |
| | | Data not available ▼ | | Data not available ▼ | | Data not available ▼ | | Data not available ▼ |
| **Type of UOCAVA voter:** | | | | | | | | |
| **a.** Uniformed services voters – domestic or foreign | | ☐ | | ☐ | | ☐ | | ☐ |
| **b.** Non-military/civilian overseas voters | | ☐ | | ☐ | | ☐ | | ☐ |
| **c.** Other type of voter → comments _____ | | | | | | | | |
| TOTAL | **B13a** | | | | | | | |

**B15, B16, B17, and B18 Comments**

**B19. Enter the total number of registered and eligible voters in your jurisdiction who were covered by UOCAVA in the November 2014 General Election.**

**B19a.** Total [ ] ☐ Data not available

**Next, divide the total number of registered and eligible UOCAVA voters (as entered in B19a) into the following categories.** The amounts should sum to the total provided in B19a.

| | | Data not available |
|---|---|---|
| **B19b.** Uniformed services voters – domestic or foreign | | ☐ |
| **B19c.** Non-military/civilian overseas voters | | ☐ |
| **B19d.** Other → comments: _____ | | |
| **B19e.** Other → comments: _____ | | |
| TOTAL | **B19a** | |

**B19 Comments**

**B20. Enter the total number of Federal Post Card Applications (FPCAs) received from UOCAVA voters for the November 2014 General Election.**

**B20a.** Total [ ] ☐ Data not available

**Next, divide the total number of FPCAs received from UOCAVA voters into the following categories.** The amounts should sum to the total provided in B20a.

| | | Data not available |
|---|---|---|
| **B20b.** Uniformed services voters – domestic or foreign | | ☐ |
| **B20c.** Non-military/civilian overseas voters | | ☐ |
| **B20d.** Other → comments: _____ | | |
| **B20e.** Other → comments: _____ | | |
| TOTAL | **B20a** | |

**B21. Of the total number of Federal Post Card Applications (FPCAs) that your jurisdiction received as reported in B20a, how many were rejected for the following groups?**

| | | Data not available |
|---|---|---|
| **B21a.** Uniformed services voters – domestic or foreign | | ☐ |
| **B21b.** Non-military/civilian overseas voters | | ☐ |
| **B21c.** Other → comments: _____ | | |
| **B21d.** Other → comments: _____ | | |
| **B21e.** TOTAL | | |

**B22. Of the total number of Federal Post Card Applications (FPCAs) that were rejected (as reported in B21e), how many were rejected because they were received after the absentee ballot request deadline?**

**B22a.** Total ☐ ..... ☐ Data not available

**B20, B21, and B22 Comments**

**B23. Enter the date your jurisdiction first started transmitting absentee ballots to UOCAVA voters for the November 2014 election.** *Please provide the exact date your jurisdiction began mailing the ballots. If you do not know the exact date, please enter an approximate date, and select "Approximate" in the box below.*

| Month | Day | Approximate |
|---|---|---|
| | | ☐ |

**B23 Comments**

**B24. How many UOCAVA absentee ballots did your jurisdiction transmit to UOCAVA voters using the following modes of transmission, before and after the 45-day deadline?**

| | a. Postal mail | | b. Email | | c. Other | |
|---|---|---|---|---|---|---|
| | | Date not available ▼ | | Date not available ▼ | | Date not available ▼ |
| **a.** Sent **ON OR BEFORE** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| **b.** Sent **AFTER** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| TOTAL (All UOCAVA voters) | | | | | | |

**B24 Comments**

**B25. Of the total number of UOCAVA absentee ballots transmitted how many were returned as undeliverable by the following modes of transmission:**

| | | Data not available ▼ |
|---|---|---|
| **B25a.** Postal mail | | ☐ |
| **B25b.** Email | | ☐ |
| **B25c.** Other | | ☐ |
| TOTAL | | |

**B25 Comments**

**B26. How many UOCAVA absentee ballots were received for the November 2014 general election?** *Please EXCLUDE Federal Write-In Absentee Ballots (FWABs) from your totals.*

**B26a.** Total UOCAVA absentee ballots excluding FWABS ☐ Data not available

**Next, divide the total number of UOCAVA absentee ballots received (as entered in B26a) into the following categories.** *Please EXCLUDE Federal Write-In Absentee Ballots (FWABs) from your totals.* The amounts should sum to the total provided in B26a.

| | | Data not available ▼ |
|---|---|---|
| **B26b.** Uniformed services voters – domestic or foreign | | ☐ |
| **B26c.** Non-military/civilian overseas voters | | ☐ |
| **B26d.** Other → comments: _____ | | |
| **B26e.** Other → comments: _____ | | |
| TOTAL | B26a | |

**B26 Comments**

**B27. How many UOCAVA absentee ballots were received using the following modes of transmission, before and after the 45-day deadline?** *Please EXCLUDE Federal Write-In Absentee Ballots (FWABs) from your totals.*

| | a. Postal mail | | b. Email | | c. Other | |
|---|---|---|---|---|---|---|
| | | Date not available ▼ | | Date not available ▼ | | Date not available ▼ |
| **a.** Sent **ON OR BEFORE** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| **b.** Sent **AFTER** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| TOTAL | | | | | | |

**B27 Comments**

**B28. Of the total number of UOCAVA absentee ballots received (as reported in B26a), how many were rejected for the following groups?** *Please EXCLUDE Federal Write-In Absentee Ballots (FWABs) from your totals.*

| | | Data not available ▼ |
|---|---|---|
| **B28a.** Uniformed services voters – domestic or foreign | | ☐ |
| **B28b.** Non-military/civilian overseas voters | | ☐ |
| **B28c.** Other → comments: _____ | | |
| **B28d.** Other → comments: _____ | | |
| **B28e.** TOTAL | | |

**B28 Comments**

**B29. Of the total number of UOCAVA absentee ballots that were rejected (as reported in B28e), how many were rejected because they were received after the statutory deadline by the following modes of transmission, before and after the 45-day deadline?** *Please EXCLUDE Federal Write-In Absentee Ballots (FWABs) from your totals.*

| | a. Postal mail | | b. Email | | c. Other | |
|---|---|---|---|---|---|---|
| | | Date not available ▼ | | Date not available ▼ | | Date not available ▼ |
| **a.** Sent **ON OR BEFORE** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| **b.** Sent **AFTER** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| TOTAL | | | | | | |

**B29 Comments**

**B30. Enter the total number of UOCAVA ballots counted in your jurisdiction by the following modes of transmission, before and after the 45-day deadline.** *Please EXCLUDE Federal Write-In Absentee Ballots (FWABs) from your totals.*

| | a. Postal mail | | b. Email | | c. Other | |
|---|---|---|---|---|---|---|
| | | Date not available ▼ | | Date not available ▼ | | Date not available ▼ |
| **a.** Sent **ON OR BEFORE** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| **b.** Sent **AFTER** the 45 day deadline | | ☐ | | ☐ | | ☐ |
| TOTAL | | | | | | |

**B31. Enter the total number of Federal Write-In Absentee Ballots (FWABs) received from UOCAVA voters for the**

**following groups.**

Data not available ▼

**B31a.** Uniformed services voters – domestic or foreign ..... ☐

**B31b.** Non-military/civilian overseas voters ..... ☐

**B31c.** Other → comments: _____ .....

**B31d.** Other → comments: _____ .....

**B31e.**TOTAL .....

**B32. Of the total number of Federal Write-In Absentee Ballots (FWABs) received from UOCAVA voters (as reported in B31e), how many were <u>rejected</u> for the following groups?**

Data not available ▼

**B32a.** Uniformed services voters – domestic or foreign ..... ☐

**B32b.** Non-military/civilian overseas voters ..... ☐

**B32c.** Other → comments: _____ .....

**B32d.** Other → comments: _____ .....

**B32e.** TOTAL .....

**B33. Of the total number of Federal Write-In Absentee Ballots (FWABs) received from UOCAVA voters that were rejected (as reported in B32e), how many were <u>rejected because they were received after the ballot receipt deadline</u>?**

**B33a.** Total FWABs rejected because received after ballot receipt deadline ..... ☐ Data not available

**B34. Of the total number of Federal Write-In Absentee Ballots (FWABs) received from UOCAVA voters that were rejected (as reported in B32e), how many were <u>rejected because the voter's regular absentee ballot was received and counted</u>?**

**B34a.** Total FWABs rejected because voter's regular absentee ballot received and counted ..... ☐ Data not available

**B35. Enter the total number of Federal Write-In Absentee Ballots (FWABs) received from UOCAVA voters that were <u>counted</u> for the following groups.**

Data not available ▼

**B35a.** Uniformed services voters – domestic or foreign ..... ☐

**B35b.** Non-military/civilian overseas voters ..... ☐

**B35c.** Other → comments: _____ .....

**B35d.** Other → comments: _____ .....

**B35e.**TOTAL .....

| SECTION C | Domestic Civilian Absentee Ballots |
|---|---|

**Roadmap to Section C.**

- **C1** asks for information about absentee ballots transmitted and the status of the transmitted ballots.
- **C2** and **C3** ask for information on any voters who may be registered as permanent absentee voters.
- **C4** asks for information on the status of absentee ballots returned and submitted for counting.
- **C5** asks for information on the reasons absentee ballots were rejected.

**C1. Enter the total number of domestic civilian absentee ballots transmitted to voters for the November 2014 general election.** Do not include absentee ballots transmitted to UOCAVA voters.

**C1a.** Total [ ] ..... ☐ Data not available

**Next, divide the total number of absentee ballots transmitted to voters (as entered in C1a) into the following categories.** The amounts should sum to the total provided in C1a.

| | | Data not available ▼ |
|---|---|---|
| **C1b.** Returned by voters and submitted for counting (include both those that were later counted and those that were rejected) ..... | [ ] ..... | ☐ |
| **C1c.** Returned as undeliverable ..... | [ ] ..... | ☐ |
| **C1d.** Spoiled or replaced ballots ..... | [ ] ..... | ☐ |
| **C1e.** Status unknown (neither returned undeliverable nor returned from voter) .... | [ ] ..... | ☐ |
| **C1f.** Other → comments: _____ ..... | [ ] | |
| **C1g.** Other → comments: _____ ..... | [ ] | |
| **C1h.** Other → comments: _____ ..... | [ ] | |
| TOTAL ..... | **C1a** | |

**C1 Comments**

**C2. Does your jurisdiction have a permanent absentee voter registration list in which voters may apply to receive an absentee (or mail) ballot for subsequent elections without further application?** Do not include UOCAVA voters.

☐ ..... Yes → Continue to question C3.
☐ ..... No → Skip to question C4.

**C2 Comments**

**C3. Of the total number of domestic civilian absentee ballots transmitted (as entered in C1a) how many ballots were sent to voters in your jurisdiction because they appear on a permanent absentee (or mail) ballot voter registration list?**

C3a. Total [ ] ..... ☐ Data not available

**C3 Comments**

| |
|---|
| |

**C4. Of the total number of absentee ballots returned by voters and submitted for counting (as entered in C1b) how many ballots were:**

| | | Data not available ▼ |
|---|---|---|
| **C4a.** Counted in the November 2014 general election ..... | [ ] | ☐ |
| **C4b.** Rejected in the November 2014 general election ..... | [ ] | ☐ |
| **C4c.** Other → comments: _____ ..... | [ ] | |
| **C4d.** Other → comments: _____ ..... | [ ] | |
| TOTAL ..... | **C1b** | |

**C4 Comments**

| |
|---|
| |

**C5. Please divide the total number of domestic civilian absentee ballots <u>rejected</u> (as entered in C4b) into the following categories indicating the reason why the absentee ballots were rejected.** The amounts should sum to the total provided in C4b.

| | | Data not available ▼ |
|---|---|---|
| **C5a.** Ballot not received on time/missed deadline. | | ☐ |
| **C5b.** No voter signature | | ☐ |
| **C5c.** No witness signature | | ☐ |
| **C5d.** Non-matching signature | | ☐ |
| **C5e.** No election official's signature on ballot | | ☐ |
| **C5f.** Ballot returned in an unofficial envelope | | ☐ |
| **C5g.** Ballot missing from envelope | | ☐ |
| **C5h.** Envelope not sealed | | ☐ |
| **C5i.** No resident address on envelope | | ☐ |
| **C5j.** Multiple ballots returned in one envelope. | | ☐ |
| **C5k.** Voter deceased. | | ☐ |
| **C5l.** Voter already voted in person | | ☐ |
| **C5m.** First-time voter without proper identification | | ☐ |
| **C5n.** No ballot application on record | | ☐ |
| **C5o.** Other → comments: _____ | | |
| **C5p.** Other → comments: _____ | | |
| **C5q.** Other → comments: _____ | | |
| **C5r.** Other → comments: _____ | | |
| **C5s.** Other → comments: _____ | | |
| **C5t.** Other → comments: _____ | | |
| **C5u.** Other → comments: _____ | | |
| **C5v.** Other → comments: _____ | | |
| TOTAL | **C4b** | |

**C5 Comments**

| SECTION D | Election Administration |
|---|---|

- **D1** asks for information on the number of precincts in your jurisdiction.
- **D2** asks for information on the number and type of polling places in your jurisdiction.
- **D3, D4,** and **D5** ask for information on poll workers utilized in the November 2014 general election.

**D1. Enter the total number of precincts in your jurisdictions for the November 2014 general election.**

D1a. Total [ ] ..... ☐ Data not available

**D1 Comments**

[ ]

**D2. Enter the total number of physical polling places in your jurisdiction for the November 2014 general election.**
Please include physical polling places in operation on Election Day and physical polling places in operation before Election Day (such as early vote centers).

**D2a.** Total [ ] ..... ☐ Data not available

**Next, divide the total physical polling places in your jurisdiction (as entered in D2a) into the following categories.** The amounts should sum to the total provided in D2a. If you do not include election offices in your count of polling places, enter 0.

| | | Data not available ▼ |
|---|---|---|
| **Election Day voting** | | |
| **D2b.** Physical polling places other than election offices ..... | [ ] ..... | ☐ |
| **D2c.** Election offices ..... | [ ] ..... | ☐ |
| **D2d.** Other → comments: _____ ..... | [ ] | |
| **Early voting** | | |
| **D2e.** Physical polling places other than election offices ..... | [ ] ..... | ☐ |
| **D2f.** Election offices ..... | [ ] ..... | ☐ |
| **D2g.** Other → comments: _____ ..... | [ ] | |
| TOTAL ..... | **D2a** | |

**D2 Comments**

[ ]

**D3. Enter the total number of poll workers used in your jurisdiction for the November 2014 general election.**

- Poll workers may include election judges, booth workers, wardens, commissioners, or other similar terms that refer to persons who verify the identity of a voter; assist the voter with signing the register, affidavits or other documents required to cast a ballot; assist the voter by providing the voter with a ballot or setting up the voting machine for the voter; and serving other functions as dictated by State law.

- Include all people recruited specifically for the purposes of working at physical polling places in operation on and/or before Election Day but do not include observers stationed at the polling places or regular office staff.

D3a. Total ☐ ..... ☐ Data not available

**D3 Comments**

**D4. If your jurisdiction has data on the ages of its poll workers (for example, from voter registration records, from payroll records, or from poll worker applications), enter the total number of poll workers in each age category.**

**D4a.** Under 18 years old ..... ☐

**D4b.** 18 to 25 ..... ☐

**D4c.** 26 to 40..... ☐

**D4d.** 41 to 60..... ☐

**D4e.** 61 to 70 ..... ☐

**D4f.** 71 years old and over ..... ☐

☐ Data not available

**D4 Comments**

**D5. How difficult or easy was it for your jurisdiction to obtain a sufficient number of poll workers for the November 2014 general election?**

☐..... Very difficult
☐..... Somewhat difficult
☐..... Neither difficult nor easy
☐..... Somewhat easy
☐..... Very easy
☐..... Not enough information to answer

**D5 Comments**

| SECTION E | Provisional Ballots |
|---|---|

- **E1** asks for information on the number and status of provisional ballots submitted.
- **E2** asks for information on reasons why provisional ballots were rejected.

**E1. Enter the total number of voters who submitted provisional ballots in the November 2014 general election.**

**E1a.** Total [ ] ..... ☐ Data not available

**Next, divide the total number of voters who submitted provisional ballots in the November 2014 general election (as entered in E1a) into the following categories.**

| | | Data not available ▼ |
|---|---|---|
| **E1b.** Counted the full ballot ..... | | ☐ |
| **E1c.** Counted part of the ballot..... | | ☐ |
| **E1d.** Rejected ballot ..... | | ☐ |
| **E1e.** Other → comments: _____ ..... | | |
| **E1f.** Other → comments: _____ ..... | | |
| TOTAL ..... | E1a | |

**E1 Comments**

**E2. Please divide the total number of provisional ballots rejected (as entered in E1d) into the following categories indicating the reason the provisional ballots were rejected.** The amounts should sum to the total provided in E1d.

| | | Data not available ▼ |
|---|---|---|
| **E2a.** Voter not registered in the State | | ☐ |
| **E2b.** Voter registered in State but attempted to vote in the wrong jurisdiction | | ☐ |
| **E2c.** Voter registered in State but attempted to vote in the wrong precinct | | ☐ |
| **E2d.** Failure to provide sufficient identification | | ☐ |
| **E2e.** Envelop and/or ballot was incomplete and/or illegible | | ☐ |
| **E2f.** Ballot missing from envelope | | ☐ |
| **E2g.** No signature | | ☐ |
| **E2h.** Non-matching signature | | ☐ |
| **E2i.** Voter already voted | | ☐ |
| **E2j.** Other → comments: _____ | | |
| **E2k.** Other → comments: _____ | | |
| **E2l.** Other → comments: _____ | | |
| **E2m.** Other → comments: _____ | | |
| **E2n.** Other → comments: _____ | | |
| **E2o.** Other → comments: _____ | | |
| **E2p.** Other → comments: _____ | | |
| TOTAL | E1d | |

**E2 Comments**

| SECTION F | Election Day Activities |
|---|---|

- **F1** and **F2** ask for turnout figures for the November 2014 general election and the source used to arrive at this number.
- **F3** asks for the number of first time voters who registered to vote by mail and, under HAVA 303(b), were required to provide identification in order to vote.
- **F4** asks for information on electronic poll books or electronic lists of voters that may have been used.
- **F5** and **F6** ask for information on printed poll books or printed lists of voters that may have been used.
- **F7** asks for the type of primary voting equipment used.
- **F8** solicits any additional comments jurisdictions may wish to share regarding their Election Day experiences.

**F1. Enter the total number of people in your jurisdiction who participated in the November 2014 general election.** Include all types of voters (civilian and military) by all types of ballots. Include rejected provisional ballots only if your jurisdiction credits the person's vote history even though the provisional ballot was rejected.

**F1a.** Total [ ] ..... ☐ Data not available

**Next, divide the total number of people who participated in the November 2014 general election (as entered in F1a) into the following categories.** The amounts should sum to the total provided in F1a.

| | | Data not available ▼ |
|---|---|---|
| **F1b.** Voted at a physical polling place on Election Day (not including provisional ballots or absentee ballots dropped off at the polls). | | ☐ |
| **F1c.** UOCAVA voters who voted via absentee or FWAB (as in B3a) | | ☐ |
| **F1d.** Voted using a domestic civilian absentee ballot (as in C1b) | | ☐ |
| **F1e.** Voted using a provisional ballot | | ☐ |
| **F1f.** Voted at an early vote center (as in D2e,f,g) | | ☐ |
| **F1g.** Voted by mail in a vote by mail jurisdiction | | |
| **F1h.** Other → comments: _____ | | |
| **F1i.** Other → comments: _____ | | |
| **F1j.** Other → comments: _____ | | |
| TOTAL | **F1a** | |

**F1 Comments**

**F2. Indicate the source used to arrive at the total number of voters entered in F1a. (**Select only one source.)

☐..... Number of voters checked off by poll workers or who signed poll books at physical polling places plus the number of UOCAVA and other absentee or early voters.

☐..... Number of ballots counted at precincts and/or at a central location (including UOCAVA and other absentee or early vote ballots).

☐..... Number of voters generated after "vote history" has been added.

☐..... Number of votes cast for the highest office on the ballot.

☐..... Other:→ comments: _____

**F2 Comments**

| |
|---|
| |

**F3. HAVA 303(b) states that all first-time voters in a State who registered by mail are required to provide identification in order to vote and have their ballot counted. Enter the number of first-time voters who provided identification and had their ballot counted for the November 2014 general election in your jurisdiction.**

**F3a.** Total ☐.....☐ Data not available .....☐ Not applicable

**F3 Comments**

| |
|---|
| |

**F4. Were electronic poll books or electronic lists of voters used at the polling place for the November 2014 general election in your jurisdiction to (select either Yes or No for each item):**

| | Yes | No |
|---|---|---|
| **a.** Sign voters in | ☐ | ☐ |
| **b.** Update voter history | ☐ | ☐ |
| **c.** Look up polling places | ☐ | ☐ |
| **d.** Other → comments: _____ . | ☐ | ☐ |
| **e.** Information unavailable | ☐ | ☐ |

**F4 Comments**

| |
|---|
| |

**F5. Did your jurisdiction use printed lists of registered voters at the polls in the November 2014 Federal general election?**

Yes ..... ☐ → Continue to F6

No ..... ☐ → Skip to F7

Information unavailable ..... ☐ → Skip to F7

**F5 Comments**

| |
|---|
| |

**F6. Did your State print and ship the printed poll books to your local jurisdiction or did your jurisdiction arrange for the printing of the poll books? (Select only one.)**

State printed poll books and shipped to jurisdiction ..... ☐

Jurisdiction arranged for printing of poll books ..... ☐

Combination of printing by the State and local jurisdiction ..... ☐

Information unavailable ..... ☐

**F6 Comments**

| |
|---|
| |

**F7. Enter information on the number and type of voting equipment used for the 2014 November general election. Then, for each type of voting equipment, please identify how the machines were used in the voting process and where the ballots from that machine type were tallied.** Do not include backup systems that were not actually used.

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7a.** Direct Recording Electronic (DRE) (Not Equipped with Voter Verified Paper Audit Trail (VVPAT)) | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7a Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7b.** Direct Recording Electronic (DRE) (Equipped with VVPAT) | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7b Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7c.** Electronic system that prints voter choices on an optical scan ballot (hybrid of a DRE and an optical scan system) | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7c Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7d.** Optical/Digital Scan | Number of counters: _____<br><br>Number of booths: _____<br><br>☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Absentee | ☐ A Central Location<br>☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7d Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7e.** Punch Card | Number of counters: _____ Number of booths: _____ ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place |
| | | | | | | ☐ Absentee | ☐ A Central Location ☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7e Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7f.** Lever | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7f Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7g.** Hand-counted paper ballots (not optical scan system) | Number of booths: _____ ☐ Not Available | [redacted] | | | | ☐ In-Precinct regular ballot voting | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available Place |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location ☐ Precinct/Polling Place ☐ Not Available |
| | | | | | | ☐ Absentee | ☐ A Central Location ☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7g Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7h.** Other | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available Place |
| | | | | | | ☐ Absentee | ☐ A Central Location<br>☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7h Comments**

| Type of Equipment | Number Used | Make | Model | Version | Vendor | Machine Use (select all that apply) | Location of Vote Tally (select all that apply) |
|---|---|---|---|---|---|---|---|
| **F7i.** Other | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ Not Available | ☐ In-Precinct regular ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Special device accessible to disabled voters | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Provisional Ballot voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available |
| | | | | | | ☐ Early Vote Site voting | ☐ A Central Location<br>☐ Precinct/Polling Place<br>☐ Not Available Place |
| | | | | | | ☐ Absentee | ☐ A Central Location<br>☐ Not Available |
| | | | | | | ☐ Not Available | |

**F7i Comments**

**F8. The U.S. Election Assistance Commission welcomes any general comments the jurisdiction may wish to share regarding its Election Day experiences (e.g., problems with voting system anomalies*, recounts, staffing, challenges to eligibility, long lines, etc.), or noteworthy success in administering the November 2014 general election. Please feel free to attach additional pages as necessary.**

***** An anomaly is defined as an irregular or inconsistent action or response from the voting system or system component resulting in some disruption to the election process. Incidents resulting from administrator error or procedural deficiencies are not considered anomalies for purposes of this survey question *(EAC Voting Systems Testing and Certification Program Manual)*.

END OF SURVEY

THANK YOU FOR RESPONDING TO THIS SURVEY

* This information collection is required for the U.S. Election Assistance Commission (EAC) to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1); respondents include the 50 States, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC Web site (http://www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid Office of Management and Budget (OMB) control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 88 hours per State response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring, MD 20910.

# EXHIBIT C.2

# The 2014 EAC Election Administration and Voting Survey Comprehensive Report

A Report to the 114th Congress








## A Summary of Key Findings

## The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2013-2014

## Survey Findings of the Uniformed and Overseas Citizens Absentee Voting Act

# The EAC 2014 Election Administration and Voting Survey Comprehensive Report:

## A Summary of Key Findings

## The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2013-2014

## Survey Findings of the Uniformed and Overseas Citizens Absentee Voting Act

**A REPORT TO THE 114TH CONGRESS**

## 2014 Election Administration and Voting Survey
## Table 4b. Voter List Maintenance: Removal Actions

| State | Election Juris. in Survey | Voters Removed for 2012 to 2014 | Cases | % of Rept. Reg. | Removed Due to Moved From Jurisdiction | | | Removed Due to Death | | | Removed Due to Failure to Vote | | | Removed Due to Request of Voter | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Total | Cases | % of Rem. | Total | Cases | % of Rem. | Total | Cases | % of Rem. | Total | Cases | % of Rem. |
| Alabama | 67 | 514,758 | 67 | 17.2 | 14,776 | 67 | 2.9 | 70,226 | 67 | 13.6 | 200,128 | 67 | 38.9 | 144 | 63 | 0.0 |
| Alaska | 1 | 59,764 | 1 | 10.4 | 14,573 | 1 | 24.4 | 6,626 | 1 | 11.1 | 35,504 | 1 | 59.4 | 2,265 | 1 | 3.8 |
| Arizona | 15 | 377,201 | 15 | 9.9 | 131,318 | 15 | 34.8 | 54,010 | 15 | 14.3 | 136,435 | 14 | 36.2 | 18,514 | 14 | 4.9 |
| Arkansas | 75 | 163,328 | 75 | 9.6 | 13,774 | 75 | 8.4 | 34,151 | 75 | 20.9 | 96,782 | 75 | 59.3 | 664 | 75 | 0.4 |
| California | 58 | 802,983 | 56 | 4.4 | 364,381 | 54 | 45.4 | 219,072 | 53 | 27.3 | 30,224 | 38 | 3.8 | 25,030 | 42 | 3.1 |
| Colorado | 64 | 163,902 | 64 | 4.5 | 62,432 | 64 | 38.1 | 17,565 | 64 | 10.7 | 50,228 | 64 | 30.6 | 15,116 | 64 | 9.2 |
| Connecticut | 169 | 180,431 | 169 | 8.3 | 43,052 | 169 | 23.9 | 20,075 | 169 | 11.1 | 36,296 | 169 | 20.1 | 12,902 | 169 | 7.2 |
| Delaware | 3 | 47,114 | 3 | 7.3 | 13,450 | 3 | 28.5 | 15,637 | 3 | 33.2 | 15,939 | 3 | 33.8 | 191 | 3 | 0.4 |
| District of Columbia | 1 | 4,491 | 1 | 1.0 | 353 | 1 | 7.9 | 4,100 | 1 | 91.3 | | 0 | ... | | 0 | ... |
| Florida | 67 | 484,597 | 67 | 3.8 | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... |
| Georgia | 159 | 772,050 | 159 | 12.8 | 276,461 | 159 | 35.8 | 68,614 | 159 | 8.9 | 372,242 | 159 | 48.2 | 763 | 159 | 0.1 |
| Hawaii | 4 | 50,943 | 4 | 7.2 | 3,180 | 4 | 6.2 | 11,501 | 4 | 22.6 | 34,345 | 4 | 67.4 | 1,596 | 4 | 3.1 |
| Idaho* | 44 | 118,574 | 44 | 14.9 | 9,710 | 44 | 8.2 | 12,629 | 44 | 10.7 | 91,874 | 44 | 77.5 | 111 | 44 | 0.1 |
| Illinois | 110 | | 0 | ... | 682,130 | 107 | ... | 139,742 | 107 | ... | 411,314 | 105 | ... | 15,229 | 107 | ... |
| Indiana | 92 | 807,072 | 92 | 17.6 | 16,689 | 92 | 2.1 | 78,809 | 92 | 9.8 | 31,407 | 49 | 3.9 | | 0 | ... |
| Iowa | 99 | 168,280 | 99 | 7.9 | 38,847 | 99 | 23.1 | 48,163 | 99 | 28.6 | 76,481 | 99 | 45.4 | 666 | 99 | 0.4 |
| Kansas | 105 | 134,132 | 105 | 7.7 | 25,868 | 105 | 19.3 | 38,639 | 105 | 28.8 | 55,462 | 105 | 41.3 | 393 | 105 | 0.3 |
| Kentucky | 120 | 90,903 | 120 | 2.9 | 6,248 | 120 | 6.9 | 68,124 | 120 | 74.9 | | 0 | ... | 630 | 120 | 0.7 |
| Louisiana | 64 | 294,924 | 64 | 10.0 | 87,930 | 64 | 29.8 | 64,938 | 64 | 22.0 | 52,284 | 64 | 17.7 | 23,710 | 64 | 8.0 |
| Maine | 500 | 126,612 | 500 | 12.5 | 89,956 | 500 | 71.0 | 20,805 | 500 | 16.4 | 10,811 | 500 | 8.5 | 662 | 500 | 0.5 |
| Maryland | 24 | | 0 | ... | 48,217 | 24 | ... | 70,056 | 24 | ... | 93,505 | 24 | ... | 554 | 24 | ... |
| Massachusetts | 351 | 557,933 | 351 | 13.0 | 261,687 | 351 | 46.9 | 81,727 | 351 | 14.6 | 51,452 | 351 | 9.2 | 9,347 | 351 | 1.7 |
| Michigan | 83 | 322,804 | 83 | 4.3 | 73,937 | 83 | 22.9 | 151,885 | 83 | 47.1 | 64,471 | 83 | 20.0 | 32,511 | 83 | 10.1 |
| Minnesota* | 87 | 307,633 | 87 | 9.6 | 56,695 | 87 | 18.4 | 52,079 | 87 | 16.9 | 197,677 | 87 | 64.3 | | 0 | ... |
| Mississippi | 82 | 122,083 | 55 | 8.2 | 26,800 | 53 | 22.0 | 44,916 | 53 | 36.8 | 33,180 | 50 | 27.2 | 4,482 | 48 | 3.7 |
| Missouri | 116 | 460,457 | 116 | 11.3 | 140,126 | 116 | 30.4 | 98,820 | 116 | 21.5 | 201,964 | 116 | 43.9 | 1,030 | 116 | 0.2 |
| Montana | 56 | 57,971 | 56 | 8.6 | 7,519 | 56 | 13.0 | 12,347 | 56 | 21.3 | 31,267 | 56 | 53.9 | 2,373 | 56 | 4.1 |
| Nebraska | 93 | 12,598 | 93 | 1.1 | 6,172 | 93 | 49.0 | 5,832 | 93 | 46.3 | 209 | 93 | 1.7 | 87 | 93 | 0.7 |
| Nevada | 17 | 172,765 | 17 | 11.7 | 24,501 | 17 | 14.2 | 22,212 | 17 | 12.9 | 117,697 | 17 | 68.1 | 488 | 17 | 0.3 |
| New Hampshire* | 320 | 83,056 | 320 | 9.5 | 67,108 | 320 | 80.8 | 12,310 | 320 | 14.8 | 0 | 320 | 0.0 | 0 | 320 | 0.0 |
| New Jersey | 21 | 329,306 | 21 | 5.9 | 66,939 | 21 | 20.3 | 95,336 | 21 | 29.0 | 146,355 | 21 | 44.4 | 1,315 | 21 | 0.4 |
| New Mexico | 33 | 57,872 | 33 | 4.5 | 26,153 | 33 | 45.2 | 24,126 | 33 | 41.7 | 0 | 33 | 0.0 | 498 | 33 | 0.9 |
| New York | 62 | 47,634 | 49 | 0.4 | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... |
| North Carolina | 100 | 669,960 | 100 | 10.1 | 257,454 | 100 | 38.4 | 123,579 | 100 | 18.4 | 238,220 | 100 | 35.6 | 1,216 | 100 | 0.2 |
| North Dakota* | 53 | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... |
| Ohio | 88 | 898,725 | 88 | 11.6 | 339,401 | 88 | 37.8 | 167,550 | 88 | 18.6 | 353,877 | 86 | 39.4 | 15,116 | 87 | 1.7 |
| Oklahoma | 77 | 251,287 | 77 | 12.4 | 56,685 | 77 | 22.6 | 37,704 | 77 | 15.0 | 145,313 | 77 | 57.8 | 789 | 77 | 0.3 |
| Oregon | 36 | 209,868 | 36 | 9.7 | 11,575 | 36 | 5.5 | 45,865 | 36 | 21.9 | 138,021 | 36 | 65.8 | 2,682 | 36 | 1.3 |
| Pennsylvania | 67 | 853,412 | 67 | 10.6 | 332,753 | 67 | 39.0 | 159,069 | 67 | 18.6 | 351,166 | 67 | 41.1 | 2,378 | 67 | 0.3 |
| Rhode Island | 39 | 36,364 | 39 | 4.8 | 3,027 | 39 | 8.3 | 9,047 | 39 | 24.9 | 19,539 | 39 | 53.7 | 501 | 39 | 1.4 |
| South Carolina | 46 | 160,707 | 46 | 5.6 | 75,665 | 46 | 47.1 | 11,484 | 46 | 7.1 | 67,752 | 46 | 42.2 | 128 | 46 | 0.1 |
| South Dakota | 66 | 41,528 | 66 | 7.4 | 2,292 | 66 | 5.5 | 6,857 | 66 | 16.5 | 31,320 | 66 | 75.4 | 591 | 66 | 1.4 |
| Tennessee | 95 | 402,922 | 95 | 10.1 | 113,615 | 94 | 28.2 | 85,373 | 94 | 21.2 | 176,850 | 94 | 43.9 | 4,270 | 90 | 1.1 |
| Texas | 254 | 1,688,097 | 183 | 12.0 | 238,463 | 155 | 14.1 | 201,112 | 168 | 11.9 | 511,073 | 144 | 30.3 | 78,661 | 148 | 4.7 |
| Utah | 29 | 41,852 | 29 | 2.8 | 431 | 29 | 1.0 | 1,586 | 29 | 3.8 | | 0 | ... | | 0 | ... |
| Vermont | 246 | 37,754 | 246 | 8.5 | 17,296 | 246 | 45.8 | 6,214 | 246 | 16.5 | 10,545 | 246 | 27.9 | 4,133 | 246 | 10.9 |
| Virginia | 133 | 696,352 | 133 | 13.2 | 355,105 | 133 | 51.0 | 91,266 | 133 | 13.1 | 207,500 | 133 | 29.8 | 18,402 | 133 | 2.6 |
| Washington | 39 | 411,120 | 39 | 10.5 | 137,321 | 39 | 33.4 | 28,519 | 39 | 6.9 | 2,776 | 38 | 0.7 | 7,581 | 36 | 1.8 |
| West Virginia | 55 | 84,470 | 55 | 7.0 | 5,488 | 55 | 6.5 | 28,184 | 55 | 33.4 | 33,025 | 55 | 39.1 | 27 | 55 | 0.0 |
| Wisconsin* | 3,589 | 405,041 | 3,589 | 10.7 | 8,996 | 3,589 | 2.2 | 77,383 | 3,589 | 19.1 | 276,027 | 3,589 | 68.1 | 561 | 3,589 | 0.1 |
| Wyoming* | 23 | 19,223 | 23 | 7.3 | 82 | 21 | 0.4 | 189 | 21 | 1.0 | 18,936 | 22 | 98.5 | 5 | 4 | 0.0 |
| American Samoa* | 1 | 311 | 1 | 1.9 | | 0 | ... | 260 | 1 | 83.6 | | 0 | ... | | 0 | ... |
| Guam* | 1 | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... |
| Puerto Rico* | 0 | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... | | 0 | ... |
| Virgin Islands* | 1 | | | ... | | | ... | | | ... | | | ... | | | ... |
| **Sum of Above** | **8,200** | **14,803,164** | **7,898** | **7.8** | **4,656,631** | **7,877** | **31.5** | **2,746,313** | **7,890** | **18.6** | **5,257,473** | **7,649** | **35.5** | **308,312** | **7,614** | **2.1** |
| **States Included** | | **49** | | | **48** | | | **49** | | | **45** | | | **44** | | |
| **Question** | | **A11a** | | | **A11b** | | | **A11c** | | | **A11e** | | | **A11g** | | |

**2014 Election Administration and Voting Survey**
**Table 4b. Voter List Maintenance: Removal Actions (continued)**

| | Removed Due to Felony Conviction | | | Removed Due to Mental Incompetence | | | Removed Due to Other Reasons | | | Not Categorized Balance: (See Notes) | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| State | Total | Cases | % of Rem. | Total | Cases | % of Rem. | Total | Cases | % of Rem. | Total | Pct. |
| Alabama | 14,097 | 67 | 2.7 | 129 | 26 | 0.0 | 215,459 | 67 | 41.9 | (201) | (0.0) |
| Alaska | 796 | 1 | 1.3 | 0 | 1 | 0.0 | | 0 | ... | 0 | 0.0 |
| Arizona | 17,830 | 15 | 4.7 | 388 | 14 | 0.1 | 18,680 | 13 | 5.0 | 26 | 0.0 |
| Arkansas | 7,524 | 75 | 4.6 | 77 | 75 | 0.0 | 10,356 | 75 | 6.3 | 0 | 0.0 |
| California | 21,362 | 52 | 2.7 | 748 | 38 | 0.1 | 84,703 | 30 | 10.5 | 57,463 | 7.2 |
| Colorado | 1,355 | 64 | 0.8 | | 0 | ... | 17,206 | 64 | 10.5 | 0 | 0.0 |
| Connecticut | 20,004 | 169 | 11.1 | | 0 | ... | 48,102 | 169 | 26.7 | 0 | 0.0 |
| Delaware | 1,880 | 3 | 4.0 | 0 | 3 | 0.0 | 17 | 3 | 0.0 | 0 | 0.0 |
| District of Columbia | 38 | 1 | 0.8 | | 0 | ... | | 0 | ... | 0 | 0.0 |
| Florida | | 0 | ... | | 0 | ... | | 0 | ... | 484,597 | 100.0 |
| Georgia | 27,877 | 159 | 3.6 | 242 | 159 | 0.0 | 25,851 | 159 | 3.3 | 0 | 0.0 |
| Hawaii | 182 | 1 | 0.4 | 0 | 3 | 0.0 | | 0 | ... | 139 | 0.3 |
| Idaho* | 1,024 | 44 | 0.9 | | 0 | ... | 3,226 | 44 | 2.7 | 0 | 0.0 |
| Illinois | | 0 | ... | | 0 | ... | 132,130 | 107 | ... | ... | ... |
| Indiana | 11,099 | 92 | 1.4 | | 0 | ... | 7,538 | 87 | 0.9 | 661,530 | 82.0 |
| Iowa | 4,069 | 99 | 2.4 | 54 | 99 | 0.0 | | 0 | ... | 0 | 0.0 |
| Kansas | 4,277 | 105 | 3.2 | 41 | 105 | 0.0 | 6,052 | 105 | 4.5 | 3,400 | 2.5 |
| Kentucky | 14,140 | 120 | 15.6 | 894 | 120 | 1.0 | 846 | 120 | 0.9 | 21 | 0.0 |
| Louisiana | 16,864 | 64 | 5.7 | 270 | 64 | 0.1 | 48,925 | 64 | 16.6 | 3 | 0.0 |
| Maine | | 0 | ... | | 0 | ... | 4,378 | 500 | 3.5 | 0 | 0.0 |
| Maryland | 3,353 | 24 | ... | 15 | 24 | ... | 4,744 | 24 | ... | ... | ... |
| Massachusetts | 1,736 | 351 | 0.3 | | 0 | ... | | 0 | ... | 151,984 | 27.2 |
| Michigan | | 0 | ... | | 0 | ... | | 0 | ... | 0 | 0.0 |
| Minnesota* | 0 | 87 | 0.0 | 0 | 87 | 0.0 | 1,182 | 87 | 0.4 | 0 | 0.0 |
| Mississippi | 1,657 | 51 | 1.4 | 32 | 18 | 0.0 | 2,708 | 16 | 2.2 | 8,308 | 6.8 |
| Missouri | 16,565 | 116 | 3.6 | 1,947 | 116 | 0.4 | | 0 | ... | 5 | 0.0 |
| Montana | 235 | 56 | 0.4 | 8 | 56 | 0.0 | 4,222 | 56 | 7.3 | 0 | 0.0 |
| Nebraska | | 0 | ... | | 0 | ... | 297 | 93 | 2.4 | 1 | 0.0 |
| Nevada | 2,829 | 17 | 1.6 | 15 | 17 | 0.0 | 5,023 | 17 | 2.9 | 0 | 0.0 |
| New Hampshire* | 39 | 320 | 0.0 | 0 | 320 | 0.0 | 3,599 | 320 | 4.3 | 0 | 0.0 |
| New Jersey | 5,722 | 21 | 1.7 | 52 | 16 | 0.0 | | 0 | ... | 13,587 | 4.1 |
| New Mexico | 3,907 | 33 | 6.8 | 3 | 33 | 0.0 | | 0 | ... | 3,185 | 5.5 |
| New York | | 0 | ... | | 0 | ... | | 0 | ... | 47,634 | 100.0 |
| North Carolina | 19,241 | 100 | 2.9 | | 0 | ... | 266,366 | 100 | 39.8 | (236,116) | (35.2) |
| North Dakota* | | 0 | ... | | 0 | ... | | 0 | ... | ... | ... |
| Ohio | 13,732 | 88 | 1.5 | 45 | 82 | 0.0 | | 0 | ... | 9,004 | 1.0 |
| Oklahoma | 5,156 | 77 | 2.1 | 143 | 77 | 0.1 | 5,497 | 77 | 2.2 | 0 | 0.0 |
| Oregon | | 0 | ... | | 0 | ... | 11,725 | 36 | 5.6 | 0 | 0.0 |
| Pennsylvania | | 0 | ... | 188 | 67 | 0.0 | 7,858 | 67 | 0.9 | 0 | 0.0 |
| Rhode Island | 1,694 | 39 | 4.7 | 3 | 39 | 0.0 | 2,553 | 39 | 7.0 | 0 | 0.0 |
| South Carolina | 3,130 | 46 | 1.9 | | 0 | ... | 2,548 | 46 | 1.6 | 0 | 0.0 |
| South Dakota | 408 | 66 | 1.0 | 2 | 66 | 0.0 | 58 | 66 | 0.1 | 0 | 0.0 |
| Tennessee | 18,614 | 94 | 4.6 | 1 | 32 | 0.0 | 3,818 | 8 | 0.9 | 381 | 0.1 |
| Texas | 23,768 | 164 | 1.4 | 995 | 109 | 0.1 | 93,241 | 60 | 5.5 | 540,784 | 32.0 |
| Utah | 41 | 29 | 0.1 | | 0 | ... | 39,794 | 29 | 95.1 | 0 | 0.0 |
| Vermont | 2 | 246 | 0.0 | 20 | 246 | 0.1 | 840 | 246 | 2.2 | (1,296) | (3.4) |
| Virginia | 13,970 | 133 | 2.0 | 893 | 133 | 0.1 | 9,216 | 133 | 1.3 | 0 | 0.0 |
| Washington | 4,392 | 39 | 1.1 | 90 | 38 | 0.0 | 230,508 | 39 | 56.1 | (67) | (0.0) |
| West Virginia | 422 | 55 | 0.5 | 8 | 55 | 0.0 | 17,298 | 55 | 20.5 | 18 | 0.0 |
| Wisconsin* | 8,323 | 3,589 | 2.1 | 42 | 3,589 | 0.0 | 33,709 | 3,589 | 8.3 | 0 | 0.0 |
| Wyoming* | 11 | 21 | 0.1 | | 0 | ... | | 0 | ... | 0 | 0.0 |
| American Samoa* | 51 | 1 | 16.4 | | 0 | ... | | 0 | ... | 0 | 0.0 |
| Guam* | | 0 | ... | | 0 | ... | | 0 | ... | ... | ... |
| Puerto Rico* | | 0 | ... | | 0 | ... | | 0 | ... | ... | ... |
| Virgin Islands* | | | ... | | | ... | | | ... | ... | ... |
| **Sum of Above** | **313,416** | **6,994** | **2.1** | **7,345** | **5,927** | **0.0** | **1,370,273** | **6,810** | **9.3** | **143,401** | **1.0** |
| **States Included** | **43** | | | **33** | | | **37** | | | **23** | |
| **Question** | **A11d** | | | **A11f** | | | **A11h:k** | | | **calc** | |

# EXHIBIT C.3

# U.S. ELECTION ASSISTANCE COMMISSION

*2014 Election Administration & Voting Survey*

## Alabama

# *Statutory Overview*

**In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2014 general election that we are collecting from all U.S. states and territories.**

**EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.**

| Information Supplied By | |
|---|---|
| **Name** | **Ed Packard** |
| **Title** | Director of Elections |
| **Office/Agency Name** | Secretary of State |
| **Address 1** | State Capitol Building |
| **Address 2** | 600 Dexter Avenue, Room E-210 |
| **City** | Montgomery |
| **State** | Alabama |
| **Zip Code** | 36104 |
| **Email Address** | ed.packard@sos.alabama.gov |
| **Telephone (area Code and number)** | 334-242-4845 |
| **Fax Number (area code and number)** | 334-242-2444 |

## DIRECTIONS AND EXAMPLE

**Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.**

**Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.**

**We have provided you with your answers to the 2012 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2012 with an "X" as shown below:**

**__X__ No Change Since 2012**

**If the response has changed since 2012, please mark Changed Since 2012 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2012 response and record your 2012 response between the red bracketed text lines, as described below.**

**__X__ Changed Since 2012**

**Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.**

**If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.**

**Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.**

**Example:**
A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]
*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*
[End definition (a) above this line.]

# SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (a) below this line.]

An attempt to vote for more than the allowed number of candidates for one office. [Alabama Administrative Code, Rule 307-X-1-.01(12)]

[End definition (a) above this line.]

**b. Under-vote**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (b) below this line.]

No definition in state law or the state administrative code. In practice, "under-vote" refers to the situation where a voter casts no vote 1) for a candidate nominated for a particular office or 2) in a referendum.

[End definition (b) above this line.]

**c. Blank ballot**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (c) below this line.]

No definition in state law or the state administrative code. In practice, "blank ballot" refers to the situation where a voter casts no vote 1) for any candidates nominated for any offices on a ballot or 2) in a referendum.

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (d) below this line.]

No definition in state law or the state administrative code. In practice, a void or spoiled ballot is a ballot that is not to be counted in the election. The ballot may be spoiled or void due to a voter requesting a new ballot (e.g., when the voter has made an error in marking the ballot or due to a defect in the ballot which prevents the ballot from being counted in a ballot tabulator).

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (e) below this line.]

A ballot issued to a voter when a question exists regarding the voter's eligibility or when the voter does not submit proper identification at the time of voting, or when a state or federal court extends the hours of operation of polling places, or when the voter has applied for but not voted an absentee ballot.

[End definition (e) above this line.]

**f. Absentee**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (f) below this line.]

In the context of absentee voting, this term refers to those individuals who will be out of the county on election day or who, due to an infirmity, physical incapacity, or military or overseas citizen status are unable to vote at a polling place on election day. [§17-11-3(a), Code of Alabama]

[End definition (f) above this line.]

**g. Early voting**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (g) below this line.]

Not applicable

[End definition (g) above this line.]

**h. Active Voter**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (h) below this line.]

A voter who is not inactive.

[End definition (h) above this line.]

**i. Inactive Voter**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin definition (i) below this line.]

A voter who has not voted within the last four years [§17-4-9, Code of Alabama] or who the county Board of Registrars is unable to contact as part of the State of Alabama's statewide voter file maintenance process [§17-4-30(b), Code of Alabama].

[End definition (i) above this line.]

**j. Other terms (please specify) _____**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any <u>significant</u> changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

**____ No Change Since 2012 __x__ Changed Since 2012**

**<u>2014 Response:</u>**

[Begin response to above question (A2) below this line.]

Amendments to §17-9-30 took effect with the first primary election to be held in Alabama in 2014 and require photo voter ID of all voters other than those voter explicitly exempt. Exempt voters are those absentee voters covered by UOCAVA and the Voting Accessibility for the Elderly and Handicapped Act.

Amendments to §17-3-50 took effect with the 2014 general election and change the date that voter registration books close from 10 days prior an election to 14 days prior to an election.

Amendments to §17-6-21 took effect in 2014 to ensure the finality of the ballot 76 days prior to a primary or general election to ensure compliance with UOCAVA's 45-day ballot transmission deadline.

An amendment to §17-11-5(c) permits a voter to request an absentee ballot for all elections to be held within a 42 day time period. The former language specified a 30 day time period.

§17-11-43.1 was added to the Code of Alabama to permit a UOCAVA voter to utilize a Federal Write-In Absentee Ballot to vote for any candidates for Federal, state or county offices as well to vote on any state or county referenda appearing on a primary, runoff, general, or special election ballot.

An amendment to §17-13-5 changes the qualifying deadline for political party candidates to 116 days prior to the primary election. The former deadline was 60 days prior to the primary election.

Act 2014-221 amended various provisions of the Code of Alabama to prohibit the release of the residential and mailing addresses from the voter registration database of persons who are victims of domestic violence or who have custody of a minor who is a victim of domestic violence.

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (B1) below this line.]

Top-down.

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above clarification question to B1 below this line.]

Not applicable.

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (B2) below this line.]

A person is made inactive if he or she has not voted within the last four years [§17-4-9, Code of Alabama] or when the county Board of Registrars is unable to contact him or her as part of the State of Alabama's statewide voter file maintenance process [§17-4-30(b), Code of Alabama].

An inactive voter is restored to active status when he or she updates his or her voter registration by submitting an update form at the polling place or by updating with the county Board of Registrars at any time during the year. [§17-4-13, Code of Alabama]

There is no difference in procedure for UOCAVA voters.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (B3) below this line.]

A voter may be removed from the voter list if the Board of Registrars determines that the individual is no longer qualified to vote. Information that may be used to support such determination include: 1) a notice of voter registration from another jurisdiction, 2) notice of death from the Alabama Department of Public Health, 3) notice of disqualifying felony conviction from the Alabama judicial system, and 4) notice of adjudication as mentally incompetent by a proper court. [§17-4-6, Code of Alabama]

Additionally, the State of Alabama has adopted an NVRA-compliant statewide voter file maintenance process to assist in removal of disqualified voters due to change of residency. This process provides that each voter be mailed a non-forwardable postcard in January following a presidential election. If that postcard is returned undeliverable, a forwardable notice is mailed to the voter requesting that the voter update his or her information. If the second notice is returned undeliverable or the voter does not respond to the second notice, the voter is placed on the inactive list and is placed in a "suspense" file. If the voter does not update or vote within the next four years, he or she will be removed from the voter list. [§17-4-30, Code of Alabama]

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (B4) below this line.]

Yes, the database is connected to the Department of Public Health for death notices, Department of Public Safety (to match drivers license or social security numbers), and with the Administrative Office of Courts for information on felony convictions.

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (B5) below this line.]

Not applicable.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (B6) below this line.]

A person who is convicted of a felony crime of moral turpitude is disqualified from voting. Individuals convicted of other types of felonies maintain their right to vote. Anyone in prison or jail who has not been disqualified from voting may vote by absentee ballot. Voting rights are not restored automatically. The individual must apply for a restoration and be issued a certificate of restoration of voting rights through the Alabama Department of Pardons and Paroles. The person whose voting rights have been restored may be required to produce proof of restoration at the time of registering to vote. [Constitution of Alabama, Amendment 579; §15-22-36.1, Code of Alabama]

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in**

**the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (B7) below this line.]

Voter registration information is published on our web site. The State of Alabama Mail-in Voter Registration form is available for download from our web site. The person may print the form, fill it out, and mail it or hand-deliver it.

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (a) below this line.]

Precincts.

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (b) below this line.]

Not applicable.

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (c) below this line.]

The absentee box is reported as its own precinct.

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (d) below this line.]

UOCAVA ballots are counted and reported in the absentee precinct totals.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (C2) below this line.]

Alabama requires a reason for voting by absentee. [§17-11-3, Code of Alabama]

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (C3) below this line.]

Alabama does not have "early voting". However, a person who is eligible to vote by absentee may vote early in the office of the Absentee Election Manager.

End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (C4) below this line.]

No.

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (C5) below this line.]

1) A voter's name is not on the poll list
2) A voter is challenged by the chief inspector as being ineligible to vote
3) A voter does not have proper identification
4) When a person votes during a time period that the polls are open due to an order of a state or federal court (extended polling hours)
5) The voter has requested an absentee ballot but has not voted it

[§17-10-2, Code of Alabama]

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (C6) below this line.]

If a person is registered in the county but has moved to a new precinct without updating his or her voter registration record, the provisional ballot will be counted at the new precinct as long as the person votes at the new precinct and completes the voter update form as part of the provisional ballot to report the change of address. [§17-10-2(e)]

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.**

**If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g.,**

**fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.**

**____ No Change Since 2012 __x__ Changed Since 2012**

**2012 Response:**

[Begin response to above question (C7) below this line.]

No applicable.

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (C8) below this line.]

Not less than 5 days prior to an election, the authority charged with holding the election is to conduct a training school for poll workers. [§17-8-9, Code of Alabama]

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (D1) below this line.]

The ballot tabulators automatically record this data.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (a) below this line.]

None.

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

**____ No Change Since 2012 __x__ Changed Since 2012**

**2014 Response:**

[Begin response to above question (b) below this line.]

(a) Each elector shall provide valid photo identification to an appropriate election official prior to voting. A voter required to show valid photo identification when voting in person shall present to the appropriate election official one of the following forms of valid photo identification:

(1) A valid Alabama driver's license or nondriver identification card which was properly issued by the appropriate state or county department or agency.

(2) A valid Alabama photo voter identification card issued under subsection (f) or other valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue

personal identification, provided that such identification card contains a photograph of the elector.

(3) A valid United States passport.

(4) A valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state.

(5) A valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional school located within the state, provided that such identification card contains a photograph of the elector.

(6) A valid United States military identification card, provided that such identification card contains a photograph of the elector.

(7) A valid tribal identification card containing a photograph of the elector.

(b) Voters voting an absentee ballot shall submit with the ballot a copy of one of the forms of identification listed in subsection (a).

(c) Notwithstanding subsection (b), a voter who is entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (subchapter I-F of Chapter 20 of Title 42 U.S.C.); or any other federal law, shall not be required to produce identification prior to voting.

(d) An individual required to present valid photo identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by a provisional ballot, as provided for by law.

(e) In addition, an individual who does not have valid photo identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election officials sign a sworn affidavit so stating.

(f) The Secretary of State shall issue, upon application, an Alabama photo voter identification card to registered Alabama electors which shall under state law be valid only for the purposes of voter identification under subsection (a) and available only to registered electors of this state. No fee shall be charged or collected for the application for or issuance of an Alabama photo voter identification card.

(g) No person shall be eligible for an Alabama photo voter identification card if such person has a valid unexpired driver's license, nondriver identification card, or any other photo identification described in subsection (a).

(h) The Alabama photo voter identification card shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and shall contain a prominent statement that under Alabama law the card is valid only as identification for voting purposes. The Alabama photo voter identification card shall be laminated, shall contain a digital color photograph of the applicant, shall have the signature of the Secretary of State, and shall include the following information:

(1) Full legal name.

(2) Address as reflected in the person's voter registration record.

(3) Date of birth.

(4) Eye color.

(5) Gender.

(6) Height.

(7) Weight.

(8) Date identification card was issued.

(9) Other information as required by rule of the Secretary of State.

(i) The application for an Alabama photo voter identification card shall elicit the information required under subdivisions (1) to (7), inclusive, of subsection (h). The application shall be signed and sworn to by the applicant, and any falsification or fraud in the making of the application shall constitute a Class C felony.

(j) The Secretary of State shall require presentation and verification of the following information before issuing an Alabama photo voter identification card to a person:

(1) A photo identity document, except that a non-photo identity document is acceptable if the document includes both the person's full legal name and date of birth.

(2) Documentation showing the person's date of birth.

(3) Documentation showing the person is registered to vote in this state.

(4) Documentation showing the person's name and address as reflected in the voter registration record.

(k) An Alabama photo voter identification card shall remain valid so long as the person resides at that same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State of Alabama to surrender his or her card to the Secretary of State, and such person may after such surrender apply for and receive a new card if the person is otherwise eligible under this section. It shall be the duty of a person who moves his or her residence outside the State of Alabama or who ceases to be qualified to vote to surrender his or her card to the Secretary of State.

(l) The Secretary of State is authorized to contract with a private provider for the production of the Alabama photo voter identification card pursuant to any applicable state bid laws.

(m) The expenses for the production of the Alabama photo voter identification card shall be paid from funds appropriated in the state General Fund for Registration of Voters.

(n) The Secretary of State is directed to inform the public regarding the requirements of subsection (a) through whatever means deemed necessary by the Secretary of State.

(o) The Secretary of State is granted rule making authority for the implementation of this section under the Alabama Administrative Procedure Act.

[§17-9-30, Code of Alabama (as amended by Act 2011-673)]

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (c) below this line.]

Same as above.

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (d) below this line.]

No ID required for UOCAVA voters. [§17-9-30(d)]

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (e) below this line.]

No.

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (D3) below this line.]

(a) Except in the case of municipal elections, each political party or organization having candidates nominated, by a writing submitted to the inspector by the chair of the county executive committee or nominees for office or beat committeeman, may appoint a watcher for each voting place. In the event of an election in which there are no candidates, each political party, through a writing submitted to the inspector by the chair of the county executive committee, may appoint a watcher for each voting place.

(b) Watchers shall have the right to:

(1) Observe the conduct of the election.

(2) Monitor the preliminaries of opening the polls.

(3) Remain at the polling place throughout the election until the results of the election have been posted and the voting machines sealed, as provided by law.

(4) Observe the ballots as they are counted.

(5) Observe absentee ballots and affidavits when they are called during the count.

(6) See all oaths administered and signed, the record of assisted voters, the list of qualified voters, the poll lists, and any and all records made in connection with the election.

(c) Each watcher shall be sworn to faithfully observe the rule of law prescribed for the conduct of elections. Watchers may be present to be sworn in with the precinct election officials, or as time allows, but so as not to interfere with the election. Each watcher shall be a resident and qualified elector of the State of Alabama. Election officials, including returning officers, may not serve as poll watchers.

(d) A watcher may not disturb voters, attempt to influence voters, campaign, or display or wear any campaign material or buttons while inside any polling place.

[§17-8-7, Code of Alabama

[End response to above question (D3) above this line.]

# SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

**_x__ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (E1) below this line.]

No.

[End response to above question (E1) above this line.]

**E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

**__x_ No Change Since 2012 _____ Changed Since 2012**

**2012 Response:**

[Begin response to above question (E2) below this line.]

None.

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

# EXHIBIT D

**DECLARATION OF SYNETHIA E. PETTAWAY**

**FORMER MEMBER OF THE DALLAS COUNTY BOARD OF REGISTRARS**

1. I am a longtime resident of Selma, Alabama. I live with my husband, who serves as a Judge on the Circuit Court of Alabama.

2. I served on the Dallas County Board of Registrars from 1999 to 2011, and was chair of the board from 1999 to 2007. I was originally appointed as board chair by Governor Siegelman, and was subsequently appointed as a board member by the Commissioner of Agriculture, Ron Sparks.

3. During my term as a registrar, there was no formal training process on moral turpitude for board members. When I started in the position, I received informal guidance from Ms. Betty Jones, who had been appointed previously and whose term overlapped with mine, and from Mr. Ed Vancil, who preceded me as a member of the Dallas County Board of Registrars, and who also served again on the board during my tenure.

4. When I served on the board of registrars, there was no clearly defined list of crimes that involved moral turpitude, until an Attorney General's Opinion, which is not law, offered some suggestions late during my tenure. In my experience, some registrars believed that no one with a felony conviction should be allowed to vote, and most registrars found the moral turpitude standard confusing and difficult to apply.

5. For most of my term as a registrar, the boards of registrars would receive a list of names from the Circuit Clerk's Office or the Secretary of State's Office, or both. This list included not only persons with felony convictions, but also people who had been charged with felonies, but may have later pled down to misdemeanors or other lesser charges, or the case was dismissed and the Defendant was discharged. My understanding was that the general practice of many boards of registrars was to remove everyone on those list from the registration rolls. It was not a common practice for members of the Board of Registrars to investigate whether persons on the list were actually convicted of a felony of moral turpitude unless they knew the voter personally. In my experience, this practice was not limited to Dallas County.

6. If they limited disenfranchisement to crimes "involving moral turpitude" at all, registrars were ordinarily on their own to make that determination. Registrars found the standard

confusing, including myself. It is my understanding that the application of this rule—where it was limited at all—was entirely lacking in uniformity. It was often a topic of conversation at the meetings of the Alabama Association of the Boards of Registrars.

7. The board of registrars often received complaints in the period leading up to an election from people who had been removed from the rolls, despite not having a felony conviction. My practice during this time was to go to the clerk's office and look at a person's disposition forms (case action summary) to determine whether a person had been wrongfully removed. I would then reinstate voters who should not have been removed based on my best understanding of the "moral turpitude" provision. However, I relied on my judgment and did not have a comprehensive list of crimes to rely upon. From my conversations with other registrars, I know that my interpretation differed from others and they disagreed amongst themselves. To my knowledge, many other registrars did not even follow this practice of looking up an individual's crimes to determine eligibility. If other registrars did narrow disenfranchisement to "moral turpitude" crimes, they did so based on their judgment and not in a consistent manner on a statewide basis.

8. At some point during my term as registrar, Secretary of State Nancy Worley instructed registrars to only remove persons who were convicted of crimes of moral turpitude, which she defined as crimes that harm another person. There was still no comprehensive list. To my knowledge, many registrars ignored these instructions and continued to remove every person on the list produced by the Circuit Clerk's Office, Secretary of State's Office and the Computerized Code, or follow their own beliefs regarding the moral turpitude standard.

9. At some point after Ms. Worley left the Secretary of State's office, Ed Packard, the elections administrator for the State of Alabama, instructed me that registrars could just remove everyone on the list received that are referred to above, from the voter registration rolls. Mr. Packard stated that it was up to voters to prove their eligibility.

10. My practice during this time was to go to the clerk's office and to obtain a copy of a person's record of conviction. If the crime was not one that harms another person, based on my best understanding, or was not on the list of crimes provided by the Secretary of State, I would call Mr. Packard to get his opinion as to whether the person should be removed. To my knowledge, many registrars (including other members I served with in Dallas County) did not engage in this practice unless they knew the voter personally, and otherwise removed everyone on the list produced by the Circuit Clerk's Office, Secretary of State's Office or the Computerized List.

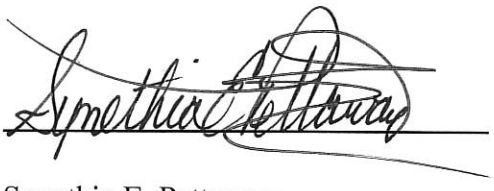
11. Before I left the Board of Registrars in 2011, the state adopted a new system whereby a voter's name, Social Security Number and/or their date of birth could be entered into a database, which was connected to other state systems (the Computerized List referred to above). The Circuit Clerk's system would flag whether a person had a felony conviction based on the information provided, but would not return a specific crime of conviction. In my experience, many registrars would remove any person flagged as a convicted felon, including people with same name and date of birth as a person with a conviction. My practice during this time was to determine whether a person actually had a disqualifying conviction before removing them, based on my best understanding of "moral turpitude," and to note my findings in the person's voter record. Again, there was no uniform definition of "moral turpitude" and I believe myself and other registrars (including within my office) interpreted and applied this standard differently.

12. Throughout my time as a member of the Dallas County Board of Registrars, the state kept track in the voter registration database of the date that a person was removed from the voter registration rolls or the date a person's voter registration application was denied. The state system also tracked other relevant dates, such as the date a person registered and the date a person last voted in an election.

13. In my experience as a registrar, many voters in Dallas County do not have reliable access to computers or to the internet. Some voters require assistance in registering because they lacked basic literacy skills. It is unlikely that such voters would be informed about changes in their registration status, or in voter registration law without individualized notice.

This Declaration is submitted pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Date: July 21, 2017



Synethia E. Pettaway

# EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF ALABAMA**
**NORTHERN DIVISION**

| | | |
|---|---|---|
| TREVA THOMPSON, et al., | ) | |
| | ) | |
| Plaintiffs, | ) | |
| | ) | |
| v. | ) | CIVIL ACTION NO. |
| | ) | **2:16-CV-783-WKW** |
| STATE OF ALABAMA, et al., | ) | |
| | ) | |
| Defendants. | ) | |
| | ) | |

**Declaration of Dr. Peyton McCrary**

Pursuant to 28 U.S.C. § 1746, I, Peyton McCrary, make the following declaration:

1. My name is Peyton McCrary, and I reside in Arlington, Virginia. I am an historian by training and taught history at the university level from 1969 until 1990. During the 1980s I served as an expert witness in numerous voting rights cases in the South. Beginning in August, 1990, I was employed by the Voting Section, Civil Rights Division, of the Department of Justice, until my retirement in 2016. My responsibilities in the Civil Rights Division included the planning, direction, coordination, and performance of historical research and empirical analysis for voting rights litigation, including the identification of appropriate expert witnesses to appear for the government at trial. In some instances I was asked to provide written or courtroom testimony on behalf of the United States.

2. I received B.A. and M.A. degrees from the University of Virginia in 1965 and 1966, respectively, and obtained my Ph.D. from Princeton University in 1972. My primary training was in the history of the United States, with a specialization in the history of the South during the 19th and 20th centuries. For 20 years I taught courses in my specialization at the University of

Minnesota, Vanderbilt University, and the University of South Alabama. In 1998-99 I took leave from the Department of Justice to serve as the Eugene Lang Professor in the Department of Political Science at Swarthmore College. For the last ten years I have co-taught a course on voting rights law as an adjunct professor at the George Washington University Law School.

3. I have published a prize-winning book, *Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton, N.J., Princeton University Press, 1978), six law review articles, seven articles in refereed journals, and seven chapters in refereed books. Over the last three decades my published work has focused on the history of discriminatory election laws in the South, evidence concerning discriminatory intent or racially polarized voting presented in the context of voting rights litigation, and the impact of the Voting Rights Act in the South. Over the last four decades I have published numerous reviews of books in my areas of specialization and served as a scholarly referee for numerous journals and university presses. I continued to publish scholarly work in my areas of expertise while employed by the Department of Justice and expect to continue my scholarly writing now that I have retired from government service. A detailed record of my professional qualifications is set forth in the attached curriculum vitae. My current hourly rate for service as an expert witness is $300.00.

4. My publications most relevant to the issues discussed in this declaration include: "Minority Representation in Alabama: The Pivotal Case of *Dillard v. Crenshaw County*," in Raymond Arsenault and Orville Vernon Burton (eds.), *Dixie Redux: Essays in Honor of Sheldon Hackney* (Montgomery, Al., New South Books, 2013), 403-22; "The End of Preclearance as We Knew It: How the Supreme Court Transformed Section 5 of the Voting Rights Act," 11 *Mich. J. Race & L.* 275 (2006) (co-authored with Christopher Seaman and Richard Valelly), *reprinted in Voting Rights Act: Section 5 Preclearance and Standards: Hearings Before the Subcomm. on the*

*Constitution of the H. Comm. on the Judiciary*, 109th Cong. 96-181 (2005); "Bringing Equality to Power: How the Federal Courts Transformed the Electoral Structure of Southern Politics, 1960-1990," 5 *U. Pa. J. Const. L.* 665 (2003); "Alabama," co-authored with Jerome A. Gray, Edward Still, and Huey Perry, in Chandler Davidson and Bernard Grofman (eds.), *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990* (Princeton, N.J., Princeton University Press, 1994), 38-66, 397-409; "Racially Polarized Voting in the South: Quantitative Evidence from the Courtroom," *Social Science History*, 14 (Winter 1990), 507-31; "Discriminatory Intent: The Continuing Relevance of 'Purpose' Evidence in Vote-Dilution Lawsuits," 28 *How. L.J.* 463 (1985); and "History in the Courts: The Significance of *City of Mobile v. Bolden*," in Chandler Davidson (ed.), *Minority Vote Dilution* (Washington, D.C., Howard University Press, 1984), 47-65.

5. I have presented courtroom testimony as an expert witness in 15 voting rights cases, for the most part before joining the staff of the Civil Rights Division. In one instance, however, I testified on behalf of the United States as amicus curiae. In addition, I have presented sworn written testimony in ten cases, including six since my employment by the Department of Justice. Prior to my employment with the Civil Rights Division I was retained as an expert in 19 cases that settled before trial. My testimony has often dealt with legislative intent in adopting or maintaining at-large elections, numbered place or majority vote requirements, and methods of appointing local governing bodies, as well as with the history of racial discrimination affecting registration and voting. I have not testified in cases during the past four years.

6. The cases in which I testified that are most relevant to this declaration include: *Dillard* v. *Crenshaw County*, 640 F. Supp. 1347 (M.D. Ala. 1986); *Harris* v. *Graddick*, 593 F. Supp. 128 (M.D. Ala. 1984); *Brown* v. *Board of School Commissioners of Mobile County*, 542 F. Supp.

1078 (S.D. Ala. 1982), *aff'd* ,706 F.2d 1103 (11th Cir. 1983); and *Bolden* v. *City of Mobile*, 542 F. Supp. 1050 (S.D. Ala. 1982). In each of these cases I testified as an expert witness for minority plaintiffs; in each the court's decision relied in part on my testimony. The trial court decided the two Mobile cases before the 1982 revision of Section 2 of the Voting Rights Act and thus under the intent standard applied in constitutional challenges after *City of Mobile* v. *Bolden*, 446 U.S. 55 (1980).

7. I have been asked by attorneys for the plaintiffs in this litigation to assess the degree to which the provision of Alabama law that disfranchises persons convicted of felonies involving moral turpitude was adopted or has been maintained with a racially discriminatory purpose. See Article VIII, Section 177, of the Alabama Constitution. That provision has its origin in Section 182 of the 1901 Alabama Constitution. See *Underwood v. Hunter*, 730 F.2d 614 (11th Cir. 1984), *aff'd sub. nom. Hunter v. Underwood*, 471 U.S. 222 (1985). Section 182 was among the devices adopted by the 1901 Constitutional Convention along with a cumulative poll tax, a literacy requirement, and a long residency requirement - for the specific purpose of eliminating most of the African American registered voters in Alabama. McCrary, et.al., "Alabama," 44, 401 n. 57; Malcolm C. McMillan, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism* (Chapel Hill, N.C., University of North Carolina Press), 275-76. The tests and devices that the convention designed to disfranchise African Americans had that effect, both in the short term and in the long term.[1]

[1] *Hunter v. Underwood*, 730 F.2d 614, 620 (11th Cir. 1984), crediting the estimate of the defendants' expert that Section 182 disfranchised approximately 10 times as many blacks as whites and the undisputed evidence that at the time of trial it disfranchised at least 1.7 times as many blacks as whites.

8. I have been asked to provide this declaration at an early stage of the current litigation, before the initiation of formal discovery and before I have had an opportunity to complete my investigation. I anticipate providing a fuller account once I have had an opportunity to examine evidence uncovered in discovery and to conduct new research.

9. My understanding of the proper role of an expert witness, based on my 37 years of experience in voting rights litigation, is that an expert is merely to assist the fact-finder by research and analysis; such research and analysis must be based on the scholar's training and skill in applying the methodology generally employed in his or her field of expertise. In this declaration, therefore, as in all my previous expert testimony and scholarly publications, I have employed the standard methodology used by historians in investigating the intent underlying the adoption or maintenance of election laws.

10. In this case much relevant evidence regarding the intent underlying the adoption of Section 182 has already been set forth in previous court decisions, based in part on the testimony of expert historians and in part on citations to evidence in learned treatises by historians. For the convenience of the court in this case I have cross-referenced prior judicial findings to place in context the new historical evidence I provide in this declaration.

11. The Supreme Court addressed the constitutionality of Section 182 directly in *Hunter v. Underwood*, 471 U.S. 222 (1985), ruling unanimously that Section 182's "original enactment was motivated by a desire to discriminate against blacks on account of race and the section continues to this day to have that effect." *Id.*, at 233. For this reason, observed the Court, "it violates equal protection under *Arlington Heights*."[2] The plaintiffs in *Hunter*, however, only challenged Section 182 "as it applies to those convicted of crimes not punishable by

[2] *Id.* See *Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 250 (1977).

imprisonment in the penitentiary." *Underwood v. Hunter*, 730 F.2d 614 (11th Cir. 1984). Consequently, when the Supreme Court affirmed the lower court's judgment, the injunction did not apply to felonies. 471 U.S. 222, 225, 233 (1985).

12. The evidence regarding that portion of Section 182 that applied to non-prison offenses – known as the "petty crimes" provision – included direct evidence of discriminatory intent. Section 182 identified numerous specific non-prison offenses that warranted disfranchisement. As the court of appeals noted: "The crimes selected by the suffrage committee had their origin in an ordinance drafted and submitted by John Fielding Burns, a Black Belt planter" who had served for years as a justice of the peace in a district where most of his cases involved blacks, according to a respected historical study. *Underwood v. Hunter*, 730 F.2d 614, 619 (11th Cir. 1984) (citing McMillan, *Constitutional Development in Alabama*, 275, n. 76). This list of specific crimes identified in Section 182 by Burns was "believed by the delegates to be more frequently committed by blacks." 730 F.2d at 226-27.

13. Both the court of appeals and the Supreme Court noted that the experts for *both* parties agreed on the racial purpose of Section 182. According to the 11th Circuit, both the plaintiffs' expert historian [Professor J. Morgan Kousser of Caltech] and the defendants' expert [Professor J. Mills Thornton, III of the University of Michigan] agreed that "the evident racial animus of section 182 was used to induce delegates representing poor whites to vote for other provisions in the suffrage article, such as the poll tax, that were contrary to their interests." 730 F.2d at 620. As to the immediate effect of Section 182, the courts credited Professor Thornton's estimate that "by January1903 section 182 had disfranchised approximately ten times as many blacks as whites." 730 F.2d 614, 620 (11th Cir. 1984); 471 U.S. 222, 227 (1985).

14. It is not clear just which crimes qualified as a "crime involving moral turpitude" in 1901. Section 182's language as to crimes involving moral turpitude was newly adopted by the 1901 convention, the Supreme Court noted. The Alabama Constitution of 1875, adopted following the end of Reconstruction, denied the right to vote by persons convicted of various crimes punishable by imprisonment in the penitentiary and Section 182 continued to disfranchise persons convicted of "any crime punishable by imprisonment in the penitentiary." The 1901 convention "added a new catchall provision covering 'any . . . crime involving moral turpitude.'" *Id.*, at 226. The Court added that "[t]his latter phrase is not defined" (*Id.*, at 226), but seems to have interpreted the term as covering the specific offenses identified in Section 182. *Id.*, 227.

15. The lack of a clear definition of "crimes of moral turpitude" continued from 1901 to the Court's decision in 1985. As long as the state maintained a white Democratic primary which prevented African Americans from participating in the only election that actually mattered in Alabama, Section 182 had little practical effect. The role of Section 182 in deterring African American voter registration increased in importance, however, after the Supreme Court found the use of a white primary unconstitutional in 1944. See *Smith v. Allwright*, 321 U.S. 649 (1944).

16. Following the end of the white primary African Americans in Mobile, Birmingham, and the college town of Tuskegee began to register in larger numbers and to vote in the Democratic primary. The state then adopted a constitutional amendment, drafted by Representative E.C. Boswell, that was ratified by the voters in 1946 after a campaign in which supporters openly emphasized the racial motive behind the amendment. McCrary, et.al., "Alabama," 45; Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (New York, Columbia University Press, 1976), 90-93; Scotty E. Kirkland, "Mobile and the Boswell Amendment," *Alabama Review*, 65 (July 2012), 205-19. The "Boswell Amendment," as it was

known, required new registrants to "understand and explain," as well as to read and write, any article of the U.S. Constitution. Donald S. Strong, *Registration of Voters in Alabama* (Bureau of Public Administration, University of Alabama, 1956), 22. The wording of the amendment was suggested by Gessner T. McCorvey, a Mobile attorney who chaired the State Democratic Executive Committee for many years. An understanding clause, McCorvey told a legislative committee, would give "discretion to the Board of Registrars and enable them to prevent from registering those elements in our community which have not yet fitted themselves for self government."[3]

17. The "discretion" given to local registrars by the Boswell Amendment – as a result of the vagueness and ambiguity in the phrase "understand and explain" - was the key feature on which a three-judge court focused in deciding a challenge brought by African American citizens of Mobile. *Davis v. Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949). The court's characterization of the language of the Boswell Amendment – and its description of how that language was used to carry out racially discriminatory denials of registration to African Americans – provides guidance in understanding the subsequent use of the language of Section 182 in Alabama's registration process.

18. The court asked whether "the words 'understand and explain' as used in the Boswell Amendment furnish a reasonable standard" for determining whether a prospective registrant is qualified to be added to the rolls, or whether the words were "so ambiguous, uncertain, and indefinite in meaning that they confer upon said boards arbitrary power to register or refuse to

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[3] Quoted in Lawson, *Black* Ballots, 90. In his remarks before the Interim Committee on Constitution and Legislative Procedure, McCorvey saw his proposed "understanding" clause as a way of preserving the intent of the 1901 disfranchising provisions: "Let's stick by the laws given to us by that great group of Alabamians who wrote the Alabama Constitution of 1901." Kirkland, "Mobile and the Boswell Amendment," 219.

register whomever they please." 81 F. Supp. at 877. It concluded that the words "understand and explain" did not provide a reasonable standard for determining whether citizens are eligible for registration but instead provided local registrars "a naked and arbitrary power to give or withhold consent." *Id.*, at 878 (quoting *Yick Wo v. Hopkins*, 118 U.S. 356, 366 (1886)). The court added that the local registrars to whom this arbitrary power was entrusted are not required to be lawyers and "it is fair to assume that many members of these boards do not have a good or correct understanding of the various articles of the Constitution, and that they might not be able to give any explanation of many of them." *Id.*, at 877.

19. The political leaders who had supported the Boswell Amendment succeeded two years later in securing passage of a new Voter Qualification Amendment, which was ratified by the voters in the fall of 1951. This amendment removed the offending words "understand and explain" on which the court had focused in *Davis v. Schnell*, leaving only a form of literacy test. Strong, *Registration of Voters in Alabama*, 27. The amendment charged the Alabama Supreme Court with the task of devising a questionnaire to be administered to all prospective registrants. The justices drew up 21 questions for the voters to answer, some of which called for routine information about the individual applicant, but others were complex indeed. *Id.*, at 30-33.

20. Donald Strong, a respected political scientist at the University of Alabama, undertook a careful study of the voter registration process under the Voter Qualification Amendment, which he observed, "was designed to be discriminatory." *Id.*, at 122. According to the 1950 Census, Strong observed, the median number of years of schooling achieved by Alabama residents aged 25 years or older was 7.9 years. *Id.*, at 34. There was, he noted later, a racial disparity in educational attainment. "Some 44.6 per cent of Negroes twenty-five years old and over had received four years or less of schooling; for whites twenty-five and over, the figure

is 13.4 per cent." Even an "honestly designed educational test" would thus continue "to bar the ballot to the great mass of uneducated Negroes." *Id.*, at 120.

21. The registrars who were to administer Voter Qualification Amendment were profiled in Strong's study, based on a sample of 20 counties. "Only people free to work at odd intervals can be registrars," he noted, and as a result most were "retired men, housewives, widows, and the self-employed," such as farmers, insurance agents, or retail storeowners. *Id.*, at 1-2, 9. Seats on the boards of registrars were patronage jobs and Strong thought this contributed to the high turnover he observed among board members. *Id.*, at 11. There was little state supervision of the performance of registrars, he added: "Each board operates as a law unto itself." *Id.*, at 12-14.

22. The Educational Interpretation Service at the Alabama Polytechnic Institute (now Auburn University) examined the questionnaire, Strong reported, and found that the justices' questionnaire "could be read only by people with an eighth grade education or better." Strong interpreted that to mean that "only the upper 48 per cent, educationally considered, are able to read material as difficult as that contained in the questionnaire." *Id.*, at 34-35. The terms used in the questionnaire were often technical, he noted, and yet in applying for voter registration the "average grade school graduate is expected to know [for example] the meaning of *bona fide* in questions 5 and 21." *Id.*, at 34. Further difficulties applicants faced, Strong thought, stemmed from the fact that several questions were "capable of more than one interpretation." *Id.*

23. "Still more perplexing," Strong found, was the twelfth question: "Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude?" If the answer was yes, the prospective registrant was instructed to "give the facts" in the space provided. *Id.*, at 32, 34. In Strong's view, "[n]o reasonable layman may be expected to know what offenses do or do not involve moral turpitude. In fact, the courts are not in agreement on

the definition of the term." *Id.*, at 34-35. In short, the language of Section 182 – especially that addressing "crimes involving moral turpitude" - could serve as a major barrier to voter registration,

24. The application and questionnaire that included the inquiry as to crimes involving moral turpitude served as the principal tests and devices used to restrict African American voter registration after 1952 and remained in use in Alabama "until suspended by the Voting Rights Act of 1965."[4] The language of Section 182 remained unchanged when the Supreme Court found Section 182 unconstitutional in *Hunter v. Underwood* in 1985. 471 U.S. 222, 233 (1985).

25. Following the Supreme Court's decision in 1985, it appears to have been unclear to which convictions the term "crimes involving moral turpitude" applied. In 1996, however, the state's voters ratified a constitutional amendment which changed the language of Article VIII, Section 177 (the successor to Section 182). Now the language reads: "No person convicted of a felony involving moral turpitude . . . shall be qualified to vote until restoration of civil and political rights."

26. State officials apparently have had difficulty in interpreting the application of this new language (just as with the language of Section 182 in the 1950s and 1960s). In 2005, for example, the Executive Director of the Board of Pardons and Paroles asked Attorney General Troy King's office for an explanation of which "specific felonies do *not* include moral turpitude?" Opinion to William C. Segrest, dated March 18, 2005, A.G. No. 2005-092, at 2 (emphasis added). The Attorney General's office replied that the phrase moral turpitude "is not

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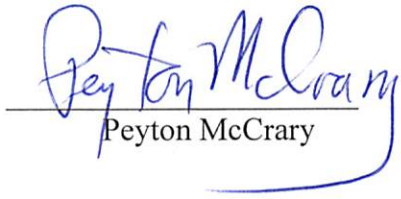
[4] Note, "Federal Protection of Negro Voting Rights," 51 *Va. L. Rev.* 1051, 1092-93 (1965). The Alabama Supreme Court revised the questionnaire twice in 1964 in ways that were considered more stringent than the initial version. Use of the monthly inserts that were part of the new questionnaire was restricted in five counties by federal court orders enjoining registrars from rejecting applicants for failing to answer correctly the questions on these inserts. *Id.*, at 1093.

defined in the Constitution of Alabama or in the Alabama Code." *Id.*, at 2. The reply conceded that "this Office cannot provide an exhaustive list of every felony involving moral turpitude," but cited a list of "the crimes that Alabama courts have determined to be crimes involving moral turpitude," noting, however, that not all the crimes so identified were felonies (and thus presumably were no longer disfranchising). *Id.*, at 2-3. The opinion also listed state court decisions that discussed "crimes that do not involve moral turpitude," and confirmed that a person convicted of such felonies "remains eligible to vote." *Id.*, at 4. The problem for most affected persons lay in determining precisely which felonies fell under the disfranchising effect of Section 177(b).

27. There were at that point two methods by which "a person who has lost his or her right to vote may have that right restored." *Id.*, at 4 (citing ALA. CODE Section 17-3-10 (Supp. 2004)). Such a person could obtain a pardon, or receive a "Certificate of Eligibility to Register to Vote" [CERV] from the Board of Pardons and Paroles. *Id.*, at 4-5. To receive a CERV an individual could have no pending felony charges in state or federal court and must have "paid all fines, court costs, fees, and victim restitution ordered by the sentencing court." *Id.*, at 5 (citing ALA. CODE Section 15-22-36.1(a)).

28. In short, the difficulties for the average layman in determining how Alabama law affected those convicted of a felony when they sought to regain their right to vote remained in some respects as confusing as they seemed to political scientist Donald Strong in analyzing the effects of Section 182 in the 1950s. Strong, *Registration of Voters in Alabama*, at 34-35.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of July, 2017.



Peyton McCrary

# CURRICULUM VITAE: PEYTON McCRARY

Professorial Lecturer, George Washington University Law School, 2006 - pmccrary@law.gwu.edu

Historian, U.S. Department of Justice, 1990-2016 (retired)
Civil Rights Division, Voting Section
1800 G Street, N.W, Room 7267
Washington, D.C. 20006

Principal Functions: Research for voting rights litigation; identifying consultants and expert witnesses to be used in cases; working with attorneys and experts to prepare for direct testimony and cross-examination; supervising the preparation of contracts and processing the reimbursement of consultants and expert witnesses; drafting presentation of factual evidence in memoranda, briefs, and proposed findings of fact; legislative history research.

EDUCATION: University of Virginia: B.A. (Honors), 1965
M.A., History, 1966

Princeton University: Ph.D., History, 1972

TEACHING FIELDS: Voting Rights Law; Minority Voting Rights; U.S. History; History of the South; Southern Politics; Civil War and Reconstruction; American Political Parties and Voting Behavior; Theory and Methods of Historical Analysis

CAREER RECOGNITION:

Maceo Hubbard Award, U.S. Department of Justice, Civil Rights Division, 2011

PAST ACADEMIC AND RESEARCH APPOINTMENTS:

Eugene Lang Professor [Visiting], Department of Political Science, Swarthmore College, Swarthmore, Pennsylvania, 1998-1999.

Distinguished Scholar, Joint Center for Political and Economic Studies, Washington, D.C., 1987-1988.

Associate Professor of History, 1978-82, Professor of History, 1982-90, University of South Alabama, Mobile, Alabama.

Assistant Professor of History, 1976-1978, Vanderbilt University, Nashville, Tennessee

Instructor, Assistant Professor of History, 1969-1976, University of Minnesota, Minneapolis, Minnesota

BOOK:

*Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton, N.J., Princeton University Press, 1978), 423 pages. Winner, Kemper Williams Prize, Louisiana Historical Association, 1979.

BOOK CHAPTERS:

"Minority Representation in Alabama: The Pivotal Case of *Dillard v. Crenshaw County*," in Raymond Arsenault and Orville Vernon Burton (eds.), *Dixie Redux: Essays in Honor of Sheldon Hackney* (Montgomery, Al., New South Books, 2013), 403-22.

"The Constitutional Foundations of the 'Preclearance' Process: How Section 5 of the Voting Rights Act Was Enforced, 1965-2005," in Daniel McCool (ed.), *The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act* (Bloomington, Indiana University Press, 2012), 36-66.

"Race and Municipal Reform in the Progressive Era: The Adoption of At-large Elections in Norfolk, Virginia, 1914-1918," in Orville Vernon Burton, et.al. (eds.), *The Struggle for Equality: Essays on Sectional Conflict, the Civil War, and the Long Reconstruction* (Charlottesville, University Press of Virginia, 2011), 238-53.

"The Law of Preclearance: Enforcing Section 5," co-authored with Christopher Seaman and Richard Valelly, in David Epstein, et.al. (eds.), *The Future of the Voting Rights Act* (New York, Russell Sage Foundation, 2006), 20-37.

"Alabama," co-authored with Jerome A. Gray, Edward Still, and Huey Perry, and "South Carolina," co-authored with Orville Vernon Burton, Terence R. Finnegan, and James W. Loewen, in Chandler Davidson and Bernard Grofman (eds.), *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965-1990* (Princeton, N.J., Princeton University Press, 1994), 38-66, 397-409. Winner, Richard Fenno Prize, American Political Science Association.

"History in the Courts: The Significance of *City of Mobile v. Bolden*," in Chandler Davidson (ed.), *Minority Vote Dilution* (Washington, D.C., Howard University Press, 1984), 47-65.

LAW REVIEW ARTICLES:

"How the Voting Rights Act Works: Implementation of a Civil Rights Policy, 1965-2005," *South Carolina Law Review*, 57 (Summer 2006), 785-825.

"The End of Preclearance as We Knew It: How the Supreme Court Transformed Section 5 of the Voting Rights Act," co-authored with Christopher Seaman and Richard Valelly, *Michigan Journal of Race & Law*, 11 (Spring 2006), 275-323. [An unpublished version was printed in *Voting Rights Act: Section 5 Preclearance and Standards: Hearings Before the Subcomm. On the Constitution, H. Comm. On the Judiciary, 109th Cong., 96-181 (2005)(Serial No. 109-69).]

"Bringing Equality to Power: How the Federal Courts Transformed the Electoral Structure of Southern Politics, 1960-1990," *University of Pennsylvania Journal of Constitutional Law*, 5 (May 2003), 665-708.

"Yes, But What Have They Done to Black People Lately? The Role of Historical Evidence in the Virginia School Board Case," *Chicago-Kent Law Review*, 70 (No. 3, 1994), 1275-1305.

"Keeping the Courts Honest: The Role of Historians as Expert Witnesses in Southern Voting Rights Cases," co-authored with J. Gerald Hebert, *Southern University Law Review*, 16 (Spring 1989), 101-28.

"Discriminatory Intent: The Continuing Relevance of 'Purpose' Evidence in Vote-Dilution Lawsuits," *Howard Law Journal*, 28 (No. 2, 1985), 463-93.

JOURNAL ARTICLES:

"The Interaction of Policy and Law: How the Courts Came to Treat Annexations under the Voting Rights Act," *Journal of Policy History*, 26 (No. 4, 2014), 429-58.

"The Struggle for Minority Representation in Florida, 1960-1990," *Florida Historical Quarterly*, 86 (Summer 2007), 93-111. Jillian Prescott Memorial Lecture, Florida Historical Society, 2006.

"Race and Reapportionment, 1962: The Case of Georgia Senate Redistricting," co-authored with Steven F. Lawson, *Journal of Policy History*, 12 (No.3, 2000), 293-320.

"The Dynamics of Minority Vote Dilution: The Case of Augusta, Georgia, 1946-1986," *Journal of Urban History*, 25 (Jan. 1999), 199-225.

"Racially Polarized Voting in the South: Quantitative Evidence from the Courtroom," *Social Science History*, 14 (Winter 1990), 507-31.

"The Party of Revolution: Republican Ideas About Politics and Social Change, 1862-1867," *Civil War History*, 30 (December 1984), 330-50.

"Class and Party in the Secession Crisis: Voting Behavior in the Deep South, 1856-1861," co-authored with Clark Miller and Dale Baum, *Journal of Interdisciplinary History*, VIII (Winter 1978), 429-57.

REVIEW ESSAYS:

"Race and Misrepresentation: Review of Maurice T. Cunningham, *Maximization, Whatever the Cost: Race, Redistricting, and the Department of Justice*," H-Net, Feb. 2002. www.h-net.msu.edu/reviews/showrev.cgi?path=214111015008351.

"Review of David Lublin, *The Paradox of Representation: Racial Gerrymandering and Minority Interest in Congress*," H-Net, May 1998.
www.h-net.msu.edu/reviews/showrev.cgi?path=23313895266679.

"Without Fear and Without Research: Abigail Thernstrom on the Voting Rights Act," co-authored with Pamela S. Karlan, *Journal of Law and Politics*, IV (Spring 1988), 751-77.

"The Political Dynamics of Black Reconstruction," *Reviews in American History*, 12 (March 1984), 51-57.

ENCYCLOPEDIA ARTICLE:

"The Reconstruction Myth," in Charles Reagan Wilson and William Ferris (eds.), *Encyclopedia of Southern Culture* (Chapel Hill, University of North Carolina Press, 1989), 1120-21 [reprinted in Jonathan Birnbaum and Clarence Taylor (eds.), *Civil Rights Since 1787: A Reader on the Black Struggle* (New York, New York University Press, 2000), 150-53.]

BOOK REVIEWS: American Historical Review, Journal of Interdisciplinary History, Journal of Southern History, Social Science History, American Review of Politics.

COURTROOM TESTIMONY AS AN EXPERT WITNESS:

(United States as Amicus Curiae), *SCLC v. Evans*, M.D.Ala. (Montgomery), December 1991. [Challenge to the method of electing certain circuit judges in Alabama]

(Plaintiffs), *Vereen v. Ben Hill County*, M.D.Ga. (Macon), December 1989. [Challenge to the state law requiring appointment of county school boards by the local grand jury, as applied in more than a dozen counties]

(Plaintiffs), *Hall v. Holder*, M.D.Ga. (Macon), December 1989.
[Challenge to the sole commissioner form of government in Bleckley County, Georgia]

(Plaintiffs), *Irby v. Fitzhugh*, E.D.Va. (Richmond), June 1988.
[Challenge to the appointment of all school boards in the Commonwealth of Virginia]

(Plaintiffs), *Dillard v. Crenshaw County, et.al.*, M.D.Ala. (Montgomery), Preliminary Injunction Hearing, March 1986. [Challenge to the at-large election of public officials in more than 180 Alabama counties, municipalities, and school boards]

(Plaintiffs), *Whitfield v. Clinton*, E.D.Ark. (Helena), March 1988. [Challenge to the use of the statewide majority vote requirement in Phillips County, Arkansas]

(Plaintiffs), *Dent v. Culpepper*, M.D.Ga. (Macon), Preliminary Injunction Hearing, November 1987. [Challenge to the at-large election of the City Commission in Cordele, Georgia]

(Plaintiffs), *Jackson v. Edgefield County, School District*, D.S.C. (Columbia), April 1986. [Challenge to the at-large election of the Edgefield County School Board]

(Plaintiffs), *Harris v. Graddick*, M.D.Ala. (Montgomery), February 1985. [Challenge to the procedures by which election officials are selected and elections conducted in Alabama]

(Plaintiffs), *Woods v. Florence*, N.D.Ala. (Birmingham), August 1984. [Challenge to the method of appointing the Jefferson County Personnel Board]

(Plaintiffs), *Collins v. City of Norfolk*, E.D.Va. (Norfolk), May 1984. [Challenge to the at-large election of the Norfolk City Council]

(United States), *County Council of Sumter County, S.C. v. U.S.*, D.D.C., February 1983. [Defense of Section 5 Objection to the at-large election of the Sumter County Council]

(United States), *U.S. v. Dallas County Commission*, S.D.Ala. (Selma), October 1981. [Challenge to the at-large election of the Dallas County Commission]

(Plaintiffs), *Bolden v. City of Mobile*, S.D.Ala. (Mobile), May 1981. [Challenge to the at-large election of the Mobile City Commission]

(Plaintiffs), *Brown v. Board of School Commissioners of Mobile County*, S.D.Ala. (Mobile), April 1981. [Challenge to the at-large election of the Mobile County School Board]

SWORN WRITTEN TESTIMONY AS AN EXPERT WITNESS:

(United States) June 25, 2012, and July 20, 2012, *State of Florida v. United States*, C.A. No. 1:11-cv-01428, D.D.C. [Defense of the constitutionality of Section 5 of the Voting Rights Act]

(United States) August 1, 2011, *Laroque v. Holder*, C.A. No. 1:10-0561, D.D.C. [Defense of the constitutionality of Section 5 of the Voting Rights Act]

(United States) November 15, 2010, and February 16, 2011, *Shelby County, Alabama, v. Holder*, C.A. No. 1:10-cv-00651, D.D.C. [Defense of the constitutionality of Section 5 of the Voting Rights Act]

(United States as Defendant-Intervenor) July 31, 1996, *Cook v. Marshall County, Mississippi, and United States*, C.A. No. 3:95 CV 155-D-A, N.D. Miss. [Defense of Marshall County's redistricting plan]

(United States as Defendant-Intervenor) July 19, 1994, *Hays v. State of Louisiana*, C.A. No. 92-1522S, W.D. La. (Shreveport). [Defense of Louisiana's congressional redistricting plan]

(United States) March 25, 1991, *State of Georgia v. Thornburg,* C.A. No. 90-2065, D.D.C. [Defense of Section 5 objection to the method of electing certain superior court judges in Georgia]

(Plaintiffs) January 20, 1988, *Irby v. Fitzhugh*, C.A. No. 87-0633-R, E.D.Va. (Richmond). [Challenge to the appointment of all school boards in the Commonwealth of Virginia]

(United States) June 25, 1984, *U.S. v. Halifax County, N.C.*, C.A. No. 83-88-CIV-8, E.D.N.C. (Wilson). [Challenge to the at-large election of the Halifax County Commission]

(Plaintiffs) April 22, 1983, *Wilson v. Powell*, C.A. No. 383-14, S.D.Ga. (Dublin). [Challenge to the appointment of the Johnson County School Board by the county grand jury]

(United States) September 28, 1982, *County Council of Sumter County, S.C. v. U.S.*, C.A. No. 82-0912, D.D.C. [Defense of Section 5 Objection to the at-large election of the Sumter County Council]

CONGRESSIONAL TESTIMONY:

"Testimony Before the Subcommittee of National Parks and Public Lands, Committee on the Interior, U.S. House of Representatives, June 14, 1988.

"Written Testimony of Dr. Peyton McCrary," in *Extension of the Voting Rights Act: Hearings Before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, U.S. House of Representatives*, 97th Cong., 1st Sess., Serial No. 24 (3 vols., Washington, D.C., G.P.O., 1982), III, 2749-76.

CONFERENCE PAPERS:

"The Deep South Fights Back: Constitutional Challenges to Section 5 of the Voting Rights Act, 1966-1980." Southern Historical Association, November 2012.

"From *Gomillion v. Lightfoot* to *City of Pleasant Grove v. United States*: Annexations, De-annexations, and the Voting Rights Act." Constitution Day Conference, San Francisco State University, September 2010.

"Two Kinds of Vote Dilution: From *Baker v. Carr* to *White v. Regester*." Organization of American Historians, April 2010.

"How the Voting Rights Act Works: Implementation of a Civil Rights Policy, 1965-2005," University of South Carolina School of Law, October 2005; [revised version, Southern Historical Association, November 2005].

"Bringing Equality to Power: Federal Courts and the Transformation of Southern Electoral Politics, 1960-2000." Organization of American Historians, April 2002.

"Why the Voting Rights Act Worked: A Judicial Model of Policy Implementation." Social Science History Association, October 1997; [revised version, Association of Public Policy Analysis and Management, November 1997].

"Yes, But What Have They Done to Black People Lately? The Role of Historical Evidence in the Virginia School Board Case." Southern Historical Association, November 1992.

"The Impact of the Voting Rights Act in Alabama," co-authored with Jerome Gray, Edward Still, and Huey Perry. American Political Science Association, 1989 [revised version presented at a Conference on the Impact of the Voting Rights Act, Rice University, Houston, Texas, May 1990].

"Taking History to Court: The Issue of Discriminatory Intent in Southern Voting Rights Cases." Joint Center for Political and Economic Studies, Washington, D.C., June 13, 1988.

"Keeping the Courts Honest: Expert Witnesses in Voting Rights and School Desegregation Cases," co-authored with J. Gerald Hebert. Southern Historical Association, November 1986.

"Discriminatory Intent: The Continuing Relevance of 'Purpose' Evidence in Vote-Dilution Lawsuits." Conference on Voting Rights Law, Howard University School of Law, Washington, D.C., January 1985.

"The Subtle Gerrymander: Discriminatory Purposes of At-large Elections in the South, 1865-1982." Organization of American Historians, April 1983.

"The Party of Revolution: Republican Ideas About Politics and Social Change, 1861-1868." Southern Historical Association, November 1980.

"After the Revolution: American Reconstruction in Comparative Perspective." American Historical Association, December 1979.

"The Civil War Party System, 1854-1876: Toward a New Behavioral Synthesis?" Southern Historical Association, November 1976.

CHAIRPERSON, PANELIST, OR COMMENTATOR:

Alabama Association of Historians, 1983.
Alabama Department of Archives and History, 1988.
American Historical Association, 2017.
American Political Science Association, 1987, 2003.
Brookings Institution, 1990.
National Association of Secretaries of State, 1983.
Organization of American Historians, 1979, 1995.
Social Science History Association, 1981, 1987, 1996, 1997, 1999.
Southern Historical Association, 1973, 1985.
University of Alabama, 1983.
University of Utah, 2007.

ACADEMIC REFEREE:

Book-length manuscripts: Princeton University Press, University of North Carolina Press, University of Tennessee Press, University of Alabama Press, Louisiana State University Press, University of Georgia Press.

Article-length manuscripts: Journal of American History, American Historical Review, Sociological Spectrum, Gulf Coast Historical Review, Social Science History.

CONSULTANT:

Test Design: College Board Achievement Test, American History; Educational Testing Service, Princeton, N.J., 1979-1983

Archival: Re-organization of Section 5 Objection Files, Civil Rights Division/Voting Section, U.S. Department of Justice, Washington, D.C., January-July, 1989.

Litigation Research: Civil Rights Division/Voting Section, U.S. Department of Justice, Washington, D.C., August 1989 to August 1990.

FELLOWSHIPS AND GRANTS:

John D. and Catherine T. MacArthur Foundation, 1987-1988: Distinguished Scholar, Joint Center for Political and Economic Studies, Washington, D.C.

American Philosophical Society, 1983: Research Travel Grant.

Rockefeller Foundation, 1982-1983: Research Fellowship.

Carnegie Corporation of New York, 1982-1983: Research Fellowship.

National Endowment for the Humanities, 1980: Summer Research Stipend.

University of South Alabama, 1978-1987: Faculty Research Grants; Research Council Grant.

Vanderbilt University, 1976-1978: Manuscript Preparation Grant.

University of Minnesota, 1969-1976: Faculty Research Grants.

Princeton University, 1966-69: University Fellow; Herbert Osgood Fellow; NDEA Fellow.

University of Virginia, 1961-1966: Echols Scholar; Du Pont Scholar; Ford Foundation Fellow.

# EXHIBIT F

**DECLARATION OF MARTHA SHEARER**

Pursuant to 28 U.S.C. § 1746, I declare that:

1. My name is Martha Shearer. I am a resident of Birmingham, Alabama and a citizen of the United States. I am a community organizer at Greater Birmingham Ministries.
2. One of my major activities as a community organizer is assisting community members to register to vote and apply to restore their voting rights. I help individuals fill out their application to register to vote, and for those who may not be eligible due to felony convictions, I help them fill out their applications for Certificates of Eligibility to Vote. I also track those applications and follow up with individuals to help make sure they are registered to vote.
3. A consistent problem I have had is helping people with convictions determine whether their crimes "involve moral turpitude" and are "disqualifying."
4. The people I encounter with convictions usually believed that all felonies are disqualifying. While I try to educate them about their rights, I have been limited in my ability to do so because there was not any clear definition of what crimes were disqualifying.
5. In helping individuals with convictions apply to register to vote, I have noticed that different registrars are inconsistent in applying the "moral turpitude" standard. I have seen some voters with the same convictions be denied by one registrar and permitted to register by another.
6. The Board of Pardons and Paroles and registrars also do not necessarily agree about disqualifying crimes. In my experience, there are times when a registrar denies a voter for a "disqualifying crime" but when that voter applies for a Certificate of Eligibility to Register to Vote (CERV) with the

Board of Pardons and Paroles, they deny the CERV because, according to the Board, the voter's crime was not disqualifying in the first place. This leaves voters in an impossible position.

7. During my time conducting voter registration and CERV restoration of rights, the entire system of disqualification of voters with felony convictions has been confusing, difficult to navigate, and inconsistent.
8. Just this week, I checked the voter status of one of my clients. She had recently received a notification from the registrar that she was ineligible to vote. But when I checked her registration online, she was registered. My client had not received any notification of this change in status and would not have know but for my follow-up.
9. I have seen the new law, HB 282, that limits "moral turpitude" to a defined set of convictions and started to inform voters at my voter registration events of these new eligibility requirements.
10. Based on my past work, I know that there are many individuals who are eligible to vote under HB 282 that have been informed by their registrar or the Board of Pardons and Paroles that they are not eligible to vote. Without notification, I think many of these voters may never discover that they have the right to vote.
11. Many of the community members that I work with are poor and do not have regular access to computers and the internet. Therefore, a website notification alone would be insufficient. In order to reach these individuals, individual notification alongside community events is required.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/24/17 Martha Shearer

# EXHIBIT G

Declaration of Perrion Roberts

Pursuant to 28 USC 1746, I declare that:

1. I was convicted of a drug related felony and sentenced in 2004. I was released in 2006.
2. I registered to vote in Jefferson County, Alabama in 2006 and voted there in 2006.
3. Later in 2006, I moved from Jefferson to Madison County, Alabama and attempted in 2008 to transfer my voter registration to Madison County. When I attempted to do so, I was informed by Madison County that I could not become registered because I was a convicted felon.
4. In 2014, I received a full pardon after paying more than $9000 in fines and restitution. I reapplied to vote again in Madison County in 2014 and was sent a letter of rejection, again because they said I was a convicted felon. I had to return to the Registration office with my full pardon before they would permit me to be registered. I have voted in elections since 2014.

I declare under penalty of perjury that the foregoing is true and correct.

December 7, 2016 _____



# EXHIBIT H

**Declaration of Constance Todd**

Pursuant to 28 U.S.C. § 1746, I declare that:

1. My name is Constance Todd. I am a lifetime resident of Birmingham, Alabama and a citizen of the United States. I am seventy years old. I have four adult children.
2. In 1997, I was convicted of felony theft of property and felony possession of forged instrument. Those are my only felony convictions. I have no criminal record since that time.
3. I have been registered to vote in Jefferson County, Alabama for many years. I believe since I turned eighteen years old.
4. I have voted routinely in local, state, and national elections, since I was about eighteen years old until this past election in November 2016. Voting is extremely important to me.
5. In 2014, after the passage of the voter ID law, I applied for and was issued a photo voter identification card.
6. In the fall of 2016, I received a letter from the state of Alabama informing me that my voter registration has been cancelled on the basis of my 1997 conviction "involving moral turpitude." I do not know why I was suddenly removed after all of these years that I have been voting.

7. As a result, I was unable to vote in the 2016 election. This is the first major election that I recall not voting in. I wish to have my voting rights restored so that I can continue voting in the future.

I declare under penalty of perjury that the foregoing is true and correct.

December 8, 2016

12/8/16

# EXHIBIT I

# DECLARATION OF BRIO RICHARDSON

Pursuant to 28 U.S.C. § 1746, I declare that:

1. My name is Brio Richardson. I am from a 44-year-old resident of Montgomery, Alabama and a citizen of the United States. I work as a supervisor at Landscape Associates, a Bessemer, Alabama based company. My birthdate is November 11, 1972.
2. In 1996, I was convicted of breaking and entering a vehicle. From 2002 to 2014, I was convicted of possession of a controlled substance by fraud, unlawful distribution of a controlled substance, and possession of a controlled substance.
3. As of December 2016, I still owed the state of Alabama approximately $5,000 in fines and fees.
4. I make monthly payments on these fines and fees of approximately 20 dollars a month.
5. As a result of my convictions and outstanding fines and fees, I have been unable to register and vote.
6. Around June or July 2017, I received a phone call from an acquaintance, informing me that a new Alabama law was passed, defining a list of disqualifying felonies involving moral turpitude. None of my convictions is included in this new list.
7. On July 18, 2017, I received a call from Campaign Legal Center also informing me of this new law and confirming that I am now eligible to vote based on this new definition of disqualifying felonies. They also informed me that the deadline to register to vote for the next statewide election is July 31, 2017.

8. Before those phone calls, I was unaware of the new law and my ability to register to vote.
9. I now plan to register and vote in the upcoming special election in Alabama.
10. Absent intervention from Campaign Legal Center, I would not have been sure that I have the right to register and vote in the upcoming election.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 23, 2017

Brio Richardson

# EXHIBIT J

# DECLARATION OF WILLIE GOLDSMITH

Pursuant to 28 U.S.C. § 1746, I declare that:

1. My name is Willie Goldsmith. I am a 69-year-old resident of Birmingham, Alabama and a citizen of the United States. I have two daughters. I am currently on disability and unable to work. My birthdate is April 26, 1948.
2. In 1981, I was convicted of sale of cocaine, and in 1988, I was convicted of possession of a controlled substance and sale of cocaine.
3. After my felony convictions, in or around 2016, Greater Birmingham Ministries assisted me in attempting to register to vote, but my application was denied on the grounds that I had a disqualifying felony conviction. As a result, I have been unable to vote.
4. On July 19, 2017, I received a call from Campaign Legal Center informing me that a new Alabama law was passed, defining a list of disqualifying felonies involving moral turpitude. None of my convictions is included in this new list.
5. Before the phone call, I was unaware of the new law and my ability to register to vote.
6. I now plan to register and vote in the upcoming United States Senate special election in Alabama.
7. Absent intervention from Campaign Legal Center, I would not have known that I have the right to register and vote.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7-24-17

Willie Goldsmith