

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

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

Rule No. 820-2-11

Rule Title: \_\_\_\_\_

New  Amend  Repeal  Adopt by Reference

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

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

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer J.H. Merrill

Date December 17, 2017

(DATE FILED)  
(STAMP)

Alabama Secretary of State

NOTICE OF INTENDED ACTION

AGENCY NAME:

Office of the Secretary of State

RULE NO. & TITLE:

820-2-11 Electronic Poll Books

INTENDED ACTION:

New Rule

SUBSTANCE OF PROPOSED ACTION:

Provide for the use and implementation of Electronic Poll Books.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Views may be presented orally or in writing and should be addressed to Brent Beal, Office of the Secretary of State, P.O. Box 5616, Montgomery, AL 36130; (334) 353-7857

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

February 2, 2018

CONTACT PERSON AT AGENCY:

Brent Beal, Office of the Secretary of State, State Capitol Suite E-201, 600 Dexter Avenue, Montgomery, AL 36130; (334) 353-7857.



Secretary of State

ADMINISTRATIVE PROCEDURES FOR ELECTRONIC POLL BOOKS

CHAPTER 820-2-11  
Electronic Poll Books

TABLE OF CONTENTS

820-2-11

820-2-11.01 Certification of Electronic Poll Books

820-2-6.1.02 County Reimbursement

820-2-6.1.01 Certification of Electronic Poll Books

(1) To be certified for use, an electronic poll book shall do all of the following:

(1) Be secure.

(2) Be compatible with the statewide voter registration system.

(3) Include a failsafe data recovery procedure for information included in the electronic poll book.

(4) Contain the same information as the printed lists provided for in Section 11-46-36 and any local law governing a municipal election and in Section 17-4-2 and the poll lists provided for in Section 11-46-50 and any local law governing a municipal election and in Sections 17-9-11 and 17-13-7.

(5) Indicate whether the voter applied for an absentee ballot and the registration status of the voter in the statewide voter registration list.

(6) Provide an electronic process to check in a voter on election day that incorporates the signature requirements set forth in Section 11-46-50 and any local law governing a municipal election and in Section 17-9-11; provided that this process may not be used for checking in a voter who is required to cast a provisional ballot as provided for in Chapter 10 of this title, or whose name is not contained in the electronic poll book as an eligible voter for the precinct.

- (7) Provide functionality for quickly and accurately uploading voter history into the statewide voter registration list in accordance with Section 17-4-33.
- (8) Provide for the retention of the voter data contained in the electronic poll book for the applicable retention period applicable to the records of election, which may be accomplished by archiving the data in electronic format on an external data storage device.
- (9) When used in a primary election or primary runoff election, provide for the recording and subsequent printing or exporting of electronic data of names and electronic signatures of the voters participating in the primary election or primary runoff election of each political party.
- (10) Provide for the retention of the voter's party preference in a primary election for the runoff election.

**Author:** Brent Beal, David Brewer, John Bennett, and Clay Helms  
**Statutory Authority:** Code of Ala. 1975, §§Section 17-8-1, 17-10-2 and 17-4-2.1  
**History: New Rule:** Filed December 20, 2017.

#### 820-2-6.1.02 County Reimbursement

- (1) As Electronic Poll Books can be utilized in lieu of the printed poll list, Electronic Poll Books are equipment necessary for election officials to conduct elections as required by law.
- (2) Due to their usage in multiple elections including federal, state, and county, collectively and/or separately, counties which utilize Electronic Poll Books in lieu of the printed poll list shall be reimbursed fifty (50) percent of their expense by the State of Alabama only for elections eligible for reimbursement by the State of Alabama.
- (3) Only Electronic Poll Books certified by the Secretary of State shall be eligible for reimbursement.

**Author:** Brent Beal, David Brewer, John Bennett, and Clay Helms  
**Statutory Authority:** Code of Ala. 1975, §§Section 17-8-1, 17-10-2 and 17-4-2.1  
**History: New Rule:** Filed December 20, 2017.