

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Secretary of State

Rule No. 820-2-6.1

Rule Title: Cross Over Voting

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

Does the proposed rule have an economic impact? No

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

Certification of Authorized Official

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

Signature of certifying officer J. H. Merrill

Date November 8, 2017

(DATE FILED)
(STAMP)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. _____ Department or Agency Secretary of State _____

Rule No: 820-2-6.1

Rule Title: Cross Over Voting

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

****Additional pages may be used if needed.**

Alabama Secretary of State

NOTICE OF INTENDED ACTION

AGENCY NAME:

Office of the Secretary of State

RULE NO. & TITLE:

820-2-6.1 Cross Over Voting

INTENDED ACTION:

New Rule

SUBSTANCE OF PROPOSED ACTION:

This rule provides for the administration and implementation of Act # 2017-340 by creating a tracking mechanism to determine a voter's primary selection.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

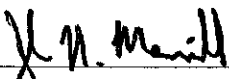
Views may be presented orally or in writing and should be addressed to Brent Beal, Office of the Secretary of State, P.O. Box 5616, Montgomery, AL 36130; (334) 353-7857.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

January 4, 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 IMPLEMENTING ANTI-CROSSOVER
LEGISLATION

CHAPTER 820-2-6.1

Cross Over voting

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820-2-6.1.01 Cross over Voting

820-2-6.1.01 Cross over Voting

(1) When a person presents himself or herself to vote at a polling place in a primary election, the registration list clerk as provided for in Section 17-8-1(b)(2) shall determine if the person is eligible to vote in the primary election.

(2) Upon a determination that the person is eligible to vote in the primary election, the voter shall declare to the registration list clerk in which political party's primary he or she desires to cast a ballot.

(3) (a) The registration list clerk shall highlight or otherwise mark off the voter's name from the list of registered voters as provided for in Section 17-8-1(b)(2).

(b) The registration list clerk shall notate by the voter's name on the list of registered voters in which political party's primary the voter is participating. The registration list clerk shall clearly notate the political party preference by using an abbreviation for the political party's name, such as "Dem" for "Democrat" or "Rep" for "Republican". At the discretion of the judge of probate, the registration list clerk may be provided a stamp with the name of each political party for notating the voter's political party preference on the list of registered voters.

(c) For voters casting a non-partisan, issue-only ballot in a special referendum election held at the same time as a primary election and who are not participating in a political party primary election, the registration list clerk shall make a notation of "NP" for non-partisan next to the voter's name on the list of registered voters. At the discretion of the judge of probate, the registration list clerk may be provided a stamp containing the term "non-partisan" for notating on the list of

registered voters that the voter participated only in the special referendum election.

(4) If the registration list clerk is unable to determine the eligibility of the person to vote in the primary election or primary runoff election or the voter objects to the party listed for the runoff, the person shall be required to cast a provisional ballot as provided for in Section 17-10-2 and determined by the Secretary of State according to Act# 2017-340. In addition to the procedures for provisional balloting provided for in Section 17-10-2 and Chapter 820-2-6 of the Alabama Administrative Code, the provisional ballot officer shall mark the person's political party preference on the face of the sworn statement of provisional voter provided for in Rule 820-2-6-11 for use by the Board of Registrars.

(5) In precincts utilizing electronic poll books in lieu of a paper list of registered voters, the registration list clerk shall identify in the electronic poll book the voter's political party preference, or non-partisan status if voting in a special referendum election held at the same time as a primary election, after determining the voter is eligible to vote in the primary election.

(6) After the primary election, the Board of Registrars of each county shall keep the list of registered voters until after a decision has been made on all provisional ballots by the registrars of the county for the primary runoff election.

(7) The Board of Registrars shall record each voter's party preference when recording voter history.

(8) In administering absentee voting for an election pursuant to Title 17, Chapter 11, the duties assigned to the registration list clerk pursuant to this section shall be assigned to the absentee election manager for each county.

Author: Brent Beal, David Brewer, Ed Packard, and Clay Helms
Statutory Authority: Code of Ala. 1975, §§Section 17-8-1, 17-10-2 and Act# 2017-340
History: New Rule: Filed June 21, 2017.