

STATE OF ALABAMA
THE OFFICE OF THE SECRETARY OF STATE

CHAPTER 820-2-6.1
CROSS-OVER VOTING

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(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 No. 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 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.

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Statutory Authority: Code of Ala. 1975, §§17-8-1, 17-10-2, Act No. 2017-340.

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