

1 HB131  
2 214700-1  
3 By Representative Sorrell  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 13-JAN-22

8 SYNOPSIS: Under existing law, the judge of probate of  
9 each county is required to publish in a newspaper  
10 of general circulation in the county a list of all  
11 registered voters in the county prior to each  
12 primary election.

13 This bill would amend Section 17-4-1 of the  
14 Code of Alabama 1975, to require the list of  
15 registered voters to be published prior to each  
16 primary election by the judge of probate on a  
17 public notice website established by the Secretary  
18 of State, unless the county commission opts out of  
19 this method of publication. This bill would provide  
20 the method by which a county commission may opt out  
21 of the public notice website.

22 This bill would require the Secretary of  
23 State to establish and operate a public notice  
24 website on which voter lists may be published.

25 This bill would authorize the Secretary of  
26 State to charge a fee to cover the cost of

1 publication. There would be no fee charged to the  
2 public for usage of the public notice website.

3 Also under existing law, the clerk of each  
4 municipality is required to create a list of  
5 registered voters within the municipality prior to  
6 each municipal election.

7 This bill would authorize a municipal clerk  
8 to publish the list of qualified voters for each  
9 municipal election on the public notice website.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 Relating to elections and the publication of lists  
16 of registered voters prior to elections; to amend Section  
17 17-4-1, Code of Alabama 1975, to authorize judges of probate  
18 to provide for the electronic publication of lists of  
19 registered voters on a public notice website operated by the  
20 Secretary of State; to provide for fees for publication and to  
21 provide that no fee shall be charged for access to the list on  
22 the website by the public; to allow a county commission to opt  
23 out of Internet publication of lists of registered voters  
24 under certain conditions; and to amend Section 11-46-36, Code  
25 of Alabama 1975, to authorize municipalities to electronically  
26 publish a list of registered voters prior to a municipal  
27 election.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 1 through 6 shall be known and  
3 may be cited as the Voter List Publication Savings and  
4 Modernization Act.

5 Section 2. As used in Sections 1 through 6, the term  
6 "public notice website" shall mean an Internet website or the  
7 existing Secretary of State's website, maintained by the  
8 Secretary of State, upon which lists of registered voters may  
9 be published as provided in Sections 3 through 6.

10 Section 3. (a) The Secretary of State shall develop,  
11 maintain, host, and operate a public notice website or may  
12 contract with a third party for the creation, maintenance,  
13 hosting, and operation of a public notice website for  
14 publishing lists of registered voters. If the Secretary of  
15 State contracts with a third party and the Secretary of State  
16 requires a quality review, the third party shall provide full  
17 access to the technical informational operations of the public  
18 notice website.

19 (b) The Secretary of State shall do all of the  
20 following:

21 (1) Maintain the public notice website so that it is  
22 operable 24 hours per day, seven days a week, each day of the  
23 year. The public notice website and its features shall be  
24 publicly accessible. This subdivision shall not apply to  
25 interruptions caused by circumstances out of the control of  
26 the Secretary of State, including unforeseeable interruptions  
27 in Internet service.

1           (2) Ensure that the public notice website has the  
2 capability to accept and display lists of registered voters  
3 forwarded from municipal clerks pursuant to Section  
4 11-46-36(a), Code of Alabama 1975, and judges of probate  
5 pursuant to Section 17-4-1(f), Code of Alabama 1975, free of  
6 charge to the public.

7           (3) Ensure that lists of registered voters are  
8 displayed through the end of a voting cycle.

9           (4) Include within the public notice website an  
10 archives feature that is accessible free of charge to the  
11 public at all times and a function that allows the public to  
12 determine which notices have been posted in a given county.

13           (5) Make a report to the Legislature upon the  
14 successful development and testing of the public notice  
15 website.

16           (c) No later than October 1, 2022, the Secretary of  
17 State shall develop and test the public notice website.

18           (d) The submission of a list of registered voters  
19 for Internet publication shall be made through the Secretary  
20 of State by the municipal clerk or judge of probate.

21           (e) The Secretary of State may charge a fee that  
22 reasonably reflects the actual cost of publication to the  
23 municipal clerk or judge of probate.

24           (f) The Office of the Secretary of State shall be  
25 solely responsible for providing personnel for the operation  
26 or maintenance of the public notice website.

1 (g) The Secretary of State shall not charge a fee to  
2 a person accessing, searching, or using the public notice  
3 website.

4 Section 4. (a) If the county commission of any  
5 county, by majority vote, finds that a public notice website  
6 would not provide adequate notice to the residents of the  
7 county, the publication of lists of registered voters on the  
8 public notice website shall not be sufficient to fulfill the  
9 requirements of Section 17-4-1, Code of Alabama 1975, within  
10 the county, and public notice within the county shall continue  
11 to be made by newspaper as authorized by Section 17-4-1, Code  
12 of Alabama 1975.

13 (b) A county commission, by majority vote, that  
14 finds a public notice website to be insufficient under  
15 subsection (a) shall deliver to the Secretary of State written  
16 notice of the finding within 30 calendar days of the vote. A  
17 county commission that later finds that a public notice  
18 website would provide adequate notice shall deliver to the  
19 Secretary of State written notice of the finding within 30  
20 calendar days of the vote.

21 Section 5. (a) Prior to September 1, 2022, each  
22 county shall publish a notice informing the public about the  
23 implementation of the public notice website.

24 (1) This notice shall run at least once a week for  
25 four consecutive weeks in a newspaper of general circulation  
26 qualified to publish public notice in that county under  
27 Section 6-8-60 of the Code of Alabama 1975.

1           (2) If there is no newspaper of general circulation  
2 qualified to publish public notice in the county, this  
3 requirement may be satisfied by posting the notice for four  
4 consecutive weeks at five different public places in the  
5 county or municipality.

6           (b) This section shall not apply to any county in  
7 which the county commission has found and declared, pursuant  
8 to Section 4, that a public notice website is not sufficient  
9 to fulfill public notice requirements within the county until  
10 the county finds and declares that a public notice website  
11 would provide adequate notice to the residents of the county.

12           Section 6. The Secretary of State may conduct a  
13 public information campaign to inform the public of the public  
14 notice website and publication of the lists of registered  
15 voters on the Secretary of State's website.

16           Section 7. Sections 11-46-36 and 17-4-1, Code of  
17 Alabama 1975, are amended to read as follows:

18           "§11-46-36.

19           "(a) The mayor or other chief executive officer of  
20 the city or town shall cause to be made a list of the  
21 qualified voters who reside within the corporate limits of  
22 such city or town and who are registered to vote regular  
23 ballots, dividing the same into separate alphabetical lists of  
24 the qualified voters of each ward where such city or town has  
25 been divided into wards and all qualified voters thereof vote  
26 at one box or voting machine, or dividing such list into  
27 separate alphabetical lists of voters authorized to vote at

1 each respective box or voting machine if the list of qualified  
2 voters has been divided alphabetically and each alphabetical  
3 group assigned a box or machine at which to vote. He or she  
4 shall have ~~such~~ the lists compared with the official list of  
5 electors qualified to vote during the current year on file in  
6 the probate office of the county in which the municipality is  
7 situated and shall certify on each list prepared pursuant to  
8 this section that it is a correct list of the voters who are  
9 qualified to vote regular ballots in the municipality, ward,  
10 ballot box, or voting machine to which it appertains. He or  
11 she shall have full access to all registration lists of the  
12 county for this purpose. A copy of each list ~~so~~ prepared under  
13 this section shall be filed with the municipal clerk, who  
14 shall file and retain each ~~such~~ list as a public record in his  
15 or her office, on or before the third Tuesday in July before a  
16 regular municipal election. In addition, the clerk of each  
17 municipality may email a copy of the list to the Secretary of  
18 State, who shall publish the list on the public notice  
19 website. The clerk shall prepare a copy of the list of  
20 qualified voters authorized to vote at each of the respective  
21 polling places in the municipality, and, prior to the opening  
22 of the polls on election day, he or she shall furnish to the  
23 inspectors, or one of them, of each ballot box or voting  
24 machine at each polling place a copy of the list of qualified  
25 voters authorized to vote at the box or voting machine for  
26 which he or she was appointed an inspector. The clerk shall  
27 also publish the list of qualified voters authorized to vote



1 at the ensuing election at least five days prior to the  
2 election by posting copies thereof in at least three public  
3 places in the municipality.

4 "(b) Following each election, the municipal clerk  
5 shall make a copy of that portion of the poll list to be made  
6 a public record and shall maintain the original in his or her  
7 office. The clerk shall redact any information required to be  
8 redacted pursuant to Section 17-4-33 from the copy to be made  
9 a public record. This subsection shall not affect poll lists  
10 used at local precincts.

11 "§17-4-1.

12 "(a) The judge of probate shall publish from the  
13 state voter registration list a correct alphabetical list of  
14 qualified electors either by county, precinct, district, or  
15 subdivision wherein each elector is registered to vote, on the  
16 public notice website or, for any county that has opted out of  
17 the public notice provisions pursuant to Section 4, in ~~some~~ a  
18 newspaper with general circulation in the county, on or before  
19 the twentieth day preceding the regularly scheduled primary  
20 election.

21 "(b) The list shall be accompanied by a ~~printed~~  
22 certification generated by the state voter registration system  
23 verifying that the list contains the names of all qualified  
24 electors registered as of the specified time and date when it  
25 was ~~printed~~ prepared.

26 "(c) (1) The list shall further state that any  
27 elector whose name was inadvertently omitted from the list

1 shall have 10 days ~~in~~ during which to have his or her name  
2 entered upon the list of qualified voters.

3 "(2) If, within 10 days, any voter shall reasonably  
4 satisfy the board of registrars by proper proof that any name  
5 should be added to the list, the board shall add ~~such~~ the name  
6 to the list. The supplemental list of registered voters  
7 inadvertently omitted from the original list shall be  
8 published on the public notice website or, if the county has  
9 opted out of the public notice provisions pursuant to Section  
10 4, once in a newspaper of general circulation in the county,  
11 on or before the seventh day preceding the date of the primary  
12 election.

13 "(d) (1) The lists required to be published pursuant  
14 to this section may be published, at the discretion of the  
15 county commission, as a preprinted or inserted advertising  
16 supplement at a cost no greater than the selected newspaper's  
17 lowest applicable national insertion rates.

18 "(2) If the list is published as a preprinted  
19 supplement in the selected newspaper, the supplement size  
20 shall conform to the size requirements set by the selected  
21 newspaper and shall be printed on standard newsprint paper.  
22 The type size shall be no smaller than nine point standard  
23 type. The list shall also be delivered to the newspaper for  
24 insertion in a manner required for other advertising  
25 supplements. The supplement ~~may~~ shall not contain any other  
26 advertising. Any newspaper accepting a preprinted insertion

1 that is not prepared by the newspaper shall not be responsible  
2 for the content of ~~such~~ the insertion.

3 "(e) Nothing in this section shall prohibit a county  
4 commission from publishing the list of voters in more than one  
5 newspaper within the county at the county commission's  
6 discretion.

7 "(f) The judge of probate shall email any list of  
8 voters prepared pursuant to this section to the Secretary of  
9 State, who shall publish the list on the public notice  
10 website."

11 Section 8. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law, except Section 7 of  
14 this act shall become effective October 1, 2022, following the  
15 passage and approval of this act by the Governor, or its  
16 otherwise becoming law.