

1 SB137
2 182648-3
3 By Senators Holley, Albritton and Dial
4 RFD: Governmental Affairs
5 First Read: 09-FEB-17

1 SB137

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Board of Registrars; to amend
12 Sections 17-3-2, 17-3-3, 17-3-4, 17-3-5, as last amended by
13 Act 2016-311, 2016 Regular Session, and 17-3-8, Code of
14 Alabama 1975, to specify that appointees to the Board of
15 Registrars serve at the pleasure of the appointing
16 authorities; to revise the process and content of registrar
17 guidelines prescribed by the Secretary of State; to provide
18 that a registrar removed for cause would be ineligible for
19 reappointment as a registrar for a specified time frame; to
20 clarify the compensation received by registrars; to require
21 the board to be open during the same hours as the county
22 courthouse; and to require the tracking and reporting of hours
23 worked by registrars.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 17-3-2, 17-3-3, 17-3-4, 17-3-5,
26 as last amended by Act 2016-311, 2016 Regular Session, and
27 17-3-8, Code of Alabama 1975, are amended to read as follows:

1 "§17-3-2.

2 "(a) Registration shall be conducted in each county
3 by a board of three reputable and suitable persons to be
4 appointed, unless otherwise provided by law, by the Governor,
5 Auditor, and Commissioner of Agriculture and Industries, or by
6 a majority of them acting as a state board of appointment.
7 Beginning on October 1, 2019, each appointee shall serve at
8 the pleasure of the appointing authority. The appointing
9 authorities shall coordinate their appointments to enhance
10 racial, gender, urban, rural, and economic diversity. The
11 registrars shall be qualified electors, residents of the
12 county, shall have a high school diploma or equivalent, ~~and~~
13 possess the minimum computer and map reading skills necessary
14 to function in the office, and meet all other minimum job
15 qualifications as described in the job description. The
16 Secretary of State, with the unanimous written consent of the
17 appointing authorities, shall prescribe guidelines, including
18 a detailed job description containing minimum qualifications
19 to assist the state board of appointment in determining the
20 qualifications of registrars. The registrars shall not hold an
21 elective office during their term. One of the members shall be
22 designated by the state board of appointment as chair of the
23 board of registrars for each county.

24 "(b) Notwithstanding the provisions of subsection
25 (a), the Legislature may provide by local law for the
26 appointment of additional members to the board of registrars
27 for a county that has two courthouses.

1 "(c) The provisions of this section shall not apply
2 in any county having a population of not less than 600,000
3 inhabitants according to the 1970 or any succeeding federal
4 decennial census, and any currently effective local law or
5 general law of local application providing for the appointment
6 of any member of the board of registrars in the county shall
7 remain in full force and effect and shall not be repealed by
8 operation of this chapter.

9 "§17-3-3.

10 "~~The~~ Notwithstanding subsection (a) of Section
11 17-3-2, the registrars appointed under this article may be
12 removed for cause by the Secretary of State at any time before
13 the end of their term of office, upon submitting written
14 reasons therefor to the registrar removed and to the members
15 of the state board of appointment. A registrar removed for
16 cause shall be ineligible for reappointment as a registrar by
17 an appointing authority for the duration of the term of office
18 in which the removal occurred. If not so removed, the
19 registrar may hold office for four years from the date of
20 appointment and until a successor is appointed.

21 "§17-3-4.

22 "If one or more of the persons appointed on such
23 board of registrars shall refuse, neglect, or be unable to
24 qualify to serve, or if a vacancy or vacancies occur in the
25 membership of the board of registrars, from any cause, the
26 Governor, Auditor, and Commissioner of Agriculture and
27 Industries, or a majority of them acting as a state board of

1 appointment, shall make other appointments to fill such
2 vacancies. If a vacancy is left unfilled for more than 30
3 days, the Secretary of State may make a temporary appointment
4 to fill the position until a permanent appointment is made by
5 the appointing authority.

6 "§17-3-5.

7 "(a) Each registrar shall receive a salary in the
8 amount of eighty dollars (\$80) per working day for each
9 working day's attendance upon business of the board, to be
10 paid by the state and disbursed to the county commissions and
11 disbursed by the county commissions to each registrar on order
12 of a quorum of the board of registrars of the county. The
13 state Comptroller shall issue to each county commission on a
14 monthly basis an amount sufficient to fund these payments plus
15 the employer share of the Social Security or Federal Insurance
16 Corporation Act tax. The county commission will provide to the
17 state Comptroller an invoice itemized to reflect payments
18 made. If a legal holiday falls on a day the board is to be in
19 session, and the courthouse of the county is closed for the
20 holiday, the board of registrars shall be compensated for the
21 holiday. Each registrar shall receive a mileage allowance
22 equal to the amount allowed state employees or employees of
23 the county, whichever is greater, for official travel in the
24 course of attending the business of the board, including
25 attending continuing education programs. Travel and other
26 expenses shall be paid by the county commissions to the boards
27 of registrars and the state shall reimburse the county

1 commissions based on a written request submitted by the county
2 commissions to the state Comptroller.

3 "(b) The provisions of this section regarding travel
4 mileage shall not apply in any county having a population of
5 600,000 or more inhabitants according to the 1970 or any
6 succeeding federal decennial census, and any currently
7 effective local law or general law of local application
8 regarding travel mileage for registrars in the county shall
9 remain in full force and effect and shall not be repealed by
10 operation of this chapter.

11 "(c) Members of the boards of registrars of this
12 state are hereby declared to be state employees for the
13 purposes of Chapter 28 of Title 36.

14 "(d) Members of the boards of registrars of this
15 state shall be treated as equals with other state and county
16 employees in regard to Social Security protection and
17 benefits.

18 "(e) All payments by a county to any member of a
19 county board of registrars (except for mileage or
20 reimbursement for expenses) shall be treated for Social
21 Security purposes equally with payments by that county to
22 other county employees of the county.

23 "(f) The state office for Social Security and the
24 state Comptroller and each county commission are directed to
25 take all necessary action to insure that members of the boards
26 of registrars of this state are treated as other state and
27 county employees in regard to Social Security protection and

1 benefits as provided in Chapter 28 of Title 36, including, if
2 necessary, amending the federal-state agreement referred to in
3 Chapter 28 of Title 36, to implement the intent of the
4 Legislature as expressed herein.

5 "(g) No county commission may reduce the current
6 county supplement upon the effect of this section by
7 implementation of Act 94-693.

8 "(h) A county commission may allow the chair or any
9 member of the county board of registrars who has served at
10 least 16 years in that position to participate in any health
11 insurance program provided by the county upon the same terms,
12 conditions, and employee contributions as required for county
13 employees.

14 "This subsection shall not apply to any health
15 insurance plans administered by the State of Alabama as
16 described in Title 36, Chapter 29 and Title 11, Chapter 91A.

17 "§17-3-8.

18 "(a) Each member of the board of registrars in the
19 Counties of Chambers, Clay, Cleburne, Coosa, Dallas, Escambia,
20 Geneva, Lowndes, Perry, Sumter, and Wilcox may meet a maximum
21 of 120 working days each fiscal year; each member of the board
22 of registrars in the Counties of Barbour, Blount, Butler,
23 Fayette, Greene, Lee, Marengo, Pickens, Pike, Randolph, and
24 Winston may meet a maximum of 168 working days each fiscal
25 year, except in the Counties of Lee and Pike each board of
26 registrars may meet up to an additional 30 session days each
27 fiscal year, at the discretion of the chair of the county

1 commission, and such days shall be paid from the respective
2 county funds; each member of the board of registrars in
3 Tallapoosa County and each member of the board of registrars
4 in Talladega County may meet a maximum of 220 working days
5 each fiscal year, except that in Talladega County the board of
6 registrars may meet up to an additional 30 session days each
7 fiscal year, at the discretion of the chair of the county
8 commission; each member of the board of registrars in the
9 Counties of Dale, Franklin, Houston, Marion, Marshall,
10 Bullock, Macon, and Tuscaloosa may meet a maximum of 216
11 working days each fiscal year; each member of the board of
12 registrars in the Counties of Limestone and Shelby may meet a
13 maximum of 167 working days each fiscal year; and each member
14 of the board of registrars in Russell County may meet a
15 maximum of 177 working days each fiscal year.

16 "(b) In the Counties of Choctaw, Coffee, Colbert,
17 Cullman, Lauderdale, and Monroe each member of the board of
18 registrars may meet a maximum of 199 working days each fiscal
19 year.

20 "(c) Each member of the Board of Registrars of
21 Autauga, Elmore, and Bibb Counties may meet a maximum of 187
22 working days each fiscal year. Each member of the Board of
23 Registrars of Walker County may meet a maximum of 200 days
24 each fiscal year and each member of the Board of Registrars of
25 Lamar, Cherokee, Clarke, Conecuh, Crenshaw, Hale, and
26 Washington Counties may meet a maximum of 140 days each fiscal
27 year. Each member of the board of registrars in the following

1 counties may meet the following maximum number of working days
2 each fiscal year: Henry - 140 working days; Covington - 188
3 working days; DeKalb - 207 working days; Jackson - 207 working
4 days; Etowah - 207 working days; and Lawrence - 140 working
5 days.

6 "(d) Each member of the board of registrars in the
7 Counties of Baldwin, Calhoun, Chilton, Madison, Mobile,
8 Montgomery, St. Clair, and Morgan are authorized to meet not
9 more than five days each week for the purpose of carrying out
10 their official duties. Jefferson County, which is now
11 operating under the provisions of local laws, shall be
12 exempted from the provisions of this section. Provided,
13 however, that where the words "each year" are used in the
14 local laws the words mean "each fiscal year."

15 "(e) The actual number of working days to be used as
16 session days shall be determined by a quorum of the board of
17 registrars according to the needs of the county.

18 "(f) As many as 25 of the allotted working days may
19 be used for special registration sessions (i.e., those
20 sessions held away from the courthouse in the several
21 precincts of the county or sessions held on Saturday or
22 between the hours of 5:00 P.M. and 9:00 P.M.). Notice of any
23 special session scheduled by the board shall be given at least
24 10 days prior to the special session by (1) bills posted at
25 three or more public places in each election precinct
26 affected, if the session involves precinct visits, and (2)
27 advertisement once a week for two successive weeks in a

1 newspaper published in the county or by radio or television
2 announcements on a local station, or both by newspaper or
3 announcement.

4 "(g) On working days, the Board of Registrars shall
5 be open the same hours as the courthouse of the county and
6 shall have a registrar present during those hours.

7 "(h) The Secretary of State shall establish a
8 methodology for members to track and report hours worked.

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 09-FEB-17

Read for the second time and placed on the calen-
dar with 1 substitute and..... 21-FEB-17

Read for the third time and passed as amended 07-MAR-17

Yeas 19
Nays 9

Patrick Harris,
Secretary.