

CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 4th day of August, 2017, and filed with the agency secretary on the 18th day of September, 2017.

AGENCY NAME: Office of the Secretary of State

Amendment New Repeal (Mark appropriate space)

Rule No. 820-2-6.1
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Cross Over Voting

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Without Changes Without Changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXV, ISSUE NO. 9, AAM, DATED June 30, 2017.

Statutory Rulemaking Authority: Code of Ala. 1975, §§17-8-1, 17-10-2; Act # 2017-340

(Date Filed)
(For LRS Use Only)
REC'D & FILED

SEP 18 2017

LEGISLATIVE REF SERVICE

J. H. Merrill
Secretary of State

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

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.