IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RICHARD GOODEN, ANDREW JONES, and
EKEYESTO DOSS,

Plaintiffs,

v.

NANCY WORLEY, in her official capacity as
Alabama Secretary of State; NELL
HUNTER, in her official capacity as
Jefferson County Voter Registrar; and
ANITA GIBSON, WALTER LONG, and MOLLY
MEADOWS in their official capacities as
Houston County Voter Registrars,

Defendants.

Case No. 2:05-cv-2562

Exhibit 6
Civil Rights Division  
Voting Section  
Department of Justice  
P.O. Box 66128  
Washington, D.C. 20035-6128

RE: Submission under Section 5 of the Voting Rights Act of 1965

Dear Sirs:

As required by Section 5 of the Voting Rights Act of 1965, I am enclosing for the approval of the Justice Department the reorganization of three Chapters of the Alabama Administrative Code. These three Chapters, 820-2-2(voter registration)(exhibit B), 820-2-3(absentee voting)(exhibit C), and 820-2-4(ballot access for political parties and independent candidates)(exhibit D), were precleared between 1994 and 2000. (See exhibit A). The Office of the Alabama Secretary of State only requests that the Department of Justice preclear the reorganization of these chapters. The reorganization does not involve a substantive change to the language of these Chapters. (See exhibit A).

In compliance with Section 51:27 of the Procedures for Submission under Section 5 of the Voting Rights Act, the following information is submitted:

a. A copy of the Secretary of State’s memorandum requesting that the Attorney General’s Office submit the changes for preclearance.  
(Exhibit A).

b. Copies of reorganized Chapters: No. 820-2-2(exhibit B), 820-2-3(exhibit C) and 820-2-4(exhibit D).

c. Person making the submission – William Patrick Clifford, Assistant Attorney General, State of Alabama, Alabama State House, 11 South Union Street, Montgomery, AL 36130, telephone 334/242-7413; also contact: Ed Packard, Election Administrator, P.O. Box 5616, Montgomery, Alabama 36103-5616.
d. Submitting Authority – Attorney General, State of Alabama. Jurisdiction responsible for change is the State of Alabama.

e. Submitting authority is Alabama.

f. Body responsible for change – The Alabama Secretary of State’s Office.

g. Secretary of State’s Office reorganized these Administrative Code Sections.

h. Date adopted – The Secretary of State awaits DOJ approval.

i. The Chapters are effective and have been since the DOJ precleared them. (Exhibit A).

j. The reorganization has not taken place because the Secretary of State’s office awaits DOJ approval.

k. Change affects all of Alabama.

l. Reason for change: The need to group related issues under the same division of the administrative code.

m. Effect on minority groups – None.

n. Past or pending litigation – None.

o. Not applicable.

p. Minority contacts:
    Mr. Jerome Gray
    Alabama Democratic Party
    PO Box 6233
    Montgomery, AL 36106
    Telephone: 205-263-4040

    Honorable Vivian Figures
    State Senator
    PO Box 40536
    Mobile, AL 36640
    Telephone: 334-432-0482
For further information, contact Ed Packard at the Secretary of State's office.

Sincerely,

BILL PRYOR
Attorney General
By:

WILLIAM PATRICK CLIFFORD III
Assistant Attorney General

BP/TOT

cc: Ed Packard (w/o enclosures)

Enclosures
MEMORANDUM

To: Bill Clifford
   Office of the Attorney General

From: Ed Packard
       Election Administrator

Date: January 11, 2001

Subject: Pre-Clearance of Administrative Regulations for Elections

As we briefly discussed this morning, this office requests that the Office of the Attorney General submit the following divisions from the Alabama Administrative Code to the U.S. Department of Justice for preclearance pursuant to Section 5 of the Voting Rights Act:

- Exhibit A - 820-2-2 – Voter Registration (originally precleared by U.S. Department of Justice on November 28, 1994)
- Exhibit B - 820-2-3 – Absentee Voting (we are unsure of the original preclearance date for this division, although you will have that in your records)
- Exhibit C - 820-2-4 – Ballot Access for Political Parties and Independent Candidates (originally precleared by U.S. Department of Justice on April 20, 2000)

The statutory authority for each rule-making is provided in the notes for each rule.

Please note that no substantive changes have been made to these regulations. This office recently reorganized its chapter in the Administrative Code so that related issues, e.g., election administration, are grouped under the same division. Previously, election regulations may have been interspersed with regulations for non-election functions of this office. This submission is made only with regard to the new rule numbers assigned pursuant to this reorganization. There is no change in the order or substance of the rules.
Following is additional information that may assist you in preparing the submission to the Justice Department:

- Effect on minorities: none
- Any past or pending litigation concerning the rules: none.
- Publicity plans or information:
  Upon preclearance, the boards of registrars, judges of probate and circuit clerks in each of the 67 counties will be notified of the new preclearance.

- Minority contact:

  Mr. Jerome Gray  
  Alabama Democratic Conference  
  PO Box 6233  
  Montgomery, AL 36106  
  Phone: 205-263-4040

  Honorable Vivian Figures  
  State Senator  
  PO Box 40536  
  Mobile, AL 36640  
  Phone: 334-432-0482

Please let me know if any additional information is required. Thank you for your assistance.

enclosures
STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE

DIVISION 820-2
ELECTIONS

CHAPTER 820-2-1
(RESERVED)

CHAPTER 820-2-2
VOTER REGISTRATION

TABLE OF CONTENTS

820-2-2-.01 Applicability Of The National Voter Registration Act To State And Local Elections.
820-2-2-.02 Voter Registration Agency Defined.
820-2-2-.03 State-Designated Voter Registration Agencies.
820-2-2-.04 Provision Of Voter Registration Services By Agencies.
820-2-2-.05 Design Of Voter Registration Forms.
820-2-2-.06 Acceptance/Declination Forms.
820-2-2-.07 Training Materials.
820-2-2-.08 Filing Of Voter Registration Procedures.
820-2-2-.09 Transmittal Of Voter Registration Forms.
820-2-2-.10 Delivery Of Voter Registration Materials.
820-2-2-.11 Mail Registration Form Distribution Sites.
820-2-2-.12 Processing Voter Registration Forms.
820-2-2-.13 Fail-Safe Voting.
820-2-2-.14 Filing Changes Of Address With Agencies By Phone.
820-2-2-.15 Voter Registration Statistics.
820-2-2-.16 Cooperation With Federal Voting Assistance Program.

820-2-2-.01 Applicability Of The National Voter Registration Act.

The provisions of the National Voter Registration Act of 1993 [Public Law 103-31, 42
U.S. Code 1973gg et seq.] shall apply to all elections for state and local government offices in
the State of Alabama. Copies of the National Voter Registration Act of 1993 may be obtained
without charge from the Secretary of State's office, Elections Division. State Capitol. Room E-
820-2-2-.02 **Voter Registration Agency Defined.**

For the purposes of this chapter, a voter registration agency shall be any state or local governmental entity designated to provide voter registration services pursuant to Section 17-4-250, paragraphs (b), (d), and (f), Code of Ala., (1975), and 820-2-2-.03.

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.03 **State-Designated Voter Registration Agencies.**

The following offices shall be state-designated voter registration agencies for the purposes of the National Voter Registration Act of 1993 [42 U.S. Code 973gg-5(a)(3)] and shall provide voter registration services pursuant to Section 17-4-250, paragraph (f), Code of Ala., (1975), and the National Voter Registration Act of 1993 [42 U.S. Code 973gg-5]:

(a) The probate office in each county, except in those counties in which driver's licensing is conducted by a License Commissioner:

(b) The license commissioner's office in those counties in which driver's licensing is conducted by a License Commissioner; and

(c) All public libraries, including branch libraries, in each municipality with a population exceeding ten thousand (10,000) and all public libraries in each county, including branch libraries.

Author: Edward Packard and Charles E. Grainger, Jr.
History: January 10, 2001. Formerly Rule 820-X-8-.03 (effective February 9, 1995).

820-2-2-.04 **Provision Of Voter Registration Services By Agencies.**

(1) Each voter registration agency shall offer voter registration services to its clients when said clients apply for services or recertify for services provided by the registration agency, or file a change of address with the voter registration agency.

(2) Voter registration agencies shall provide the same level of assistance to clients with respect to completing voter registration forms that they provide to clients with respect to
other services rendered by the voter registration agency.

**Author:** Edward Packard and Charles E. Grainger, Jr.

**Statutory Authority:** §17-4-255. *Code of Ala.* (1975).

**History:** January 10, 2001. Formerly Rule 820-X-8-.04 (effective February 9, 1995).

820-2-2-.05  **Design Of Voter Registration Forms.**

1. The Secretary of State shall prescribe all voter registration forms to be used in voter registration activities provided for in Section 17-4-250. paragraphs (b), (c), (d), and (f). *Code of Ala.* (1975).

2. Voter registration agencies may develop computer-assisted voter registration forms in conjunction with the Secretary of State. All computer-assisted voter registration forms developed under this paragraph are subject to review by, and the approval of, the Secretary of State.

**Author:** Edward Packard and Charles E. Grainger, Jr.

**Statutory Authority:** §17-4-255. *Code of Ala.* (1975).

**History:** January 10, 2001. Formerly Rule 820-X-8-.05 (effective February 9, 1995).

820-2-2-.06  **Acceptance/Declination Forms.**

1. Voter registration forms used in voter registration agencies other than those agencies designated pursuant to 820-2-2-.03 shall include a detachable section in which individuals shall indicate their acceptance or declination of voter registration services. This acceptance/declination section shall include verbatim statements required by the National Voter Registration Act of 1993 [42 U.S. Code 1973gg-3(c)(2)(D)(ii), 1973gg-3(c)(2)(D)(iii), 1973gg-5(a)(6)(B)].

2. In the event that a client does not indicate an acceptance or declination of voter registration services, the agency representative shall write "REFUSED" in block letters across the acceptance/declination section and print the client's name and the date on the form.

3. Each voter registration agency shall maintain for a period of two (2) years all acceptance/declination sections of the voter registration forms.

   a. Procedures for maintaining the acceptance/declination sections shall be determined by each voter registration agency and filed with the Secretary of State. Each voter registration agency shall, in a timely manner, file with the Secretary of State any changes or amendments to said procedures.

   b. Procedures developed pursuant to 820-2-2-.06(3)(a) shall not be implemented until said procedures are reviewed and pre-cleared by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 [42 U.S. Code 1973aa et seq.].
(c) The Secretary of State shall have access to all acceptance/declination sections for program evaluation purposes and to investigate voter registration complaints filed with the Secretary of State.

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.07 Training Materials.

The Secretary of State shall prepare and disseminate training materials to inform voter registration agencies of their responsibilities pertaining to voter registration services. Voter registration agencies may prepare and disseminate their own materials, for internal use only, provided that any such materials are submitted to the Secretary of State for review and approval before being disseminated.

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.08 Filing Of Voter Registration Procedures.

(1) Each voter registration agency shall file with the Secretary of State procedures for conducting voter registration in its offices. Each voter registration agency shall, in a timely manner, file with the Secretary of State any changes or amendments to said procedures.

(2) Procedures developed pursuant to 820-2-2-.08(1) shall not be implemented until said procedures are reviewed and pre-cleared by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 [42 U.S. Code 1973aa et seq.].

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.09 Transmittal Of Voter Registration Forms.

(1) Each voter registration agency shall sort by each applicant's county of residence all completed voter registration forms submitted to the voter registration agency and transmit the forms by mail or courier to each county's Board of Registrars within five (5) days of submission. except that all voter registration forms received by the voter registration agency by the official close of registration shall be transmitted no later than the day of the official close of registration.

(2) Each package of voter registration forms being transmitted to a Board of Registrars shall include a packing slip specifying 1) the name and address of the agency
transmitting the voter registration forms, 2) the name and phone number of the agency representative who prepared the package for transmittal, and 3) the number of voter registration forms being transmitted.

(3) Each voter registration agency shall develop procedures for transmitting voter registration forms to the various Boards of Registrars and file those procedures with the Secretary of State. Each agency shall, in a timely manner, file with the Secretary of State any changes or amendments to said procedures.

(4) Procedures developed pursuant to paragraph 820-2-2-.09(3) shall not be implemented until said procedures are reviewed and pre-cleared by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 [42 U.S. Code 1973aa et seq.].

(5) The Secretary of State shall provide each voter registration agency with envelopes and packing slips for transmitting the voter registration forms to the Boards of Registrars.

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.10 Delivery Of Voter Registration Materials.

All voter registration forms, transmittal envelopes, and packing slips required for voter registration agencies to fulfill their voter registration duties shall be provided by the Secretary of State and delivered to 1) each agency's headquarters in Montgomery, Alabama, in the cases of agencies designated under Section 17-4-250, paragraphs (b) and (d), Code of Ala. 1975; 2) the probate office of each county; and 3) each public library.

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.11 Mail Registration Form Distribution Sites.

(1) The following public organizations shall serve as distribution sites for the mail voter registration form: 1) public schools and 2) four-year institutions of higher learning, and 3) public libraries, including branch libraries, in each municipality with a population equal to or less than ten thousand (10,000).

(2) Through cooperative agreements, the Secretary of State may distribute the mail voter registration form through additional public and private sector organizations.

(3) The Secretary of State and the Boards of Registrars shall make the mail voter registration form available for use in organized voter registration drives.

Author: Edward Packard and Charles E. Grainger, Jr.
820-2-2-.12 Processing Voter Registration Forms.

(1) Voter registration forms submitted at a voter registration agency pursuant to Section 17-4-250, paragraphs (b), (d), (e), and (f), Code of Ala., (1975), not later than the official close of registration shall be processed by the Boards of Registrars in the same manner as voter registration forms received by the Boards of Registrars not later than the official close of registration.

(2) Voter registration forms received through the mail pursuant to Section 17-4-250, paragraph (c), Code of Ala., (1975), and postmarked not later than the official close of registration shall be processed by the Boards of Registrars in the same manner as voter registration forms received by the Boards of Registrars not later than the official close of registration.

(3) Voter registration forms received through the mail pursuant to Section 17-4-250, paragraph (c), Code of Ala., (1975), not later than three (3) days after the official close of registration with no postmark or an unreadable postmark shall be processed in the same manner as voter registration forms received by the Boards of Registrars not later than the official close of registration.

Author: Edward Packard and Charles E. Grainger, Jr.


820-2-2-.13 Fail-Safe Voting.

(1) A registrant who has moved from an address in the area covered by one polling place to an address covered by a second polling place within the same Board of Registrars jurisdiction and who has failed to notify the Board of Registrars of the change of address prior to the date of an election shall be permitted to correct the voting records with the registrant's new address and vote at the registrant's former polling place.

(2) In the event that an individual appears at a polling place on election day to vote and asserts to have registered to vote pursuant to Section 17-4-250, paragraphs (b), (c), (d), (e), and (f), Code of Ala., (1975), but the individual's name does not appear on the official poll list, the individual shall be permitted to cast a challenge ballot and submit a new voter registration form at the polling precinct. Voter registration forms shall be made available at all polling places for this purpose.

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.14 Filing Changes Of Address With Agencies By Phone.

If a voter registration agency designated under Section 17-4-250, paragraphs (b), (d), or (f), Code of Ala. (1975), accepts change of address information by telephone, said voter registration agency shall mail the client filing the change of address a mail voter registration form.

**Author:** Edward Packard and Charles E. Grainger, Jr.

**Statutory Authority:** §17-4-255, Code of Ala. (1975).

**History:** January 10, 2001. Formerly Rule 820-X-8-.14 (effective February 9, 1995).

820-2-2-.15 Voter Registration Statistics.

(1) Beginning February 1995, the Board of Registrars shall submit to the Secretary of State on a monthly basis the following information:

(a) The total number of new valid voter registration forms accepted for the respective month, excluding all applications that are duplicates, rejected, or that report only a change of name or address.

(b) The total number of voter registration forms received from the following sources: 1) all driver's license offices, 2) mail, 3) all public assistance agencies, 4) Rehabilitation Services offices, 5) all armed forces recruitment offices, 6) state-designated voter registration agencies (public libraries and probate offices), and 7) all other means (in person at the office of the Board of Registrars, by deputy registrars, by voter registration drives delivering the forms directly to the Board of Registrars).

(c) The total number of duplicate registration applications that were received from each of the following sources: 1) all driver's license offices, 2) mail, 3) all public assistance agencies, 4) Rehabilitation Services offices, 5) all armed forces recruitment offices, 6) state-designated voter registration agencies (public libraries and probate offices), and 7) all other means (in person at the office of the Board of Registrars, by deputy registrars, by voter registration drives delivering the forms directly to the Board of Registrars).

(2) Beginning in 1996, in December of each even-numbered year, the Board of Registrars shall submit to the Secretary of State the following information:

(a) The total number of registered voters, whether designated "active" or "inactive" in the last Federal general election.

(b) The total number of registrants that were designated "inactive" at the close of the last Federal general election.

(c) The total number of registrations that were deleted from the registration list between the last two (2) Federal general elections.
STATE OF ALABAMA
OFFICE OF THE SECRETARY OF STATE

CHAPTER 820-2-3
ABSENTEE VOTING

TABLE OF CONTENTS

820-2-3-.01 Contents Of The Absentee Ballot And Accompanying Affidavit Envelope.
820-2-3-.02 Completion Of The Ballot Style And Serial Number Blanks On The Affidavit Envelope.
820-2-3-.03 List Of Qualified Voters.

820-2-3-.01 Contents Of The Absentee Ballot And Accompanying Affidavit Envelope.

(a) Each ballot style shall have its own designation. A ballot style is a printed ballot showing a specific group of races, candidates and/or propositions. To the extent of any variation in the printed races, candidates and/or propositions among printed ballots, each variety shall be distinctly designated.

(b) Each ballot shall have a pre-printed serial number. Ballot serial numbers shall correspond to the number of ballots printed in a particular ballot style. While serial numbers any be duplicated between separate ballot styles, serial numbers may not be duplicated within a ballot style.

(c) Each affidavit envelope shall contain designated blanks for the purpose of permitting the absentee election manager to write-in the ballot style designation and serial number of the associated ballot.

Author: Charles E. Grainger, Jr.
Statutory Authority: §17-10-22, Code of Ala. (1975)
History: January 10, 2001. Formerly Rule 820-X-10-.01 (effective June 18, 1997).

820-2-3-.02 Completion Of The Ballot Style And Serial Number Blanks On The Affidavit Envelope.

The Absentee Election Manager shall identify on the affidavit envelope in writing both
The ballot style designation and the ballot serial number for the associated ballot prior to providing the affidavit envelope and ballot to the voter. Where absentee envelopes and ballots are provided to election officials for on-site absentee voting, the election officials shall be responsible for writing-in the ballot style designation and the ballot serial number of the associated ballot on the affidavit envelope prior to providing the affidavit envelope and associated ballot to the voter.

Author: Charles E. Grainger, Jr.
History: January 10, 2001. Formerly Rule 820-X-10-.02 (effective June 18, 1997).

820-2-3-.03 List Of Qualified Voters.

The list of qualified voters shall identify the correct ballot style designations for each voter. In the case of a primary election, ballot style designations for each party participating in the primary and a non-partisan ballot style designation shall be printed on the list of qualified voters. The absentee election manager and on-site absentee election officials shall use the ballot style designations printed on the list of qualified voters to identify the correct ballot style to provide a voter in an election. A voter claiming to qualify for a ballot style in conflict with the ballot style designation printed on the list of qualified voters may vote by challenged ballot.

Author: Charles E. Grainger, Jr.
History: January 10, 2001. Formerly Rule 820-X-10-.03 (effective June 18, 1997).
(d) The total number of address confirmation notices mailed out between the past two Federal general elections and the total number of responses received to these notices during that same period.

(3) The Secretary of State shall prescribe and provide forms for use by the Board of Registrars to file with the Secretary of State the information required in 820-2-2-.15(1) and 820-2-2-.15(2).

Author: Edward Packard and Charles E. Grainger, Jr.

820-2-2-.16 Cooperation With Federal Voting Assistance Program.

The Secretary of State shall work in cooperation with the Federal Voting Assistance Program to provide voter registration in armed forces recruitment offices pursuant to Section 17-4-250, paragraph (e), Code of Ala. (1975), and the National Voter Registration Act of 1993 [42 U.S. Code 1973gg-5(c)].

Author: Edward Packard and Charles E. Grainger, Jr.
820-2-4-.01 Definitions.

Unless otherwise clearly indicated, the following terms shall be given the following interpretations:

(a) Election petition. A petition submitted for any of the purposes identified in 820-2-4-.03(a) or 820-2-4-.03(b).

(b) Verifying authority. The entity charged with the responsibility for verifying petition signatures or providing assistance in the verification of petition signatures.

(c) Raw Count. The total number of unverified signatures affixed to an election petition and submitted to the verifying authority.

(d) Random sample of signatures. Signatures selected at random using a computerized random numbers generator.

Author: Edward P. Packard and Charles E. Grainger, Jr.

Statutory Authority: Sections 17-7-1 and 17-8-2.1, Code of Alabama (1975); Attorney General Opinion Nos. 90-00223 and 99-00099.
820-2-4-.02 Purpose.

The purpose of this section is to establish procedures for the submission, verification and certification of election petitions.

Author: Edward P. Packard and Charles E. Grainger, Jr.


820-2-4-.03 Scope.

This section shall apply to the verification of signatures on the following types of petitions:

(a) Petitions for the establishment of independent candidacy submitted to a verifying authority pursuant to §§17-7-1(a)(3) and 17-19-2, Code of Alabama (1975), as amended, and

(b) Petitions for the establishment of ballot access for a political party submitted to a verifying authority pursuant to §17-8-2.1(a), Code of Alabama (1975), as amended.

Author: Edward P. Packard and Charles E. Grainger, Jr.

Statutory Authority: Sections 17-7-1 and 17-8-2.1, Code of Alabama (1975); Attorney General Opinion Nos. 90-00223 and 99-00099.


820-2-4-.04 Effective Date.

The provisions of this section shall become effective for the first general or special election scheduled to occur after the U.S. Department of Justice notifies the State of Alabama that preclearance for this section is granted pursuant to Section 5 of the Voting Rights Act of 1965.

Author: Edward P. Packard and Charles E. Grainger, Jr.

Statutory Authority: Sections 17-7-1 and 17-8-2.1, Code of Alabama (1975); Attorney General Opinion Nos. 90-00223 and 99-00099.


820-2-4-.05 Petition Requirements.

(a) Petitions for the establishment of independent candidacy shall include at the top of each page of said petition pagination and a statement that includes the name of the prospective
independent candidate, the date of the general election for which ballot access is sought, and the name of the office sought, including district number, if applicable.

(b) Petitions for the establishment of ballot access for a political party shall include at the top of each page pagination and a statement that includes the name of the political party seeking ballot access, the date of the general election for which access is sought, and the name of the political subdivision for which ballot access is sought, if the petition is not for statewide ballot access.

(c) An election petition shall request the following information for each person signing said petition: name, residential address, county of residence, city of residence (if applicable), voting place, date of birth, and signature. A signature shall not be deemed invalid for lacking any portion of the requested information if the disclosed information is sufficient for determining the validity of a signature.

Author: Edward P. Packard and Charles E. Grainger, Jr.


820-2-4-.06 Random Sample of Signatures.

(a) A verifying authority may, at its option, elect to use the random sampling procedure set forth in this section or may conduct a verification of all signatures affixed to an election petition, provided that the verifying authority utilizes the same method of verifying signatures for all petitions submitted for the same election.

(b) A random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the verifying authority shall be given equal opportunity to be included in the sample.

(c) The number of signatures to be verified by random sample shall be equal to one hundred (100) signatures or five percent (5%) of the raw count, whichever is greater. In the event that a petition contains less than one hundred signatures, one hundred percent (100%) of the signatures shall be verified.

(d) (1) Petitions may be submitted in whole or continuously in parts to the verifying authority, provided that no petition or part thereof may be submitted after the applicable statutory deadline for submitting the petition in its entirety. The verifying authority shall be under no obligation to verify partial submissions of petition signatures until the submission is complete but may do so at the option of the verifying authority.

(2) In the event that a petition is submitted continuously in parts to the verifying authority, the random sampling procedure set forth in 820-2-4-.07 may be applied to each portion of the petition. The sample size for each portion is to be determined as provided for
820-2-4-.07 Random Sampling Formula for Verification of Elections Petitions.

(a) Signature verification.

The following steps shall be followed when verifying signatures on an election petition:

(1) Determine the number of signatures to be sampled, as provided for in 820-2-4-.06(c).

(2) Draw the random sample of signatures, as provided for in 820-2-4-.06(b).

(3) Verify the signatures in the sample and determine the number of valid signatures in that sample.

(4) Divide the number of valid signatures in the sample by the total number of signatures in the sample. Compute as a percentage to two (2) decimal places.

(5) Multiply the raw count by the number computed in paragraph 820-2-4-.07(a)(4), above. Round up to nearest whole number.

(b) Withdrawn signatures.

A person who has signed an election petition may withdraw his or her signature from the petition prior to the petition's being filed with the verifying authority. If the withdrawn signature is selected as part of the random sample, the signature is treated as a signature that is deemed not valid.

(c) Duplicate signatures.

(1) Divide the raw count by the sample size to determine the value of each signature. Compute to four (4) decimal places.

(2) To determine the weight to be assigned to each duplicate signature found in the sample, multiply the value of each signature computed in 820-2-4-.07(c)(1), above, times the value of each signature, as determined in 820-2-4-.07(c)(1), minus one.

(3) To determine the estimated number of duplicate signatures in the entire
petition. Multiply the number of duplicate signatures found in the random sample by the weight established in 820-2-4-.07(c)(2). Round up to the nearest whole number.

\[(d) \quad \text{Number of valid signatures based on the verification of a sampling of the signatures.}\]

To determine the estimated number of verified signatures on the petition based on the random sampling, subtract the estimated number of duplicate signatures (i.e., the value calculated in 820-2-4-.07(c)(3)) from the number of estimated valid signatures (i.e., the value calculated in 820-2-4-.07(a)(5)).

**Author:** Edward P. Packard and Charles E. Grainger, Jr.

**Statutory Authority:** Sections 17-7-1 and 17-8-2.1, *Code of Alabama* (1975); Attorney General Opinion Nos. 90-00223 and 99-00099.


820-2-4-.08 **Certification of Election Petition.**

(a) An election petition shall be certified as being sufficient if the number of valid signatures determined pursuant to 820-2-4-.07(d) is in excess of the number of required signatures.

(b) If an election petition fails to be certified under 820-2-4-.08(a) and the difference between the valid number of signatures and the required number of signatures is 5% or less of the required number of signatures, the verifying authority shall automatically conduct a second random sample verification of the election petition. If a second random sample verification of the election petition fails to produce a sufficient number of valid signatures as identified in 820-2-4-.08(a), the election petition shall not be certified.

**Author:** Edward P. Packard and Charles E. Grainger, Jr.

**Statutory Authority:** Sections 17-7-1 and 17-8-2.1, *Code of Alabama* (1975); Attorney General Opinion Nos. 90-00223 and 99-00099.
