

# OFFICE OF THE ATTORNEY GENERAL <sup>86-00169</sup>



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Baldwin County Board of Registrars  
Post Office Box 148  
Bay Minette, Alabama 36507

Board of Registrars - Poll  
Lists - Public Records

Discussion of the release of  
information pertaining to  
registered voters to the public,  
to public officials and to  
political organizations.

Dear Mrs. Cowling:

Our office received an opinion request from you concerning  
the following matter:

Please give us an opinion pertaining to  
this law - Can a person call by phone or  
walk into the office, of the Board of  
Registrars and demand the name, phone  
number, living and mailing address of a  
registered voter without proper  
identification papers? What type of  
identification does he need, must it be  
in writing or a Court order? Is a person  
in this situation, protected by the  
Privacy Act, if so to what extent is he  
protected?

In answer to your first question, Code of Alabama, 1975  
Section 17-4-122 states in pertinent part: "The applications  
of persons applying for registration shall not become public  
records as public records are defined under the laws of the

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State of Alabama." Therefore, voting list information may not be made available to individuals for non-governmental use. Our office, however, has stated that the names and precincts of registered voters may be made available to the public.

In an opinion to Honorable Bobby Day, Probate Judge, Morgan County, under date June 12, 1980, this office stated:

It should be noted that the limitation on access of voter information to the public does not apply to public officers, who need more information than the names and precincts of voters in order to effectively carry out their duties.

Specifically, the Attorney General has opined that if a District Attorney is in need of the information to carry out his official duties, then the Board of Registrars may give the District Attorney the information requested. (Opinion to Hon. Lyla McMullen, Chairman, Madison County Board of Registrars under the date September 5, 1984). Similarly, our office has stated that a District Court is entitled to registration information in facilitation of their jury selection duties. See, opinion to Honorable L. W. Noonan, Probate Judge, Mobile County, under date August 30, 1984.

Furthermore, Act No. 85-929 provides that "political parties . . . shall be authorized to obtain all voter registration information in the possession of boards of registrars or probate judges concerning registered voters in their jurisdictions."

Therefore, in answer to your first question a non-governmental individual may not call by phone or walk into the office of the Board of Registrars and demand the name, phone number, living and mailing address of a registered voter. A properly identified governmental authority or a political party, however, may obtain information to sufficiently carry out their duties.

In answer to your second question, the Attorney General is of the opinion that any identification which identifies the individual as a public official, "who needs more information than the names and precincts of voters in order to effectively carry out his duties", is sufficient. The identification,

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should be to the Board of Registrars' satisfaction.

In answer to your third question, the Federal Privacy Act does not apply to records of boards of registrars. See, opinion to Honorable Morris J. "Mo" Brooks, Jr., under date December 10, 1985.

I do hope I have sufficiently answered your inquiry. If, however, I may be of further assistance, please do not hesitate to contact me.

Sincerely,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-



SUSAN MCKINNEY  
ASSISTANT ATTORNEY GENERAL

CAG/SMcK/fm