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July 23, 2014

Honorable Ray Wren, Chairman
Lauderdale County Board of Registrars
Post Office Box 1059
Florence, Alabama 35630

Registrars, Board of – Elections – Voter Registration – Notices

The Lauderdale County Board of Registrars, and other county boards of registrars, may refrain from mailing new voter identification cards, except in instances where actual voter precinct boundaries and voting locations are changed.

Dear Mr. Wren:

This opinion of the Attorney General is issued in response to your request.

QUESTION

May the Lauderdale County Board of Registrars, and other county boards of registrars, refrain from the common practice of mailing new voter identification cards (NVRA-7L) when legislative reapportionment is completed, except in instances where actual voter precinct boundaries and voting locations are changed?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that registrars throughout the state mail certificates of registration showing new

information about voting precincts, county commission districts, senate districts, house districts, city council districts, and other like information, when such information changes because of legislative reapportionment. You informed this Office that this practice is based on the conclusions reached in an opinion to Honorable Joan Neville, Chairman, Board of Registrars, Morgan County, issued January 23, 1992, AG No. 92-00141. Your particular inquiry questions whether registrars may mail new certificates of registration or voter identification cards on a more limited basis; that is, only when voting precinct boundaries and voting locations change because of legislative reapportionment.

In *Neville*, this Office opined that, although not explicitly stated, section 17-4-121 of the Code of Alabama (which is now codified in section 17-3-51 of the Code), required new voter ID cards to be issued to individual voters after changes in voting locations and precincts. At the time of *Neville*, section 17-4-121 contained only one sentence: "The registrars shall issue to each person registered a certificate of registration." ALA. CODE § 17-4-121 (1995). In 2006, when title 17 was reorganized, this provision was also amended; section 17-3-51 currently states as follows: "The registrars shall issue to each person registered a certificate of registration. When voting precinct boundaries and voting locations are changed, new certificates of registration shall be issued before the date of the election on which the changes are to take effect." ALA. CODE § 17-3-51 (2006).

It appears as though the Legislature incorporated the conclusions reached in *Neville* into the amended version of section 17-3-51 of the Code. It is the opinion of this Office, based on section 17-3-51 and *Neville*, that registrars are not required to mail new voter identification cards unless there are actual voter precinct boundary and voting location changes. To the extent that notices are being mailed more frequently, such action is not required by law.

CONCLUSION

The Lauderdale County Board of Registrars, and other county boards of registrars, may refrain from mailing new voter identification cards, except in instances where actual voter precinct boundaries and voting locations are changed.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:

BRENDA F. SMITH
Chief, Opinions Division

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