

## **Verification of Provisional Ballots and Your Voters' List**

As you prepare your voters' list leading up to election day, we are making a recommendation that you document in some manner the reason(s) why you are removing a name from the voters' list provided to you by the board of registrars. The reason we are recommending you do this is to assist the board of registrars with the verification process of provisional ballots should you have any.

Section 17-10-2(e) of the Code of Alabama charges the *board of registrars*, not the city clerk, with verifying provisional ballots and ultimately making a determination of whether or not to count a provisional ballot. Specifically the section provides:

“For the purposes of a municipal election, when verifying a provisional ballot based upon the fact that the individual's name does not appear on the official list of eligible voters for the polling place in which the individual seeks to vote, the board of registrars shall verify that the voter is registered to vote at an address located within the municipal corporate limits or district within which he or she seeks to vote.” Section 17-10-2(e), Code of Alabama 1975.

Based on this, it is easy to foresee that you may remove a name from your voters' list because an individual does not meet the residency requirements and when that person shows up at the polls he or she must vote a provisional ballot. This ballot will be forwarded to the board for verification. In that situation, if no update/re-identification form is being filed, the board will show the voter on *their* list and without any further information from you could allow the ballot to go forward and be counted.

While not required to do so by law, we are strongly encouraging you to proactively provide a list to your board of registrars of any names who have been removed from your “final” voters' list indicating the reason why they have been removed. In the alternative, you could provide them with a copy of your complete final list with the names stricken off the list and in some way indicating why the names are being stricken. This way, the board will have your information readily available to them as they proceed with the verification of provisional ballots. Hopefully this proactive step on your part will help all involved in this process during the week between the election and the final canvassing of the results.