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# Office of the Secretary of State

## Boards and Commissions

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*The Honorable Wes Allen*

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## Introduction

Alabama's Secretary of State is statutorily required to serve on and/or appoint members to numerous boards and commissions. A large majority of these boards and commissions are discussed specifically in *The Code of Alabama* or the *Constitution of Alabama 1901*. Each of the board and commission titles below are directly linked to the Alabama Boards website, which should provide additional details about each listed group. The information is divided into two categories: boards that the Secretary of State serves on directly, and boards that the Secretary of State may make an appointment.

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# Secretary of State Serves as Board Member

## Alabama Athlete Agents Commission

Creation Authority: Code of Alabama 1975, Section 8-26B-1, et seq.

Staff Contact: Shemekwa Farrow

Phone: (334) 242-7224

(a) The Alabama Athlete Agents Regulatory Commission, currently known as the Alabama Athlete Agents Commission, shall consist of the Secretary of State and 18 appointed members, as follows:

1. One member appointed by the Governor
2. One member appointed by the Lt. Governor
3. One member appointed by the Speaker of the House of Representatives
4. The athletic director or an individual appointed by the athletic director at 14 specific institutions of higher learning
5. One member appointed by the Alabama High School Athletic Association

- ❖ The Secretary of State shall keep records of the proceedings of the commission; and, in any proceeding in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of those records certified by the Secretary of State shall be admissible as tending to prove the content of the records.
- ❖ The Secretary of State shall have printed and published for distribution an annual register which shall contain the names, arranged alphabetically, of all persons registered under this chapter. The Secretary of State shall also provide a quarterly report to the commission of all agents registered during the quarter, any suspension or revocation of registered agents during the quarter, and other disciplinary action taken against an agent.
- ❖ The Secretary of State does not receive additional reimbursement, beyond what is supplied by the office for attending meetings of this Commission

## Alabama Board of Adjustment

Creation Authority: Code of Alabama, 1975 Section 41-9-61

Staff Contact: Mike Jones

Phone: (334) 353-7857

The Alabama Board of Adjustment shall be composed of the Director of Finance, the State Treasurer, the Secretary of State, and the State Auditor. The Secretary of State serves as the board's secretary and performs all tasks associated with those responsibilities. This board has the power and jurisdiction to hear and consider claims including, but not limited to, all claims for damages to a person or property, all claims for personal injuries, and all claims against the State of Alabama or any of its agencies.

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## **Alabama Local Government Records Commission**

Creation Authority: **Code of Alabama 1975, Sections 41-13-22, 41-13-23, 41-13-24, 41-13-25**

Staff Contact: Clay Helms

Phone: (334) 242-7207

The commission meets twice a year on the fourth Wednesday of April and October. The Secretary of State may send a designee. The Local Government Records Commission is charged with the following responsibilities:

2. Conducting surveys of public records created by counties, municipalities, and other agencies of local government (Code of Alabama 1975, Section 41-13-24).
3. Determining which local government records, "shall be permanently preserved because of historical value and which ... may be destroyed or otherwise disposed of..." (Code of Alabama 1975, Section 41-13-24).
4. Issuing retention guidelines and other regulations for local government records, based on their evidential, informational, and historical value (Code of Alabama 1975, Section 41-13-24).
5. Approving records destruction requests submitted by local government agencies, "No county, municipal, or other local government official shall cause any...record to be destroyed or otherwise disposed of without first obtaining the approval of the local government records commission" (Code of Alabama 1975, Section 41-13-23)

## **Alabama State Records Commission**

Creation Authority: **Code of Alabama 1975, Sections 41-13-20, 41-13-21, 41-13-24, 41-13-25**

Staff Contact: Clay Helms

Phone: (334) 242-7207

The commission meets twice a year on the fourth Wednesday of April and October. The Secretary of State may send a designee. The State Government Records Commission is charged with the following responsibilities:

1. Conduct surveys of public records created by state agencies (Code of Alabama 1975, Section 41-13-24).
2. Issue regulations classifying all public records and prescribing the period for which records of each class shall be retained (Code of Alabama 1975, Section 41-13-24).
3. Determine which public records shall be preserved permanently because of historical value and which records may be destroyed or otherwise disposed of (Code of Alabama 1975, Sections 41-13-21).
4. Approve records disposal requests submitted by state agencies prior to the records destruction (Code of Alabama 1975, Sections 41-13-21).

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## **State Canvassing Board**

Creation Authority: **Code of Alabama, Section 17-12-17**

Staff Contact: Jeff Elrod

Phone: (334) 353-7177

This board is composed of the Secretary of State, the Governor, and the Attorney General. The Secretary of State is permitted to send a designee, but the designee must have signature authority. The board meets and certifies the results of each general and special election that occurs during their time in office.

## **Fair Ballot Commission**

Creation Authority: **Code of Alabama, Section 17-6-81**

Staff Contact: Mike Jones

Phone (334) 353-9626

This board meets regularly during the months prior to an election, via phone, video conference, or any other form of communication, whereby all persons participating in the meeting may hear each other at the same time. The commission composes clear and concise descriptions of all the proposed amendments, and they are required to finalize these descriptions a minimum 60 days prior to Election Day. These descriptions of the proposed legislation must meet the following requirements:

- ❖ Statements must be written in plain, nontechnical language, and in a clear coherent manner utilizing everyday terminology.
- ❖ Statements must be true and impartial statements detailing the effect of a vote for and against the proposed amendments.
- ❖ Statements must include clear language describing whether or not the proposed legislation will, increase, decrease, or have no impact on taxes.

## **Alabama Electronic Overseas Voting Advisory Committee**

Creation Authority: **Code of Alabama, Section 17-11-40 through Section 17-11-51**

Staff Contact: Jeff Elrod

Phone: (334) 353-7177

This committee oversees the conduct regarding absentee voting for individuals who are deployed for military service, other state service positions, as well as any other U.S. citizen who is a permanent resident of the state but is temporarily residing outside of the territorial limits of the U.S., establishes authority to implement policy for the Secretary of State, and gives authority to the Secretary of State to adopt rules regarding the procedures for emergency overseas absentee voting rule powers and situations.

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# Secretary of State may Serve as Board Member or Appoint a Designee

## Help America Vote Act Committee (HAVA)

Creation Authority: Code of Alabama, Section 17-2-2

Staff Contact: Clay Helms

Phone: (334) 242-7207

The Secretary of State makes eight appointments to this board. Each of the eight appointments must come from a specific interest group within the state, and additional board members are appointed or reappointed by the Governor (3), Lt. Governor (2), Speaker of the House of Representatives (5), and President Pro Tem of the Senate (2). In addition, the Secretary of State is required to appoint eight members, from several different interest groups around the state. These groups include: Alabama Democratic Party (1), Alabama Republican Party (1), Probate Judges Association (1), Sheriffs Association (1), Circuit Clerks Association (1), and one of whom shall represent an organization serving as an advocate for the rights of individuals with disabilities. Each term lasts four years. According to the code, each member must serve a total of four years, with the exception of the two indefinite members.

## Alabama Electronic Voting Committee

Creation Authority: Code of Alabama, 1975 Section 17-7-22

Staff Contact: Jeff Elrod

Phone: (334) 353-7177

The code states that the Secretary of State shall appoint a representative. It shall be the duty of the committee to ensure the examination and certification of electronic vote counting systems in the following manner:

- 1) By publicly examining all makes of electronic vote counting systems submitted and certifying whether such systems comply with the requirements of this section.
- 2) By inviting any vendor or company interested in selling an electronic vote counting system in Alabama to submit such equipment for examination.
- 3) The committee shall approve only those electronic vote counting systems that are certified by an authorized independent testing authority, or successor entity, as meeting the performance and test standards for electronic voting systems issued by the Federal Election Commission.
- 4) After certification of any electronic vote counting system, the Secretary of State shall make and maintain a report on the system, and as soon as practicable shall send a notice of certification and, upon request, a copy of the report to all governing bodies of the counties of the state.

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- 5) After an electronic vote counting system has been certified, any change or improvement in the system shall be certified by the committee prior to the adoption of such change or improvement by any county.
  - 6) The adoption of an electronic vote counting system in which votes are recorded on an electronic ballot as authorized in this article is hereby validated. It is the legislative intent of this subsection to declare that the use of electronic vote counting systems in which votes are recorded on an electronic ballot has, since the enactment of the Election Reform Act of 1983, been an acceptable method of electronic vote counting.

### **Election Expense Reimbursement Committee**

Creation Authority: **Code of Alabama, 1975 Section 17-16-2.1**

Staff Contact: Clay Helms

Phone: (334) 242-7207

The committee shall meet not less than 90 days prior to the 2012 state primary to develop and approve the list of reimbursable expenses for the upcoming election cycle. After the list has been approved by the committee, it shall be forwarded to the Comptroller's office. The Comptroller shall distribute the list to the chair of each county commission and each probate judge in the state no later than 60 days prior to the date of the primary. The list of approved expenses shall apply in all elections and remain in effect until and unless amended by the committee at least 90 days prior to the primary in a subsequent election cycle.

The committee shall consist of the following:

1. The President Pro Tempore of the Senate.
2. The Speaker of the Alabama House of Representatives
3. The Secretary of State or his or her designee.
4. The Director of Finance or his or her designee.
5. The Chairman of the Senate Constitution, Campaign Finance, Ethics and Election Committee or its successor committee.
6. The Chair of the House Constitution, Campaign and Elections Committee or its successor.
7. The Chair of the House Ways and Means General Fund Committee or its successor committee.