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# Alabama

## *Help America Vote Act (HAVA) Complaint Process Guide*

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# State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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# **What is the Help America Vote Act (HAVA)?**

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

# How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

## [Section 17-2-3 Establishment of complaint review procedures.](#)

The Secretary of State, by administrative rule, shall establish procedures for the review of complaints regarding the administration of Title III of the Help America Vote Act of 2002. These procedures shall meet the following requirements:

- (1) Any person who believes there has been a violation of Title III may file a complaint.
- (2) Any complaint filed shall be in writing and notarized, and signed and sworn by the complaining person.
- (3) The Secretary of State may consolidate complaints.
- (4) At the request of the complainant, there shall be a hearing on the record.
- (5) If it is determined that there has been a violation of Title III, the appropriate remedy shall be provided.
- (6) If it is determined that there has not been a violation of Title III, the complaint shall be dismissed, and the results of the procedures shall be published.
- (7) After a complaint is filed, a final determination shall be made within 90 days.
- (8) If the 90-day deadline is not met, the complaint shall be resolved within 60 days under alternative dispute resolution.

# How do I file a non-HAVA election complaint?

[Link to Statutes](#)

[Link to Complaint Form](#)

Please see [Chapter 17 of Title 17](#) in the Alabama Code for election offenses. The Secretary of State's Office takes allegations of voter fraud very seriously. Such allegations are promptly reviewed and forwarded to appropriate authorities, including local law enforcement, the Office of the Alabama Attorney General, and the Alabama Ethics Commission. These officials are responsible for reviewing such allegations and, if appropriate, conducting criminal investigations for potential prosecution. The Secretary of State is not authorized under the law to initiate or conduct criminal investigation.

## Who can I contact regarding an election related complaint?

<b>Attorney General:</b>	Steve Marshall
<b>Physical Address:</b>	501 Washington Ave. Montgomery, AL 36104
<b>Mailing Address:</b>	P.O. Box 300152 Montgomery, AL 36130-0152
<b>Phone Number:</b>	334-242-7300
<b>Email Address:</b>	<a href="https://www.alabamaag.gov/general-contact/">https://www.alabamaag.gov/general-contact/</a>
<b>Website:</b>	<a href="http://www.ago.state.al.us/">http://www.ago.state.al.us/</a>

<b>Secretary of State:</b>	Wes Allen
<b>Mailing Address:</b>	Office of the Secretary of State Voter Fraud Unit P.O. Box 5616 Montgomery, AL 36103-5616
<b>Phone Number:</b>	800-274-8683
<b>Fax Number:</b>	334-242-2444
<b>Email Address:</b>	<a href="mailto:voterfraud@sos.alabama.gov">voterfraud@sos.alabama.gov</a>
<b>Webform:</b>	<a href="https://www.sos.alabama.gov/stop-voter-fraud-now/election-complaint-form">https://www.sos.alabama.gov/stop-voter-fraud-now/election-complaint-form</a>