

Office of the Secretary of State

**Functional Analysis
&
Records Disposition Authority**

**Revision
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Functional and Organizational Analysis of the Office of the Secretary of State

Sources of Information

Representatives of the Office of the Secretary of State
Constitutions of Alabama (1819, 1861, 1865, 1868, 1875, and 1901)
Code of Alabama 1975, Title 10; Title 17
Code of Alabama 1975, Sections 2-2-3; 8-12-11; 8-26A-1 to 8-29A-31; 36-2-6; 36-5-1; 36-14-15; 41-13-20
Code of Alabama 1975, Sections 41-20-1 through 41-20-6 (Sunset Law)
Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedure Act)
Alabama Administrative Code, Sections 820-1-1 through 820-6-4
Alabama Administrative Code, Sections 307-X-1- .01 through 307-X-1- .23 (Electronic Voting Committee)
Alabama Government Manual (2002), page 14
Office of the Secretary of State Audit Reports
Office of the Secretary of State Records Retention Schedules
Office of the Secretary of State website
Government Records Division, Department of Archives and History, Agency Files

Historical Context

The history of the Office of the Secretary of State predates the founding of the state of Alabama. The office dates from statutes contained in the Northwest Ordinance of 1787; this ordinance became the model for governing the Mississippi Territory, of which Alabama was originally a part. When the Territory of Alabama was separated from Mississippi in 1817, it was mandated that the secretary of state for the territory be appointed by the President of the United States with the advice and consent of the United States Congress. In preparation for statehood, delegates from the various counties in the Alabama Territory met in Huntsville in 1819 to draft and adopt the first constitution. The Alabama State Constitution of 1819 provided that the secretary of state be appointed jointly by both houses of the legislature to a term of two years.

The Alabama State Constitution of 1868 provided, for the first time, for direct election of the secretary of state, still for a term of two years. The Alabama State Constitution of 1901 preserved the direct election of the secretary of state but expanded the length of the term of office from two to four years. The 1901 Constitution also directed that a person could be elected for one successive term and could be removed from office by impeachment.

Agency Organization

The secretary of state is elected by popular election during the same election cycle as the governor and other constitutional officers. To be eligible for this position, a person must be at least twenty-five (25) years of age, a citizen of the United States for at least seven (7) years, and a resident of Alabama for at least five (5) years preceding election. The secretary of state serves a four-year term, is eligible for one successive term, and may be removed by impeachment. If the office becomes vacant due to death or resignation, the governor appoints a secretary of state to hold office until the next election. The office currently consists of the following officials/divisions: Chief Legal Advisor, Chief of Staff, Corporations Division, Elections Division, Executive Secretary, Finance Division, Government Services Division, Information Systems Division, Land and Trademarks Authentications Division, Personnel Division, Public Information, Special Projects, and Uniform Commercial Code (UCC) Division. An organizational chart is attached.

Agency Function and Subfunctions

The Office of the Secretary of State is a constitutional office responsible for custody and use of the Great Seal of Alabama and for other duties concerning public documents. Code of Alabama, 1975, Sections 36-14-1 through 36-14-16 establish general duties and responsibilities of the office. There are numerous other code sections which add more duties and responsibilities to the secretary of state. In performance of its mandated function, the Office of the Secretary of State may engage in the following subfunctions.

- **Promulgating and Implementing Rules and Regulations.** Various sections of the Code of Alabama, 1975, authorize the secretary of state to prescribe and implement the following rules and regulations:

Election administration: Section 17-1-8 authorizes the secretary of state to provide uniform guidance for election activities. Section 17-4-255 requires the secretary of state to promulgate rules and prescribe any forms necessary for the implementation of the federal National Voter Registration Act of 1993 and the Help America Vote Act of 2002. Section 17-10-22 mandates the secretary of state to promulgate rules related to the administration of absentee voting. Section 17-10A-2 empowers the secretary of state to promulgate rules and prescribe any forms necessary for the administration of provisional balloting. Section 17-25-3 permits the secretary of state to establish procedures for the review of complaints regarding the administration of Title III of the Help America Vote Act of 2002. Section 17-25-4 grants the secretary of state, through administrative rule, the authority to adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state.

Uniform Commercial Code: Title 7, Chapter 9A requires the secretary of state to promulgate rules related to secure transactions under the commercial code.

Civil Law Notaries: Section 36- 20-52 permits the secretary of state to promulgate rules related to civil law notaries.

The secretary of state is also obligated to implement various laws by serving as the recipient and keeper of certain records or documents. Types of records may include, but are not limited to, the following: oaths, commissions, and bonds; notices of removal of abandoned vehicles; copies of requisitions and writs of arrest; copies of registers or reports from several professional licensure boards; and reports of appointment as notary public.

- **Administering Elections.** In accordance with provisions of the Code of Alabama 1975, the Office of the Secretary of State carries out various duties relating to elections. Staff members of the Elections Division receive and acknowledge candidate petitions for ballot access, manage statewide and local elections, provide support to local boards of registrars, receive and certify statewide election results, collect statements of campaign expenditures from state/federal candidates, prepare documents verifying the status of elected and appointed officials, conduct election-related educational programs, maintain the statewide database of registered voters, provide logistic support to the Alabama Electronic Voting Committee and the Voter Registration Advisory Board, and assist in other election-related responsibilities.
- **Registering Entities.** In 1850, state legislation authorized the Office of the Secretary of State to file and certify articles of incorporation for road construction companies. In the years that followed, steamships, railroads, banks, and insurance companies were required to file their articles or charters of incorporation with this office. Today, articles of incorporation under the laws of Alabama are filed in local probate offices across the state. After ascertaining that the articles are in conformity with the law, the probate judge issues a certificate of incorporation to the incorporators, and, within 10 days, sends copies of the certificate and the articles to the Office of the Secretary of State, where a registry is maintained for all domestic and foreign corporations that are qualified to transact business in Alabama. In addition, staff members of the office receive filings of all entities, issue authorization for foreign entities to conduct business in the state, file mergers, make name reservations, register changes of corporate agents, and issue certificates of existence.
- **Maintaining Land Records.** Code of Alabama, Section 36-14-1 mandates the secretary of state to serve as the custodian of the original land records of the state which show original ownership of Alabama lands dating back to territorial days. The county-by-county tract books are broken down by township, range, section, and quarter section. Original government survey notes and township plats are also kept by the office. Staff members also receive copies of deeds and leases pertaining to state-owned land and furnish certified copies upon request. Original copies of deeds and leases are maintained by the Department of Conservation and Natural Resources.
- **Registering Trademarks.** Legislation in 1891 provided for optional registration of

marks for containers used in the manufacture, bottling, or selling of beverages. All applicants must file their marks with the secretary of state and local probate offices (Acts 1890-91, No.319). The right to exclusive use of a trademark was granted in the Code of Alabama in 1923, and trademarks have been accepted informally since 1928. In 1980, the state legislature passed the Trademark and Service Act which significantly modified trademark law (Acts 1980, No. 80-166). Each company doing business in the state may register and renew its trademark, trade name, or service mark with the secretary of state. Staff members of this office receive/screen applications and other supporting documents affecting registration; issue and renew certificates of registration for trademarks, trade names, or service marks; and maintain a central registry for all trademarks, trade names, and service marks.

- **Recording Financial Statements Required by the Uniform Commercial Code.** The office serves as the central recording office for the portion of the Uniform Commercial Code known as “secured transactions.” Staff members handle filing, processing, and verification of new financial statements, as well as termination, assignment, release, or amendment of previously filed financial statements applying to business transactions involving credit.
- **Transmitting and Filing Records.** The secretary of state receives and files the following legal documents: records of oaths taken by all executive officers, judicial officers, and members of the legislature; official bonds filed by elected and appointed officials; commissions issued to state and local officials; copies of requisitions for fugitives and writs of arrest; and other legal documents as required by law.
- **Procuring and Filing Legislative Records.** In accordance with Code of Alabama 1975, Section 36-14-1, staff members of the office are authorized to “procure the acts and resolutions of the legislature, of which distribution is directed, to be half bound and lettered.” All original copies of registers, bills, resolutions, journals, enrolled acts, and roll calls are filed with the office on the adjournment of each legislative session by the Legislature.
- **Administering the Alabama Athlete Agents Commission.** The athlete agents regulatory law was first enacted in 1987 by Act 87-628 to be administered solely by an Athlete Agents Regulatory Commission. In 1994, Act 94-828 named the secretary of state as a member of the commission and provided for administrative duties to be performed by the secretary of state on behalf of the commission. Act 2001-701 repealed the law in its entirety and created a new regulatory law (codified in the Code of Alabama, Sections 8-26A-1 to 8-26A-31 in its current form) with primary responsibility for administering the law transferred from the commission to the secretary of state. The commission is obligated to protect the interests of student-athletes and academic institutions by regulating the activities of athlete agents. The powers and duties of the commission are limited to setting rules and regulations for administration of the regulatory law by the secretary of state and acting as appellate body for actions taken by the secretary of state. The secretary of state is

empowered to administer the athlete agents regulatory law by registering athlete agents, renewing certificates of registration, handling complaints, levying administrative penalties (with concurrence of the attorney general), and maintaining commission records.

- **Administering the Alabama Open Meetings Act.** Section 36-25A-3 of the Alabama Open Meetings Act authorizes the secretary of state to promulgate and implement rules and regulations necessary for the uniform receipt and posting of notices of meetings. Government bodies with statewide jurisdiction must register with the Office of the Secretary of State in order to submit their meeting notices. All meeting notices are posted on the website of the Office of the Secretary of State, and any person electing to receive these notices may register with the Office of the Secretary of State for direct notification.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency.

Managing the Agency: Activities include internal office management work common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the state Finance Department; documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Office of the Secretary of State

Agency Record Keeping System

The Office of the Secretary of State currently operates a hybrid record keeping system composed of paper and electronic records.

Computer System: The office's Information Systems Division currently utilizes an IBM AS/400 mid-range system, a Windows NT server, and the mainframe of the Information Services Division (ISD), Department of Finance, to operate/maintain electronic records for the office staff. All divisions have applications run on the AS/400 and Windows NT server. Accounting, finance, and elections have applications run on the ISD mainframe. The AS/400 and Windows NT server are backed up daily and backup tapes are stored at ISD. The office also digitizes some of its records.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Office of the Secretary of State: Temporary Records and Permanent Records.

I. Temporary Records. Temporary Records should be held for what is considered to be their active life and disposed of once all their fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the Office of the Secretary of State are discussed below:

- **Unused Absentee Election Materials.** Pursuant to Code of Alabama, Section 17-10-24, any person, firm, or entity supplying to any county/municipality any absentee affidavit envelopes, absentee ballots, or other absentee election materials in connection with any election must provide an itemized and signed statement to the Office of the Secretary of State showing a description and the quantity of each item shipped. Upon the completion of the election, all unused absentee election materials must also be returned, along with a statement showing items not utilized in the election, by counties and municipalities to the Office of the Secretary of State. These materials should be maintained, as required by the Code of Alabama and the Code of Federal Regulations, for a period of 18 months (for elections with no federal office on the ballot) and 22 months (for elections with a federal office on the ballot) respectively.
- **Foreign Corporation Name Registration Files.** Code of Alabama, Section 10-2b-4.03 (d) allows foreign corporations (corporations that are not based in Alabama) to register their legal names with the secretary of state. This registration does not allow foreign corporations to conduct business transactions in Alabama. The name registration expires on December 31 of every year unless renewed between October 1 and December 31. A typical file may contain the original application for registration, certificate of existence, and correspondence.

Since these name reservations expire at the end of each year, there is no need for them after the audit cycle.

- **Trademark, Trade Name, and Service Mark Registration Files.** Code of Alabama, Section 8-12-6 et. seq., requires applicants to apply and register with the secretary of state for their trademark, trade name, or service mark. Formal registration began in 1980 but trade marks have been accepted informally since 1928. This series is composed of completed applications, original specimens, copies of certificates of registration issued to applicants, and other related supporting documents. All registered trademarks, trade names, and service marks are effective for ten (10) years and must be renewed if the mark/name is still in use.

- **Uniform Commercial Code (UCC) Financing Statements.** This series consists of various national UCC financing statements and amendments filed by secured parties to perfect security interest in collateral or to document tax liens, and to register farm commodity liens to the central registry system. Code of Alabama, Section 7-9A-522 mandates the office to maintain the filed financing statements for at least one year after the effectiveness of the financing statements have lapsed.

- **Notices of Removal of Abandoned Vehicles.** In accordance with the Code of Alabama, Section 32-13-2, any peace officer who finds a motor vehicle left unattended for a period of at least seven days, must cause the vehicle to be removed to the nearest garage or other place of safety. Meanwhile, the peace officer must file copies of written notice of the removal with the Office of the Secretary of State and the Department of Public Safety. These notices should be kept for four (4) years for reference.

- **Records of Oaths, Commissions, and Bonds.** In accordance with the Code of Alabama, Section 36-4-2, oaths of office taken by the governor, judges of the Supreme Court/Court of Civil Appeals/ Court of Criminal Appeals/circuit courts, the state auditor, the state treasurer, the attorney general, and district attorneys must be filed in the office of the secretary of state. Code of Alabama, Section 36-2-6 mandates that judges of several courts, the attorney general, district attorneys, the secretary of state, the state auditor, the state treasurer, the commissioner of the Department of Agriculture and Industries, the commissioner of the Department of Conservation and Natural Resources, commissioners of the Public Service Commission, the commissioner of the Department of Revenue, the director of the Department of Finance, the commissioner of the Department of Corrections, the director of the Department of Industrial Relations, the director of the Department of Human Resources, the clerk of the Supreme Court, clerks of circuit courts, the sheriffs, the tax assessors, the tax collectors, the county treasurers, the county commissioners, the constables and all other officers when specifically required by other provisions of law must obtain a commission, signed by the governor with the secretary of state countersigning, before entering upon and exercising their duties. State law also requires the filing of a bond prior to receiving a commission, within 40 days of election or appointment (Code of Alabama, Section 36-5-2 †). This series contains file folders that may include, but are not limited to, original oaths, copies of commissions, original bonds, copies of certificates issued to officials after the

bond is filed. These records should be retained for 30 years after the term is expired because they are often referenced for purposes relating to retirement.

- **Notice of Meetings Registration Forms.** In compliance with the Alabama Open Meetings Act, all government agencies must complete and submit this form to the secretary of state. Information on this form includes agency name, mailing address, telephone number, FAX number, e-mail address, contact person, and sign-on user name and password. After processing the forms, agency staff members may submit and post meeting notices on the website of the Office of the Secretary of State. These forms should be maintained for administrative use until they are superseded.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating and Implementing Rules and Regulations

Permanent records providing summary documentation of this subfunction are found in the Code of Alabama, Alabama Administrative Code, and other permanent records listed in this RDA.

Administering Elections

- **Election Administration Publications.** This series contains promotional publications and multimedia materials (such as election handbook, poster, and brochures) produced by the office staff for election administration and voter outreach/education. They should be preserved as the core documentation relating to election administration in Alabama. (RDA pg. 3-2) (**Bibliographic Title: State Publications**)
- **Election Files.** These files include, but are not limited to, certified candidate lists from political parties, petitions for ballot access, ballot certifications issued by the Secretary of State, election results as certified by counties or political parties, election results as certified by the State Canvassing Board, absentee ballot statistics, and party emblems; precinct recapitulation sheets for primary, general, and special elections; declarations and certifications of candidacy; and correspondence. This series should be preserved as it documents the Secretary of State's official duties in regard to administering and managing statewide and local elections. (RDA pg. 3-3) (**Bibliographic Title: Election Files**)
- **Meeting Agendas, Minutes, and Packets of the Electronic Voting Committee.** The Electronic Voting Committee was created under the 1983 Election Reform Act (Acts 1983, No 83-200) to ensure the examination and certification of electronic vote counting systems. The committee is composed of a representative appointed by the Secretary of State, a representative appointed by the Attorney General, a probate judge appointed by the Chief Justice of the Supreme Court, one member from the House of Representatives, and one member from the Senate (both appointed by the presiding officer of each chamber). This series consists of committee meeting agendas, minutes, and other supporting documents

which should be preserved to document the function of the committee. (RDA pg. 3-3)
(Bibliographic Title: Electronic Voting Committee Meeting Minutes)

- **Certification/Denial of Electronic Vote Counting System Records.** This series consists of documents relating to the certification (or denial of certification) of electronic voting device systems submitted by vendors. The office staff maintains this series permanently as a documentation of the implementation process of the Electronic Reform Act. (RDA pg. 3-3)
- **Fair Campaign Practices Act Committee and Disclosure Filings.** This series is composed of various forms or reports filed by political committees and principal campaign committees to comply with provisions of the Fair Campaign Practices Act. Forms included are Appointment of Principal Campaign Committee (for candidates), Statement of Organization (for political committees), forms for reporting updates to committee information, and Statement of Dissolution. Reports included are pre-election reports disclosing campaign finance activity during an election cycle and annual reports disclosing campaign finance activities for a calendar year. Also included are similar filings which were required under the repealed Corrupt Practices Act. These records have archival value in that they offer information regarding political supporters and campaign expenditures to researchers. (RDA pg. 3-3) **(Bibliographic Title: State Campaign Disclosure Report Files)**
- **Help America Vote Act Implementation Records.** To comply with provisions of the Help America Vote Act of 2002, a committee of 23 individuals was created to assist the secretary of state in the development of a statewide implementation plan. This series is composed of committee appointments, meeting minutes, and the approved state implementation plan. These records should be retained as core implementation documentation of this act. (RDA pg.3-3) **(Bibliographic Title: Help America Vote Act Implementation Records)**
- **Statewide Voter Registration Database.** Code of Alabama 1975, Section 17-4-187 requires the secretary of state to maintain a permanent list of all qualified electors. To meet the Code requirement, a centralized and computerized voter registration database was created to connect to counties. The purpose of this network is to unify the voter registration process by preventing voter registration in more than one county. All counties directly enter information on registered voters into the statewide database and can also purge names from the active voter list. This database provides immediate access to the lists of registered voters for verification of voter eligibility. Code of Alabama, Section 17-4-130 requires “an electronic archive in the database for the state voter registration list shall be recorded simultaneously with the printing of each county’s list of qualified voters.” (RDA pg. 3-3)
- **Meeting Agendas, Minutes, and Packets of the Voter Registration Advisory Board Records.** This series consists of meeting agendas, minutes, and other supporting documents of the Voter Registration Advisory Board, created as an oversight board for the state’s voter registration system. According to Code of Alabama, Sections 17-4-210 through 17-4-215, the secretary of state is responsible, through the supervisor of voter registration, for operating

the advisory board and keeping meeting minutes of the board. (RDA pg. 3-3) (**Bibliographic Title: Voter Registration Advisory Board Meeting Minutes**)

Registering Entities

- **Domestic For-Profit and Non-Profit Entity Records.** These records are created /maintained to document the incorporation of entities based in Alabama. Types of entities covered by this series may include domestic corporations, domestic limited liability companies, domestic limited partnerships, and domestic registered limited liability partnerships. Records in this series include, but are not limited to, articles of incorporation, articles of dissolution, intent to dissolve, and other related documents, such as restated articles, articles of correction, articles of revocation of dissolution, articles of amendments, articles of merger or share exchange, changes/resignation of registered office/registered agent, and changes in principal office. All corporation records are copies of originals filed by county probate offices across the state with the Office of the Secretary of State, as required by law. While the approved Records Disposition Authority (RDA) for County Probate Offices requires probate offices to keep their entity records permanently, the Office of the Secretary of State should also preserve this series permanently at the state level as these records reflect a complete documentation of domestic entities operating in the state since 1905. Although this series is duplicated in the office's database system, rapid technological change and the difficulty of maintaining electronic information in a usable format for long periods of time require the permanent retention of paper copies. (RDA pg. 3-4) (**Bibliographic Title: Domestic For-Profit and Non-Profit Entity Records**)
- **Foreign Entity Records.** Corporations that are not based in Alabama must register with the Office of Secretary of State in order to transact business in the state. They are not required to file any records with local probate offices. Types of entities covered by this series may include foreign corporations, foreign limited liability companies, foreign limited partnerships, and foreign registered limited liability partnerships. This series contains the applications for certificate of authority, articles of incorporation and all amendments, amended certificates of authority, and certificates of withdrawal. This series is the only complete documentation for foreign corporations registered in Alabama and should be maintained permanently. Although this series is duplicated in the office's database system, rapid technological change and the difficulty of maintaining electronic information in a usable format for long periods of time require the permanent retention of paper copies. (RDA pg. 3-4) (**Bibliographic Title: Foreign Entity Records**)
- **Entity Database.** The Office of the Secretary of State creates/maintains a database for all domestic and foreign entities registered in the state. Staff members of the office enter essential information (such as entity's legal name and address, county filed, formed and registered dates, capital amount, nature of business, and names of agent and incorporator) into the database and scan all filed documents into a digital image system. All for-profit domestic corporations must file their annual reports with the Department of Revenue and Revenue transmits the data to the Office of the Secretary of State for scanning into its digital

image system. Whenever there is a change, the database is updated to reflect the current data. Obsolete data is moved to another area in the database for storage, but never deleted from the system. While the database is available to the general public through the agency's website, copies of scanned images can only be purchased by paying a fee. The creation and use of this database serves a purpose not only suited for the office but also suited for the use of researchers as the data may be manipulated for specific research projects. (RDA pg. 3-4)

Maintaining Land Records

- **Land Records.** The secretary of state is required by law to keep various land records in office. These records provide continuing evidence of title, ownership, and conveyance of property and are used extensively to document the history of land in the state. The land records that must be kept in the office include, but are not limited to, the following: land patents (these records document the transfer of tracts of land from the state and are recorded in the tract books by township and range), land field notes (these records are field notes of original survey of the state lands in Alabama), land plats (these plats provide a record of the original land survey of state lands in Alabama. They provide a cross reference to the field notes written by land surveyor), and tract books (these tract books are used to record transactions for land owned by the state. They can be used to identify land patents issued by the state for land purchases.) To make these records more easily accessible for the public, the office scanned these records and makes them available on the office's website. (RDA pg. 3-4) **(Bibliographic Title: Deeds and Leases, Field Notes, Homestead Land Records, Land Grants from the United States to an Individual, Land Patents, Land Patents and Conveyances, Plat Books, Private Claim Books, Receivers Journals and Other U.S. Land Office Record Series, Receivers Ledgers and Other U.S. Land Office Record Series, Sixteenth Section Land Patents, Tract Books)**

Registering Trademarks

- **Ready Reference Card File of Trademark, Trade Name, and Service Mark Registration.** This series consists of a tickler card file of registration for trademarks, trade names, and service marks created by the office staff as a ready reference. Each card lists registration number, name and address of applicant, picture of trademark/ name or service mark, registration/expiration date, and renewal date. This series should be preserved as documentation as it offers specific information about companies and their trademarks/trade names. (RDA pg. 3-4) **(Bibliographic Title: Trademark Expiration File)**

Recording Financial Statements Required by the Uniform Commercial Code

The agency currently creates no permanent records under this subfunction.

Transmitting and Filing Records

- **Registers of Proclamations.** This series consists of registers of proclamations and original

copies of proclamations issued by the governor. All of the proclamations are attested by the secretary of state and embossed with the state seal. They should be preserved as a part of the documentation of the office. (RDA pg. 3-4) **(Bibliographic Title: Proclamation Registers)**

Procuring and Filing Legislative Records

- **Legislative Records.** This series consists of all original copies of registers, bills, resolutions, journals, enrolled acts, and roll calls filed with the office on the adjournment of each legislative session by the Legislature. Types of records may include, but are not limited to, House Registers of House/Senate Resolutions, Senate Registers of House/Senate Resolutions, House Registers of House/Senate Bills, Senate Registers of House/Senate Bills, Enrolled Acts, Bills and Resolutions, and House/Senate Journals. This series represents the most important records created by the Legislature and should be preserved permanently. (RDA pg.3-6) **(Bibliographic Title: Bill Histories, Code Drafts, Code of Alabama [various years], Committee Files of the Legislature, Committee Reports, Constitutions [various years], Constitutional Convention Records [various years], Engrossed Acts, Enrolled Acts, Enrolled Ordinances, House Adverse Reports, House Amendment Registers, House Calendar, House Journals, House Registers of House Bills, House Registers of House Resolutions, House Registers of Senate Bills, House Registers of Senate Resolutions, Indices to Legislative Records, Legislative Payrolls, Lists of Bills/Resolutions/Acts, Photographs of the Members, Roll Call Votes, Senate Amendment Registers, Senate Certificates of Senate Rules, Senate Journals, Senate Registers of House Bills, Senate Registers of House Resolutions, Senate Registers of Senate Bills, Senate Registers of Senate Resolutions, Summaries of Acts)**

Administering the Alabama Athlete Agents Commission

- **Meeting Agendas, Minutes, and Packets of the Alabama Athlete Agents Commission.** These records summarize proposed and executed proceedings of the commission. This series usually contains meeting agendas, minutes, and supporting documents. They are the core records created/maintained by the commission in documenting the official business transaction and, to a larger extent, the history of the commission. (RDA pg. 3-6) **(Bibliographic Title: Meeting Minutes)**
- **Annual Rosters of Registered Athlete Agents.** This series consists of annual registers of registered athlete agents published by the commission. The registers are useful for genealogical and historical research. (RDA pg. 3-6) **(Bibliographic Title: Annual Registers of Registered Athlete Agents)**

Administering the Alabama Open Meetings Act

The agency currently creates no permanent records.

Administering Internal Operations

- **Files of the Secretary of State.** This series may include, but is not limited to, correspondence, memoranda, and /or subject files created/maintained by the secretary of state. These records provide the core documentation of the activities of the secretary of state as a constitutional officer. (RDA pg. 3-7) **(Bibliographic Title: Administrative Correspondence, Administrative Files)**
- **Website.** The agency has a website at: www.sos.state.al.us. Information on the website includes the agency history, Alabama Constitution, acts of Alabama, Code of Alabama, election laws, administrative procedures, services of various divisions, press releases, forms, reports, and inquiry system. The website should be preserved as it serves as an important medium for communication with the public. (RDA pg. 3-7) **(Bibliographic Title: Website)**
- **Inventory Lists.** The Code of Alabama 1975, Section 36-16-8(1) requires that “. . . All [state agency] property managers shall keep at all times in their files a copy of all inventories submitted to the Property Inventory Control Division, and the copies shall be subject to examination by any and all state auditors or employees of the Department of Examiners of Public Accounts.” These files need to be maintained in the agency’s office. (RDA pg. 3-11)

Permanent Records List

Office of the Secretary of State

Administering Elections

1. Election Administration Publications
2. Election Files
3. Meeting Agendas, Minutes, and Packets of the Electronic Voting Committee
4. Certification / Denial of Electronic Vote Counting System Records*
5. Fair Campaign Practices Act Committee and Disclosure Filings
6. Help America Vote Act Implementation Records
7. Statewide Voter Registration Database*
8. Meeting Agendas, Minutes, and Packets of the Voter Registration Advisory Board

Registering Corporations

1. Domestic For-Profit and Non-Profit Entity Records
2. Foreign Entity Records
3. Entity Database*

Maintaining Land Records and Trade Marks/Service Marks

1. Land Records

Transmitting and Filing Records

1. Registers of Proclamations

Procuring and Filing Legislative Records

1. Legislative Records

Administering the Alabama Athlete Agents Commission

1. Meeting Agendas, Minutes, and Packets of the Alabama Athlete Agents Commission
2. Annual Rosters of Registered Athlete Agents

Administering Internal Operations

1. Files of the Secretary of State
2. Website
3. Inventory Lists*

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency. ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Office of the Secretary of State Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Office of the Secretary of State. The RDA lists records created and maintained by the Office of the Secretary of State in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Office of the Secretary of State. Copies of superseded schedules are no longer valid and may not be used for records disposition.
- This RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term internal purposes that

may include, but are not limited to, telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

- Any record created prior to 1900 shall be regarded as permanent unless there is a specific action by the State Records Commission to authorize its destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Office of the Secretary of State and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

■ Promulgating and Implementing Rules and Regulations

Filings with Legislative Reference Service (Notices of Intended Action, Certification of Administrative Rules)

Disposition: Temporary Record. Retain 10 years.

Public Comments on Proposed Rules and Records of Disposition of Comments

Disposition: Temporary Record. Retain 10 years.

■ Administering Elections

Unused Absentee Election Materials (Elections with a Federal Office on the Ballot)

Disposition: Temporary Record. Retain 22 months.

Unused Absentee Election Materials (Elections with No Federal Office on the Ballot)

Disposition: Temporary Record. Retain 18 months.

Provisional Balloting Files

Disposition: Temporary Record. Retain 22 months.

Ballot Access Petitions Submitted by Independent Candidates or Political Parties

Disposition: Temporary Record. Retain 22 months.

ELECTION ADMINISTRATION PUBLICATIONS

Disposition: PERMANENT RECORD.

ELECTION FILES

Disposition: PERMANENT RECORD.

MEETING AGENDAS, MINUTES, AND PACKETS OF THE ELECTRONIC VOTING COMMITTEE

Disposition: PERMANENT RECORD.

CERTIFICATION/DENIAL OF ELECTRONIC VOTE COUNTING SYSTEM RECORDS

Disposition: PERMANENT RECORD. Retain in Office.

Electronic Voting Committee Administrative Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Voter Complaint Files

Disposition: Temporary Record. Retain 22 months.

FAIR CAMPAIGN PRACTICES ACT COMMITTEE AND DISCLOSURE FILINGS

Disposition: PERMANENT RECORD.

HELP AMERICA VOTE ACT IMPLEMENTATION RECORDS

Disposition: PERMANENT RECORD.

STATEWIDE VOTER REGISTRATION DATABASE

Disposition: Retain in Office.

PERMANENT RECORD. Annual Snapshot of Database.

MEETING AGENDAS, MINUTES, AND PACKETS OF THE VOTER REGISTRATION ADVISORY BOARD

Disposition: PERMANENT RECORD.

Voter Registration Advisory Board Administrative Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Certificates of Service

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records

were created.

■ **Registering Entities**

DOMESTIC FOR-PROFIT AND NON-PROFIT ENTITY RECORDS

Disposition: PERMANENT RECORD.

FOREIGN ENTITY RECORDS

Disposition: PERMANENT RECORD.

ENTITY DATABASE

Disposition: PERMANENT RECORD. Annual Snapshot of Database.

Foreign Corporation Name Registration Files

Disposition: Temporary Record. Retain 3 years after the end of the year in which the registration was not renewed.

■ **Maintaining Land Records**

LAND RECORDS

Disposition: PERMANENT RECORD.

■ **Registering Trademarks**

READY REFERENCE CARD FILE OF TRADEMARK, TRADE NAME, AND SERVICE NAME
REGISTRATION

Disposition: PERMANENT RECORD.

Trademark, Trade Name, and Service Mark Registration Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the registration expired.

Trademark, Trade Name, and Service Mark Registration Database

Disposition: Temporary Record. Retain for useful life.

■ **Recording Financial Statements Required by the Uniform Commercial Code**

National UCC Financing Statements for Business, Business In-Lieu, and Agricultural Lien (Form UCC-1)

Disposition: Temporary Record. Retain 1 year after the 5-year effectiveness period has elapsed.

National UCC Financing Statements of Continuation, Termination, Assignment, or Amendment for Business, Business In-Lieu, and Agricultural Lien (Form UCC-3)

Disposition: Temporary Record. Retain 1 year after the 5-year effectiveness period has elapsed.

National UCC Financing Statements for Manufactured Home and Public Finance (Form UCC-1)

Disposition: Temporary Record. Retain 1 year after the 30-year effectiveness period has elapsed.

National UCC Financing Statements of Continuation, Termination, Assignment, or Amendment for Manufactured Home and Public Finance (Form UCC-3)

Disposition: Temporary Record. Retain 1 year after the 30-year effectiveness period has elapsed.

National UCC Financing Statements for Transmitting Utility (Form UCC-1)

Disposition: Temporary Record. Retain indefinitely unless terminated by the secured party, in which case, retain 1 year after the termination was filed.

National UCC Financing Statements of Continuation, Termination, Assignment, or Amendment for Transmitting Utility (Form UCC-3)

Disposition: Temporary Record. Retain indefinitely unless terminated by the secured party, in which case, retain 1 year after the termination was filed.

UCC Financing Statements for Farm Products (Form UCC-1F)

Disposition: Temporary Record. Retain 1 year after the 5-year effectiveness period has elapsed.

UCC Financing Statements of Continuation, Termination, Assignment, or Amendment for Farm Products (Form UCC-3F)

Disposition: Temporary Record. Retain 1 year after the 5-year effectiveness period has elapsed.

Filing Statements of Notice for Federal Tax Liens

Disposition: Temporary Record. Retain 1 year after the 12-year effectiveness period has elapsed.

Filing Statements of Release, Amendment, or Continuation for Federal Tax Liens

Disposition: Temporary Record. Retain 1 year after the 12-year effectiveness period has elapsed.

Filing Statements of Notice for State Tax Liens

Disposition: Temporary Record. Retain 1 year after the 10-year effectiveness period has elapsed.

Filing Statements of Release, Amendment, or Continuation for State Tax Liens

Disposition: Temporary Record. Retain 1 year after the 10-year effectiveness period has elapsed.

National Information Request Forms (Form UCC-11)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Rejections of Attempted Filing Statements

Disposition: Temporary Record. Retain 4 years.

■ **Transmitting and Filing Records**

REGISTERS OF PROCLAMATIONS

Disposition: PERMANENT RECORD.

Records of Oaths, Commissions, and Bonds

Disposition: Temporary Record. Retain 30 years after the term is expired.

Registers of Oaths, Commissions, and Bonds

Disposition: Temporary Record. Retain for useful life.

Database of Oaths, Commissions, and Bonds

Disposition: Temporary Record. Retain for useful life.

Notices of Removal of Abandoned Vehicles

Disposition: Temporary Record. Retain 4 years.

Requisitions and Writs of Arrest (Copies)

Disposition: Temporary Record. Retain for useful life.

Copies of Registers/Reports of Professionals (Interior Designers and Architects)

Disposition: Temporary Record. Retain for useful life.

Reports of Appointment as Notary Public

Disposition: Temporary Record. Retain for useful life.

■ **Procuring and Filing Legislative Records**

LEGISLATIVE RECORDS

Disposition: PERMANENT RECORD.

■ **Administering the Alabama Athlete Agents Commission**

MEETING AGENDAS, MINUTES, AND PACKETS OF THE ALABAMA ATHLETE AGENTS COMMISSION

Disposition: PERMANENT RECORD.

ANNUAL ROSTERS OF REGISTERED ATHLETE AGENTS

Disposition: PERMANENT RECORD.

Athlete Agent Registration and Enforcement Files

Disposition: Temporary Record. Retain 5 years after the registration has lapsed.

Quarterly Registered Athlete Agents Reports

Disposition: Temporary Record. Retain for useful life.

Athlete Agents Commission Appointment Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the term expires.

Sunset Committee Review Files

Disposition: Temporary Record. Retain until completion of subsequent sunset review.

■ **Administering the Alabama Open Meetings Act**

Notice of Meetings Registration Forms

Disposition: Temporary Record. Retain until superseded.

Notices of Meetings Posted by the Agency

Disposition: Temporary Record. Retain 5 years.

Recipient Listings of Direct Notice of Meetings

Disposition: Temporary Record. Retain 5 years.

■ **Administering Internal Operations**

Managing the Agency:

FILES OF THE SECRETARY OF STATE

Disposition: PERMANENT RECORD.

WEBSITE

Disposition: PERMANENT RECORD. PRESERVE A COMPLETE COPY OF WEBSITE ANNUALLY OR AS OFTEN AS SIGNIFICANT CHANGES ARE MADE.

Various Databases

Disposition: Temporary Record. Retain for useful life.

Legal Case Files

Disposition: Temporary Record. Retain 10 years after the final settlement of the case.

Attorney General Opinion Requests

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Attorney General Opinions

Disposition: Temporary Record. Retain until superseded.

Recordings of Meetings

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

Honorary Certificates (copies)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the term of the secretary of state expired.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the implementation of the agency's RDA (copies of transmittal forms to Archives or State Records Center, destruction notices or other evidence of obsolete records destroyed, annual reports to State Records Commission)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA was superseded.

System Documentation (hardware/software manuals and diskettes, warranties)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exist in the agency and all permanent records have been migrated to a new system.

Managing Finances:

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and canceled checks

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization by supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of contract. (Code of Alabama, Section 6-2-34).

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original bid records maintained in the purchasing office of the agency for contracts over \$7500
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Managing Human Resources:

Records documenting job recruitment

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Position Classification Files

Disposition: Temporary Record. Retain 4 years after position is reclassified.

Records documenting job description

Disposition: Temporary Record. Retain until superseded.

Certification/Personnel Transaction Files

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

Records documenting application for employment

Disposition: Temporary Record. Retain 1 year after request.

Records documenting an employee's work history - generally maintained as a case file

- a. Records documenting work history of employees
Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.
- b. Records, located within divisions/offices, which document an employee's work history
Disposition: Temporary Record. Retain 1 year after separation of employee from the agency.

Records documenting payroll (e.g. pre-payroll report, payroll check registers)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting employees' daily and weekly work schedules

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting final leave status

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting verification of accuracy of State Personnel Department records

Disposition: Temporary Record. Retain for useful life.

Records documenting Equal Employment Opportunity (Code of Federal Regulations, Title 29)

a. Compliance Records

Disposition: Temporary Record. Retain 3 years after the close of the program year.

b. Complaint Records

Disposition: Temporary Record. Retain 3 years from the date of resolution of the complaints.

State Employees Injury Compensation Trust Fund Files

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Worker Compensation Injury and Settlement Reports

Disposition: Temporary Record. Retain 12 years after the end of the fiscal year in which the transaction occurred. (Code of Alabama 1975, Section 25-5-4).

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Employee Administrative Hearing Files

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Managing Properties, Facilities, and Resources:

INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in Office. (Code of Alabama 1975, Section 36-16 - 8(1)).

Letters of Transmittal

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Agency Copies of Transfer of State Property Forms (SD-1)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Records documenting the ownership, use, maintenance, insurance, and disposition of vehicles and equipment

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the property is removed from the property inventory.

Records documenting the lease or rental of office or warehouse
Disposition: Temporary Record. Retain 6 years after the expiration of the lease.

Insurance Policies / Risk Management Records
Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Requirement and Recommendations for Implementing the Records Disposition Authority

Under the Code of Alabama 1975, Section 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Office of the Secretary of State (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in October of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in

electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on July 25, 2007.

Edwin C. Bridges, Chairman, by Tracey Berezansky
State Records Commission

Date

Receipt acknowledged:

Beth Chapman
Secretary of State_____

Date