

1 SB180
2 204033-2
3 By Senator Whatley
4 RFD: Governmental Affairs
5 First Read: 13-FEB-20

SYNOPSIS: Under existing law, each absentee ballot must be accompanied by an affidavit witnessed by two witnesses or a notary public or other officer authorized to administer oaths.

This bill would eliminate the requirement that the affidavit accompanying absentee ballots be witnessed by two witnesses or a notary public or other officer authorized to administer oaths for individuals voting under the federal Uniformed and Overseas Citizens Absentee Voting Act.

A BILL
TO BE ENTITLED
AN ACT

Relating to absentee voting; to amend Section 17-11-7, Code of Alabama 1975, as last amended by Act 2019-507, 2019 Regular Session, to eliminate the requirement that the affidavit accompanying absentee ballots be witnessed by two witnesses or a notary public or other officer

1 authorized to administer oaths for individuals voting under
2 the federal Uniformed and Overseas Citizens Absentee Voting
3 Act.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 17-11-7, Code of Alabama 1975, as
6 last amended by Act 2019-507, 2019 Regular Session, is amended
7 to read as follows:

8 "§17-11-7.

9 "(a) Each absentee ballot shall be accompanied by an
10 envelope upon which shall be printed an affidavit.

11 "(b) With respect to an absentee ballot cast
12 pursuant to Section 17-11-3, the affidavit shall read as
13 follows:

14 ""State of Alabama

15 County of _____

16 I, the undersigned, do swear (or affirm) that:

17 My place of residence in Alabama is: _____

18 (street)

19 _____, Alabama _____

20 (city or town)

(zip code)

21 My date of birth is: _____

22 month day year

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I am entitled to vote an absentee ballot because:

Check at least one:

___ I expect to be out of the county or the state on election day.

___ I am physically incapacitated and will not be able to vote in person on election day.

___ I expect to work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.

___ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.

___ I am a member of or a spouse or dependent of a member of the Armed Forces of the United States or am otherwise entitled to vote pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §1973ff.

___ I have been appointed as an election officer at a polling place which is not my regular polling place.

___ I will be out of the county on election day responding to a state of emergency as declared by this state or any other state, or by the federal government.

___ I am a caregiver for a family member to the second degree of kinship by affinity or consanguinity and the family member is confined to his or her home.

1 ___ I am currently incarcerated in prison or jail
2 and I have not been convicted of a felony involving moral
3 turpitude.

4 I further swear (or affirm) that I have not voted
5 nor will I vote in person in the election to which this ballot
6 pertains.

7 I have marked the enclosed absentee ballot
8 voluntarily and I have read or had read to me and understand
9 the instructions accompanying this ballot and I have carefully
10 complied with such instructions.

11 Moreover, I further swear (or affirm) that all of
12 the information given above is true and correct to the best of
13 my knowledge and that I understand that by knowingly giving
14 false information so as to vote illegally by absentee ballot
15 that I shall be guilty of a misdemeanor which is punishable by
16 a fine not to exceed one thousand dollars (\$1,000) or confine-
17 ment in the county jail for not more than six months, or both.

18 _____
19 (Signature or mark of voter.)

20 _____
21 (Printed name of voter.)

22 IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF
23 YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF
24 AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO

ACKNOWLEDGE OATHS (UNLESS YOU ARE ENTITLED TO VOTE PURSUANT TO
THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT
(UOCAVA), 52 U.S.C. §20302), PRIOR TO BEING DELIVERED OR
MAILED TO THE ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT
BE COUNTED.

Pursuant to the Uniformed and Overseas Citizens
Absentee Voting Act, 52 U.S.C. §20302, UOCAVA voters are no
longer required to have their affidavit witnessed by two
witnesses or a notary public or other officer authorized to
acknowledge oaths.

Sworn to and subscribed before me this _____ day of _____, 20__.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

(Signature of official)

(Title of official)

(Address of official)

OR

1st Witness

Signature

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Print name
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1 _____
2 Address
3 _____
4 City Zip Code

5 2nd Witness _____
6 Signature
7 _____
8 Print name
9 _____
10 Address
11 _____
12 City Zip Code"

13 "(c) Unless running unopposed, a candidate may not
14 witness or notarize any absentee ballot."

15 Section 2. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.