

1 SB301
2 197914-3
3 By Senator Smitherman
4 RFD: Governmental Affairs
5 First Read: 16-APR-19

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8 SYNOPSIS: Under existing law, a registered voter may
9 vote by absentee ballot in certain circumstances.
10 Under existing law, an absentee ballot must be
11 postmarked no later than the day before the
12 election and received no later than noon on
13 election day, and unused absentee ballot materials
14 are sent to the Secretary of State.

15 This bill would provide that an absentee
16 ballot application may not be issued to an
17 applicant without required identification, although
18 a provisional ballot may be issued in certain
19 circumstances without identification.

20 This bill would allow a person to vote by
21 absentee ballot if the person is a caregiver to a
22 family member in certain circumstances.

23 This bill would allow a person to vote who
24 is incarcerated, but has not been convicted of a
25 crime of moral turpitude.

26 This bill would allow a person to vote by
27 emergency absentee ballot if the person is a

1 caregiver of a person who requires emergency
2 medical treatment or if there is a death in the
3 family.

4 This bill would delete a requirement that an
5 absentee election manager post a list of all
6 absentee ballot applications received, on a daily
7 basis, in a public place prior to an election.

8 This bill would allow an absentee ballot to
9 be postmarked no later than election day and
10 received by mail no later than noon on the seventh
11 day following an election.

12 This bill would require unused absentee
13 ballot materials to be sent to the sheriff in the
14 respective county.

15 This bill would also make conforming
16 changes.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to absentee voting; to amend Sections
23 17-9-30, 17-10-1, 17-10-2, 17-11-3, 17-11-4, 17-11-5, 17-11-7,
24 17-11-18, and 17-11-19, Code of Alabama 1975; to require an
25 applicant to include with an absentee ballot application photo
26 identification; to provide additional situations under which a
27 registered voter may vote by absentee ballot or emergency

1 absentee ballot; to delete a requirement that an absentee
2 election manager post a list of all absentee ballot
3 applications received in a public place prior to an election;
4 to allow an absentee ballot to be postmarked no later than
5 election day and received by mail no later than noon on the
6 seventh day following an election; to require unused absentee
7 ballot materials to be sent to the appropriate sheriff instead
8 of the Secretary of State; to make conforming changes; and to
9 repeal Section 17-9-51, Code of Alabama 1975, relating to time
10 requirements for receipt of absentee ballots.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 17-9-30, 17-10-1, 17-10-2,
13 17-11-3, 17-11-4, 17-11-5, 17-11-7, 17-11-18, and 17-11-19,
14 Code of Alabama 1975, are amended to read as follows:

15 "§17-9-30.

16 "(a) Each elector shall provide valid photo
17 identification to an appropriate election official prior to
18 voting. A voter required to show valid photo identification
19 when voting in person shall present to the appropriate
20 election official one of the following forms of valid photo
21 identification:

22 "(1) A valid Alabama driver's license or nondriver
23 identification card which was properly issued by the
24 appropriate state or county department or agency.

25 "(2) A valid Alabama photo voter identification card
26 issued under subsection (f) or other valid identification card
27 issued by a branch, department, agency, or entity of the State

1 of Alabama, any other state, or the United States authorized
2 by law to issue personal identification, provided that such
3 identification card contains a photograph of the elector.

4 "(3) A valid United States passport.

5 "(4) A valid employee identification card containing
6 the photograph of the elector and issued by any branch,
7 department, agency, or entity of the United States government,
8 this state, or any county, municipality, board, authority, or
9 other entity of this state.

10 "(5) A valid student or employee identification card
11 issued by a public or private college, university, or
12 postgraduate technical or professional school located within
13 the state, provided that such identification card contains a
14 photograph of the elector.

15 "(6) A valid United States military identification
16 card, provided that such identification card contains a
17 photograph of the elector.

18 "(7) A valid tribal identification card containing a
19 photograph of the elector.

20 "(b) Voters ~~voting~~ requesting an absentee ballot
21 shall submit with the absentee ballot application a copy of
22 one of the forms of identification listed in subsection (a).
23 Notwithstanding subsection (e), an absentee ballot shall not
24 be issued unless the required identification is submitted with
25 the absentee ballot application except as provided in
26 subsection (c).

1 "(c) Notwithstanding subsection (b), if an absentee
2 election manager receives an absentee ballot application on or
3 after the eighth day prior to the election without a copy of
4 one of the forms of identification listed in subsection (a),
5 the absentee election manager, if the applicant is otherwise
6 qualified to vote, shall issue the absentee ballot as a
7 provisional ballot pursuant to subdivision (1) of subsection
8 (c) of Section 17-10-2.

9 "~~(c)~~(d) Notwithstanding subsection (b), a voter who
10 is entitled to vote by absentee ballot pursuant to the
11 Uniformed and Overseas Citizens Absentee Voting Act
12 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section
13 3(b) (2) (B) (ii) of the Voting Accessibility for the Elderly and
14 Handicapped Act (subchapter I-F of Chapter 20 of Title 42
15 U.S.C.); or any other federal law, shall not be required to
16 produce identification prior to voting.

17 "~~(d)~~(e) An individual required to present valid
18 photo identification in accordance with this section who is
19 unable to meet the identification requirements of this section
20 shall be permitted to vote by a provisional ballot, as
21 provided for by law.

22 "~~(e)~~(f) In addition, an individual who does not have
23 valid photo identification in his or her possession at the
24 polls shall be permitted to vote if the individual is
25 positively identified by two election officials as a voter on
26 the poll list who is eligible to vote and the election
27 officials sign a sworn affidavit so stating.

1 "~~(f)~~(g) The Secretary of State shall issue, upon
2 application, an Alabama photo voter identification card to
3 registered Alabama electors which shall under state law be
4 valid only for the purposes of voter identification under
5 subsection (a) and available only to registered electors of
6 this state. No fee shall be charged or collected for the
7 application for or issuance of an Alabama photo voter
8 identification card.

9 "~~(g)~~(h) No person shall be eligible for an Alabama
10 photo voter identification card if such person has a valid
11 unexpired driver's license, nondriver identification card, or
12 any other photo identification described in subsection (a).

13 "~~(h)~~(i) The Alabama photo voter identification card
14 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and
15 shall contain a prominent statement that under Alabama law the
16 card is valid only as identification for voting purposes. The
17 Alabama photo voter identification card shall be laminated,
18 shall contain a digital color photograph of the applicant,
19 shall have the signature of the Secretary of State, and shall
20 include the following information:

21 "(1) Full legal name.

22 "(2) Address as reflected in the person's voter
23 registration record.

24 "(3) Date of birth.

25 "(4) Eye color.

26 "(5) Gender.

27 "(6) Height.

1 "(7) Weight.

2 "(8) Date identification card was issued.

3 "(9) Other information as required by rule of the
4 Secretary of State.

5 "~~(i)~~(j) The application for an Alabama photo voter
6 identification card shall elicit the information required
7 under subdivisions (1) to (7), inclusive, of subsection ~~(h)~~
8 (i). The application shall be signed and sworn to by the
9 applicant, and any falsification or fraud in the making of the
10 application shall constitute a Class C felony.

11 "~~(j)~~(k) The Secretary of State shall require
12 presentation and verification of the following information
13 before issuing an Alabama photo voter identification card to a
14 person:

15 "(1) A photo identity document, except that a
16 non-photo identity document is acceptable if the document
17 includes both the person's full legal name and date of birth.

18 "(2) Documentation showing the person's date of
19 birth.

20 "(3) Documentation showing the person is registered
21 to vote in this state.

22 "(4) Documentation showing the person's name and
23 address as reflected in the voter registration record.

24 "~~(k)~~(l) An Alabama photo voter identification card
25 shall remain valid so long as the person resides at that same
26 address and remains qualified to vote. It shall be the duty of
27 a person who moves his or her residence within the State of

1 Alabama to surrender his or her card to the Secretary of
2 State, and such person may after such surrender apply for and
3 receive a new card if the person is otherwise eligible under
4 this section. It shall be the duty of a person who moves his
5 or her residence outside the State of Alabama or who ceases to
6 be qualified to vote to surrender his or her card to the
7 Secretary of State.

8 "~~(l)~~ (m) The Secretary of State is authorized to
9 contract with a private provider for the production of the
10 Alabama photo voter identification card pursuant to any
11 applicable state bid laws.

12 "~~(m)~~ (n) The expenses for the production of the
13 Alabama photo voter identification card shall be paid from
14 funds appropriated in the state General Fund for Registration
15 of Voters.

16 "~~(n)~~ (o) The Secretary of State is directed to inform
17 the public regarding the requirements of subsection (a)
18 through whatever means deemed necessary by the Secretary of
19 State.

20 "~~(o)~~ (p) The Secretary of State is granted rule
21 making authority for the implementation of this section under
22 the Alabama Administrative Procedure Act.

23 "§17-10-1.

24 "(a) Each person who registers to vote by mail shall
25 provide identification prior to the first time they vote in an
26 election containing a federal office on the ballot and as
27 otherwise required by Section 17-9-30.

1 "(b) Voters who are voting by absentee ballot shall
2 submit with the absentee ballot application a copy of one of
3 the forms of identification listed in Section 17-9-30. An
4 absentee ballot shall not be issued unless the required
5 identification is submitted with the absentee ballot
6 application except as provided in subsection (c).

7 "(c) If an individual required to present
8 identification in accordance with this section is unable to
9 meet the identification requirements of this section, the
10 ballot cast is a provisional ballot.

11 "§17-10-2.

12 "(a) A voter shall be required to cast a provisional
13 ballot when:

14 "(1) The name of the individual does not appear on
15 the official list of eligible voters for the precinct or
16 polling place in which the individual seeks to vote, and the
17 individual's registration cannot be verified while at the
18 polling place by the registrar or the judge of probate.

19 "(2) An inspector has knowledge that the individual
20 is not entitled to vote at that precinct and challenges the
21 individual.

22 "(3) The individual is required to comply with the
23 voter identification provisions of Section 17-10-1 but is
24 unable to do so. If the voter's ballot becomes a provisional
25 ballot due to lack of identification, the identification,
26 including the address and telephone number of the voter, must
27 be provided to the board of registrars no later than 5:00 P.M.

1 on the Friday following the election. If the voter fails to
2 provide identification to the board of registrars by 5:00 P.M.
3 on the Friday following the election, the voter's ballot shall
4 not be counted.

5 "(4) A federal or state court order extends the time
6 for closing the polls beyond that established by state law and
7 the individual votes during the extended period of time.
8 Notwithstanding any other provision of state law, where
9 provisional ballots are cast pursuant to a federal or state
10 court order extending the time for closing the polls beyond
11 that established by state law, the provisional ballots shall
12 be segregated from other provisional ballots into a separate
13 sealed container for such purpose and shall be counted,
14 tabulated, and canvassed only pursuant to the order of a court
15 having proper jurisdiction.

16 "(5) The person has requested, but not voted, an
17 absentee ballot.

18 "(b) The procedure for casting a provisional ballot
19 at the polling place shall be as follows:

20 "(1) An inspector at the polling place shall notify
21 the individual that the individual may cast a provisional
22 ballot in that election and shall give the individual written
23 information that states that any individual who casts a
24 provisional ballot will be able to ascertain under the system
25 described in subsection (g) whether the vote was counted, and,
26 if the vote was not counted, the reason that the vote was not
27 counted.

1 "(4) Where a provisional ballot is required on the
2 basis of an inspector's knowledge that a voter is not
3 qualified to vote in the precinct in which the individual is
4 seeking to vote, the inspector shall sign a statement under
5 penalty of perjury setting forth facts which the inspector
6 believes to support his or her belief that the individual is
7 not qualified to vote in the precinct in which the voter is
8 seeking to vote. The challenge statement of the inspector
9 shall be written on a multi-part form prescribed for such
10 purpose by the Secretary of State and the inspector shall give
11 one copy to the provisional voter, provide one copy to be
12 sealed with the provisional ballots, and provide one copy to
13 be returned to the board of registrars in a sealed envelope.

14 "(5) The voter shall cast the provisional ballot and
15 place it into a sealed ballot box separately identified and
16 utilized for containing provisional ballots.

17 "(c) The procedure for voting a provisional ballot
18 by absentee voting shall be as follows:

19 "(1) Upon receipt of an absentee ballot application,
20 the absentee election manager shall determine whether
21 identification has been properly provided. If the
22 identification has not been properly provided on or after the
23 eighth day before the election, the absentee election manager
24 shall ~~notify the voter in writing~~ issue the absentee ballot as
25 a provisional ballot and shall do all of the following:

26 "~~a. That unless such identification is provided to~~
27 ~~the absentee election manager by 5:00 P.M. on the Friday~~

1 ~~before the election, the voter's absentee ballot will become a~~
2 ~~provisional ballot.~~

3 ~~"b. That in the event the voter's ballot becomes a~~
4 ~~provisional ballot due to lack of identification, such~~
5 ~~identification must be provided to the board of registrars no~~
6 ~~later than 5:00 P.M. on the Friday following the election and~~
7 ~~shall include the address and telephone information for the~~
8 ~~board of registrars.~~

9 ~~"c. That in the event the voter fails to provide~~
10 ~~identification to the board of registrars by 5:00 P.M. on the~~
11 ~~Friday following the election, the voter's ballot will not be~~
12 ~~counted.~~

13 ~~"d. That any individual who casts a provisional~~
14 ~~ballot will be able to ascertain under the system described in~~
15 ~~subsection (g) whether the vote was counted and, if the vote~~
16 ~~was not counted, the reason that the vote was not counted.~~

17 "a. Mark the word "Provisional" on the second or
18 affidavit envelope prior to transmittal of the absentee
19 ballot.

20 "b. Enclose the following information with the
21 transmittal of the absentee ballot:

22 "1. A written explanation as to why the ballot is a
23 provisional ballot; how to complete the voter reidentification
24 form and affirmation of provisional voter form; and the
25 procedure followed by the board of registrars in verifying and
26 certifying provisional votes.

1 "2. A written explanation that identification must
2 be returned with the ballot or must be provided to the board
3 of registrars no later than 5:00 p.m. on the Friday following
4 the election.

5 "3. A written explanation that in the event the
6 voter fails to provide identification with the voted ballot or
7 fails to provide identification to the board of registrars by
8 5:00 p.m. on the Friday following the election, the voter's
9 ballot will not be counted.

10 "4. A voter reidentification form and an affirmation
11 of provisional voter form.

12 "5. A written explanation that any individual who
13 casts a provisional ballot will be able to ascertain under the
14 system described in subsection (g) whether the vote was
15 counted and, if the vote was not counted, the reason that the
16 vote was not counted.

17 "(2) Upon receipt of an application for an absentee
18 ballot where the voter is not identified as appearing in the
19 precinct for which the voter seeks a ballot, the absentee
20 election manager shall:

21 "a. Mark the word "Provisional" on the second or
22 affidavit envelope prior to transmittal of the absentee
23 ballot.

24 "b. Enclose the following information with the
25 transmittal of the absentee ballot:

26 "1. A written explanation as to why the ballot is a
27 provisional ballot; how to complete the voter reidentification

1 form and affirmation of provisional voter form; and the
2 procedure followed by the board of registrars in verifying and
3 certifying provisional votes.

4 "2. A voter reidentification form and an affirmation
5 of provisional voter form.

6 "3. A written explanation that any individual who
7 casts a provisional ballot will be able to ascertain under the
8 system described in subsection (g) whether the vote was
9 counted and, if the vote was not counted, the reason that the
10 vote was not counted.

11 "(3) When an absentee ballot becomes a provisional
12 ballot as a result of an absentee precinct inspector having
13 knowledge that the individual is not entitled to vote at the
14 voting place applicable to the voter's ballot and challenges
15 the voter's right to vote a particular ballot, the absentee
16 precinct inspector shall follow the same procedure identified
17 in subdivision (4) of subsection (b) except as follows:

18 "a. In lieu of providing the provisional voter with
19 a copy of the poll worker challenge statement, the inspector
20 shall provide two copies to the absentee election manager once
21 the results from the absentee precinct have been tabulated and
22 certified.

23 "b. The absentee election manager shall mail one
24 copy of the challenge statement of the inspector by first
25 class mail by the day after the election to the mailing
26 address provided on the provisional voter's application for an
27 absentee ballot and shall enclose with it a written

1 explanation of the procedure used by the board of registrars
2 in verifying and certifying provisional ballots; an address
3 and telephone number by which the provisional voter may
4 respond; and a written explanation that any individual who
5 casts a provisional ballot will be able to ascertain under the
6 system described in subsection (g) whether the vote was
7 counted and, if the vote was not counted, the reason that the
8 vote was not counted.

9 "(d) Upon the closing of the polls, the sealed
10 ballot box containing the provisional ballots shall be
11 returned unopened to the sheriff, or in municipal elections to
12 the municipal clerk, who shall keep it securely until such
13 time as the provisional ballots are counted in accordance with
14 subsection (f). The written affirmations of the provisional
15 voters, inspector challenge statements, and all voter
16 reidentification forms shall be placed in a sealed envelope
17 addressed to the board of registrars and delivered by the
18 sheriff, or in municipal elections by the municipal clerk, to
19 the board of registrars no later than noon on the day
20 following the election.

21 "(e) Upon receipt of materials returned from the
22 polling places, the board of registrars shall forthwith update
23 the state voter registration list utilizing the voter
24 reidentification forms of provisional voters and shall verify
25 by a certification attached to each provisional voter
26 affirmation whether the provisional vote is entitled to be
27 counted and the reason for or against counting the provisional

1 ballot. For the purposes of a municipal election, when
2 verifying a provisional ballot based upon the fact that the
3 individual's name does not appear on the official list of
4 eligible voters for the polling place in which the individual
5 seeks to vote, the board of registrars shall verify that the
6 voter is registered to vote at an address located within the
7 municipal corporate limits or district within which he or she
8 seeks to vote. When verifying a provisional ballot based upon
9 the challenge of an inspector, the board of registrars shall
10 promptly contact the voter by first class mail and provide an
11 explanation of how the provisional voter may respond to the
12 challenge. After determining that the provisional voter has
13 had notice and an opportunity to be heard, the board of
14 registrars shall verify by a certification attached to the
15 challenge statement whether the provisional ballot is due to
16 be counted and, if not, why it should not be counted. The
17 board of registrars shall deliver the provisional voter
18 affirmations and inspector challenge statements, with the
19 certified findings of the board of registrars attached, to the
20 judge of probate, or in municipal elections to the municipal
21 clerk, no later than noon seven days after the election until
22 which time such findings shall remain confidential. Upon
23 delivery of such materials, the board of registrars shall
24 enter into the state voter registration list a voter history
25 providing identification of voters who cast provisional
26 ballots, whether their ballot was counted, and the reason the
27 ballot either was or was not counted.

1 "(f) Commencing at noon, Tuesday, seven days after
2 the election, the canvassing board, or in municipal elections
3 the municipal governing body, in the presence of watchers,
4 shall tabulate provisional ballots which have been certified
5 by the board of registrars as cast by registered and qualified
6 voters of the voting places in which such ballots were cast.
7 For the purpose of making election returns of provisional
8 ballots, provisional balloting results shall be returned and
9 canvassed as a separate precinct while disclosing all votes
10 for candidates and ballot measures cast in such ballots. The
11 canvassing board shall certify on a form to be prescribed by
12 the Secretary of State the results of the provisional votes
13 cast and shall post one copy in a public location within the
14 courthouse, or in the city hall in municipal elections, and
15 shall seal one copy with the provisional ballots, provisional
16 voter affirmations, inspector or clerk challenge statements,
17 and certifications of the board of registrars into a sealed
18 container or, in the case of primary elections, containers
19 designated for each political party for such purpose. Such
20 containers shall be delivered and remain secured with the
21 other records of the election in accordance with state law.

22 "(g) The board of registrars, after verifying the
23 identity of a provisional voter, shall make available at the
24 request of such voter, the findings of the board of registrars
25 as to whether the individual's provisional ballot was counted
26 and, if not, the reason why. This may be accomplished by
27 telephone, by letter, or by secured electronic means. The

1 Secretary of State shall provide a secure means for
2 provisional voters to verify by electronic means whether the
3 individual's vote was counted and, if not, the reason why.
4 There shall be no charge to the provisional voters for
5 obtaining this information.

6 "(h) The Secretary of State may by rule address the
7 means of identifying ballots cast by particular provisional
8 voters by the appointing board and the method of providing
9 confidentiality and security to communications with
10 provisional voters seeking information about the status of
11 their ballot. Notice of any proposed rule or amendment to an
12 existing rule relating to provisional balloting shall be sent
13 by certified mail to every judge of probate at least 30 days
14 prior to certification of the proposed rule or amendment under
15 the Administrative Procedure Act.

16 "§17-11-3.

17 "(a) Any qualified elector of this state may apply
18 for and vote an absentee ballot by mail, by hand delivery, or
19 by commercial carrier, as determined by rule by the Secretary
20 of State, as provided in Sections 17-11-5 and 17-11-9, in any
21 primary, general, special, or municipal election, if he or she
22 makes application in writing therefor not less than five days
23 prior to the election in which he or she desires to vote and
24 meets one or more of the following requirements:

25 "(1) The person ~~will~~ expects to be out of the county
26 or the state, or the municipality for municipal elections, on
27 election day.

1 "(2) The person has any physical illness or
2 infirmity which prevents his or her attendance at the polls,
3 whether he or she is within or without the county on the day
4 of the election.

5 "(3) The person ~~works on~~ expects to work a shift
6 which has at least 10 hours which coincide with the hours the
7 polls are open at his or her regular polling place.

8 "(4) The person is enrolled as a student at an
9 educational institution located outside the county of his or
10 her personal residence attendance at which prevents his or her
11 attendance at the polls.

12 "(5) The person is a member of, or spouse or
13 dependent of a member of, the Armed Forces of the United
14 States or is similarly qualified to vote absentee pursuant to
15 the federal Uniformed and Overseas Citizens Absentee Voting
16 Act, 42 U.S.C. 1973ff.

17 "(6) The person has been appointed as an election
18 officer or named as a poll watcher at a polling place other
19 than his or her regular polling place.

20 "(7) The person is a caregiver for a family member
21 to the second degree of kinship by affinity or consanguinity
22 and the family member is confined to his or her home.

23 "(8) The person is incarcerated in prison or jail
24 and has not been convicted of a felony involving moral
25 turpitude, as provided in Section 17-3-30.1.

26 "(b) An applicant for an absentee ballot who is a
27 member of the Armed Forces of the United States, including the

1 Alabama National Guard, the United States Naval Reserves, the
2 United States Air Force Reserves, and the United States Army
3 Reserve on active duty or active duty for training or an
4 applicant who is the spouse of any member of the armed forces
5 or any other applicant qualified to vote absentee pursuant to
6 the federal Uniformed and Overseas Citizens Absentee Voting
7 Act, 42 U.S.C. 1973ff, may make application for an absentee
8 ballot by filling out the federal postcard application form,
9 authorized and provided for under the provisions of "The
10 Federal Voting Assistance Act of 1955," Public Law 296,
11 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress
12 1st Session.

13 "(c) Any registered elector who requires emergency
14 treatment of a licensed physician within five days of an
15 election may apply for an emergency absentee ballot for the
16 election and may vote by returning the absentee ballot no
17 later than noon on the day the election is held. The attendant
18 physician shall describe and certify the circumstances as
19 constituting an emergency on a special form designed by the
20 Secretary of State and provided by his or her office to local
21 absentee election managers. The special form shall be attached
22 to the application.

23 "(d) (1) Any registered elector whose name appears on
24 the poll list of qualified voters may vote by an emergency
25 absentee ballot if ~~he or she~~ any of the following situations
26 arise:

1 "a. The elector is required by his or her employer
2 under unforeseen circumstances within five days before an
3 election to be ~~out of the county on an emergency business trip~~
4 unavailable to vote at the polls on election day.

5 "b. The elector is a caregiver of a person who
6 requires emergency treatment by a licensed physician within
7 five days before an election.

8 "c. A family member to the second degree of kinship
9 by affinity or consanguinity of an elector dies within five
10 days before an election.

11 "(2) Under such circumstances, the applicant elector
12 shall apply for an emergency absentee ballot at the office of
13 the absentee election manager no later than the close of the
14 business day one day prior to the election. The applicant
15 shall complete and file an application form designed by the
16 Secretary of State for emergency absentee voters. The form
17 shall contain an affidavit which the applicant shall sign or
18 swear acknowledging that he or she was not aware of the
19 ~~out-of-county business requirement~~ situation constituting the
20 emergency prior to five days before the election. An applicant
21 who meets the requirements of this subsection may vote by an
22 emergency absentee ballot. After voting the ballot, the voter
23 shall hand the ballot to the absentee election manager.

24 "(e) If the occurrence of a state of emergency as
25 declared in this or any other state, or by the federal
26 government, renders substantial compliance with this article
27 impossible or unreasonable for a group of qualified voters who

1 respond to the emergency, the Secretary of State, pursuant to
2 Section 41-22-5, may promulgate an emergency rule to allow
3 those qualified voters to vote by absentee ballot.

4 Notwithstanding any other laws to the contrary, all expenses
5 and costs incurred by the state or any county in carrying out
6 the responsibilities and duties included in an emergency rule
7 promulgated pursuant to this subsection shall be paid by the
8 State of Alabama from any funds made available for election
9 expenses under state and federal law.

10 "(f) Notwithstanding any other provision of
11 otherwise applicable law, in the event more than one absentee
12 ballot is cast in the name of the single voter, whether any
13 such multiple ballot is cast by mail or otherwise, none of the
14 affidavit envelopes containing the multiple ballots shall be
15 opened, and none of the multiple ballots shall be counted,
16 except in the event of an election contest, upon the order of
17 the election contest tribunal. Upon the conclusion of an
18 election contest or, in the event no such contest is filed,
19 upon the expiration of time for filing such a contest, the
20 multiple ballots shall be provided to the district attorney,
21 with photocopies provided to the state Attorney General, for
22 such investigation, prosecution, or other action as may be
23 appropriate under applicable law.

24 "§17-11-4.

25 "The application required in Section 17-11-3 shall
26 be filed with the person designated to serve as the absentee
27 election manager. The application shall be in a form

1 prescribed and designed by the Secretary of State and shall be
2 used throughout the state. Notwithstanding the foregoing,
3 handwritten applications can also be accepted at any time
4 prior to the five-day deadline to receive absentee ballot
5 applications as provided in Section 17-11-3. The application
6 shall contain sufficient information to identify the applicant
7 and shall include the applicant's name, residence address, or
8 such other information necessary to verify that the applicant
9 is a registered voter. The application shall also list all
10 felonies of moral turpitude, as provided in Section 17-3-30.1.
11 Any applicant may receive assistance in filling out the
12 application as he or she desires, but each application shall
13 be manually signed by the applicant and, if he or she signs by
14 mark, the name of the witness to his or her signature shall be
15 signed thereon. The application may be handed by the applicant
16 to the absentee election manager or forwarded to him or her by
17 United States mail or by commercial carrier, as determined by
18 rule by the Secretary of State. An application for ~~an~~
19 ~~emergency absentee ballot~~ a voter who requires emergency
20 treatment by a licensed physician within five days before an
21 election pursuant to Section 17-11-3 may be forwarded to the
22 absentee election manager by the applicant or his or her
23 designee. Application forms which are printed and made
24 available to any applicant by the absentee election manager
25 shall have printed thereon all penalties provided for any
26 violation of this chapter. The Secretary of State shall

1 provide applications for absentee voting to military and
2 overseas voters in accordance with Section 17-4-35.

3 "§17-11-5.

4 "(a) Upon receipt of an application for an absentee
5 ballot as provided in Section 17-11-3, if the applicant's name
6 appears on the list of qualified voters produced from the
7 state voter registration list in the election to be held, or
8 if the ~~voter makes an affidavit for a challenged vote or~~
9 applicant qualifies for a provisional absentee ballot, the
10 absentee election manager shall furnish the absentee ballot to
11 the applicant by: (1) Forwarding it by United States mail to
12 the applicant's or voter's residence address or, upon written
13 request of the voter, to the address where the voter regularly
14 receives mail or (2) by handing the absentee ballot to the
15 ~~voter~~ applicant in person or, in the case of emergency voting
16 when the applicant requires medical treatment, his or her
17 designee in person. If the absentee election manager has
18 reasonable cause to believe that the applicant has given a
19 fraudulent address on the application for the absentee ballot,
20 the absentee election manager shall turn over the ballot
21 application to the district attorney for any action which may
22 be necessary under this chapter. The absentee election manager
23 may require additional proof of ~~a voter's~~ an applicant's
24 eligibility to vote absentee when there is evidence of
25 continuous absentee voting. The absentee election manager
26 shall mail any absentee ballot requested to be mailed as
27 provided in Section 17-11-3 no later than the next business

1 day after an application has been received unless the absentee
2 ballots have not been delivered to the absentee election
3 manager. If the absentee ballots have not been so delivered,
4 the absentee election manager shall hold all requests until
5 the ballots are delivered and shall then respond by placing
6 ballots in the mail no later than the next business day.

7 "(b) The official list of qualified voters shall be
8 furnished to the absentee election manager by the judge of
9 probate using a printout from the state voter registration
10 list of registered voters for that county containing voter
11 registration information useful in the identification of
12 absentee voters. The information provided in this report shall
13 be established by rules adopted by the Secretary of State with
14 the advice of the Alabama Circuit Court Clerks Association or
15 its members and shall indicate whether the individual is
16 obligated to produce identification in accordance with
17 Sections 17-9-30 and 17-10-1. The Secretary of State may
18 further provide by administrative rule for electronic access
19 to this list for optional use by the absentee election
20 manager. This list shall be made available beginning at least
21 55 days before the election. In municipal elections, the
22 official list of qualified voters shall be furnished to the
23 absentee election manager at least 35 days before the
24 election. Any supplemental list of qualified electors shall
25 also be provided to the absentee election manager as soon as
26 the list becomes available. The absentee election manager
27 shall underscore on the list the name of each voter who has

1 applied for an absentee ballot and shall write immediately
2 beside his or her name the word "absentee." The Secretary of
3 State by rule may provide for electronic access to the
4 absentee election manager's county list of registered voters
5 in lieu of the printed list and for the method of identifying
6 applicants for absentee ballots in conjunction with the state
7 voter registration list.

8 "(c) (1) ~~The absentee election manager shall enroll~~
9 ~~the name, residence, and voting place of the applicant, and~~
10 ~~the date the application was received on a list of absentee~~
11 ~~voters. Each day the absentee election manager shall enter on~~
12 ~~the list the names, addresses, and voting places of each voter~~
13 ~~who has that day applied for an absentee ballot and shall, for~~
14 ~~all elections other than municipal elections, post a copy of~~
15 ~~the list of applications received each day on the regular~~
16 ~~bulletin board or other public place in the county courthouse.~~
17 ~~In municipal elections, the absentee election manager shall~~
18 ~~post a copy of the list of applications received each day on~~
19 ~~the regular bulletin board or other public place in the city~~
20 ~~hall. The list of electors voting by absentee ballot shall~~
21 ~~remain confidential until the day following the election.~~ The
22 absentee election manager in all elections shall deliver to
23 the board of registrars the day following the election, a copy
24 of the list of all absentee voters, at which point the list is
25 deemed a public record. The list shall be maintained in the
26 office of the circuit clerk for 60 days after the election, at
27 which time it shall be delivered to the judge of probate.

1 Before the polls open at any election on election day, the
2 absentee election manager shall effectuate the delivery to the
3 election officers of each voting place a list showing the name
4 and address of every person whose name appears on the official
5 list of qualified electors for the voting place who applied
6 for an absentee ballot in the election. The name of the person
7 who applied for an absentee ballot shall be identified as an
8 absentee voter on the list of qualified electors kept at the
9 voting place, and the person shall not vote again, except that
10 in county, state, and federal elections the person may vote a
11 provisional ballot. Applications for absentee ballots are
12 required for elections which are more than 42 days apart,
13 except as to individuals voting pursuant to the federal
14 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

15 "(2) The absentee election manager shall redact any
16 information required to be redacted pursuant to Section
17 17-4-33 from any copy of an absentee voter list. ~~to be posted~~
18 ~~or otherwise made a public record.~~ This subdivision shall not
19 affect poll lists used at local precincts.

20 "(d) For individuals voting pursuant to the federal
21 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
22 the Secretary of State shall by rule prescribe use of
23 standardized military and overseas voter registration
24 applications and applications for absentee ballots adopted by
25 the United States government for such use. The Secretary of
26 State shall also prescribe by rule provisions within the
27 standard state application form for absentee voting which

1 permit the voter to identify himself or herself as a military
2 or overseas voter. Unless otherwise indicated by the military
3 or overseas voter, an application for an absentee ballot by
4 such a voter shall remain valid for any election for a
5 federal, state, or county office or for any proposed
6 constitutional amendment or a state or county referendum held
7 through the end of the calendar year in which the application
8 is filed, provided that if an election cycle begins one year
9 and continues into the subsequent year, the application shall
10 be valid for the whole election cycle. The absentee election
11 manager shall provide an absentee ballot to the military and
12 overseas voters for each such subsequent election. The
13 absentee election manager, within seven days after each
14 regularly scheduled general election for federal office, shall
15 report the number of military and overseas ballots mailed out
16 and the number of ballots received to the Secretary of State
17 who shall report this information to the Federal Election
18 Assistance Commission within 90 days of each regularly
19 scheduled general election for federal office.

20 "§17-11-7.

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

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

26 ""State of Alabama

27 "County of _____

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

2 ~~"(1) I am a resident of _____ County in the~~
3 ~~State of Alabama.~~

4 ~~"(2) My place of residence in Alabama is: _____~~

5 ~~"(street)~~

6 ~~" _____,~~ Alabama _____

7 ~~"(city or town) (zip code)~~

8 ~~"(3) My voting precinct (or place where I vote)~~
9 ~~is: _____~~

10 ~~" _____~~

11 ~~" _____~~

12 ~~"(4) My date of birth is: _____~~

13 ~~"month day year~~

14
15 ~~"(5) I am entitled to vote an absentee ballot~~
16 ~~because:~~

17 ~~"Check only at least one:~~

18 ~~" ___ I ~~will~~ expect to be out of the county or the~~
19 ~~state on election day.~~

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

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

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

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

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

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

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

20 "___ I am currently incarcerated in prison or jail
21 and I have not been convicted of a felony involving moral
22 turpitude.

23 "I further swear (or affirm) that I have not voted
24 nor will I vote in person in the election to which this ballot
25 pertains.

26 "I have marked the enclosed absentee ballot
27 voluntarily and I have read or had read to me and understand

1 the instructions accompanying this ballot and I have carefully
2 complied with such instructions.

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

10 _____
11 (Signature or mark of voter.)

12 _____
13 (Printed name of voter.)

14 "IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF
15 YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF
16 AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO
17 ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE
18 ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.

19 Sworn to and subscribed before me this _____ day of
20 _____, 2__.

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

1 _____ (Signature of official)

2 (Title of official)

3 _____

4 (Address of official)

5 OR

6 1st Witness _____

7 Signature

8 _____

9 Print name

10 _____

11 Address

12 _____

13 City Zip Code

14 2nd Witness _____

15 Signature

16 _____

17 Print name

18 _____

19 Address

20 _____

1
2 "(c) Unless running unopposed, a candidate may not
3 witness or notarize any absentee ballot.

4 "§17-11-18.

5 "(a) No absentee ballot shall be opened or counted
6 if received by the absentee election manager by mail, unless
7 postmarked ~~as of the date prior to the day of the~~ no later
8 than election day and received by mail no later than noon on
9 the seventh day ~~of~~ after the election, or, if received by the
10 absentee election manager by hand delivery, unless so
11 delivered by the voter or medical emergency designee to the
12 absentee election manager not later than the close of the last
13 business day next preceding the election or, if delivered by
14 the medical emergency designee, by noon on the day of the
15 election.

16 "(b) All absentee ballots that arrive by noon on the
17 day of the election shall be counted on the day of the
18 election. All absentee ballots that arrive after noon on the
19 day of the election shall be counted with the provisional
20 ballots.

21 "~~(b) The above provision does not apply in the case~~
22 ~~of individuals voting absentee pursuant to the federal~~
23 ~~Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),~~
24 ~~42 U.S.C. 1973ff, when those individuals are voting in a~~
25 ~~primary, second primary, general, or special election for a~~

1 ~~federal, state, or county office or proposed constitutional~~
2 ~~amendment or other referenda. In the case of UOCAVA voters~~
3 ~~voting absentee in a primary, second primary, general, or~~
4 ~~special election for a federal, state, or county office or~~
5 ~~proposed constitutional amendment or other referenda, no~~
6 ~~absentee ballot shall be opened or counted, if received by the~~
7 ~~absentee election manager by mail, unless postmarked as of the~~
8 ~~day of the primary, second primary, general, or special~~
9 ~~election and received by mail no later than noon seven days~~
10 ~~after the primary, second primary, general, or special~~
11 ~~election.~~

12 "§17-11-19.

13 "Each person, firm, or entity supplying to any
14 county or municipality any absentee affidavit envelopes,
15 absentee ballots, or other absentee election materials in
16 connection with any primary, general, special, or municipal
17 election shall, at the time of the shipment or delivery of the
18 same, provide to the county or municipality, and to the
19 Secretary of State, an itemized and signed statement showing a
20 description and the quantity of each item so shipped or
21 delivered. Upon the conclusion of the election, the absentee
22 election manager shall return all unused absentee election
23 materials to the ~~Secretary of State~~ sheriff of the respective
24 county along with an itemized, signed statement showing the
25 description and quantity of each item of absentee election
26 material not utilized by the county or municipality in the
27 election then concluded, and the unused absentee election

1 materials shall be maintained for the period of time
2 prescribed by applicable law and, in no event, less than 18
3 months."

4 Section 2. Section 17-9-51, Code of Alabama 1975,
5 relating to time requirements for receipt of absentee ballots
6 is repealed.

7 Section 3. This act shall become effective on August
8 1, 2018, following its passage and approval by the Governor,
9 or its otherwise becoming law.