

1 HB321  
2 115789-1  
3 By Representatives Hill, Ward and Martin  
4 RFD: Constitution and Elections  
5 First Read: 19-JAN-10

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8 SYNOPSIS: Under existing law, a qualified elector may  
9 apply for and vote an absentee ballot by mail and  
10 hand delivery.

11 This bill would also permit a qualified  
12 elector to apply for and vote an absentee ballot by  
13 commercial carrier.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 To amend Section 17-11-3, Code of Alabama 1975,  
20 relating to absentee ballots, to authorize a qualified elector  
21 to apply for and vote an absentee ballot by commercial carrier  
22 in addition to by mail and hand delivery.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 17-11-3 of the Code of Alabama  
25 1975, is amended to read as follows:

26 "§17-11-3.

1           "(a) Any qualified elector of this state may apply  
2 for and vote an absentee ballot by mail, by commercial  
3 carrier, or by hand delivery, as provided in Sections 17-11-5  
4 and 17-11-9, in any primary, general, special, or municipal  
5 election, if he or she makes application in writing therefor  
6 not less than five days prior to the election in which he or  
7 she desires to vote and meets one of the following  
8 requirements:

9           "(1) The person will be out of the county or the  
10 state, or the municipality for municipal elections, on  
11 election day.

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

16           "(3) The person works on a shift which has at least  
17 10 hours which coincide with the hours the polls are open at  
18 his or her regular polling place.

19           "(4) The person is enrolled as a student at an  
20 educational institution located outside the county of his or  
21 her personal residence attendance at which prevents his or her  
22 attendance at the polls.

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

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

4           "(b) An applicant for an absentee ballot who is a  
5 member of the Armed Forces of the United States, including the  
6 Alabama National Guard, the United States Naval Reserves, the  
7 United States Air Force Reserves, and the United States Army  
8 Reserve on active duty or active duty for training or an  
9 applicant who is the spouse of any member of the armed forces  
10 or any other applicant qualified to vote absentee pursuant to  
11 the federal Uniformed and Overseas Citizens Absentee Voting  
12 Act, 42 U.S.C. 1973ff, may make application for an absentee  
13 ballot by filling out the federal postcard application form,  
14 authorized and provided for under the provisions of "The  
15 Federal Voting Assistance Act of 1955," Public Law 296,  
16 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress  
17 1st Session.

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

1           "(d) Any registered elector whose name appears on  
2 the poll list of qualified voters may vote by an emergency  
3 absentee ballot if he or she is required by his or her  
4 employer under unforeseen circumstances to be out of the  
5 county on an emergency business trip on election day. Under  
6 such circumstances, the applicant shall apply for an emergency  
7 absentee ballot at the office of the absentee election manager  
8 no later than the close of the business day one day prior to  
9 the election. The applicant shall complete and file an  
10 application form designed by the Secretary of State for  
11 emergency absentee voters. The form shall contain an affidavit  
12 which the applicant shall sign or swear acknowledging that he  
13 or she was not aware of the out-of-county business requirement  
14 prior to five days before the election. An applicant who meets  
15 the requirements of this subsection may vote by an emergency  
16 absentee ballot. After voting the ballot, the voter shall hand  
17 the ballot to the absentee election manager.

18           "(e) Notwithstanding any other provision of  
19 otherwise applicable law, in the event more than one absentee  
20 ballot is cast in the name of the single voter, whether any  
21 such multiple ballot is cast by mail or otherwise, none of the  
22 affidavit envelopes containing the multiple ballots shall be  
23 opened, and none of the multiple ballots shall be counted,  
24 except in the event of an election contest, upon the order of  
25 the election contest tribunal. Upon the conclusion of an  
26 election contest or, in the event no such contest is filed,  
27 upon the expiration of time for filing such a contest, the

1 multiple ballots shall be provided to the district attorney,  
2 with photocopies provided to the state Attorney General, for  
3 such investigation, prosecution, or other action as may be  
4 appropriate under applicable law."

5 Section 2. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.