

1 SB11  
2 144963-2  
3 By Senator Reed  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 05-FEB-13  
6 PFD: 08/30/2012

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8 SYNOPSIS: Under existing law, certain qualified  
9 electors are permitted to apply for and vote by  
10 absentee ballot or emergency absentee ballot.

11 This bill would authorize any registered  
12 voter who is unable to vote at his or her regular  
13 voting place because of a declaration of a state  
14 emergency by the Governor to apply for and vote by  
15 absentee ballot.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 To amend Sections 17-11-3 and 17-11-7, Code of  
22 Alabama 1975, relating to absentee voting and emergency  
23 absentee ballots, to authorize a qualified elector who is  
24 unable to vote at his or her regular voting place because of a  
25 declaration of a state emergency by the Governor to apply for  
26 and vote by absentee ballot.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. The Legislature finds and declares the  
2 following:

3           (1) The right to vote is extremely important.

4           (2) Some qualified electors may not be able to vote  
5 if the voting place where they vote is not accessible because  
6 of the declaration of a national or state emergency by the  
7 President of the United States or the Governor of this state.

8           (3) It is essential to our democracy that all  
9 qualified electors should be afforded the right to vote if the  
10 voting place where they vote is inaccessible because of the  
11 declaration of a national or state emergency.

12           Section 2. Sections 17-11-3 and 17-11-7 of the Code  
13 of Alabama 1975, are amended to read as follows:

14           "§17-11-3.

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

22           "(1) The person will be out of the county or the  
23 state, or the municipality for municipal elections, on  
24 election day.

25           "(2) The person has any physical illness or  
26 infirmity which prevents his or her attendance at the polls,

1 whether he or she is within or without the county on the day  
2 of the election.

3 "(3) The person works on a shift which has at least  
4 10 hours which coincide with the hours the polls are open at  
5 his or her regular polling place.

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

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

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

18 "(b) An applicant for an absentee ballot who is a  
19 member of the Armed Forces of the United States, including the  
20 Alabama National Guard, the United States Naval Reserves, the  
21 United States Air Force Reserves, and the United States Army  
22 Reserve on active duty or active duty for training or an  
23 applicant who is the spouse of any member of the armed forces  
24 or any other applicant qualified to vote absentee pursuant to  
25 the federal Uniformed and Overseas Citizens Absentee Voting  
26 Act, 42 U.S.C. 1973ff, may make application for an absentee  
27 ballot by filling out the federal postcard application form,

1 authorized and provided for under the provisions of ~~"The~~  
2 ~~Federal Voting Assistance Act of 1955," Public Law 296,~~  
3 ~~Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress~~  
4 ~~1st Session~~ the Uniformed and Overseas Citizens Absentee  
5 Voting Act, 42 U.S.C. §1973ff(b)(2).

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

16 "(d) Any registered elector whose name appears on  
17 the poll list of qualified voters may vote by an emergency  
18 absentee ballot if he or she is required by his or her  
19 employer under unforeseen circumstances to be out of the  
20 county on an emergency business trip on election day, or he or  
21 she is unable to vote at his or her regular voting place  
22 because of a declaration of a state emergency by the Governor  
23 of this state. Under such circumstances, the applicant shall  
24 apply for an emergency absentee ballot at the office of the  
25 absentee election manager no later than the close of the  
26 business day one day prior to the election. The applicant  
27 shall complete and file an application form designed by the

1 Secretary of State for emergency absentee voters. The form  
2 shall contain an affidavit which the applicant shall sign or  
3 swear acknowledging that he or she was not aware of the  
4 out-of-county business requirement prior to five days before  
5 the election. An applicant who meets the requirements of this  
6 subsection may vote by an emergency absentee ballot. After  
7 voting the ballot, the voter shall hand the ballot to the  
8 absentee election manager.

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

23 "§17-11-7.

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



1 "Check only one:

2 "\_\_\_ I will be out of the county or the state on  
3 election day.

4 "\_\_\_ I am physically incapacitated and will not be  
5 able to vote in person on election day.

6 "\_\_\_ I work a required workplace shift which has at  
7 least 10 hours which coincide with the polling hours at my  
8 regular polling place.

9 "\_\_\_ I am a student at an educational institution  
10 located outside the county of my permanent residence and am  
11 therefore unable to vote at my usual polling place on election  
12 day.

13 "\_\_\_ I am a member of or a spouse or dependent of a  
14 member of the Armed Forces of the United States or am  
15 otherwise entitled to vote pursuant to the federal Uniformed  
16 and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

17 "\_\_\_ I have been appointed as an election officer at  
18 a polling place which is not my regular polling place.

19 "\_\_\_\_\_ I am unable to vote at my regular voting place  
20 because of a declaration of a state emergency by the Governor  
21 of this state.

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

25 "I have marked the enclosed absentee ballot  
26 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

City Zip Code

2                   Section 3. This act shall become effective  
3 immediately following its passage and approval by the  
4 Governor, or its otherwise becoming law.