

1 SB164  
2 155114-1  
3 By Senators Singleton and Smitherman  
4 RFD: Judiciary  
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, falsifying or  
9 fraudulently making an application for an Alabama  
10 photo voter identification card is a Class C  
11 felony.

12 This bill would make the crime a Class A  
13 misdemeanor.

14 Amendment 621 of the Constitution of Alabama  
15 of 1901, now appearing as Section 111.05 of the  
16 Official Recompilation of the Constitution of  
17 Alabama of 1901, as amended, prohibits a general  
18 law whose purpose or effect would be to require a  
19 new or increased expenditure of local funds from  
20 becoming effective with regard to a local  
21 governmental entity without enactment by a 2/3 vote  
22 unless: it comes within one of a number of  
23 specified exceptions; it is approved by the  
24 affected entity; or the Legislature appropriates  
25 funds, or provides a local source of revenue, to  
26 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.  
8

9   A BILL  
10    TO BE ENTITLED  
11    AN ACT

12  
13                   Relating to elections; to amend Section 17-9-30,  
14                   Code of Alabama 1975, to reduce criminal penalties for the  
15                   crime of falsifying or fraudulently making an application for  
16                   an Alabama photo voter identification card; and in connection  
17                   therewith would have as its purpose or effect the requirement  
18                   of a new or increased expenditure of local funds within the  
19                   meaning of Amendment 621 of the Constitution of Alabama of  
20                   1901, now appearing as Section 111.05 of the Official  
21                   Recompilation of the Constitution of Alabama of 1901, as  
22                   amended.

23                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24                   Section 1. Section 17-9-30, Code of Alabama 1975, is  
25                   amended to read as follows:

26                   "§17-9-30.

1           "(a) Each elector shall provide valid photo  
2 identification to an appropriate election official prior to  
3 voting. A voter required to show valid photo identification  
4 when voting in person shall present to the appropriate  
5 election official one of the following forms of valid photo  
6 identification:

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

10           "(2) A valid Alabama photo voter identification card  
11 issued under subsection (f) or other valid identification card  
12 issued by a branch, department, agency, or entity of the State  
13 of Alabama, any other state, or the United States authorized  
14 by law to issue personal identification, provided that such  
15 identification card contains a photograph of the elector.

16           "(3) A valid United States passport.

17           "(4) A valid employee identification card containing  
18 the photograph of the elector and issued by any branch,  
19 department, agency, or entity of the United States government,  
20 this state, or any county, municipality, board, authority, or  
21 other entity of this state.

22           "(5) A valid student or employee identification card  
23 issued by a public or private college, university, or  
24 postgraduate technical or professional school located within  
25 the state, provided that such identification card contains a  
26 photograph of the elector.

1           "(6) A valid United States military identification  
2 card, provided that such identification card contains a  
3 photograph of the elector.

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

6           "(b) Voters voting an absentee ballot shall submit  
7 with the ballot a copy of one of the forms of identification  
8 listed in subsection (a).

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

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

22           "(e) 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) 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) 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) 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) 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 The application shall be signed and sworn to by the applicant,  
9 and any falsification or fraud in the making of the  
10 application shall constitute a Class ~~C felony~~ A misdemeanor.

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

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

23 Section 2. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621, now  
27 appearing as Section 111.05 of the Official Recompile of

1 the Constitution of Alabama of 1901, as amended, because the  
2 bill defines a new crime or amends the definition of an  
3 existing crime.

4 Section 3. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.