

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

1 SB301

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3
4 ENROLLED, An Act,

5 Relating to absentee voting; to amend Sections
6 17-9-30, 17-10-1, 17-10-2, 17-11-3, 17-11-4, 17-11-5, 17-11-7,
7 17-11-18, and 17-11-19, Code of Alabama 1975; to require an
8 applicant to include with an absentee ballot application photo
9 identification; to provide additional situations under which a
10 registered voter may vote by absentee ballot or emergency
11 absentee ballot; to delete a requirement that an absentee
12 election manager post a list of all absentee ballot
13 applications received in a public place prior to an election;
14 to allow an absentee ballot to be postmarked no later than
15 election day and received by mail no later than noon on the
16 seventh day following an election; to require unused absentee
17 ballot materials to be sent to the appropriate sheriff instead
18 of the Secretary of State; to make conforming changes; and to
19 repeal Section 17-9-51, Code of Alabama 1975, relating to time
20 requirements for receipt of absentee ballots.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 17-9-30, 17-10-1, 17-10-2,
23 17-11-3, 17-11-4, 17-11-5, 17-11-7, 17-11-18, and 17-11-19,
24 Code of Alabama 1975, are amended to read as follows:

25 "§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

1 the state, provided that such identification card contains a
2 photograph of the elector.

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

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

8 "(b) Voters ~~voting~~ requesting an absentee ballot
9 shall submit with the absentee ballot application a copy of
10 one of the forms of identification listed in subsection (a).
11 Notwithstanding subsection (e), an absentee ballot shall not
12 be issued unless the required identification is submitted with
13 the absentee ballot application except as provided in
14 subsection (c).

15 "(c) Notwithstanding subsection (b), if an absentee
16 election manager receives an absentee ballot application on or
17 after the eighth day prior to the election without a copy of
18 one of the forms of identification listed in subsection (a),
19 the absentee election manager, if the applicant is otherwise
20 qualified to vote, shall issue the absentee ballot as a
21 provisional ballot pursuant to subdivision (1) of subsection
22 (c) of Section 17-10-2.

23 "~~(c)~~ (d) Notwithstanding subsection (b), a voter who
24 is entitled to vote by absentee ballot pursuant to the
25 Uniformed and Overseas Citizens Absentee Voting Act

1 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section
2 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and
3 Handicapped Act (subchapter I-F of Chapter 20 of Title 42
4 U.S.C.); or any other federal law, shall not be required to
5 produce identification prior to voting.

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

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

17 ~~"(f)~~ (g) The Secretary of State shall issue, upon
18 application, an Alabama photo voter identification card to
19 registered Alabama electors which shall under state law be
20 valid only for the purposes of voter identification under
21 subsection (a) and available only to registered electors of
22 this state. No fee shall be charged or collected for the
23 application for or issuance of an Alabama photo voter
24 identification card.

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

5 "~~(h)~~(i) The Alabama photo voter identification card
6 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and
7 shall contain a prominent statement that under Alabama law the
8 card is valid only as identification for voting purposes. The
9 Alabama photo voter identification card shall be laminated,
10 shall contain a digital color photograph of the applicant,
11 shall have the signature of the Secretary of State, and shall
12 include the following information:

13 "(1) Full legal name.

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

16 "(3) Date of birth.

17 "(4) Eye color.

18 "(5) Gender.

19 "(6) Height.

20 "(7) Weight.

21 "(8) Date identification card was issued.

22 "(9) Other information as required by rule of the
23 Secretary of State.

24 "~~(i)~~(j) The application for an Alabama photo voter
25 identification card shall elicit the information required

1 under subdivisions (1) to (7), inclusive, of subsection ~~(h)~~
2 (i). The application shall be signed and sworn to by the
3 applicant, and any falsification or fraud in the making of the
4 application shall constitute a Class C felony.

5 "~~(j)~~ (k) The Secretary of State shall require
6 presentation and verification of the following information
7 before issuing an Alabama photo voter identification card to a
8 person:

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

12 "(2) Documentation showing the person's date of
13 birth.

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

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

18 "~~(k)~~ (l) An Alabama photo voter identification card
19 shall remain valid so long as the person resides at that same
20 address and remains qualified to vote. It shall be the duty of
21 a person who moves his or her residence within the State of
22 Alabama to surrender his or her card to the Secretary of
23 State, and such person may after such surrender apply for and
24 receive a new card if the person is otherwise eligible under
25 this section. It shall be the duty of a person who moves his

1 or her residence outside the State of Alabama or who ceases to
2 be qualified to vote to surrender his or her card to the
3 Secretary of State.

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

8 "~~(m)~~ (n) The expenses for the production of the
9 Alabama photo voter identification card shall be paid from
10 funds appropriated in the state General Fund for Registration
11 of Voters.

12 "~~(n)~~ (o) The Secretary of State is directed to inform
13 the public regarding the requirements of subsection (a)
14 through whatever means deemed necessary by the Secretary of
15 State.

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

19 "§17-10-1.

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

24 "(b) Voters who are voting by absentee ballot shall
25 submit with the absentee ballot application a copy of one of

1 the forms of identification listed in Section 17-9-30. An
2 absentee ballot shall not be issued unless the required
3 identification is submitted with the absentee ballot
4 application except as provided in subsection (c).

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

9 "§17-10-2.

10 "(a) A voter shall be required to cast a provisional
11 ballot when:

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

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

20 "(3) The individual is required to comply with the
21 voter identification provisions of Section 17-10-1 but is
22 unable to do so. If the voter's ballot becomes a provisional
23 ballot due to lack of identification, the identification,
24 including the address and telephone number of the voter, must
25 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,

1 if the vote was not counted, the reason that the vote was not
2 counted.

3 "(2) The individual shall execute a written
4 affirmation by the individual before the inspector or clerk
5 stating the following:

6 "State of Alabama, County of _____ I do
7 solemnly swear (or affirm) that I am a registered voter in the
8 precinct in which I am seeking to vote and that I am eligible
9 to vote in this election.

10 _____

11 Signature or Mark

12 _____

13 Printed Name of Voter

14 _____

15 Printed Residence Address of Voter

16 _____

17 City State Zip Code

18 _____

19 Date of Birth"

20 "(3) The individual shall complete a voter
21 reidentification form prescribed by the Secretary of State for

1 use in updating the state voter registration list. This form
2 shall indicate whether it is associated with a provisional
3 ballot.

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

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

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

22 "(1) Upon receipt of an absentee ballot application,
23 the absentee election manager shall determine whether
24 identification has been properly provided. If the
25 identification has not been properly provided on or after the

1 eighth day before the election, the absentee election manager
2 shall ~~notify the voter in writing~~ issue the absentee ballot as
3 a provisional ballot and shall do all of the following:

4 "a. ~~That unless such identification is provided to~~
5 ~~the absentee election manager by 5:00 P.M. on the Friday~~
6 ~~before the election, the voter's absentee ballot will become a~~
7 ~~provisional ballot.~~

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

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

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

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

1 "b. Enclose the following information with the
2 transmittal of the absentee ballot:

3 "1. A written explanation as to why the ballot is a
4 provisional ballot; how to complete the voter reidentification
5 form and affirmation of provisional voter form; and the
6 procedure followed by the board of registrars in verifying and
7 certifying provisional votes.

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

12 "3. A written explanation that in the event the
13 voter fails to provide identification with the voted ballot or
14 fails to provide identification to the board of registrars by
15 5:00 p.m. on the Friday following the election, the voter's
16 ballot will not be counted.

17 "4. A voter reidentification form and an affirmation
18 of provisional voter form.

19 "5. A written explanation that any individual who
20 casts a provisional ballot will be able to ascertain under the
21 system described in subsection (g) whether the vote was
22 counted and, if the vote was not counted, the reason that the
23 vote was not counted.

24 (2) Upon receipt of an application for an absentee
25 ballot where the voter is not identified as appearing in the

1 precinct for which the voter seeks a ballot, the absentee
2 election manager shall:

3 "a. Mark the word "Provisional" on the second or
4 affidavit envelope prior to transmittal of the absentee
5 ballot.

6 "b. Enclose the following information with the
7 transmittal of the absentee ballot:

8 "1. A written explanation as to why the ballot is a
9 provisional ballot; how to complete the voter reidentification
10 form and affirmation of provisional voter form; and the
11 procedure followed by the board of registrars in verifying and
12 certifying provisional votes.

13 "2. A voter reidentification form and an affirmation
14 of provisional voter form.

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

20 "(3) When an absentee ballot becomes a provisional
21 ballot as a result of an absentee precinct inspector having
22 knowledge that the individual is not entitled to vote at the
23 voting place applicable to the voter's ballot and challenges
24 the voter's right to vote a particular ballot, the absentee

1 precinct inspector shall follow the same procedure identified
2 in subdivision (4) of subsection (b) except as follows:

3 "a. In lieu of providing the provisional voter with
4 a copy of the poll worker challenge statement, the inspector
5 shall provide two copies to the absentee election manager once
6 the results from the absentee precinct have been tabulated and
7 certified.

8 "b. The absentee election manager shall mail one
9 copy of the challenge statement of the inspector by first
10 class mail by the day after the election to the mailing
11 address provided on the provisional voter's application for an
12 absentee ballot and shall enclose with it a written
13 explanation of the procedure used by the board of registrars
14 in verifying and certifying provisional ballots; an address
15 and telephone number by which the provisional voter may
16 respond; and a written explanation that any individual who
17 casts a provisional ballot will be able to ascertain under the
18 system described in subsection (g) whether the vote was
19 counted and, if the vote was not counted, the reason that the
20 vote was not counted.

21 "(d) Upon the closing of the polls, the sealed
22 ballot box containing the provisional ballots shall be
23 returned unopened to the sheriff, or in municipal elections to
24 the municipal clerk, who shall keep it securely until such
25 time as the provisional ballots are counted in accordance with

1 subsection (f). The written affirmations of the provisional
2 voters, inspector challenge statements, and all voter
3 reidentification forms shall be placed in a sealed envelope
4 addressed to the board of registrars and delivered by the
5 sheriff, or in municipal elections by the municipal clerk, to
6 the board of registrars no later than noon on the day
7 following the election.

8 "(e) Upon receipt of materials returned from the
9 polling places, the board of registrars shall forthwith update
10 the state voter registration list utilizing the voter
11 reidentification forms of provisional voters and shall verify
12 by a certification attached to each provisional voter
13 affirmation whether the provisional vote is entitled to be
14 counted and the reason for or against counting the provisional
15 ballot. For the purposes of a municipal election, when
16 verifying a provisional ballot based upon the fact that the
17 individual's name does not appear on the official list of
18 eligible voters for the polling place in which the individual
19 seeks to vote, the board of registrars shall verify that the
20 voter is registered to vote at an address located within the
21 municipal corporate limits or district within which he or she
22 seeks to vote. When verifying a provisional ballot based upon
23 the challenge of an inspector, the board of registrars shall
24 promptly contact the voter by first class mail and provide an
25 explanation of how the provisional voter may respond to the

1 challenge. After determining that the provisional voter has
2 had notice and an opportunity to be heard, the board of
3 registrars shall verify by a certification attached to the
4 challenge statement whether the provisional ballot is due to
5 be counted and, if not, why it should not be counted. The
6 board of registrars shall deliver the provisional voter
7 affirmations and inspector challenge statements, with the
8 certified findings of the board of registrars attached, to the
9 judge of probate, or in municipal elections to the municipal
10 clerk, no later than noon seven days after the election until
11 which time such findings shall remain confidential. Upon
12 delivery of such materials, the board of registrars shall
13 enter into the state voter registration list a voter history
14 providing identification of voters who cast provisional
15 ballots, whether their ballot was counted, and the reason the
16 ballot either was or was not counted.

17 "(f) Commencing at noon, Tuesday, seven days after
18 the election, the canvassing board, or in municipal elections
19 the municipal governing body, in the presence of watchers,
20 shall tabulate provisional ballots which have been certified
21 by the board of registrars as cast by registered and qualified
22 voters of the voting places in which such ballots were cast.
23 For the purpose of making election returns of provisional
24 ballots, provisional balloting results shall be returned and
25 canvassed as a separate precinct while disclosing all votes

1 for candidates and ballot measures cast in such ballots. The
2 canvassing board shall certify on a form to be prescribed by
3 the Secretary of State the results of the provisional votes
4 cast and shall post one copy in a public location within the
5 courthouse, or in the city hall in municipal elections, and
6 shall seal one copy with the provisional ballots, provisional
7 voter affirmations, inspector or clerk challenge statements,
8 and certifications of the board of registrars into a sealed
9 container or, in the case of primary elections, containers
10 designated for each political party for such purpose. Such
11 containers shall be delivered and remain secured with the
12 other records of the election in accordance with state law.

13 "(g) The board of registrars, after verifying the
14 identity of a provisional voter, shall make available at the
15 request of such voter, the findings of the board of registrars
16 as to whether the individual's provisional ballot was counted
17 and, if not, the reason why. This may be accomplished by
18 telephone, by letter, or by secured electronic means. The
19 Secretary of State shall provide a secure means for
20 provisional voters to verify by electronic means whether the
21 individual's vote was counted and, if not, the reason why.
22 There shall be no charge to the provisional voters for
23 obtaining this information.

24 "(h) The Secretary of State may by rule address the
25 means of identifying ballots cast by particular provisional

1 voters by the appointing board and the method of providing
2 confidentiality and security to communications with
3 provisional voters seeking information about the status of
4 their ballot. Notice of any proposed rule or amendment to an
5 existing rule relating to provisional balloting shall be sent
6 by certified mail to every judge of probate at least 30 days
7 prior to certification of the proposed rule or amendment under
8 the Administrative Procedure Act.

9 "§17-11-3.

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

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

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

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

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

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

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

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

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

22 "(b) An applicant for an absentee ballot who is a
23 member of the Armed Forces of the United States, including the
24 Alabama National Guard, the United States Naval Reserves, the
25 United States Air Force Reserves, and the United States Army

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

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

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

1 government, renders substantial compliance with this article
2 impossible or unreasonable for a group of qualified voters who
3 respond to the emergency, the Secretary of State, pursuant to
4 Section 41-22-5, may promulgate an emergency rule to allow
5 those qualified voters to vote by absentee ballot.

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

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

1 "§17-11-4.

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

1 absentee election manager by the applicant or his or her
2 designee. Application forms which are printed and made
3 available to any applicant by the absentee election manager
4 shall have printed thereon all penalties provided for any
5 violation of this chapter. The Secretary of State shall
6 provide applications for absentee voting to military and
7 overseas voters in accordance with Section 17-4-35.

8 "§17-11-5.

9 "(a) Upon receipt of an application for an absentee
10 ballot as provided in Section 17-11-3, if the applicant's name
11 appears on the list of qualified voters produced from the
12 state voter registration list in the election to be held, or
13 if the ~~voter makes an affidavit for a challenged vote or~~
14 applicant qualifies for a provisional absentee ballot, the
15 absentee election manager shall furnish the absentee ballot to
16 the applicant by: (1) Forwarding it by United States mail to
17 the applicant's or voter's residence address or, upon written
18 request of the voter, to the address where the voter regularly
19 receives mail or (2) by handing the absentee ballot to the
20 ~~voter~~ applicant in person or, in the case of emergency voting
21 when the applicant requires medical treatment, his or her
22 designee in person. If the absentee election manager has
23 reasonable cause to believe that the applicant has given a
24 fraudulent address on the application for the absentee ballot,
25 the absentee election manager shall turn over the ballot

1 application to the district attorney for any action which may
2 be necessary under this chapter. The absentee election manager
3 may require additional proof of ~~a voter's~~ an applicant's
4 eligibility to vote absentee when there is evidence of
5 continuous absentee voting. The absentee election manager
6 shall mail any absentee ballot requested to be mailed as
7 provided in Section 17-11-3 no later than the next business
8 day after an application has been received unless the absentee
9 ballots have not been delivered to the absentee election
10 manager. If the absentee ballots have not been so delivered,
11 the absentee election manager shall hold all requests until
12 the ballots are delivered and shall then respond by placing
13 ballots in the mail no later than the next business day.

14 "(b) The official list of qualified voters shall be
15 furnished to the absentee election manager by the judge of
16 probate using a printout from the state voter registration
17 list of registered voters for that county containing voter
18 registration information useful in the identification of
19 absentee voters. The information provided in this report shall
20 be established by rules adopted by the Secretary of State with
21 the advice of the Alabama Circuit Court Clerks Association or
22 its members and shall indicate whether the individual is
23 obligated to produce identification in accordance with
24 Sections 17-9-30 and 17-10-1. The Secretary of State may
25 further provide by administrative rule for electronic access

1 to this list for optional use by the absentee election
2 manager. This list shall be made available beginning at least
3 55 days before the election. In municipal elections, the
4 official list of qualified voters shall be furnished to the
5 absentee election manager at least 35 days before the
6 election. Any supplemental list of qualified electors shall
7 also be provided to the absentee election manager as soon as
8 the list becomes available. The absentee election manager
9 shall underscore on the list the name of each voter who has
10 applied for an absentee ballot and shall write immediately
11 beside his or her name the word "absentee." The Secretary of
12 State by rule may provide for electronic access to the
13 absentee election manager's county list of registered voters
14 in lieu of the printed list and for the method of identifying
15 applicants for absentee ballots in conjunction with the state
16 voter registration list.

17 " (c) (1) ~~The absentee election manager shall enroll~~
18 ~~the name, residence, and voting place of the applicant, and~~
19 ~~the date the application was received on a list of absentee~~
20 ~~voters. Each day the absentee election manager shall enter on~~
21 ~~the list the names, addresses, and voting places of each voter~~
22 ~~who has that day applied for an absentee ballot and shall, for~~
23 ~~all elections other than municipal elections, post a copy of~~
24 ~~the list of applications received each day on the regular~~
25 ~~bulletin board or other public place in the county courthouse.~~

1 ~~In municipal elections, the absentee election manager shall~~
2 ~~post a copy of the list of applications received each day on~~
3 ~~the regular bulletin board or other public place in the city~~
4 ~~hall.~~ The list of electors voting by absentee ballot shall
5 remain confidential until the day following the election. The
6 absentee election manager in all elections shall deliver to
7 the board of registrars the day following the election, a copy
8 of the list of all absentee voters, at which point the list is
9 deemed a public record. The list shall be maintained in the
10 office of the circuit clerk for 60 days after the election, at
11 which time it shall be delivered to the judge of probate.
12 Before the polls open at any election on election day, the
13 absentee election manager shall effectuate the delivery to the
14 election officers of each voting place a list showing the name
15 and address of every person whose name appears on the official
16 list of qualified electors for the voting place who applied
17 for an absentee ballot in the election. The name of the person
18 who applied for an absentee ballot shall be identified as an
19 absentee voter on the list of qualified electors kept at the
20 voting place, and the person shall not vote again, except that
21 in county, state, and federal elections the person may vote a
22 provisional ballot. Applications for absentee ballots are
23 required for elections which are more than 42 days apart,
24 except as to individuals voting pursuant to the federal
25 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

1 "(2) The absentee election manager shall redact any
2 information required to be redacted pursuant to Section
3 17-4-33 from any copy of an absentee voter list, ~~to be posted~~
4 ~~or otherwise made a public record.~~ This subdivision shall not
5 affect poll lists used at local precincts.

6 "(d) For individuals voting pursuant to the federal
7 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
8 the Secretary of State shall by rule prescribe use of
9 standardized military and overseas voter registration
10 applications and applications for absentee ballots adopted by
11 the United States government for such use. The Secretary of
12 State shall also prescribe by rule provisions within the
13 standard state application form for absentee voting which
14 permit the voter to identify himself or herself as a military
15 or overseas voter. Unless otherwise indicated by the military
16 or overseas voter, an application for an absentee ballot by
17 such a voter shall remain valid for any election for a
18 federal, state, or county office or for any proposed
19 constitutional amendment or a state or county referendum held
20 through the end of the calendar year in which the application
21 is filed, provided that if an election cycle begins one year
22 and continues into the subsequent year, the application shall
23 be valid for the whole election cycle. The absentee election
24 manager shall provide an absentee ballot to the military and
25 overseas voters for each such subsequent election. The

1 absentee election manager, within seven days after each
2 regularly scheduled general election for federal office, shall
3 report the number of military and overseas ballots mailed out
4 and the number of ballots received to the Secretary of State
5 who shall report this information to the Federal Election
6 Assistance Commission within 90 days of each regularly
7 scheduled general election for federal office.

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

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

20 "(street)

21 " _____, Alabama _____

22 "(city or town)

(zip code)

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

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

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

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

13 "___ I am currently incarcerated in prison or jail
14 and I have not been convicted of a felony involving moral
15 turpitude.

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

19 "I have marked the enclosed absentee ballot
20 voluntarily and I have read or had read to me and understand
21 the instructions accompanying this ballot and I have carefully
22 complied with such instructions.

23 "Moreover, I further swear (or affirm) that all of
24 the information given above is true and correct to the best of
25 my knowledge and that I understand that by knowingly giving

1 false information so as to vote illegally by absentee ballot
2 that I shall be guilty of a misdemeanor which is punishable by
3 a fine not to exceed one thousand dollars (\$1,000) or confine-
4 ment in the county jail for not more than six months, or both.

5 _____

6 (Signature or mark of voter.)

7 _____

8 (Printed name of voter.)

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

14 Sworn to and subscribed before me this _____ day of
15 _____, 2__.

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

18 _____ (Signature of official)

19 (Title of official)

20 _____

1 (Address of official)

2 OR

3 1st Witness _____

Signature

4 _____

6 Print name

7 _____

8 Address

9 _____

10 City Zip Code

11 2nd Witness _____

Signature

12 _____

14 Print name

15 _____

16 Address

17 _____

18 City Zip Code"

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

3 "§17-11-18.

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

14 "(b) The above provision does not apply in the case
15 of individuals voting absentee pursuant to the federal
16 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),
17 42 U.S.C. 1973ff, when those individuals are voting in a
18 primary, second primary, general, or special election for a
19 federal, state, or county office or proposed constitutional
20 amendment or other referenda. In the case of UOCAVA voters
21 voting absentee in a primary, second primary, general, or
22 special election for a federal, state, or county office or
23 proposed constitutional amendment or other referenda, no
24 absentee ballot shall be opened or counted, if received by the

1 absentee election manager by mail, unless postmarked as of the
2 day of the primary, second primary, general, or special
3 election and received by mail no later than noon seven days
4 after the primary, second primary, general, or special
5 election.

6 "§17-11-19.

7 "Each person, firm, or entity supplying to any
8 county or municipality any absentee affidavit envelopes,
9 absentee ballots, or other absentee election materials in
10 connection with any primary, general, special, or municipal
11 election shall, at the time of the shipment or delivery of the
12 same, provide to the county or municipality, and to the
13 Secretary of State, an itemized and signed statement showing a
14 description and the quantity of each item so shipped or
15 delivered. Upon the conclusion of the election, the absentee
16 election manager shall return all unused absentee election
17 materials to the ~~Secretary of State~~ sheriff of the respective
18 county along with an itemized, signed statement showing the
19 description and quantity of each item of absentee election
20 material not utilized by the county or municipality in the
21 election then concluded, and the unused absentee election
22 materials shall be maintained for the period of time
23 prescribed by applicable law and, in no event, less than 18
24 months."

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

4 Section 3. This act shall become effective on August
5 1, 2019, following its passage and approval by the Governor,
6 or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB301

Senate 28-MAY-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAY-19

By: Senator Smitherman