

1 SB306  
2 146780-2  
3 By Senators Taylor, Bussman, Williams, Fielding, Scofield,  
4 Glover, Waggoner, Ward, Smith, Keahey, Bedford, Coleman, Dunn,  
5 Irons, Beasley, Pittman, Brewbaker, Orr, Dial and Allen  
6 RFD: Constitution, Campaign Finance, Ethics, and Elections  
7 First Read: 12-MAR-13

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8 SYNOPSIS: Under existing law, certain qualified  
9 electors are permitted to vote by absentee ballot.

10 This bill would authorize the Secretary of  
11 State, by emergency rule, to provide for absentee  
12 voting by those qualified electors who have  
13 responded to an emergency situation away from their  
14 polling places.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To amend Sections 17-11-3 and 17-11-7, Code of  
21 Alabama 1975, relating to absentee voting; to authorize the  
22 Secretary of State, by emergency rule, to provide for absentee  
23 voting by those qualified electors who have responded to an  
24 emergency situation away from their polling places.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 17-11-3 and 17-11-7 of the Code  
27 of Alabama 1975, are amended to read as follows:

1           "§17-11-3.

2           "(a) Any qualified elector of this state may apply  
3 for and vote an absentee ballot by mail or by hand delivery,  
4 as provided in Sections 17-11-5 and 17-11-9, in any primary,  
5 general, special, or municipal election, if he or she makes  
6 application in writing therefor not less than five days prior  
7 to the election in which he or she desires to vote and meets  
8 one of the following 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) If the occurrence of a state of emergency as  
19 declared in this or any other state, or by the federal  
20 government, renders substantial compliance with this article  
21 impossible or unreasonable for a group of qualified voters who  
22 respond to the emergency, the Secretary of State, pursuant to  
23 Section 41-22-5 of the Alabama Administrative Procedure Act,  
24 may promulgate an emergency rule to allow those qualified  
25 voters to vote by absentee ballot.

26           "(f) Notwithstanding any other provision of  
27 otherwise applicable law, in the event more than one absentee

1 ballot is cast in the name of the single voter, whether any  
2 such multiple ballot is cast by mail or otherwise, none of the  
3 affidavit envelopes containing the multiple ballots shall be  
4 opened, and none of the multiple ballots shall be counted,  
5 except in the event of an election contest, upon the order of  
6 the election contest tribunal. Upon the conclusion of an  
7 election contest or, in the event no such contest is filed,  
8 upon the expiration of time for filing such a contest, the  
9 multiple ballots shall be provided to the district attorney,  
10 with photocopies provided to the state Attorney General, for  
11 such investigation, prosecution, or other action as may be  
12 appropriate under applicable law.

13 "§17-11-7.

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

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

19 ""State of Alabama

20 "County of \_\_\_\_\_

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

22 "(1) I am a resident of \_\_\_\_\_ County in the  
23 State of Alabama.

24 (2) My place of residence in Alabama is: \_\_\_\_\_

25 (street)

1 \_\_\_\_\_, Alabama \_\_\_\_\_  
2 (city or town) (zip code)

3 "(3) My voting precinct (or place where I vote)  
4 is: \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

7 "(4) My date of birth is: \_\_\_\_\_  
8 month day year

9  
10 "(5) I am entitled to vote an absentee ballot  
11 because:

12 "Check only one:

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

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

17 "\_\_\_ I work a required workplace shift which has at  
18 least 10 hours which coincide with the polling hours at my  
19 regular polling place.

20 "\_\_\_ I am a student at an educational institution  
21 located outside the county of my permanent residence and am

1 therefore unable to vote at my usual polling place on election  
2 day.

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

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

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

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

15 "I have marked the enclosed absentee ballot  
16 voluntarily and I have read or had read to me and understand  
17 the instructions accompanying this ballot and I have carefully  
18 complied with such instructions.

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



1 \_\_\_\_\_  
2 (Signature or mark of voter.)

3 \_\_\_\_\_  
4 (Printed name of voter.)

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

10 "Sworn to and subscribed before me this \_\_\_\_\_ day of  
11 \_\_\_\_\_, 2\_\_.

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

14 \_\_\_\_\_ (Signature of official)

15 (Title of official)

16 \_\_\_\_\_

17 (Address of official)

18 OR

19 1st Witness \_\_\_\_\_

20 Signature  
21 \_\_\_\_\_

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Print name

\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code

2nd Witness \_\_\_\_\_

Signature

\_\_\_\_\_

Print name

\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code"

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