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3 SENATE CONSTITUTION, ETHICS, AND ELECTIONS SUBSTITUTE FOR SB77
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8 SYNOPSIS: Under existing law, qualified electors may
9 vote by absentee ballot if they meet certain
10 requirements.

11 This bill would allow a qualified elector to
12 vote by absentee ballot without an excuse or
13 explanation.

14 This bill would require an absentee ballot
15 application to include a form of photo
16 identification.

17 This bill would authorize the Secretary of
18 State, by rule, to establish a process for
19 submitting an application for an absentee ballot
20 electronically.

21 This bill would also remove the requirement
22 that an absentee ballot include the signature of
23 two witnesses.
24

25 A BILL
26 TO BE ENTITLED

1 AN ACT

2
3 Relating to absentee voting; to amend Sections
4 17-9-30, 17-11-3, 17-11-4, 17-11-5, 17-11-7, 17-11-9,
5 17-11-10, and 17-11-49, Code of Alabama 1975; to allow a
6 qualified elector to vote by absentee ballot without an excuse
7 or explanation; to require an absentee ballot application to
8 include a form of photo identification; to authorize the
9 Secretary of State, by rule, to establish a process for
10 submitting an application for an absentee ballot
11 electronically; and to remove the requirement that an absentee
12 ballot include the signature of two witnesses.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 17-9-30, 17-11-3, 17-11-4,
15 17-11-5, 17-11-7, 17-11-9, 17-11-10, and 17-11-49, Code of
16 Alabama 1975, are amended to read as follows:

17 "§17-9-30.

18 "(a) Each elector shall provide valid photo
19 identification to an appropriate election official prior to
20 voting. A voter required to show valid photo identification
21 when voting in person shall present to the appropriate
22 election official one of the following forms of valid photo
23 identification:

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

1 "(2) A valid Alabama photo voter identification card
2 issued under subsection (f) or other valid identification card
3 issued by a branch, department, agency, or entity of the State
4 of Alabama, any other state, or the United States authorized
5 by law to issue personal identification, provided that such
6 identification card contains a photograph of the elector.

7 "(3) A valid United States passport.

8 "(4) A valid employee identification card containing
9 the photograph of the elector and issued by any branch,
10 department, agency, or entity of the United States government,
11 this state, or any county, municipality, board, authority, or
12 other entity of this state.

13 "(5) A valid student or employee identification card
14 issued by a public or private college, university, or
15 postgraduate technical or professional school located within
16 the state, provided that such identification card contains a
17 photograph of the elector.

18 "(6) A valid United States military identification
19 card, provided that such identification card contains a
20 photograph of the elector.

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

23 "~~(b) Voters voting an absentee ballot shall submit~~
24 ~~with the ballot a~~ A copy of one of the forms of identification
25 listed in subsection (a) shall be submitted by an elector in
26 both of the following situations:

1 "(1) When the elector applies for an absentee
2 ballot, along with an absentee ballot application.

3 "(2) When the elector votes an absentee ballot,
4 along with the absentee ballot.

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

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

18 "(e) In addition, an individual who does not have
19 valid photo identification in his or her possession at the
20 polls shall be permitted to vote if the individual is
21 positively identified by two election officials as a voter on
22 the poll list who is eligible to vote and the election
23 officials sign a sworn affidavit so stating.

24 "(f) The Secretary of State shall issue, upon
25 application, an Alabama photo voter identification card to
26 registered Alabama electors which shall under state law be

1 valid only for the purposes of voter identification under
2 subsection (a) and available only to registered electors of
3 this state. No fee shall be charged or collected for the
4 application for or issuance of an Alabama photo voter
5 identification card.

6 "(g) No person shall be eligible for an Alabama
7 photo voter identification card if such person has a valid
8 unexpired driver's license, nondriver identification card, or
9 any other photo identification described in subsection (a).

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

18 "(1) Full legal name.

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

21 "(3) Date of birth.

22 "(4) Eye color.

23 "(5) Gender.

24 "(6) Height.

25 "(7) Weight.

26 "(8) Date identification card was issued.

1 "(9) Other information as required by rule of the
2 Secretary of State.

3 "(i) The application for an Alabama photo voter
4 identification card shall elicit the information required
5 under subdivisions (1) to (7), inclusive, of subsection (h).
6 The application shall be signed and sworn to by the applicant,
7 and any falsification or fraud in the making of the
8 application shall constitute a Class C felony.

9 "(j) The Secretary of State shall require
10 presentation and verification of the following information
11 before issuing an Alabama photo voter identification card to a
12 person:

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

16 "(2) Documentation showing the person's date of
17 birth.

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

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

22 "(k) An Alabama photo voter identification card
23 shall remain valid so long as the person resides at that same
24 address and remains qualified to vote. It shall be the duty of
25 a person who moves his or her residence within the State of
26 Alabama to surrender his or her card to the Secretary of

1 State, and such person may after such surrender apply for and
2 receive a new card if the person is otherwise eligible under
3 this section. It shall be the duty of a person who moves his
4 or her residence outside the State of Alabama or who ceases to
5 be qualified to vote to surrender his or her card to the
6 Secretary of State.

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

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

15 "(n) The Secretary of State is directed to inform
16 the public regarding the requirements of subsection (a)
17 through whatever means deemed necessary by the Secretary of
18 State.

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

22 "§17-11-3.

23 "(a) Any qualified elector of this state may apply
24 for and vote an absentee ballot by mail or by hand delivery,
25 as provided in Sections 17-11-5 and 17-11-9, in any primary,
26 general, special, or municipal election, if he or she makes

1 application in writing therefor not less than five days prior
2 to the election in which he or she desires to vote and submits
3 a copy of a valid form of photo identification required
4 pursuant to Section 17-9-30. ~~meets one of the following~~
5 ~~requirements:~~

6 ~~"(1) The person will be out of the county or the~~
7 ~~state, or the municipality for municipal elections, on~~
8 ~~election day.~~

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

13 ~~"(3) The person works on a shift which has at least~~
14 ~~10 hours which coincide with the hours the polls are open at~~
15 ~~his or her regular polling place.~~

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

20 ~~"(5) The person is a member of, or spouse or~~
21 ~~dependent of a member of, the Armed Forces of the United~~
22 ~~States or is similarly qualified to vote absentee pursuant to~~
23 ~~the federal Uniformed and Overseas Citizens Absentee Voting~~
24 ~~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

1 absentee election managers. The special form shall be attached
2 to the application.

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

20 "(e) If the occurrence of a state of emergency as
21 declared in this or any other state, or by the federal
22 government, renders substantial compliance with this article
23 impossible or unreasonable for a group of qualified voters who
24 respond to the emergency, the Secretary of State, pursuant to
25 Section 41-22-5, may promulgate an emergency rule to allow
26 those qualified voters to vote by absentee ballot.

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

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

21 "§17-11-4.

22 " (a) The application required in Section 17-11-3
23 shall be filed with the person designated to serve as the
24 absentee election manager. The application shall be in a form
25 prescribed and designed by the Secretary of State and shall be
26 used throughout the state. Notwithstanding the foregoing,

1 handwritten applications can also be accepted at any time
2 prior to the five-day deadline to receive absentee ballot
3 applications as provided in Section 17-11-3. The application
4 shall contain sufficient information to identify the applicant
5 and shall include the applicant's name, residence address, or
6 such other information necessary to verify that the applicant
7 is a registered voter. The application shall also provide
8 notification that the applicant must include a copy of a form
9 of valid photo identification in accordance with Section
10 17-9-30. An applicant who does not meet the identification
11 requirements of Section 17-9-30 shall not receive an absentee
12 ballot until the identification requirements are met.

13 "(b) Any applicant may receive assistance in filling
14 out the application as he or she desires, but each application
15 shall be manually signed by the applicant and, if he or she
16 signs by mark, the name of the witness to his or her signature
17 shall be signed thereon. The application may be handed by the
18 applicant to the absentee election manager or forwarded to him
19 or her by United States mail. An application for an emergency
20 absentee ballot pursuant to Section 17-11-3 may be forwarded
21 to the absentee election manager by the applicant or his or
22 her designee. Application forms which are printed and made
23 available to any applicant by the absentee election manager
24 shall have printed thereon all penalties provided for any
25 violation of this chapter. The Secretary of State shall

1 provide applications for absentee voting to military and
2 overseas voters in accordance with Section 17-4-35.

3 "(c) The Secretary of State, by rule, shall
4 establish a process for submitting absentee ballot
5 applications electronically. The rules shall allow an
6 applicant to submit, in lieu of a copy of a form of photo
7 identification, information necessary, as determined by the
8 Secretary of State, to securely identify the elector.

9 "§17-11-5.

10 "(a) Upon receipt of an application for an absentee
11 ballot as provided in Section 17-11-3 and a copy of a valid
12 form of identification listed in Section 17-9-30, if the
13 applicant's name appears on the list of qualified voters
14 produced from the state voter registration list in the
15 election to be held, or if the voter makes an affidavit for a
16 challenged vote or provisional ballot, the absentee election
17 manager shall furnish the absentee ballot to the applicant by:
18 (1) Forwarding it by United States mail to the applicant's or
19 voter's residence address or, upon written request of the
20 voter, to the address where the voter regularly receives mail
21 or (2) by handing the absentee ballot to the voter in person
22 or, in the case of emergency voting, his or her designee in
23 person. If the absentee election manager has reasonable cause
24 to believe that the applicant has given a fraudulent address
25 on the application for the absentee ballot, the absentee
26 election manager shall turn over the ballot application to the

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

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

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

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

21 "(2) The absentee election manager shall redact any
22 information required to be redacted pursuant to Section
23 17-4-33 from any copy of an absentee voter list to be posted
24 or otherwise made a public record. This subdivision shall not
25 affect poll lists used at local precincts.

1 "(d) For individuals voting pursuant to the federal
2 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
3 the Secretary of State shall by rule prescribe use of
4 standardized military and overseas voter registration
5 applications and applications for absentee ballots adopted by
6 the United States government for such use. The Secretary of
7 State shall also prescribe by rule provisions within the
8 standard state application form for absentee voting which
9 permit the voter to identify himself or herself as a military
10 or overseas voter. Unless otherwise indicated by the military
11 or overseas voter, an application for an absentee ballot by
12 such a voter shall remain valid for any election for a
13 federal, state, or county office or for any proposed
14 constitutional amendment or a state or county referendum held
15 through the end of the calendar year in which the application
16 is filed. The absentee election manager shall provide an
17 absentee ballot to the military and overseas voters for each
18 such subsequent election. The absentee election manager,
19 within seven days after each regularly scheduled general
20 election for federal office, shall report the number of
21 military and overseas ballots mailed out and the number of
22 ballots received to the Secretary of State who shall report
23 this information to the Federal Election Assistance Commission
24 within 90 days of each regularly scheduled general election
25 for federal office.

26 "§17-11-7.

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~~"(5) I am entitled to vote an absentee ballot
because:~~

~~"Check only one:~~

~~"___ I will be out of the county or the state on
election day.~~

~~"___ I am physically incapacitated and will not be
able to vote in person on election day.~~

~~"___ I work a required workplace shift which has at
least 10 hours which coincide with the polling hours at my
regular polling place.~~

~~"___ I am a student at an educational institution
located outside the county of my permanent residence and am
therefore unable to vote at my usual polling place on election
day.~~

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

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

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

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

4 "I have marked the enclosed absentee ballot
5 voluntarily and I have read or had read to me and understand
6 the instructions accompanying this ballot and I have carefully
7 complied with such instructions.

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

15 _____
16 (Signature or mark of voter.)

17 _____
18 (Printed name of voter.)

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

1 "Sworn to and subscribed before me this _____ day of
2 _____, 2__.

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

5 _____ (Signature of official)

6 (Title of official)

7 _____

8 (Address of official)

9 OR

10 ~~1st Witness~~ _____

11 ~~Signature~~

12 _____

13 ~~Print name~~

14 _____

15 ~~Address~~

16 _____

17 ~~City Zip Code~~

18 ~~2nd Witness~~ _____

19 ~~Signature~~

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~~Print name~~

~~Address~~

~~City Zip Code"~~

"§17-11-9.

"Each prospective absentee voter who meets the requirements of this chapter shall be furnished with the absentee ballot herein provided for, together with two envelopes for returning his or her marked ballot and instructions for completing and returning the absentee ballot as well as instructions for correcting mistakes in completing ballots or obtaining a replacement ballot. One envelope shall be a plain envelope in which the ballot shall be sealed by the voter after he or she has marked it.

"The second envelope shall have the voter's affidavit printed on the back and shall be large enough to seal the plain ballot envelope inside. The second envelope shall also be a return mail envelope.

"Such return mail envelope shall be addressed on the front to the absentee election manager and shall be endorsed on the left-hand upper corner thereof as follows:

1 "Absent Voter's Ballot. State, County, Municipal,
2 General, Primary, or Special Election (as the case may be) to
3 be held on the ___ day of ___, 2__ From _____ (name of
4 voter), precinct or districts _____, County of _____,
5 Alabama."

6 "After marking the ballot and subscribing the oath
7 herein required, the voter shall seal his or her ballot in the
8 plain envelope, place that plain envelope inside the affidavit
9 envelope, complete the affidavit, ~~have a notary public (or~~
10 ~~other officer authorized to acknowledge oaths) or two~~
11 ~~witnesses witness his or her signature to the affidavit,~~ and
12 forward it by United States mail to the absentee election
13 manager or hand it to him or her in person.

14 "Notwithstanding the other provisions of this
15 section, the absentee election manager shall determine whether
16 an applicant for an absentee ballot is obligated to produce
17 identification in accordance with Sections 17-9-30 and 17-10-1
18 or reidentify in accordance with Chapter 4. For absentee
19 applicants required to produce identification, a third
20 envelope of different color and sufficient size to enclose the
21 first and second envelopes shall be provided to the applicant
22 along with instructions for including a proper form of
23 identification in accordance with Sections 17-9-30 and
24 17-10-1.

25 "For absentee applicants required to reidentify
26 because they do not appear in the voting place for which they

1 seek to vote but do appear in another voting place within the
2 state voter registration list, the absentee election manager
3 shall provide to the voter a third envelope of different color
4 and sufficient size to enclose the first and second envelopes
5 along with a voter reidentification form, a provisional voter
6 affirmation, and instructions in accordance with Section
7 17-10-2. Such ballot shall be treated as a provisional ballot
8 and the term "Provisional" shall be marked on the second or
9 affidavit envelope prior to transmitting the ballot to the
10 voter. Applicants for an absentee ballot who do not appear on
11 the state voter registration list shall not be entitled to an
12 absentee ballot.

13 "§17-11-10.

14 "(a) Upon receipt of the absentee ballot, the
15 absentee election manager shall record its receipt thereof on
16 the absentee list as provided in Section 17-11-5 and shall
17 safely keep the ballot without breaking the seal of the
18 affidavit envelope.

19 "(b) For absentee ballots received by noon on the
20 day of the election, the absentee election manager shall,
21 beginning at noon, deliver the sealed affidavit envelopes
22 containing absentee ballots to the election officials provided
23 for in Section 17-11-11. The election officials shall then
24 call the name of each voter casting an absentee ballot with
25 poll watchers present as may be provided under the laws of
26 Alabama and shall examine each affidavit envelope to determine

1 if ~~the signature of the voter has been appropriately witnessed~~
2 signed the affidavit envelope. If ~~the witnessing of the~~
3 voter's signature ~~and the information in the affidavit~~
4 establish that the voter is entitled to vote by absentee
5 ballot is present, then the election officials shall certify
6 the findings, open each affidavit envelope, and deposit the
7 plain envelope containing the absentee ballot into a sealed
8 ballot box.

9 "No poll worker or other election official shall
10 open an affidavit envelope if the envelope indicates the
11 ballot is an unverified provisional ballot or the affidavit
12 printed thereon is unsigned by the voter or unmarked, and no
13 ballot envelope or ballot therein may be removed or counted.
14 ~~No poll worker or other election official shall open an~~
15 ~~affidavit envelope if the voter's affidavit signature or mark~~
16 ~~is not witnessed by the signatures of two witnesses or a~~
17 ~~notary public, or other officer, including a military~~
18 ~~commissioned officer, authorized to acknowledge oaths, and no~~
19 ~~ballot envelope or ballot therein may be removed or counted.~~
20 ~~The provision for witnessing of the voter's affidavit~~
21 ~~signature or mark in Section 17-11-7 goes to the integrity and~~
22 ~~sanctity of the ballot and election. No court or other~~
23 ~~election tribunal shall allow the counting of an absentee~~
24 ~~ballot with respect to which the voter's affidavit signature~~
25 ~~or mark is not witnessed by the signatures of two witnesses 18~~
26 ~~years of age or older or a notary public, or other officer,~~

1 ~~including a military commissioned officer, authorized to~~
2 ~~acknowledge oaths, prior to being delivered or mailed to the~~
3 ~~absentee election manager.~~

4 "Upon closing of the polls, the absentee ballots
5 shall be counted and otherwise handled in all respects as if
6 the absentee voter were present and voting in person.

7 "Precinct ballot counters may be used to count
8 absentee ballots. Absentee election officials are to be
9 appointed and trained in the same manner as prescribed for
10 regular election officials. The number of absentee election
11 officials shall be determined by the number of precinct
12 counters provided. The county commission may provide more than
13 one precinct ballot counter based upon the recommendation of
14 the absentee election manager. Beginning not earlier than noon
15 on election day, the absentee election officials shall perform
16 the duties prescribed in Section 17-11-11.

17 "As regards municipalities with populations of less
18 than 10,000, in the case of municipal elections held at a time
19 different from a primary or general election, the return mail
20 envelopes containing the ballots shall be delivered to the
21 election official of the precinct of the respective voters,
22 unless the city or town having a population of less than
23 10,000 inhabitants has, by permanent ordinance adopted six
24 months prior to the municipal election, established a
25 procedure for the appointment of absentee election officials
26 pursuant to subsection (c) of Section 11-46-27.

1 "(c) Absentee ballots cast in a second primary
2 election for federal, state, or county office by individuals
3 voting pursuant to the federal Uniformed and Overseas Citizens
4 Absentee Voting Act, 42 U.S.C. 1973ff et seq., and received
5 after noon on the day of the second primary election, shall be
6 opened and counted at the same time as the verified
7 provisional ballots. At noon seven days after the second
8 primary election, the absentee election manager shall deliver
9 the sealed affidavit envelopes containing absentee ballots to
10 the officials provided for in subsection (f) of Section
11 17-10-2. The officials shall call the name of each voter
12 casting an absentee ballot in the presence of watchers
13 designated by any interested candidates and shall examine each
14 affidavit envelope to determine if ~~the signature of the voter~~
15 ~~has been appropriately witnessed~~ signed the affidavit
16 envelope. If the ~~witnessing of the voter's~~ signature ~~and the~~
17 ~~information in the affidavit establish that the voter is~~
18 ~~entitled to vote by absentee ballot~~ is present, then the
19 election officials shall certify the findings, open each
20 affidavit envelope, and deposit the plain envelope containing
21 the absentee ballot into a sealed ballot box.

22 "No election official shall open an affidavit
23 envelope if the affidavit printed thereon is unsigned by the
24 voter or unmarked, and no ballot envelope or ballot therein
25 may be removed or counted. ~~No election official shall open an~~
26 ~~affidavit envelope if the voter's affidavit signature or mark~~

1 ~~is not witnessed by the signatures of two witnesses or a~~
2 ~~notary public, or other officer, including a military~~
3 ~~commissioned officer, authorized to acknowledge oaths, and no~~
4 ~~ballot envelope or ballot therein may be removed or counted.~~
5 ~~The provision for witnessing of the voter's affidavit~~
6 ~~signature or mark in Section 17-11-7 goes to the integrity and~~
7 ~~sanctity of the ballot and election. No court or other~~
8 ~~election tribunal shall allow the counting of an absentee~~
9 ~~ballot with respect to which the voter's affidavit signature~~
10 ~~or mark is not witnessed by the signatures of two witnesses 18~~
11 ~~years of age or older or a notary public, or other officer,~~
12 ~~including a military commissioned officer, authorized to~~
13 ~~acknowledge oaths, prior to being delivered or mailed to the~~
14 ~~absentee election manager.~~

15 "The absentee ballots described in this subsection
16 shall be opened, counted, and tabulated. The results of the
17 absentee ballots counted and tabulated on election day shall
18 be amended to include the results of the absentee ballots
19 described in this subsection.

20 "In all other respects, unless otherwise
21 specifically provided by law, the absentee ballots described
22 in this subsection shall be treated as other absentee ballots.

23 "§17-11-49.

24 "(a) The Secretary of State is granted authority to
25 adopt requirements related to ~~witnessing or notarization of~~
26 ~~absentee ballots,~~ voter identification, candidate qualifying,

1 and ballot access procedures, ballot printing, and the
2 application process for absentee balloting in elections for
3 federal, state, county, and municipal offices and
4 constitutional amendments and other referenda to comply with
5 federal law.

6 "(b) The Secretary of State is authorized to extend
7 the deadline for receiving, processing, and counting absentee
8 ballots if absentee ballots are transmitted to qualified
9 absentee voters less than the minimum number of days prior to
10 an election as required by federal law. Absentee election
11 officials utilized for the processing and counting of absentee
12 ballots pursuant to this section shall be appointed in the
13 manner prescribed in Section 17-11-11, and compensated as
14 provided in Section 17-8-12."

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