

1 SB277
2 183390-1
3 By Senator Albritton
4 RFD: Constitution, Ethics and Elections
5 First Read: 07-MAR-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, an elector must present
9 a photo identification when he or she votes.

10 This bill would exempt from the voter photo
11 identification requirement an elector who has a
12 religious objection to being photographed and
13 executes an affidavit of identity.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to voting; to amend Section 17-9-30, Code
20 of Alabama 1975; to exempt from the voter photo identification
21 requirement an elector who has a religious objection to being
22 photographed and has executed an affidavit of identity.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 "§17-9-30.

1 "(a) Each elector shall provide valid photo
2 identification to an appropriate election official prior to
3 voting. ~~A voter~~ An elector required to show valid photo
4 identification when voting in person shall present to the
5 appropriate election official one of the following forms of
6 valid photo 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)~~ (g) or other valid identification
12 card issued by a branch, department, agency, or entity of the
13 State of Alabama, any other state, or the United States
14 authorized by law to issue personal identification, provided
15 that such identification card contains a photograph of the
16 elector.

17 "(3) A valid United States passport.

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

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

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

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

6 "(b) Notwithstanding subsection (a), an elector who
7 has a religious objection to being photographed and executes
8 an affidavit of identity under penalty of perjury on a form
9 prescribed by the Secretary of State and provided by the
10 county or municipal election official shall not be required to
11 produce identification prior to voting.

12 "(c) Voters Electors voting an absentee ballot shall
13 submit with the ballot a copy of one of the forms of
14 identification listed in subsection (a).

15 "~~(c)~~ (d) Notwithstanding subsection ~~(b)~~ (c), ~~a voter~~
16 an elector who is entitled to vote by absentee ballot pursuant
17 to the Uniformed and Overseas Citizens Absentee Voting Act
18 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section
19 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and
20 Handicapped Act (subchapter I-F of Chapter 20 of Title 42
21 U.S.C.); or any other federal law, shall not be required to
22 produce identification prior to voting.

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

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

7 "~~(f)~~ (g) The Secretary of State shall issue, upon
8 application, an Alabama photo voter identification card to
9 registered Alabama electors which shall under state law be
10 valid only for the purposes of voter identification under
11 subsection (a) and available only to registered electors of
12 this state. No fee shall be charged or collected for the
13 application for or issuance of an Alabama photo voter
14 identification card.

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

19 "~~(h)~~ (i) The Alabama photo voter identification card
20 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and
21 shall contain a prominent statement that under Alabama law the
22 card is valid only as identification for voting purposes. The
23 Alabama photo voter identification card shall be laminated,
24 shall contain a digital color photograph of the applicant,
25 shall have the signature of the Secretary of State, and shall
26 include the following information:

27 "(1) Full legal name.

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

3 "(3) Date of birth.

4 "(4) Eye color.

5 "(5) Gender.

6 "(6) Height.

7 "(7) Weight.

8 "(8) Date identification card was issued.

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

11 "~~(i)~~ (j) The application for an Alabama photo voter
12 identification card shall elicit the information required
13 under subdivisions (1) to (7), inclusive, of subsection ~~(h)~~
14 (i). The application shall be signed and sworn to by the
15 applicant, and any falsification or fraud in the making of the
16 application shall constitute a Class C felony.

17 "~~(j)~~ (k) The Secretary of State shall require
18 presentation and verification of the following information
19 before issuing an Alabama photo voter identification card to a
20 person:

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

24 "(2) Documentation showing the person's date of
25 birth.

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

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

3 "~~(k)~~ (l) An Alabama photo voter identification card
4 shall remain valid so long as the person resides at that same
5 address and remains qualified to vote. It shall be the duty of
6 a person who moves his or her residence within the State of
7 Alabama to surrender his or her card to the Secretary of
8 State, and such person may after such surrender apply for and
9 receive a new card if the person is otherwise eligible under
10 this section. It shall be the duty of a person who moves his
11 or her residence outside the State of Alabama or who ceases to
12 be qualified to vote to surrender his or her card to the
13 Secretary of State.

14 "~~(i)~~ (m) The Secretary of State is authorized to
15 contract with a private provider for the production of the
16 Alabama photo voter identification card pursuant to any
17 applicable state bid laws.

18 "~~(m)~~ (n) The expenses for the production of the
19 Alabama photo voter identification card shall be paid from
20 funds appropriated in the state General Fund for Registration
21 of Voters.

22 "~~(n)~~ (o) The Secretary of State is directed to
23 inform the public regarding the requirements of subsection (a)
24 through whatever means deemed necessary by the Secretary of
25 State.

1 "~~(o)~~ (p) The Secretary of State is granted
2 rule-making authority for the implementation of this section
3 under the Alabama Administrative Procedure Act."

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