

1 HB453  
2 199265-1  
3 By Representative Hall  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 16-APR-19

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8 SYNOPSIS: Under existing law, a voter who is entitled  
9 to vote by absentee ballot is required to submit a  
10 form of identification.

11 Also under existing law, any qualified  
12 elector of this state may apply for and vote an  
13 absentee ballot in any primary, general, special,  
14 or municipal election, if he or she makes  
15 application in writing for an absentee ballot not  
16 less than five days prior to the election in which  
17 he or she desires to vote and meets one of a list  
18 of criteria.

19 This bill would add a valid inmate  
20 identification card or other form of identification  
21 to the list of acceptable forms of identification.

22 This bill would also add the option of a  
23 person who is incarcerated and will remain  
24 incarcerated on election day to the absentee ballot  
25 application, absentee ballot, and the list of  
26 criteria establishing eligibility to vote by  
27 absentee ballot.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
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6 Relating to absentee voting; to amend Sections  
7 17-9-30, 17-11-3, and 17-11-7, Code of Alabama 1975; to add a  
8 valid inmate identification card or other form of  
9 identification to the list of acceptable forms of  
10 identification to vote by absentee ballot; and to add the  
11 option of a person who is incarcerated and will remain  
12 incarcerated on election day to the absentee ballot  
13 application, absentee ballot, and the list of criteria  
14 establishing eligibility to vote by absentee ballot.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 "§17-9-30.

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

25 "(1) A valid Alabama driver's license or nondriver  
26 identification card which was properly issued by the  
27 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           "(8) A valid inmate identification card or other  
24 form of identification issued by the facility in which the  
25 inmate is incarcerated.

1           "(b) Voters voting an absentee ballot shall submit  
2 with the ballot a copy of one of the forms of identification  
3 listed in subsection (a).

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

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

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

23           "(f) The Secretary of State shall issue, upon  
24 application, an Alabama photo voter identification card to  
25 registered Alabama electors which shall under state law be  
26 valid only for the purposes of voter identification under  
27 subsection (a) and available only to registered electors of

1 this state. No fee shall be charged or collected for the  
2 application for or issuance of an Alabama photo voter  
3 identification card.

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

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

16 "(1) Full legal name.

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

19 "(3) Date of birth.

20 "(4) Eye color.

21 "(5) Gender.

22 "(6) Height.

23 "(7) Weight.

24 "(8) Date identification card was issued.

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

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

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

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

14           "(2) Documentation showing the person's date of  
15 birth.

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

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

20           "(k) An Alabama photo voter identification card  
21 shall remain valid so long as the person resides at that same  
22 address and remains qualified to vote. It shall be the duty of  
23 a person who moves his or her residence within the State of  
24 Alabama to surrender his or her card to the Secretary of  
25 State, and such person may after such surrender apply for and  
26 receive a new card if the person is otherwise eligible under  
27 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) 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) The expenses for the production of the Alabama  
9 photo voter identification card shall be paid from funds  
10 appropriated in the state General Fund for Registration of  
11 Voters.

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

19 "§17-11-3.

20 "(a) Any qualified elector of this state may apply  
21 for and vote an absentee ballot by mail or by hand delivery,  
22 as provided in Sections 17-11-5 and 17-11-9, in any primary,  
23 general, special, or municipal election, if he or she makes  
24 application in writing therefor not less than five days prior  
25 to the election in which he or she desires to vote and meets  
26 one of the following requirements:



1           "(1) The person will be out of the county or the  
2 state, or the municipality for municipal elections, on  
3 election day.

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

8           "(3) The person works on a shift which has at least  
9 10 hours which coincide with the hours the polls are open at  
10 his or her regular polling place.

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

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

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

23           "(7) The person is incarcerated in a municipal or  
24 county jail, or state or federal detention facility and will  
25 remain incarcerated on election day.

26           "(b) An applicant for an absentee ballot who is a  
27 member of the Armed Forces of the United States, including the

1 Alabama National Guard, the United States Naval Reserves, the  
2 United States Air Force Reserves, and the United States Army  
3 Reserve on active duty or active duty for training or an  
4 applicant who is the spouse of any member of the armed forces  
5 or any other applicant qualified to vote absentee pursuant to  
6 the federal Uniformed and Overseas Citizens Absentee Voting  
7 Act, 42 U.S.C. 1973ff, may make application for an absentee  
8 ballot by filling out the federal postcard application form,  
9 authorized and provided for under the provisions of "The  
10 Federal Voting Assistance Act of 1955," Public Law 296,  
11 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress  
12 1st Session.

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

23 "(d) Any registered elector whose name appears on  
24 the poll list of qualified voters may vote by an emergency  
25 absentee ballot if he or she is required by his or her  
26 employer under unforeseen circumstances to be out of the  
27 county on an emergency business trip on election day. Under

1 such circumstances, the applicant shall apply for an emergency  
2 absentee ballot at the office of the absentee election manager  
3 no later than the close of the business day one day prior to  
4 the election. The applicant shall complete and file an  
5 application form designed by the Secretary of State for  
6 emergency absentee voters. The form shall contain an affidavit  
7 which the applicant shall sign or swear acknowledging that he  
8 or she was not aware of the out-of-county business requirement  
9 prior to five days before the election. An applicant who meets  
10 the requirements of this subsection may vote by an emergency  
11 absentee ballot. After voting the ballot, the voter shall hand  
12 the ballot to the absentee election manager.

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

20 Notwithstanding any other laws to the contrary, all expenses  
21 and costs incurred by the state or any county in carrying out  
22 the responsibilities and duties included in an emergency rule  
23 promulgated pursuant to this subsection shall be paid by the  
24 State of Alabama from any funds made available for election  
25 expenses under state and federal law.

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 \_\_\_\_\_  
25 is:

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

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

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

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

- 13 "Check only one:  
14 "\_\_\_ I will be out of the county or the state on  
15 election day.  
16 "\_\_\_ I am physically incapacitated and will not be  
17 able to vote in person on election day.  
18 "\_\_\_ I work a required workplace shift which has at  
19 least 10 hours which coincide with the polling hours at my  
20 regular polling place.  
21 "\_\_\_ I am a student at an educational institution  
22 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 will be incarcerated in a municipal or county  
13 jail, or state or federal detention facility on election day.

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

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

21 "Moreover, I further swear (or affirm) that all of  
22 the information given above is true and correct to the best of  
23 my knowledge and that I understand that by knowingly giving  
24 false information so as to vote illegally by absentee ballot  
25 that I shall be guilty of a misdemeanor which is punishable by  
26 a fine not to exceed one thousand dollars (\$1,000) or confine-  
27 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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"2nd Witness \_\_\_\_\_"

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