

1 SB128
2 195594-1
3 By Senator Elliott
4 RFD: Governmental Affairs
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, the right to vote a
9 secret ballot is inviolate.

10 This bill would prohibit an individual from
11 taking a picture of another voter's ballot or
12 otherwise revealing the contents of another voter's
13 ballot at any polling place.

14 This bill would provide penalties for
15 violations.

16 This bill would also provide that if a voter
17 has posted an image of his or her own ballot
18 contents electronically, any retransmittal of that
19 image is not a violation.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT
17

18 Relating to elections; to add Section 17-9-50.1 to
19 the Code of Alabama 1975; to prohibit an individual from
20 taking a photograph or otherwise revealing the contents of
21 another voter's ballot at any polling place; to provide that a
22 violation is a Class C misdemeanor; and in connection
23 therewith would have as its purpose or effect the requirement
24 of a new or increased expenditure of local funds within the
25 meaning of Amendment 621 of the Constitution of Alabama of
26 1901, now appearing as Section 111.05 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as
2 amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-9-50.1 is added to the Code of
5 Alabama 1975 to read as follows:

6 §17-9-50.1.

7 (a) At any polling place in any state, county, or
8 municipal election, an individual may not do either of the
9 following:

10 (1) Take a photograph of a ballot, other than the
11 individual's own ballot.

12 (2) Reveal another voter's ballot in a manner that
13 would disclose its contents to anyone other than an individual
14 lawfully assisting the voter.

15 (b) An individual who violates subsection (a), upon
16 conviction, shall be guilty of a Class C misdemeanor.

17 (c) This section does not prohibit a voter from
18 making available a photograph of the voter's own ballot by
19 posting the photograph on the Internet or in some other
20 electronic medium, and any retransmittal of the photograph
21 does not constitute a violation of this section.

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.