

1 SB301
2 197914-4
3 By Senator Smitherman
4 RFD: Governmental Affairs
5 First Read: 16-APR-19

1 SB301

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to absentee voting; to amend Sections
12 17-9-30, 17-10-1, 17-10-2, 17-11-3, 17-11-4, 17-11-5, 17-11-7,
13 17-11-18, and 17-11-19, Code of Alabama 1975; to require an
14 applicant to include with an absentee ballot application photo
15 identification; to provide additional situations under which a
16 registered voter may vote by absentee ballot or emergency
17 absentee ballot; to delete a requirement that an absentee
18 election manager post a list of all absentee ballot
19 applications received in a public place prior to an election;
20 to allow an absentee ballot to be postmarked no later than
21 election day and received by mail no later than noon on the
22 seventh day following an election; to require unused absentee
23 ballot materials to be sent to the appropriate sheriff instead
24 of the Secretary of State; to make conforming changes; and to
25 repeal Section 17-9-51, Code of Alabama 1975, relating to time
26 requirements for receipt of absentee ballots.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 17-9-30, 17-10-1, 17-10-2,
2 17-11-3, 17-11-4, 17-11-5, 17-11-7, 17-11-18, and 17-11-19,
3 Code of Alabama 1975, are amended to read as follows:

4 "§17-9-30.

5 "(a) Each elector shall provide valid photo
6 identification to an appropriate election official prior to
7 voting. A voter required to show valid photo identification
8 when voting in person shall present to the appropriate
9 election official one of the following forms of valid photo
10 identification:

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

14 "(2) A valid Alabama photo voter identification card
15 issued under subsection (f) or other valid identification card
16 issued by a branch, department, agency, or entity of the State
17 of Alabama, any other state, or the United States authorized
18 by law to issue personal identification, provided that such
19 identification card contains a photograph of the elector.

20 "(3) A valid United States passport.

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

26 "(5) A valid student or employee identification card
27 issued by a public or private college, university, or

1 postgraduate technical or professional school located within
2 the state, provided that such identification card contains a
3 photograph of the elector.

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

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

9 "(b) Voters ~~voting~~ requesting an absentee ballot
10 shall submit with the absentee ballot application a copy of
11 one of the forms of identification listed in subsection (a).
12 Notwithstanding subsection (e), an absentee ballot shall not
13 be issued unless the required identification is submitted with
14 the absentee ballot application except as provided in
15 subsection (c).

16 "(c) Notwithstanding subsection (b), if an absentee
17 election manager receives an absentee ballot application on or
18 after the eighth day prior to the election without a copy of
19 one of the forms of identification listed in subsection (a),
20 the absentee election manager, if the applicant is otherwise
21 qualified to vote, shall issue the absentee ballot as a
22 provisional ballot pursuant to subdivision (1) of subsection
23 (c) of Section 17-10-2.

24 "~~(c)~~ (d) Notwithstanding subsection (b), a voter who
25 is entitled to vote by absentee ballot pursuant to the
26 Uniformed and Overseas Citizens Absentee Voting Act
27 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section

1 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and
2 Handicapped Act (subchapter I-F of Chapter 20 of Title 42
3 U.S.C.); or any other federal law, shall not be required to
4 produce identification prior to voting.

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

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

16 ~~"(f)~~ (g) The Secretary of State shall issue, upon
17 application, an Alabama photo voter identification card to
18 registered Alabama electors which shall under state law be
19 valid only for the purposes of voter identification under
20 subsection (a) and available only to registered electors of
21 this state. No fee shall be charged or collected for the
22 application for or issuance of an Alabama photo voter
23 identification card.

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

1 "~~(h)~~(i) The Alabama photo voter identification card
2 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and
3 shall contain a prominent statement that under Alabama law the
4 card is valid only as identification for voting purposes. The
5 Alabama photo voter identification card shall be laminated,
6 shall contain a digital color photograph of the applicant,
7 shall have the signature of the Secretary of State, and shall
8 include the following information:

9 "(1) Full legal name.

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

12 "(3) Date of birth.

13 "(4) Eye color.

14 "(5) Gender.

15 "(6) Height.

16 "(7) Weight.

17 "(8) Date identification card was issued.

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

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

26 "~~(j)~~(k) The Secretary of State shall require
27 presentation and verification of the following information

1 before issuing an Alabama photo voter identification card to a
2 person:

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

6 "(2) Documentation showing the person's date of
7 birth.

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

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

12 "~~(k)~~ (l) An Alabama photo voter identification card
13 shall remain valid so long as the person resides at that same
14 address and remains qualified to vote. It shall be the duty of
15 a person who moves his or her residence within the State of
16 Alabama to surrender his or her card to the Secretary of
17 State, and such person may after such surrender apply for and
18 receive a new card if the person is otherwise eligible under
19 this section. It shall be the duty of a person who moves his
20 or her residence outside the State of Alabama or who ceases to
21 be qualified to vote to surrender his or her card to the
22 Secretary of State.

23 "~~(l)~~ (m) The Secretary of State is authorized to
24 contract with a private provider for the production of the
25 Alabama photo voter identification card pursuant to any
26 applicable state bid laws.

1 "~~(m)~~(n) The expenses for the production of the
2 Alabama photo voter identification card shall be paid from
3 funds appropriated in the state General Fund for Registration
4 of Voters.

5 "~~(n)~~(o) The Secretary of State is directed to inform
6 the public regarding the requirements of subsection (a)
7 through whatever means deemed necessary by the Secretary of
8 State.

9 "~~(o)~~(p) The Secretary of State is granted rule
10 making authority for the implementation of this section under
11 the Alabama Administrative Procedure Act.

12 "§17-10-1.

13 "(a) Each person who registers to vote by mail shall
14 provide identification prior to the first time they vote in an
15 election containing a federal office on the ballot and as
16 otherwise required by Section 17-9-30.

17 "(b) Voters who are voting by absentee ballot shall
18 submit with the absentee ballot application a copy of one of
19 the forms of identification listed in Section 17-9-30. An
20 absentee ballot shall not be issued unless the required
21 identification is submitted with the absentee ballot
22 application except as provided in subsection (c).

23 "(c) If an individual required to present
24 identification in accordance with this section is unable to
25 meet the identification requirements of this section, the
26 ballot cast is a provisional ballot.

27 "§17-10-2.

1 "(a) A voter shall be required to cast a provisional
2 ballot when:

3 "(1) The name of the individual does not appear on
4 the official list of eligible voters for the precinct or
5 polling place in which the individual seeks to vote, and the
6 individual's registration cannot be verified while at the
7 polling place by the registrar or the judge of probate.

8 "(2) An inspector has knowledge that the individual
9 is not entitled to vote at that precinct and challenges the
10 individual.

11 "(3) The individual is required to comply with the
12 voter identification provisions of Section 17-10-1 but is
13 unable to do so. If the voter's ballot becomes a provisional
14 ballot due to lack of identification, the identification,
15 including the address and telephone number of the voter, must
16 be provided to the board of registrars no later than 5:00 P.M.
17 on the Friday following the election. If the voter fails to
18 provide identification to the board of registrars by 5:00 P.M.
19 on the Friday following the election, the voter's ballot shall
20 not be counted.

21 "(4) A federal or state court order extends the time
22 for closing the polls beyond that established by state law and
23 the individual votes during the extended period of time.
24 Notwithstanding any other provision of state law, where
25 provisional ballots are cast pursuant to a federal or state
26 court order extending the time for closing the polls beyond
27 that established by state law, the provisional ballots shall

1 be segregated from other provisional ballots into a separate
2 sealed container for such purpose and shall be counted,
3 tabulated, and canvassed only pursuant to the order of a court
4 having proper jurisdiction.

5 "(5) The person has requested, but not voted, an
6 absentee ballot.

7 "(b) The procedure for casting a provisional ballot
8 at the polling place shall be as follows:

9 "(1) An inspector at the polling place shall notify
10 the individual that the individual may cast a provisional
11 ballot in that election and shall give the individual written
12 information that states that any individual who casts a
13 provisional ballot will be able to ascertain under the system
14 described in subsection (g) whether the vote was counted, and,
15 if the vote was not counted, the reason that the vote was not
16 counted.

17 "(2) The individual shall execute a written
18 affirmation by the individual before the inspector or clerk
19 stating the following:

20 "State of Alabama, County of _____ I do
21 solemnly swear (or affirm) that I am a registered voter in the
22 precinct in which I am seeking to vote and that I am eligible
23 to vote in this election.

24 _____
25 Signature or Mark

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Printed Name of Voter

Printed Residence Address of Voter

City State Zip Code

Date of Birth"

"(3) The individual shall complete a voter reidentification form prescribed by the Secretary of State for use in updating the state voter registration list. This form shall indicate whether it is associated with a provisional ballot.

"(4) Where a provisional ballot is required on the basis of an inspector's knowledge that a voter is not qualified to vote in the precinct in which the individual is seeking to vote, the inspector shall sign a statement under penalty of perjury setting forth facts which the inspector believes to support his or her belief that the individual is not qualified to vote in the precinct in which the voter is seeking to vote. The challenge statement of the inspector shall be written on a multi-part form prescribed for such purpose by the Secretary of State and the inspector shall give one copy to the provisional voter, provide one copy to be

1 sealed with the provisional ballots, and provide one copy to
2 be returned to the board of registrars in a sealed envelope.

3 "(5) The voter shall cast the provisional ballot and
4 place it into a sealed ballot box separately identified and
5 utilized for containing provisional ballots.

6 "(c) The procedure for voting a provisional ballot
7 by absentee voting shall be as follows:

8 "(1) Upon receipt of an absentee ballot application,
9 the absentee election manager shall determine whether
10 identification has been properly provided. If the
11 identification has not been properly provided on or after the
12 eighth day before the election, the absentee election manager
13 shall ~~notify the voter in writing~~ issue the absentee ballot as
14 a provisional ballot and shall do all of the following:

15 ~~"a. That unless such identification is provided to~~
16 ~~the absentee election manager by 5:00 P.M. on the Friday~~
17 ~~before the election, the voter's absentee ballot will become a~~
18 ~~provisional ballot.~~

19 ~~"b. That in the event the voter's ballot becomes a~~
20 ~~provisional ballot due to lack of identification, such~~
21 ~~identification must be provided to the board of registrars no~~
22 ~~later than 5:00 P.M. on the Friday following the election and~~
23 ~~shall include the address and telephone information for the~~
24 ~~board of registrars.~~

25 ~~"c. That in the event the voter fails to provide~~
26 ~~identification to the board of registrars by 5:00 P.M. on the~~

1 ~~Friday following the election, the voter's ballot will not be~~
2 ~~counted.~~

3 ~~"d. That any individual who casts a provisional~~
4 ~~ballot will be able to ascertain under the system described in~~
5 ~~subsection (g) whether the vote was counted and, if the vote~~
6 ~~was not counted, the reason that the vote was not counted.~~

7 "a. Mark the word "Provisional" on the second or
8 affidavit envelope prior to transmittal of the absentee
9 ballot.

10 "b. Enclose the following information with the
11 transmittal of the absentee ballot:

12 "1. A written explanation as to why the ballot is a
13 provisional ballot; how to complete the voter reidentification
14 form and affirmation of provisional voter form; and the
15 procedure followed by the board of registrars in verifying and
16 certifying provisional votes.

17 "2. A written explanation that identification must
18 be returned with the ballot or must be provided to the board
19 of registrars no later than 5:00 p.m. on the Friday following
20 the election.

21 "3. A written explanation that in the event the
22 voter fails to provide identification with the voted ballot or
23 fails to provide identification to the board of registrars by
24 5:00 p.m. on the Friday following the election, the voter's
25 ballot will not be counted.

26 "4. A voter reidentification form and an affirmation
27 of provisional voter form.

1 "5. A written explanation that any individual who
2 casts a provisional ballot will be able to ascertain under the
3 system described in subsection (g) whether the vote was
4 counted and, if the vote was not counted, the reason that the
5 vote was not counted.

6 "(2) Upon receipt of an application for an absentee
7 ballot where the voter is not identified as appearing in the
8 precinct for which the voter seeks a ballot, the absentee
9 election manager shall:

10 "a. Mark the word "Provisional" on the second or
11 affidavit envelope prior to transmittal of the absentee
12 ballot.

13 "b. Enclose the following information with the
14 transmittal of the absentee ballot:

15 "1. A written explanation as to why the ballot is a
16 provisional ballot; how to complete the voter reidentification
17 form and affirmation of provisional voter form; and the
18 procedure followed by the board of registrars in verifying and
19 certifying provisional votes.

20 "2. A voter reidentification form and an affirmation
21 of provisional voter form.

22 "3. A written explanation that any individual who
23 casts a provisional ballot will be able to ascertain under the
24 system described in subsection (g) whether the vote was
25 counted and, if the vote was not counted, the reason that the
26 vote was not counted.

1 "(3) When an absentee ballot becomes a provisional
2 ballot as a result of an absentee precinct inspector having
3 knowledge that the individual is not entitled to vote at the
4 voting place applicable to the voter's ballot and challenges
5 the voter's right to vote a particular ballot, the absentee
6 precinct inspector shall follow the same procedure identified
7 in subdivision (4) of subsection (b) except as follows:

8 "a. In lieu of providing the provisional voter with
9 a copy of the poll worker challenge statement, the inspector
10 shall provide two copies to the absentee election manager once
11 the results from the absentee precinct have been tabulated and
12 certified.

13 "b. The absentee election manager shall mail one
14 copy of the challenge statement of the inspector by first
15 class mail by the day after the election to the mailing
16 address provided on the provisional voter's application for an
17 absentee ballot and shall enclose with it a written
18 explanation of the procedure used by the board of registrars
19 in verifying and certifying provisional ballots; an address
20 and telephone number by which the provisional voter may
21 respond; and a written explanation that any individual who
22 casts a provisional ballot will be able to ascertain under the
23 system described in subsection (g) whether the vote was
24 counted and, if the vote was not counted, the reason that the
25 vote was not counted.

26 "(d) Upon the closing of the polls, the sealed
27 ballot box containing the provisional ballots shall be

1 returned unopened to the sheriff, or in municipal elections to
2 the municipal clerk, who shall keep it securely until such
3 time as the provisional ballots are counted in accordance with
4 subsection (f). The written affirmations of the provisional
5 voters, inspector challenge statements, and all voter
6 reidentification forms shall be placed in a sealed envelope
7 addressed to the board of registrars and delivered by the
8 sheriff, or in municipal elections by the municipal clerk, to
9 the board of registrars no later than noon on the day
10 following the election.

11 "(e) Upon receipt of materials returned from the
12 polling places, the board of registrars shall forthwith update
13 the state voter registration list utilizing the voter
14 reidentification forms of provisional voters and shall verify
15 by a certification attached to each provisional voter
16 affirmation whether the provisional vote is entitled to be
17 counted and the reason for or against counting the provisional
18 ballot. For the purposes of a municipal election, when
19 verifying a provisional ballot based upon the fact that the
20 individual's name does not appear on the official list of
21 eligible voters for the polling place in which the individual
22 seeks to vote, the board of registrars shall verify that the
23 voter is registered to vote at an address located within the
24 municipal corporate limits or district within which he or she
25 seeks to vote. When verifying a provisional ballot based upon
26 the challenge of an inspector, the board of registrars shall
27 promptly contact the voter by first class mail and provide an

1 explanation of how the provisional voter may respond to the
2 challenge. After determining that the provisional voter has
3 had notice and an opportunity to be heard, the board of
4 registrars shall verify by a certification attached to the
5 challenge statement whether the provisional ballot is due to
6 be counted and, if not, why it should not be counted. The
7 board of registrars shall deliver the provisional voter
8 affirmations and inspector challenge statements, with the
9 certified findings of the board of registrars attached, to the
10 judge of probate, or in municipal elections to the municipal
11 clerk, no later than noon seven days after the election until
12 which time such findings shall remain confidential. Upon
13 delivery of such materials, the board of registrars shall
14 enter into the state voter registration list a voter history
15 providing identification of voters who cast provisional
16 ballots, whether their ballot was counted, and the reason the
17 ballot either was or was not counted.

18 "(f) Commencing at noon, Tuesday, seven days after
19 the election, the canvassing board, or in municipal elections
20 the municipal governing body, in the presence of watchers,
21 shall tabulate provisional ballots which have been certified
22 by the board of registrars as cast by registered and qualified
23 voters of the voting places in which such ballots were cast.
24 For the purpose of making election returns of provisional
25 ballots, provisional balloting results shall be returned and
26 canvassed as a separate precinct while disclosing all votes
27 for candidates and ballot measures cast in such ballots. The

1 canvassing board shall certify on a form to be prescribed by
2 the Secretary of State the results of the provisional votes
3 cast and shall post one copy in a public location within the
4 courthouse, or in the city hall in municipal elections, and
5 shall seal one copy with the provisional ballots, provisional
6 voter affirmations, inspector or clerk challenge statements,
7 and certifications of the board of registrars into a sealed
8 container or, in the case of primary elections, containers
9 designated for each political party for such purpose. Such
10 containers shall be delivered and remain secured with the
11 other records of the election in accordance with state law.

12 "(g) The board of registrars, after verifying the
13 identity of a provisional voter, shall make available at the
14 request of such voter, the findings of the board of registrars
15 as to whether the individual's provisional ballot was counted
16 and, if not, the reason why. This may be accomplished by
17 telephone, by letter, or by secured electronic means. The
18 Secretary of State shall provide a secure means for
19 provisional voters to verify by electronic means whether the
20 individual's vote was counted and, if not, the reason why.
21 There shall be no charge to the provisional voters for
22 obtaining this information.

23 "(h) The Secretary of State may by rule address the
24 means of identifying ballots cast by particular provisional
25 voters by the appointing board and the method of providing
26 confidentiality and security to communications with
27 provisional voters seeking information about the status of

1 their ballot. Notice of any proposed rule or amendment to an
2 existing rule relating to provisional balloting shall be sent
3 by certified mail to every judge of probate at least 30 days
4 prior to certification of the proposed rule or amendment under
5 the Administrative Procedure Act.

6 "§17-11-3.

7 "(a) Any qualified elector of this state may apply
8 for and vote an absentee ballot by mail, by hand delivery, or
9 by commercial carrier, as determined by rule by the Secretary
10 of State, as provided in Sections 17-11-5 and 17-11-9, in any
11 primary, general, special, or municipal election, if he or she
12 makes application in writing therefor not less than five days
13 prior to the election in which he or she desires to vote and
14 meets one or more of the following requirements:

15 "(1) The person ~~will~~ expects to be out of the county
16 or the state, or the municipality for municipal elections, on
17 election day.

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

22 "(3) The person ~~works on~~ expects to work a shift
23 which has at least 10 hours which coincide with the hours the
24 polls are open at his or her regular polling place.

25 "(4) The person is enrolled as a student at an
26 educational institution located outside the county of his or

1 her personal residence attendance at which prevents his or her
2 attendance at the polls.

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

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

11 "(7) The person is a caregiver for a family member
12 to the second degree of kinship by affinity or consanguinity
13 and the family member is confined to his or her home.

14 "(8) The person is incarcerated in prison or jail
15 and has not been convicted of a felony involving moral
16 turpitude, as provided in Section 17-3-30.1.

17 "(b) An applicant for an absentee ballot who is a
18 member of the Armed Forces of the United States, including the
19 Alabama National Guard, the United States Naval Reserves, the
20 United States Air Force Reserves, and the United States Army
21 Reserve on active duty or active duty for training or an
22 applicant who is the spouse of any member of the armed forces
23 or any other applicant qualified to vote absentee pursuant to
24 the federal Uniformed and Overseas Citizens Absentee Voting
25 Act, 42 U.S.C. 1973ff, may make application for an absentee
26 ballot by filling out the federal postcard application form,
27 authorized and provided for under the provisions of "The

1 Federal Voting Assistance Act of 1955," Public Law 296,
2 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress
3 1st Session.

4 "(c) Any registered elector who requires emergency
5 treatment of a licensed physician within five days of an
6 election may apply for an emergency absentee ballot for the
7 election and may vote by returning the absentee ballot no
8 later than noon on the day the election is held. The attendant
9 physician shall describe and certify the circumstances as
10 constituting an emergency on a special form designed by the
11 Secretary of State and provided by his or her office to local
12 absentee election managers. The special form shall be attached
13 to the application.

14 "(d) (1) Any registered elector whose name appears on
15 the poll list of qualified voters may vote by an emergency
16 absentee ballot if ~~he or she~~ any of the following situations
17 arise:

18 "a. The elector is required by his or her employer
19 under unforeseen circumstances within five days before an
20 election to be ~~out of the county on an emergency business trip~~
21 unavailable to vote at the polls on election day.

22 "b. The elector is a caregiver of a person who
23 requires emergency treatment by a licensed physician within
24 five days before an election.

25 "c. A family member to the second degree of kinship
26 by affinity or consanguinity of an elector dies within five
27 days before an election.

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

14 "(e) If the occurrence of a state of emergency as
15 declared in this or any other state, or by the federal
16 government, renders substantial compliance with this article
17 impossible or unreasonable for a group of qualified voters who
18 respond to the emergency, the Secretary of State, pursuant to
19 Section 41-22-5, may promulgate an emergency rule to allow
20 those qualified voters to vote by absentee ballot.
21 Notwithstanding any other laws to the contrary, all expenses
22 and costs incurred by the state or any county in carrying out
23 the responsibilities and duties included in an emergency rule
24 promulgated pursuant to this subsection shall be paid by the
25 State of Alabama from any funds made available for election
26 expenses under state and federal law.

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

15 "§17-11-4.

16 "The application required in Section 17-11-3 shall
17 be filed with the person designated to serve as the absentee
18 election manager. The application shall be in a form
19 prescribed and designed by the Secretary of State and shall be
20 used throughout the state. Notwithstanding the foregoing,
21 handwritten applications can also be accepted at any time
22 prior to the five-day deadline to receive absentee ballot
23 applications as provided in Section 17-11-3. The application
24 shall contain sufficient information to identify the applicant
25 and shall include the applicant's name, residence address, or
26 such other information necessary to verify that the applicant
27 is a registered voter. The application shall also list all

1 felonies of moral turpitude, as provided in Section 17-3-30.1.
2 Any applicant may receive assistance in filling out the
3 application as he or she desires, but each application shall
4 be manually signed by the applicant and, if he or she signs by
5 mark, the name of the witness to his or her signature shall be
6 signed thereon. The application may be handed by the applicant
7 to the absentee election manager or forwarded to him or her by
8 United States mail or by commercial carrier, as determined by
9 rule by the Secretary of State. An application for ~~an~~
10 ~~emergency absentee ballot~~ a voter who requires emergency
11 treatment by a licensed physician within five days before an
12 election pursuant to Section 17-11-3 may be forwarded to the
13 absentee election manager by the applicant or his or her
14 designee. Application forms which are printed and made
15 available to any applicant by the absentee election manager
16 shall have printed thereon all penalties provided for any
17 violation of this chapter. The Secretary of State shall
18 provide applications for absentee voting to military and
19 overseas voters in accordance with Section 17-4-35.

20 "§17-11-5.

21 "(a) Upon receipt of an application for an absentee
22 ballot as provided in Section 17-11-3, if the applicant's name
23 appears on the list of qualified voters produced from the
24 state voter registration list in the election to be held, or
25 if the ~~voter makes an affidavit for a challenged vote or~~
26 applicant qualifies for a provisional absentee ballot, the
27 absentee election manager shall furnish the absentee ballot to

1 the applicant by: (1) Forwarding it by United States mail to
2 the applicant's or voter's residence address or, upon written
3 request of the voter, to the address where the voter regularly
4 receives mail or (2) by handing the absentee ballot to the
5 ~~voter~~ applicant in person or, in the case of emergency voting
6 when the applicant requires medical treatment, his or her
7 designee in person. If the absentee election manager has
8 reasonable cause to believe that the applicant has given a
9 fraudulent address on the application for the absentee ballot,
10 the absentee election manager shall turn over the ballot
11 application to the district attorney for any action which may
12 be necessary under this chapter. The absentee election manager
13 may require additional proof of ~~a voter's~~ an applicant's
14 eligibility to vote absentee when there is evidence of
15 continuous absentee voting. The absentee election manager
16 shall mail any absentee ballot requested to be mailed as
17 provided in Section 17-11-3 no later than the next business
18 day after an application has been received unless the absentee
19 ballots have not been delivered to the absentee election
20 manager. If the absentee ballots have not been so delivered,
21 the absentee election manager shall hold all requests until
22 the ballots are delivered and shall then respond by placing
23 ballots in the mail no later than the next business day.

24 "(b) The official list of qualified voters shall be
25 furnished to the absentee election manager by the judge of
26 probate using a printout from the state voter registration
27 list of registered voters for that county containing voter

1 registration information useful in the identification of
2 absentee voters. The information provided in this report shall
3 be established by rules adopted by the Secretary of State with
4 the advice of the Alabama Circuit Court Clerks Association or
5 its members and shall indicate whether the individual is
6 obligated to produce identification in accordance with
7 Sections 17-9-30 and 17-10-1. The Secretary of State may
8 further provide by administrative rule for electronic access
9 to this list for optional use by the absentee election
10 manager. This list shall be made available beginning at least
11 55 days before the election. In municipal elections, the
12 official list of qualified voters shall be furnished to the
13 absentee election manager at least 35 days before the
14 election. Any supplemental list of qualified electors shall
15 also be provided to the absentee election manager as soon as
16 the list becomes available. The absentee election manager
17 shall underscore on the list the name of each voter who has
18 applied for an absentee ballot and shall write immediately
19 beside his or her name the word "absentee." The Secretary of
20 State by rule may provide for electronic access to the
21 absentee election manager's county list of registered voters
22 in lieu of the printed list and for the method of identifying
23 applicants for absentee ballots in conjunction with the state
24 voter registration list.

25 ~~"(c) (1) The absentee election manager shall enroll~~
26 ~~the name, residence, and voting place of the applicant, and~~
27 ~~the date the application was received on a list of absentee~~

1 ~~voters. Each day the absentee election manager shall enter on~~
2 ~~the list the names, addresses, and voting places of each voter~~
3 ~~who has that day applied for an absentee ballot and shall, for~~
4 ~~all elections other than municipal elections, post a copy of~~
5 ~~the list of applications received each day on the regular~~
6 ~~bulletin board or other public place in the county courthouse.~~
7 ~~In municipal elections, the absentee election manager shall~~
8 ~~post a copy of the list of applications received each day on~~
9 ~~the regular bulletin board or other public place in the city~~
10 ~~hall. The list of electors voting by absentee ballot shall~~
11 ~~remain confidential until the day following the election. The~~
12 ~~absentee election manager in all elections shall deliver to~~
13 ~~the board of registrars the day following the election, a copy~~
14 ~~of the list of all absentee voters, at which point the list is~~
15 ~~deemed a public record. The list shall be maintained in the~~
16 ~~office of the circuit clerk for 60 days after the election, at~~
17 ~~which time it shall be delivered to the judge of probate.~~
18 ~~Before the polls open at any election on election day, the~~
19 ~~absentee election manager shall effectuate the delivery to the~~
20 ~~election officers of each voting place a list showing the name~~
21 ~~and address of every person whose name appears on the official~~
22 ~~list of qualified electors for the voting place who applied~~
23 ~~for an absentee ballot in the election. The name of the person~~
24 ~~who applied for an absentee ballot shall be identified as an~~
25 ~~absentee voter on the list of qualified electors kept at the~~
26 ~~voting place, and the person shall not vote again, except that~~
27 ~~in county, state, and federal elections the person may vote a~~

1 provisional ballot. Applications for absentee ballots are
2 required for elections which are more than 42 days apart,
3 except as to individuals voting pursuant to the federal
4 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

5 "(2) The absentee election manager shall redact any
6 information required to be redacted pursuant to Section
7 17-4-33 from any copy of an absentee voter list, ~~to be posted~~
8 ~~or otherwise made a public record.~~ This subdivision shall not
9 affect poll lists used at local precincts.

10 "(d) For individuals voting pursuant to the federal
11 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
12 the Secretary of State shall by rule prescribe use of
13 standardized military and overseas voter registration
14 applications and applications for absentee ballots adopted by
15 the United States government for such use. The Secretary of
16 State shall also prescribe by rule provisions within the
17 standard state application form for absentee voting which
18 permit the voter to identify himself or herself as a military
19 or overseas voter. Unless otherwise indicated by the military
20 or overseas voter, an application for an absentee ballot by
21 such a voter shall remain valid for any election for a
22 federal, state, or county office or for any proposed
23 constitutional amendment or a state or county referendum held
24 through the end of the calendar year in which the application
25 is filed, provided that if an election cycle begins one year
26 and continues into the subsequent year, the application shall
27 be valid for the whole election cycle. The absentee election

1 manager shall provide an absentee ballot to the military and
2 overseas voters for each such subsequent election. The
3 absentee election manager, within seven days after each
4 regularly scheduled general election for federal office, shall
5 report the number of military and overseas ballots mailed out
6 and the number of ballots received to the Secretary of State
7 who shall report this information to the Federal Election
8 Assistance Commission within 90 days of each regularly
9 scheduled general election for federal office.

10 "§17-11-7.

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

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

16 ""State of Alabama

17 "County of _____

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

19 "~~(1) I am a resident of _____ County in the~~
20 ~~State of Alabama.~~

21 "~~(2)~~ My place of residence in Alabama is: _____

22 "(street)

23 " _____, Alabama _____

24 "(city or town)

(zip code)

1 otherwise entitled to vote pursuant to the federal Uniformed
2 and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

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

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

8 "___ I am a caregiver for a family member to the
9 second degree of kinship by affinity or consanguinity and the
10 family member is confined to his or her home.

11 "___ I am currently incarcerated in prison or jail
12 and I have not been convicted of a felony involving moral
13 turpitude.

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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Print name

Address

City Zip Code

2nd Witness _____

Signature

Print name

Address

City Zip Code"

"(c) Unless running unopposed, a candidate may not witness or notarize any absentee ballot.

"§17-11-18.

"(a) No absentee ballot shall be opened or counted if received by the absentee election manager by mail, unless postmarked as of the date prior to the day of the election and received by mail no later than noon on the day of election, or, if received by the absentee election manager by hand

1 delivery, unless so delivered by the voter or medical
2 emergency designee to the absentee election manager not later
3 than the close of the last business day next preceding the
4 election or, if delivered by the medical emergency designee,
5 by noon on the day of the election.

6 "(b) The above provision does not apply in the case
7 of individuals voting absentee pursuant to the federal
8 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),
9 42 U.S.C. 1973ff, when those individuals are voting in a
10 primary, second primary, general, or special election for a
11 federal, state, or county office or proposed constitutional
12 amendment or other referenda. In the case of UOCAVA voters
13 voting absentee in a primary, second primary, general, or
14 special election for a federal, state, or county office or
15 proposed constitutional amendment or other referenda, no
16 absentee ballot shall be opened or counted, if received by the
17 absentee election manager by mail, unless postmarked as of the
18 day of the primary, second primary, general, or special
19 election and received by mail no later than noon seven days
20 after the primary, second primary, general, or special
21 election.

22 "§17-11-19.

23 "Each person, firm, or entity supplying to any
24 county or municipality any absentee affidavit envelopes,
25 absentee ballots, or other absentee election materials in
26 connection with any primary, general, special, or municipal
27 election shall, at the time of the shipment or delivery of the

1 same, provide to the county or municipality, and to the
2 Secretary of State, an itemized and signed statement showing a
3 description and the quantity of each item so shipped or
4 delivered. Upon the conclusion of the election, the absentee
5 election manager shall return all unused absentee election
6 materials to the ~~Secretary of State~~ sheriff of the respective
7 county along with an itemized, signed statement showing the
8 description and quantity of each item of absentee election
9 material not utilized by the county or municipality in the
10 election then concluded, and the unused absentee election
11 materials shall be maintained for the period of time
12 prescribed by applicable law and, in no event, less than 18
13 months."

14 Section 2. Section 17-9-51, Code of Alabama 1975,
15 relating to time requirements for receipt of absentee ballots
16 is repealed.

17 Section 3. This act shall become effective on August
18 1, 2019, following its passage and approval by the Governor,
19 or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 16-APR-19

Read for the second time and placed on the calen-
dar..... 23-APR-19

Read for the third time and passed as amended 28-MAY-19

Yeas 32
Nays 0

Patrick Harris,
Secretary.