

1 SR60
2 207072-1
3 By Senators Smitherman and Singleton
4 RFD:
5 First Read: 05-MAY-20

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8 URGING THE ADOPTION OF LEGISLATION PROVIDING "NO
9 EXCUSE" ABSENTEE VOTING.

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11 WHEREAS, Title 17 of the Code of Alabama 1975,
12 applies to all primary elections and all elections by counties
13 or municipalities held in the state; and

14 WHEREAS, Section 17-11-3 of the Code of Alabama 1975
15 provides for absentee voting in any primary, general, special,
16 or municipal election within the State of Alabama and,
17 furthermore, provides requirements to be met in the event an
18 elector proposes to vote absentee; and

19 WHEREAS, the applicable provision of Section
20 17-11-3, Code of Alabama 1975, provides for a person who has
21 "any physical illness or infirmity which prevents his or her
22 attendance at the polls..." to vote absentee, whether the
23 person is within or without the county on the day of the
24 election; and

25 WHEREAS, the State of Alabama and, indeed, the
26 entire United States, is in the midst of a pandemic, to-wit: a

1 novel coronavirus, known as COVID-19, the extent, severity,
2 and duration of which has yet to be determined; and

3 WHEREAS, citizens of this state have been urged to
4 stay at home, to separate, and to sanitize, in order to slow
5 the progression of this pandemic and the danger to the
6 citizens, including death; and

7 WHEREAS, those citizens with underlying health
8 conditions, including advanced years, are particularly
9 susceptible to this pandemic, whereupon many of them are
10 avoiding any and all close contact with others outside their
11 home in order to avoid infection; and

12 WHEREAS, those citizens so situated should not be
13 required to enhance their exposure to the disease caused by
14 COVID-19 in order to exercise their right to vote; and

15 WHEREAS, current Alabama law would require these
16 citizens, be they predisposed to infection due to another
17 health condition, or simply because they fear infection, to
18 falsely affirm they have a "physical illness or infirmity
19 which prevents his or her attendance at the polls" in order to
20 exercise their right to vote, thereby subjecting themselves to
21 prosecution for falsifying an absentee ballot application or
22 verification document "so as to vote absentee," of which
23 charge a finding of guilt would constitute a Class C felony";
24 and

25 WHEREAS, it is important, even in times such as
26 these, for our citizens to be able to cast their votes in any

1 and all elections without fear that to do so might enhance
2 their exposure to a serious, even deadly, disease; and

3 WHEREAS, at least 29 states plus the District of
4 Columbia, currently allow citizens to cast an absentee ballot
5 without an "excuse"; now therefore,

6 BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF
7 ALABAMA, That, during these trying and uncertain times, it is
8 imperative to the democratic process to propose and adopt
9 legislation revising existing law to allow "no excuse"
10 absentee voting.