

1 HB167
2 216410-2
3 By Representative Hall
4 RFD: Constitution, Campaigns and Elections
5 First Read: 18-JAN-22

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

This bill would add a valid inmate identification card or other form of identification to the list of acceptable forms of identification to vote by absentee ballot.

A BILL
TO BE ENTITLED
AN ACT

Relating to absentee voting; to amend Section 17-9-30, Code of Alabama 1975, to add a valid inmate identification card or other form of identification to the list of acceptable forms of identification to vote by absentee ballot.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "§17-9-30.

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

8 "(1) A valid Alabama ~~driver's~~ driver license or
9 nondriver identification card which was properly issued by the
10 appropriate state or county department or agency.

11 "(2) A valid Alabama photo voter identification card
12 issued under subsection (g) or other valid identification card
13 issued by a branch, department, agency, or entity of the State
14 of Alabama, any other state, or the United States authorized
15 by law to issue personal identification, provided that such
16 identification card contains a photograph of the 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 "(8) A valid inmate identification card or other
7 form of identification issued by the facility in which the
8 inmate is incarcerated.

9 "(b) Voters requesting an absentee ballot shall
10 submit with the absentee ballot application a copy of one of
11 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 "(d) Notwithstanding subsection (b), a voter who is
25 entitled to vote by absentee ballot pursuant to the Uniformed
26 and Overseas Citizens Absentee Voting Act ~~(subchapter I-G of~~
27 ~~Chapter 20 of Title 42 U.S.C.)~~ (Chapter 203, Title 52 U.S.C.);

1 Section 3(b) (2) (B) (ii) of the Voting Accessibility for the
2 Elderly and Handicapped Act (~~subchapter I-F of Chapter 20 of~~
3 ~~Title 42 U.S.C.)~~ (Chapter 201, Title 52 U.S.C.); or any other
4 federal law, shall not be required to produce identification
5 prior to voting.

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

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

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

25 "(h) No person shall be eligible for an Alabama
26 photo voter identification card if such person has a valid
27 unexpired ~~driver's~~ driver license, nondriver identification

1 card, or any other photo identification described in
2 subsection (a).

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

11 "(1) Full legal name.

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

14 "(3) Date of birth.

15 "(4) Eye color.

16 "(5) Gender.

17 "(6) Height.

18 "(7) Weight.

19 "(8) Date identification card was issued.

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

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

1 "(k) The Secretary of State shall require
2 presentation and verification of the following information
3 before issuing an Alabama photo voter identification card to a
4 person:

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

8 "(2) Documentation showing the person's date of
9 birth.

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

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

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

25 "(m) The Secretary of State is authorized to
26 contract with a private provider for the production of the

1 Alabama photo voter identification card pursuant to any
2 applicable state bid laws.

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

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

11 "(p) The Secretary of State is granted rulemaking
12 authority for the implementation of this section under the
13 Alabama Administrative Procedure Act."

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.