

HB486 INTRODUCED



1 HB486
2 KHS4IUA-1
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7 Lawrence, Bracy, Givan, Warren
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SYNOPSIS:

Under existing law, individuals convicted of a crime of moral turpitude lose their voting rights and must apply to have their rights restored upon meeting certain criteria once their sentence has ended.

This bill would provide for automatic restoration of voting rights in certain circumstances.

Under existing law, an elector may only vote by absentee if he or she meets certain qualifications.

This bill would eliminate the qualifications that allow for absentee voting.

This bill would specify the process for voting by absentee ballot.

Under existing law, an elector may only vote in-person on election day or by absentee ballot.

This bill would authorize electors to vote during an advance voting period before any election.

This bill would require the advance voting polling places to be open for voting during certain hours and certain dates during the advance voting period.

This bill would establish the Alabama Voting Rights Act and the Alabama Voting Rights Commission and would provide for the selection of its membership.

This bill would require the Alabama Voting



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29 Rights Commission to review certain actions that occur
30 within the state that could potentially discriminate
31 against protected classes of voters.

32 This bill would require the commission to
33 preclear certain official actions taken in relation to
34 elections.

35 This bill would also require the Secretary of
36 State to maintain a statewide database to assist in the
37 administration of elections and to publicize certain
38 information relating to voting.

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A BILL

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TO BE ENTITLED

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AN ACT

44

45 Relating to elections; to amend Sections 15-22-36.1,
46 17-3-31, 17-3-50, 17-11-3, 17-11-4, 17-11-5, 17-11-9, and
47 17-11-10, Code of Alabama 1975; to revise the process for
48 reinstating voting rights of individuals who have lost those
49 rights; to revise the absentee voting process; to authorize
50 any elector to vote absentee; to add Section 17-9-6.1 to the
51 Code of Alabama 1975; to authorize advance voting before
52 election day; to require advance voting polling places to be
53 open on certain days and at certain times; to establish the
54 Alabama Voting Rights Act and the Alabama Voting Rights
55 Commission; to provide for the duties and membership of the
56 commission; and to require the Secretary of State to maintain



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57 a statewide database relating to election administration and
58 to publicize certain election information.

59 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

60 Section 1. Sections 15-22-36.1, 17-3-31, 17-11-3,
61 17-3-50, 17-11-4, 17-11-5, 17-11-9, and 17-11-10, Code of
62 Alabama 1975, are amended to read as follows:

63 "§15-22-36.1

64 (a) (1) Any other provision of law notwithstanding, ~~any~~
65 ~~person~~ an individual who has lost his or her right to vote by
66 reason of conviction of a felony in a state, federal, or
67 foreign court, except for an individual convicted of treason
68 or impeachment, regardless of the date of his or her sentence,
69 ~~may apply to the Board of Pardons and Paroles for a~~
70 ~~Certificate of Eligibility to Register to Vote~~ shall
71 automatically have his or her right to vote restored if ~~all of~~
72 ~~the following requirements are met:~~

73 ~~(1) The person has lost his or her right to vote by~~
74 ~~reason of conviction in a state or federal court in any case~~
75 ~~except those listed in subsection (g).~~

76 ~~(2) The person has no criminal felony charges pending~~
77 ~~against him or her in any state or federal court.~~

78 ~~(3) The person has paid all fines, court costs, fees,~~
79 ~~and victim restitution ordered by the sentencing court at the~~
80 ~~time of sentencing on disqualifying cases.~~

81 ~~(4) Any of the following are true:~~

82 a. The ~~person~~ individual has been released upon
83 completion of his or her sentence ~~;~~ ;

84 b. The ~~person~~ individual has been pardoned ~~;~~ ; or



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85 c. The ~~person~~individual has successfully completed
86 probation or parole and has been released from compliance by
87 the ordering entity.

88 (2) Any individual who has met all conditions of his or
89 her probation or parole except for the payment of court costs,
90 finances, restitution, or fees, shall be deemed to have
91 successfully completed probation or parole for the purpose of
92 having his or her right to vote restored.

93 ~~(b) The Certificate of Eligibility to Register to Vote~~
94 ~~shall be granted upon a determination that all of the~~
95 ~~requirements in subsection (a) are fulfilled.~~

96 ~~(c) Upon receipt of an application under this section,~~
97 ~~investigation of the request shall be assigned forthwith to an~~
98 ~~officer of the state Board of Pardons and Paroles. The~~
99 ~~assigned officer shall verify, through court records, records~~
100 ~~of the board, and records of the Department of Corrections,~~
101 ~~that the applicant has met the qualifications set out in~~
102 ~~subsection (a). Within 30 days of the initial application for~~
103 ~~a Certificate of Eligibility to Register to Vote, the officer~~
104 ~~shall draft a report of his or her findings including a~~
105 ~~statement as to whether the applicant has successfully~~
106 ~~completed his or her sentence and has complied with all the~~
107 ~~eligibility requirements provided in subsection (a).~~

108 ~~(d) After completing the investigation set out in~~
109 ~~subsection (c), the officer shall submit his or her report of~~
110 ~~investigation to the Executive Director of the Board of~~
111 ~~Pardons and Paroles.~~

112 ~~(e) If the report created pursuant to subsection (c)~~



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113 ~~states that the applicant has met all of the eligibility~~
114 ~~criteria set forth in subsection (a), and the executive~~
115 ~~director or his or her designee attests that the report has~~
116 ~~been submitted properly and accurately, the Board of Pardons~~
117 ~~and Paroles shall issue a Certificate of Eligibility to~~
118 ~~Register to Vote to the applicant within 14 days of receipt of~~
119 ~~the report by the executive director.~~

120 ~~(f) If the report created pursuant to subsection (c)~~
121 ~~states that the applicant has not met all of the eligibility~~
122 ~~criteria set forth in subsection (a), and the executive~~
123 ~~director or his or her designee attests that the report has~~
124 ~~been submitted properly and accurately, the Board of Pardons~~
125 ~~and Paroles shall not issue a Certificate of Eligibility to~~
126 ~~Register to Vote and shall notify the applicant of the~~
127 ~~decision and reason or reasons for the decision within 14 days~~
128 ~~of receipt of the report by the executive director. The~~
129 ~~applicant, upon completion of the eligibility requirement in~~
130 ~~subsection (a) for restoration of his or her rights, may~~
131 ~~submit a new application at any time if he or she has met the~~
132 ~~certification criteria.~~

133 ~~(g) (b) A person~~ An individual who has lost his or her
134 right to vote by reason of conviction in a state, ~~or federal,~~
135 or foreign court for ~~any of the following will not be eligible~~
136 ~~to apply for a Certificate of Eligibility to Register to Vote~~
137 ~~under this section: Impeachment, murder, rape in any degree,~~
138 ~~sodomy in any degree, sexual abuse in any degree, incest,~~
139 ~~sexual torture, enticing a child to enter a vehicle for~~
140 ~~immoral purposes, soliciting a child by computer, production~~



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141 ~~of obscene matter involving a minor, production of obscene~~
142 ~~matter, parents or guardians permitting children to engage in~~
143 ~~obscene matter, possession of obscene matter, possession with~~
144 ~~intent to distribute child pornography, or treason~~ or
145 impeachment shall not have his or her right to vote restored.

146 ~~(h)~~ (c) This section shall not affect the right of any
147 person to apply to the board for a pardon with restoration of
148 voting rights pursuant to Section 15-22-36.

149 ~~(i)~~ (d) Each state or county correctional facility,
150 prison, or jail shall post materials to be prepared by the
151 Secretary of State and the Board of Pardons and Paroles
152 notifying incarcerated individuals of the ~~requirements and~~
153 ~~procedures for having one's~~ right to have their voting rights
154 restored."

155 "§17-3-31

156 (a) Any ~~person~~ individual who is disqualified by reason
157 of conviction of any of the offenses mentioned in Section
158 17-3-30.1 as a felony involving moral turpitude for the
159 purposes of Section 177 ~~Article VIII~~ of the Constitution of
160 Alabama of ~~1901~~ 2022, except treason ~~and~~ or impeachment, whether
161 the conviction was had in a state ~~or~~, federal, or foreign
162 court, and who has been pardoned, may be restored to
163 citizenship with the right to vote by the State Board of
164 Pardons and Paroles when specifically expressed in the pardon.
165 If otherwise qualified, ~~such person~~ the individual shall be
166 permitted to register or reregister as an elector upon
167 submission of a copy of the pardon document to the board of
168 registrars of the county of his or her residence.



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169 ~~(b) In addition, any person~~Any individual who ~~has been~~
170 ~~granted a Certificate of Eligibility to Register to Vote by~~
171 ~~the Board of Pardons and Paroles pursuant to Section~~
172 ~~15-22-36.1~~was registered to vote at any time prior to losing
173 his or her right to vote by reason of a conviction in a state,
174 federal, or foreign court and has met any of the criteria set
175 forth in Section 15-22-36.1(a), shall be ~~permitted to register~~
176 ~~or reregister as an elector upon submission of a copy of the~~
177 ~~certificate to the board of registrars of the county of his or~~
178 ~~her residence~~eligible to vote."

179 "§17-3-50

180 The boards of registrars in the several counties of the
181 state shall ~~not~~ register any ~~person~~individual as a qualified
182 elector ~~within 14 days prior to any election; provided, that~~
183 ~~the boards shall maintain open offices during business days in~~
184 ~~such 14-day period and on election day during the hours of~~
185 ~~voting~~up to and including the day of an election."

186 "§17-11-3

187 (a) Any qualified elector of this state may apply for
188 and vote an absentee ballot by mail, by hand delivery, or by
189 commercial carrier, as determined, by rule, by the Secretary
190 of State, as provided in Sections 17-11-5 and 17-11-9, in any
191 primary, general, special, or municipal election, if he or she
192 makes application in writing ~~and meets one or more of the~~
193 ~~following requirements:~~

194 ~~(1) The person expects to be out of the county or the~~
195 ~~state, or the municipality for municipal elections, on~~
196 ~~election day.~~



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197 ~~(2) The person has any physical illness or infirmity~~
198 ~~which prevents his or her attendance at the polls, whether he~~
199 ~~or she is within or without the county on the day of the~~
200 ~~election.~~

201 ~~(3) The person expects to work a shift which has at~~
202 ~~least 10 hours which coincide with the hours the polls are~~
203 ~~open at his or her regular polling place.~~

204 ~~(4) The person is enrolled as a student at an~~
205 ~~educational institution located outside the county of his or~~
206 ~~her personal residence, attendance at which prevents his or~~
207 ~~her attendance at the polls.~~

208 ~~(5) The person is a member of, or spouse or dependent~~
209 ~~of a member of, the Armed Forces of the United States or is~~
210 ~~similarly qualified to vote absentee pursuant to the federal~~
211 ~~Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.~~
212 ~~§§ 20301-20311.~~

213 ~~(6) The person has been appointed as an election~~
214 ~~officer or named as a poll watcher at a polling place other~~
215 ~~than his or her regular polling place.~~

216 ~~(7) The person is a caregiver for a family member to~~
217 ~~the second degree of kinship by affinity or consanguinity and~~
218 ~~the family member is confined to his or her home.~~

219 ~~(8) The person is incarcerated in prison or jail and~~
220 ~~has not been convicted of a felony involving moral turpitude,~~
221 ~~as provided in Section 17-3-30.1~~on a form prescribed by the
222 Secretary of State.

223 (b) Applications returned by mail must be received not
224 less than seven days prior to the election. Applications



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225 returned by hand must be received not less than five days
226 prior to the election.

227 (c) An applicant for an absentee ballot who is a member
228 of the Armed Forces of the United States, including the
229 Alabama National Guard, the United States Naval
230 ~~Reserves~~Reserve, the United States Air Force ~~Reserves~~Reserve,
231 and the United States Army Reserve on active duty or active
232 duty for training or an applicant who is the spouse of any
233 member of the armed forces or any other applicant qualified to
234 vote absentee pursuant to the federal Uniformed and Overseas
235 Citizens Absentee Voting Act, 52 U.S.C. §§ 20301-20311, may
236 make application for an absentee ballot by filling out the
237 federal postcard application form, authorized and provided for
238 under the provisions of The Federal Voting Assistance Act of
239 1955, Public Law 296, Chapter 656, H.R. 4048, approved August
240 9, 1955, 84th Congress 1st Session.

241 ~~(d) Any registered elector who requires emergency~~
242 ~~treatment of a licensed physician within five days of an~~
243 ~~election may apply for an emergency absentee ballot for the~~
244 ~~election and may vote by returning the absentee ballot no~~
245 ~~later than noon on the day the election is held. The attendant~~
246 ~~physician shall describe and certify the circumstances as~~
247 ~~constituting an emergency on a special form designed by the~~
248 ~~Secretary of State and provided by his or her office to local~~
249 ~~absentee election managers. The special form shall be attached~~
250 ~~to the application.~~

251 ~~(e) (1) Any registered elector whose name appears on the~~
252 ~~poll list of qualified voters may vote by an emergency~~



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253 ~~absentee ballot if any of the following situations arise:~~

254 ~~a. The elector is required by his or her employer under~~
255 ~~unforeseen circumstances within five days before an election~~
256 ~~to be unavailable to vote at the polls on election day.~~

257 ~~b. The elector is a caregiver of a person who requires~~
258 ~~emergency treatment by a licensed physician within five days~~
259 ~~before an election.~~

260 ~~c. A family member to the second degree of kinship by~~
261 ~~affinity or consanguinity of an elector dies within five days~~
262 ~~before an election.~~

263 ~~(2) Under such circumstances, the elector shall apply~~
264 ~~for an emergency absentee ballot at the office of the absentee~~
265 ~~election manager no later than the close of the business day~~
266 ~~one day prior to the election. The applicant shall complete~~
267 ~~and file an application form designed by the Secretary of~~
268 ~~State for emergency absentee voters. The form shall contain an~~
269 ~~affidavit which the applicant shall sign or swear~~
270 ~~acknowledging that he or she was not aware of the situation~~
271 ~~constituting the emergency prior to five days before the~~
272 ~~election. An applicant who meets the requirements of this~~
273 ~~subsection may vote by an emergency absentee ballot. After~~
274 ~~voting the ballot, the voter shall hand the ballot to the~~
275 ~~absentee election manager.~~

276 ~~(f) If the occurrence of a state of emergency as~~
277 ~~declared in this or any other state, or by the federal~~
278 ~~government, renders substantial compliance with this article~~
279 ~~impossible or unreasonable for a group of qualified voters who~~
280 ~~respond to the emergency, the Secretary of State, pursuant to~~



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281 ~~Section 41-22-5, may adopt an emergency rule to allow those~~
282 ~~qualified voters to vote by absentee ballot. Notwithstanding~~
283 ~~any other laws to the contrary, all expenses and costs~~
284 ~~incurred by the state or any county in carrying out the~~
285 ~~responsibilities and duties included in an emergency rule~~
286 ~~adopted pursuant to this subsection shall be paid by the State~~
287 ~~of Alabama from any funds made available for election expenses~~
288 ~~under state and federal law.~~

289 ~~(g)~~ (d) Notwithstanding any other provision of otherwise
290 applicable law, in the event more than one absentee ballot is
291 cast in the name of the single voter, whether any multiple
292 ballot is cast by mail or otherwise, none of the affidavit
293 envelopes containing the multiple ballots shall be opened, and
294 none of the multiple ballots shall be counted, except in the
295 event of an election contest, upon the order of the election
296 contest tribunal. Upon the conclusion of an election contest
297 or, in the event no contest is filed, upon the expiration of
298 time for filing a contest, the multiple ballots shall be
299 provided to the district attorney, with photocopies provided
300 to the ~~state~~ Attorney General, for the investigation,
301 prosecution, or other action as may be appropriate under
302 applicable law."

303 "§17-11-4

304 (a) The application required in Section 17-11-3 shall
305 be in a form prescribed and designed by the Secretary of State
306 and shall be used throughout the state. The application form
307 shall contain and require all of the following:

308 (1) That the applicant submit sufficient information to



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309 identify the applicant.

310 (2) The applicant's name, residence address, and such
311 other information as necessary to verify that the applicant is
312 a registered voter.

313 (3) A list of all felonies of moral turpitude, as
314 provided in Section 17-3-30.1, and a requirement that the
315 applicant declare that he or she is not barred from voting
316 because of a disqualifying felony conviction or, if the
317 applicant was convicted of a disqualifying felony, that the
318 applicant's right to vote has been restored.

319 (4) An explanation of penalties for violations of this
320 section.

321 (b) ~~(1)~~ Any applicant may receive assistance in filling
322 out the application as he or she desires, but each application
323 shall be manually signed by the applicant, under penalty of
324 perjury, and if he or she signs by mark, the application shall
325 also include the name of the witness and the witness's
326 signature.

327 ~~(2) It shall be unlawful for any person to knowingly~~
328 ~~distribute an absentee ballot application to a voter which is~~
329 ~~prefilled with the voter's name or any other information~~
330 ~~required on the application form.~~

331 (c) (1) Completed applications may be submitted to the
332 absentee election manager in any of the following ways, as
333 further provided by rule of the Secretary of State:

- 334 a. The applicant delivering the application in person.
335 b. The applicant mailing the application by U.S. mail.
336 c. The applicant sending the application by commercial



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337 carrier.

338 d. The applicant's designee delivering the application
339 in person.

340 e. The applicant's designee mailing the application by
341 U.S. mail or commercial carrier.

342 (2) The Secretary of State shall provide applications
343 for absentee voting to military and overseas voters pursuant
344 to Section 17-4-35(14). ~~Except in situations governed by~~
345 ~~Section 17-11-3(f), it shall be unlawful for an individual to~~
346 ~~submit a completed absentee ballot application to the absentee~~
347 ~~election manager other than his or her own application, except~~
348 ~~that an application for a voter who requires emergency~~
349 ~~treatment by a licensed physician within five days before an~~
350 ~~election pursuant to Section 17-11-3 may be submitted to the~~
351 ~~absentee election manager by an individual designated by the~~
352 ~~applicant.~~

353 ~~(d) (1) Except in situations governed by Section~~
354 ~~17-11-3(f), it shall be unlawful for a third party to~~
355 ~~knowingly receive a payment or gift for distributing,~~
356 ~~ordering, requesting, collecting, completing, prefilling,~~
357 ~~obtaining, or delivering a voter's absentee ballot~~
358 ~~application. Any person who violates this subdivision shall be~~
359 ~~guilty of a Class C felony.~~

360 ~~(2) Except in situations governed by Section~~
361 ~~17-11-3(f), it shall be unlawful for a person to knowingly pay~~
362 ~~or provide a gift to a third party to distribute, order,~~
363 ~~request, collect, prefill, complete, obtain, or deliver a~~
364 ~~voter's absentee ballot application. Any person who violates~~



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365 ~~this subdivision shall be guilty of a Class B felony.~~

366 ~~(e) Any voter who requires assistance to vote by reason~~
367 ~~of blindness, disability, or inability to read or write may be~~
368 ~~given assistance by an individual of the voter's choice, other~~
369 ~~than the voter's employer or agent of that employer or officer~~
370 ~~or agent of the voter's union.~~

371 ~~(f) Voters voting by absentee ballot through the~~
372 ~~Uniformed and Overseas Citizens Absentee Voting Act are not~~
373 ~~subject to this section. The Secretary of State shall provide~~
374 ~~applications for absentee voting to military and overseas~~
375 ~~voters in accordance with Section 17-4-35."~~

376 "§17-11-5

377 (a) (1) Upon receipt of an application for an absentee
378 ballot as provided in Section 17-11-3, if the applicant's name
379 appears on the list of qualified voters produced from the
380 state voter registration list in the election to be held, ~~or~~
381 ~~if the applicant qualifies for a provisional absentee ballot,~~
382 the absentee election manager shall furnish the absentee
383 ballot to the applicant by: ~~(1) Forwarding~~ (i) forwarding it by
384 United States mail to the applicant's or voter's residence
385 address or, upon written request of the voter, to the address
386 where the voter regularly receives mail; or ~~(2) (ii)~~ by handing
387 the absentee ballot to the applicant in person or, ~~in the case~~
388 ~~of emergency voting when the applicant requires medical~~
389 ~~treatment,~~ to his or her designee in person.

390 (2) If the absentee election manager has reasonable
391 cause to believe that the applicant has given a fraudulent
392 address on the application for the absentee ballot, the



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393 absentee election manager shall turn over the ballot
394 application to the district attorney for any action which may
395 be necessary under this article. ~~The absentee election manager~~
396 ~~may require additional proof of an applicant's eligibility to~~
397 ~~vote absentee when there is evidence of continuous absentee~~
398 ~~voting.~~

399 (3) The absentee election manager shall mail any
400 absentee ballot requested to be mailed as provided in Section
401 17-11-3 no later than the next business day after an
402 application has been received unless the absentee ballots have
403 not been delivered to the absentee election manager. If the
404 absentee ballots have not been so delivered, the absentee
405 election manager shall hold all requests until the ballots are
406 delivered and shall then respond by placing ballots in the
407 mail no later than the next business day.

408 (b) (1) The official list of qualified voters shall be
409 furnished to the absentee election manager by the judge of
410 probate using a printout from the state voter registration
411 list of registered voters for that county containing voter
412 registration information useful in the identification of
413 absentee voters.

414 (2) The information provided in this report shall be
415 established by rules adopted by the Secretary of State with
416 the advice of the Alabama Circuit Court Clerks Association or
417 its members and shall indicate whether the individual is
418 obligated to produce identification in accordance with
419 Sections 17-9-30 and 17-10-1. The Secretary of State may
420 further provide by administrative rule for electronic access



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421 to this list for optional use by the absentee election
422 manager.

423 (3) ~~This~~The list shall be made available beginning at
424 least 55 days before the election. In municipal elections, the
425 official list of qualified voters shall be furnished to the
426 absentee election manager at least 35 days before the
427 election. Any supplemental list of qualified electors shall
428 also be provided to the absentee election manager as soon as
429 the list becomes available.

430 (4) The absentee election manager shall underscore on
431 the list the name of each voter who has applied for an
432 absentee ballot and shall write immediately beside his or her
433 name the word "absentee." The Secretary of State, by rule, may
434 provide for electronic access to the absentee election
435 manager's county list of registered voters in lieu of the
436 printed list and for the method of identifying applicants for
437 absentee ballots in conjunction with the state voter
438 registration list.

439 (c) (1) The list of electors voting by absentee ballot
440 shall remain confidential until the day following the
441 election. The absentee election manager in all elections shall
442 deliver to the board of registrars the day following the
443 election, a copy of the list of all absentee voters, at which
444 point the list is deemed a public record. The list shall be
445 maintained in the office of the circuit clerk for 60 days
446 after the election, at which time it shall be delivered to the
447 judge of probate.

448 (2) Before the polls open at any election on election



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449 day, the absentee election manager shall effectuate the
450 delivery to the election officers of each voting place a list
451 showing the name and address of every ~~person~~individual whose
452 name appears on the official list of qualified electors for
453 the voting place who applied for an absentee ballot in the
454 election. The name of the ~~person~~individual who applied for an
455 absentee ballot shall be identified as an absentee voter on
456 the list of qualified electors kept at the voting place, and
457 the ~~person~~individual shall not vote again, except that in
458 county, state, and federal elections the ~~person~~individual may
459 vote a provisional ballot. Applications for absentee ballots
460 are required for elections that are more than 42 days apart,
461 except as to individuals voting pursuant to the federal
462 Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C.~~
463 ~~1973ff~~52 U.S.C. §§ 20301-20311.

464 ~~(2)~~ (3) The absentee election manager shall redact any
465 information required to be redacted pursuant to Section
466 17-4-33 from any copy of an absentee voter list. This
467 subdivision shall not affect poll lists used at local
468 precincts.

469 (d) (1) For individuals voting pursuant to the federal
470 Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C.~~
471 ~~1973ff~~52 U.S.C. §§ 20301-20311, the Secretary of State, by
472 rule, shall prescribe use of standardized military and
473 overseas voter registration applications and applications for
474 absentee ballots adopted by the United States government. The
475 Secretary of State shall also prescribe, by rule, provisions
476 within the standard state application form for absentee voting



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477 which permit the voter to identify himself or herself as a
478 military or overseas voter.

479 (2) Unless otherwise indicated by the military or
480 overseas voter, an application for an absentee ballot by such
481 a voter shall remain valid for any election for a federal,
482 state, or county office or for any proposed constitutional
483 amendment or a state or county referendum held through the end
484 of the calendar year in which the application is filed,
485 provided that if an election cycle begins one year and
486 continues into the subsequent year, the application shall be
487 valid for the whole election cycle. The absentee election
488 manager shall provide an absentee ballot to the military and
489 overseas voters for each such subsequent election.

490 (3) The absentee election manager, within seven days
491 after each regularly scheduled general election for federal
492 office, shall report the number of military and overseas
493 ballots mailed out and the number of ballots received to the
494 Secretary of State, who shall report this information to the
495 Federal Election Assistance Commission within 90 days of each
496 regularly scheduled general election for federal office."

497 "§17-11-9

498 (a) (1) Each prospective absentee voter who meets the
499 requirements of this article shall be furnished with the
500 absentee ballot ~~herein provided for~~, together with ~~two~~three
501 envelopes for returning his or her marked ballot and
502 instructions for completing and returning the absentee ballot
503 as well as instructions for correcting mistakes in completing
504 ballots or obtaining a replacement ballot.



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505 (2) OneThe first envelope shall be a ~~plain~~secrecy
506 envelope in which the ballot shall be sealed by the voter
507 after he or she has marked it.

508 (3) The second envelope shall be an affidavit envelope.
509 The envelope shall have the voter's affidavit printed on the
510 back ~~and shall be large enough to seal the plain ballot~~
511 ~~envelope inside.~~

512 (4) The secondthird envelope shall ~~also~~ be a return
513 mail envelope.

514 ~~Such~~The return mail envelope shall be addressed on the
515 front to the absentee election manager and shall be endorsed
516 on the left-hand upper corner ~~thereof~~ as follows:

517 "Absent Voter's Ballot. State, County, Municipal,
518 General, Primary, or Special Election (as the case may be) to
519 be held on the ___ day of ____, 2__ From _____ (name of
520 voter), precinct or districts _____, County of _____,
521 Alabama."

522 (b) (1) After marking the ballot and subscribing to the
523 ~~oath herein required~~, the voter shall: (i) seal his or her
524 ballot in the ~~plain~~secrecy envelope; (ii) place that plainthe
525 secrecy envelope inside the affidavit envelope; (iii)
526 complete the affidavit, and have a notary public ~~for other~~
527 officer authorized to acknowledge oaths, or two witnesses
528 witness his or her signature to the affidavit, ~~and forward it;~~
529 (iv) place the affidavit envelope inside the return mail
530 envelope; and (v) hand deliver the return mail envelope to the
531 absentee election manager or send the return mail envelope by
532 United States mail or by commercial carrier to the absentee



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533 election manager ~~or hand it to him or her in person.~~

534 (2) A voter, or the designee of a voter, who is
535 disabled, blind, or unable to read or write may hand deliver
536 the return mail envelope to the absentee election manager or
537 send the return mail envelope by United States mail or by
538 commercial carrier. For purposes of this subdivision, a
539 "disabled voter" means an individual who is temporarily or
540 permanently physically incapacitated and unable to vote by
541 absentee ballot without assistance.

542 (c) (1) Notwithstanding ~~the other provisions of~~ this
543 section, the absentee election manager shall determine whether
544 an applicant for an absentee ballot is obligated to produce
545 identification in accordance with Sections 17-9-30 and 17-10-1
546 or reidentify in accordance with Chapter 4. For absentee
547 applicants required to produce identification, ~~a third~~ an
548 additional envelope of different color and sufficient size to
549 enclose the ~~first and second~~ secrecy and affidavit envelopes
550 shall be provided to the applicant along with instructions for
551 including a proper form of identification in accordance with
552 Sections 17-9-30 and 17-10-1.

553 (2) For absentee applicants required to reidentify
554 because they do not appear in the voting place for which they
555 seek to vote but do appear in another voting place within the
556 state voter registration list, the absentee election manager
557 shall provide to the voter ~~a third~~ an additional envelope of
558 different color and sufficient size to enclose the ~~first and~~
559 ~~second~~ secrecy and affidavit envelopes along with a voter
560 reidentification form, a provisional voter affirmation, and



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561 instructions in accordance with Section 17-10-2. ~~Such~~The
562 ballot shall be treated as a provisional ballot and the term
563 "Provisional" shall be marked on the ~~second or~~ affidavit
564 envelope prior to transmitting the ballot to the voter.--

565 (3) Applicants for an absentee ballot who do not appear
566 on the state voter registration list shall not be entitled to
567 an absentee ballot."

568 "§17-11-10

569 (a) (1) Upon receipt of the absentee ballot, the
570 absentee election manager shall record ~~its~~the receipt on the
571 absentee list as provided in Section 17-11-5, shall examine
572 the affidavit envelope and determine if it contains a defect
573 that would prohibit a poll worker or other election official
574 from removing or counting the ballot under subdivision (b) (2),
575 and shall safely keep the ballot without breaking the seal of
576 the affidavit envelope.

577 (2) For any absentee ballot received three or more
578 business days preceding an election, the absentee election
579 manager, within two business days of receipt of the absentee
580 ballot, shall notify the elector of each defect with his or
581 her absentee ballot, provide instructions on how to cure the
582 defect, and notify the elector that he or she has until the
583 last business day before the election to cure the defect.

584 (3) The absentee election manager shall allow an
585 elector to cure any of the following defects:

586 a. The elector did not sign the affidavit.

587 b. The address provided on the affidavit does not match
588 the address on the absentee ballot application.



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589 c. The order of envelopes is incorrect.

590 d. The affidavit is not properly witnessed or
591 notarized.

592 (4) The Secretary of State shall adopt rules to
593 implement this subsection.

594 (b) (1) The absentee election manager, beginning at 7:00
595 a.m. on the day of the election, shall deliver the sealed
596 affidavit envelopes containing absentee ballots to the
597 election officials provided for in Section 17-11-11. The
598 election officials shall then call the name of each voter
599 casting an absentee ballot with poll watchers present as may
600 be provided under the laws of Alabama and shall examine each
601 affidavit envelope to determine if the signature of the voter
602 has been appropriately witnessed. If the witnessing of the
603 signature and the information in the affidavit establish that
604 the voter is entitled to vote by absentee ballot, then the
605 election officials shall certify the findings, open each
606 affidavit envelope, and deposit the plain envelope containing
607 the absentee ballot into a sealed ballot box.

608 (2) a. No poll worker or other election official shall
609 open an affidavit envelope if the envelope indicates the
610 ballot is an unverified provisional ballot or the affidavit is
611 unsigned by the voter or unmarked, and no ballot envelope or
612 ballot may be removed or counted.

613 b. No poll worker or other election official shall open
614 an affidavit envelope if the voter's affidavit signature or
615 mark is not witnessed by the signatures of two witnesses or a
616 notary public, or other officer, including a military



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617 commissioned officer, authorized to acknowledge oaths, and no
618 ballot envelope or ballot may be removed or counted. The
619 provision for witnessing of the voter's affidavit signature or
620 mark in Section 17-11-7 goes to the integrity and sanctity of
621 the ballot and election.

622 c. No court or other election tribunal shall allow the
623 counting of an absentee ballot with respect to which the
624 voter's affidavit signature or mark is not witnessed by the
625 signatures of two witnesses 18 years of age or older or a
626 notary public, or other officer, including a military
627 commissioned officer, authorized to acknowledge oaths, prior
628 to being delivered or mailed to the absentee election manager.

629 (3) Upon closing of the polls, the absentee ballots
630 shall be counted and otherwise handled in all respects as if
631 the absentee voter were present and voting in person. Precinct
632 ballot counters may be used to count absentee ballots.

633 Absentee election officials are to be appointed and trained in
634 the same manner as prescribed for regular election officials.
635 The number of absentee election officials shall be determined
636 by the number of precinct counters provided. The county
637 commission may provide more than one precinct ballot counter
638 based upon the recommendation of the absentee election
639 manager. Beginning not earlier than 7:00 a.m. on election day,
640 the absentee election officials shall perform the duties
641 prescribed in Section 17-11-11.

642 (4) ~~As regards~~For municipalities with populations of
643 less than 10,000, in the case of municipal elections held at a
644 time different from a primary or general election, the return



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645 mail envelopes containing the ballots shall be delivered to
646 the election official of the precinct of the respective
647 voters, unless the city or town having a population of less
648 than 10,000 inhabitants has established, by permanent
649 ordinance adopted six months prior to the municipal election,
650 a procedure for the appointment of absentee election officials
651 pursuant to ~~subsection (e) of~~ Section 11-46-27 (c).

652 (c) (1) Absentee ballots cast in a second primary
653 election for federal, state, or county office by individuals
654 voting pursuant to the federal Uniformed and Overseas Citizens
655 Absentee Voting Act, 52 U.S.C. §§ 20301-20311, and received
656 after noon on the day of the second primary election, shall be
657 opened and counted at the same time as the verified
658 provisional ballots. At noon seven days after the second
659 primary election, the absentee election manager shall deliver
660 the sealed affidavit envelopes containing absentee ballots to
661 the officials provided for in ~~subsection (f) of~~ Section
662 17-10-2 (f). The officials shall call the name of each voter
663 casting an absentee ballot in the presence of watchers
664 designated by any interested candidates and shall examine each
665 affidavit envelope to determine if the signature of the voter
666 has been appropriately witnessed. If the witnessing of the
667 signature and the information in the affidavit establish that
668 the voter is entitled to vote by absentee ballot, then the
669 election officials shall certify the findings, open each
670 affidavit envelope, and deposit the plain envelope containing
671 the absentee ballot into a sealed ballot box.

672 (2) No election official shall open an affidavit



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673 envelope if the affidavit printed thereon is unsigned by the
674 voter or unmarked, and no ballot envelope or ballot therein
675 may be removed or counted. No election official shall open an
676 affidavit envelope if the voter's affidavit signature or mark
677 is not witnessed by the signatures of two witnesses or a
678 notary public, or other officer, including a military
679 commissioned officer, authorized to acknowledge oaths, and no
680 ballot envelope or ballot therein may be removed or counted.
681 The provision for witnessing of the voter's affidavit
682 signature or mark in Section 17-11-7 goes to the integrity and
683 sanctity of the ballot and election. No court or other
684 election tribunal shall allow the counting of an absentee
685 ballot with respect to which the voter's affidavit signature
686 or mark is not witnessed by the signatures of two witnesses 18
687 years of age or older or a notary public, or other officer,
688 including a military commissioned officer, authorized to
689 acknowledge oaths, prior to being delivered or mailed to the
690 absentee election manager.

691 (3) The absentee ballots described in this subsection
692 shall be opened, counted, and tabulated. The results of the
693 absentee ballots counted and tabulated on election day shall
694 be amended to include the results of the absentee ballots
695 described in this subsection.

696 (4) In all other respects, unless otherwise
697 specifically provided by law, the absentee ballots described
698 in this subsection shall be treated as other absentee
699 ballots."

700 Section 2. Section 17-9-6.1 is added to the Code of



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701 Alabama 1975, to read as follows:

702 §17-9-6.1

703 (a) (1) Before each election in this state, there shall
704 be an advance voting period that commences, for each primary
705 or general election, on the fourth Monday before the primary
706 or general election.

707 (2) If there is a second primary election pursuant to
708 Section 17-13-18, the advance voting period shall commence no
709 later than the second Monday before the second primary.

710 (3) The advance voting period shall continue until the
711 Friday immediately preceding the primary, second primary, or
712 general election.

713 (b) (1) The judge of probate of each county shall
714 designate at least one polling place to be open in the county
715 for advance voting. Registered voters in the county may vote
716 at any open advance voting polling place in the county of
717 their residence.

718 (2) The judge of probate shall provide the location of
719 all advance voting polling places to the Secretary of State at
720 least 14 days before the beginning of the advance voting
721 period for each primary and general election.

722 (3) If an advance voting period is necessary due to a
723 second primary, the judge of probate shall provide the
724 location to the Secretary of State at least seven days before
725 the advance voting period begins for the second primary.

726 (c) (1) Precinct election officials shall open each
727 advance voting polling place from 9:00 a.m. to 5:00 p.m. on
728 weekdays during the advance voting period. The advance voting



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729 polling place shall also be open for advance voting from 9:00
730 a.m. to 5:00 p.m. on the second and third Saturdays preceding
731 a primary, second primary, or general election.

732 (2) The judge of probate may order an advance voting
733 polling place open on the second or third Sundays preceding a
734 primary, second primary, or general election. The advance
735 voting polling place shall operate during hours established by
736 order of the judge of probate which must be between the hours
737 of 7:00 a.m. and 7:00 p.m.

738 (3) Notwithstanding subdivision (1), if an official
739 state holiday, pursuant to Section 1-3-8, occurs on the second
740 Thursday, Friday, Saturday, Sunday, or Monday preceding a
741 primary, second primary, or general election, advance voting
742 may not occur on the second Saturday.

743 (4) The judge of probate may establish extended hours
744 for the days that advance voting is authorized to any time
745 between 7:00 a.m. and 7:00 p.m., provided that each polling
746 location is open from at least 9:00 a.m. to 5:00 p.m.

747 (5)a. The judge of probate shall provide to the
748 Secretary of State all dates and times that the advance voting
749 polling place in his or her county will be open at least 14
750 days before the beginning of the advance voting period for a
751 primary or general election.

752 b. If an advance voting period is necessary due to a
753 second primary, the judge of probate shall provide the dates
754 and times to the Secretary of State at least seven days before
755 the advance voting period begins for the second primary
756 election.



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757 (6) Voting during the advance voting period may only
758 occur on the dates and times authorized under this section.

759 (d) (1) The judge of probate shall provide reasonable,
760 conspicuous notice to the registered electors in his or her
761 county of the availability of advance voting. This notice
762 shall include the times, dates, and locations at which
763 electors may participate in advance voting. The Secretary of
764 State shall establish, by rule, the methods that judges of
765 probate may use to provide notice to electors.

766 (2) In addition to the notice required in subdivision
767 (1), the judge of probate shall publish the dates, times, and
768 locations at which electors may participate in advance voting
769 on the homepage of the county commission's website, and the
770 homepage of the county's publicly accessible website
771 associated with elections or registration for elections, if
772 one exists.

773 (3) If the county has no applicable websites pursuant
774 to subdivision (2), the judge of probate shall publish the
775 dates, times, and locations at which electors may participate
776 in advance voting in a newspaper of general circulation in the
777 county and by posting the information in a conspicuous manner
778 and location in the county.

779 (4) The notice and publication of the dates, times, and
780 locations required under this subsection is required at least
781 14 days before the beginning of the advance period for a
782 primary and general election and at least seven days before
783 the beginning of the advance voting period for a second
784 primary election.



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785 (e) (1) The judge of probate may establish additional
786 advance voting polling places to be opened after the advance
787 voting period has begun. The judge of probate shall provide
788 the notice and publication required under subsection (d)
789 within one day after the new advance voting polling place has
790 been established.

791 (2) The judge of probate shall not remove any advance
792 voting location after notice and publication is provided to
793 electors in the county unless there is an emergency or
794 unavoidable event that renders the location unavailable for
795 use. If an event renders a location unavailable, and that
796 advance voting polling place was the only one in the county,
797 the judge of probate shall designate a new advance voting
798 polling place. The judge of probate shall provide additional
799 notice and publication pursuant to subsection (d) to
800 communicate the new location to electors in the county within
801 one day after the new advance voting polling place has been
802 established.

803 (f) This section shall apply to all elections in the
804 state. The Secretary of State shall adopt rules to implement
805 and administer this section.

806 Section 3. (a) This section and Sections 4 through 8
807 shall be known and may be cited as the Alabama Voting Rights
808 Act.

809 (b) For purposes of Sections 4 through 8, the following
810 words have the following meanings:

811 (1) ALTERNATIVE METHOD OF ELECTION. A method of
812 electing candidates to the legislative body of a municipality



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813 other than an at-large method of election or a district-based
814 method of election, which includes, but is not limited to,
815 proportional ranked-choice voting and cumulative voting.

816 (2) AT-LARGE METHOD OF ELECTION. A method of electing
817 candidates to the legislative body of a municipality in which
818 candidates are voted upon by all electors of the municipality.
819 This does not include any alternative method of election.

820 (3) COMMISSION. The Alabama Voting Rights Act
821 Commission established under Section 5.

822 (4) DISTRICT-BASED METHOD OF ELECTION. A method of
823 electing candidates to the legislative body of a municipality
824 in which, for municipalities divided into districts, a
825 candidate for a district is required to reside in the district
826 and candidates representing or seeking to represent the
827 district are voted upon by the electors residing in the
828 district.

829 (5) GOVERNMENT ENFORCEMENT ACTION. Any denial of
830 administrative or judicial preclearance by the state or
831 federal government, pending litigation filed by a state or
832 federal entity, final judgment or adjudication, consent
833 decree, or other similar formal action.

834 (6) LEGISLATIVE BODY. The city council, board of
835 education, county commission, district committee, association
836 committee, or other similar body of a municipality.

837 (7) LOCAL GOVERNMENT. Any political subdivision within
838 the State of Alabama that administers elections or in which
839 elections are conducted and includes a county, municipality,
840 or school district.



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841 (8) ORGANIZATION. Any entity or group of persons with a
842 commonly aligned purpose other than an individual.

843 (9) PROTECTED CLASS. A class of individuals who are
844 members of a race, color, or language minority group, or a
845 class or two or more of those minority groups.

846 (10) RACIALLY POLARIZED VOTING. Voting where there is a
847 divergence in the candidate preferences, political
848 preferences, or electoral choices of members in a protected
849 class from the candidate preferences, political preferences,
850 or electoral choices of members of another class or set of
851 classes.

852 (11) VOTING. Any action necessary to cast a ballot and
853 make the ballot effective in any general or primary election,
854 including, but not limited to, admission as an elector,
855 application for an absentee ballot, and any other action
856 required by law as a prerequisite to casting a ballot and
857 having that ballot counted, canvassed, or certified properly
858 and included in the appropriate totals of votes cast with
859 respect to candidates for election or nomination and to
860 amendment questions.

861 (12) VOTING RIGHTS ACT. The Voting Rights Act of 1965,
862 52 U.S.C. §10101 et seq., as amended.

863 Section 4. (a) No local government, state agency, or
864 state official may implement a regulation, standard, practice,
865 procedure, or policy regarding the administration of elections
866 or take or fail to take any action that results or is intended
867 to result in a disparity among members of a protected class in
868 electoral participation, access to voting participation,



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869 access to voting opportunities, or ability to participate in
870 the political process, or an impairment of the opportunity or
871 ability of members of a protected class within a local
872 government to participate in the political process and elect
873 candidates of their choice or otherwise influence the outcome
874 of elections.

875 (b) There is a rebuttable presumption that a local
876 government violates subdivision (a) if the local government
877 does any of the following:

878 (1) Closes, moves, consolidates, or fails to provide
879 polling places or reassigns voters to precincts or precincts
880 to polling places in a manner that impairs the right to vote
881 of members of a protected class or results in a disparity in
882 geographic access between members of a protected class and
883 other members of the electorate.

884 (2) Changes dates or hours of an election in a manner
885 that impairs the right to vote of members of a protected
886 class, including, but not limited to, making the change
887 without proper notice as required by law.

888 (3) Fails to provide voting or election materials in
889 languages other than English as required by law.

890 (4) Calls a special election to fill a vacancy on a
891 date that would reasonably result in a disparity in levels of
892 participation between protected class voters and other voters,
893 and there exists an alternate date in a reasonable timeframe
894 in which the disparity would be materially less significant.

895 (c) (1) No local government may employ a method of
896 election for any office that has the effect of, or is



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897 motivated in part by, the intent to impair the opportunity or
898 ability of members of a protected class to participate in the
899 political process and elect candidates of their choice or
900 otherwise influence the outcome of elections as a result of
901 diluting the vote of members of a protected class.

902 (2) A local government violates this subsection if it
903 employs a method of election that results in racially
904 polarized voting which impairs the equal opportunity or
905 ability of members of a protected class to nominate or elect
906 candidates of their choice.

907 (d) Any individual aggrieved by a violation of this
908 section, any organization whose membership includes
909 individuals aggrieved by a violation of this section, any
910 organization whose mission would be frustrated by a violation
911 of this section, any entity that would expend resources in
912 order to fulfill its mission as a result of a violation of
913 this section, the commission, or the Attorney General may file
914 an action alleging a violation of this section to enforce
915 compliance with this section in a court of competent
916 jurisdiction. The claim may be filed pursuant to the Alabama
917 Rules of Civil Procedure. Members of two or more protected
918 classes that are politically cohesive in a local government
919 may jointly file an action.

920 (e) (1) Prior to filing suit under subsection (d), the
921 aggrieved party shall send a notice letter to the local
922 government alleged to be in violation to allow the local
923 government the opportunity to correct the violation.

924 (2) The local government shall have seven calendar days



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925 in which to respond detailing what actions it will take to
926 address the violations or to deny the allegations in whole or
927 in part.

928 (3) If the perceived violation occurs within 14 days
929 after the voter registration deadline for the relevant
930 election, the aggrieved party is granted leave from the notice
931 requirement.

932 (f) (1) In any action to enforce Sections 3 through 8 of
933 this act, the court may award reasonable attorney fees and
934 litigation costs including, but not limited to, expert witness
935 fees and expenses, if all of the following are applicable to
936 the party to which fees and costs are awarded:

937 a. The party filed the action to enforce Sections 3
938 through 8 of this act.

939 b. The party is not a state or municipal entity or
940 agency.

941 c. The party prevailed in the action.

942 (2) If a party against whom an action was brought under
943 this section prevails in the action, the court may not award
944 reasonable attorney fees and litigation costs unless the court
945 finds the action to be frivolous, unreasonable, or without
946 foundation.

947 (3) For purposes of this subsection, a party shall have
948 prevailed in an action when, as a result of litigation, the
949 party against whom the action was filed has resulted in a
950 substantial portion or all of the relief sought in the action.

951 Section 5. (a) There is established the Alabama Voting
952 Rights Act Commission.



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953 (b) The commission shall be responsible for
954 administering the Alabama Voting Rights Act.

955 (c) The commission shall consist of five commissioners,
956 each of whom shall serve staggered five-year terms.
957 Commissioners shall be compensated for their time spent on
958 commission business at an hourly rate based on the rate
959 equivalent to an assistant attorney general.

960 (1) A nominating committee shall be formed to identify
961 qualified candidates to serve as members of the commission.
962 The nominating committee shall be comprised of nominating
963 organizations. Organizations may apply with the Secretary of
964 State to be certified as a nominating organization for
965 five-year terms, at which point a nominating organization may
966 be recertified. The Secretary of State must certify any
967 organization that applies to be a nominating organization if
968 the organization:

969 a. Demonstrates commitment to the purpose of the
970 commission by securing the voting rights of members of a
971 protected class, including, but not limited to, reference to
972 members of a protected class in its mission statement,
973 involvement in numerous voting rights cases brought within the
974 state on behalf of members of protected classes, or
975 involvement in advocacy in support of members of protected
976 classes or the commission;

977 b. Has registered as a nonprofit corporation with the
978 Secretary of State; and

979 c. Demonstrates continuous operation as a nonprofit
980 organization under 26 U.S.C. § 501(c)(3) or as a nonprofit



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981 corporation registered with the Secretary of State for at
982 least 10 years.

983 (2) If the Secretary of State fails to timely certify
984 an organization that satisfies these qualifications following
985 the organization's application to be certified as a nominating
986 organization, the organization may file an action against the
987 Secretary of State for a declaratory judgment certifying the
988 organization as a nominating organization.

989 (3) A nominating organization may be removed for cause
990 by a majority vote of all of the nominating organizations.

991 (4) If there are fewer than 16 nominating organizations
992 certified by the Secretary of State, the nominating committee
993 shall consist of all of the nominating organizations. If there
994 are 16 or more nominating organizations certified by the
995 Secretary of State, the nominating committee shall consist of
996 16 nominating organizations to be randomly selected from all
997 nominating organizations on an annual basis.

998 (5) The nominating committee shall select its own chair
999 to preside over meetings and voting.

1000 (6) Commissioners shall be selected as follows:

1001 a. The nominating committee shall solicit applications
1002 to serve as a commissioner from across the state. A
1003 commissioner must meet all of the following criteria:

1004 1. Be an Alabama resident.

1005 2. Be a member of The Alabama State Bar with at least
1006 five years of legal experience.

1007 3. Have demonstrated experience representing or
1008 advocating on behalf of members of protected classes.



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1009 4. Have not served in elected office within the
1010 previous five years.

1011 5. Is not currently serving in any government office or
1012 holding any political party office.

1013 b. The nominating committee shall maintain a qualified
1014 candidate pool consisting of 30 qualified candidates to serve
1015 on the commission. Individuals shall only be added to the
1016 qualified candidate pool upon a three-fifths vote of the
1017 nominating committee. The size of the qualified candidate pool
1018 may be increased or decreased from 30 qualified individuals by
1019 a three-fifths vote of the nominating committee.

1020 c. All commissioners shall be randomly selected from
1021 the qualified candidate pool. Upon the initial formation of
1022 the commission, five commissioners shall be randomly selected
1023 from the qualified candidate pool and randomly assigned to
1024 initial term lengths of five years, four years, three years,
1025 two years, and one year. At least 60 days before the
1026 conclusion of each commissioner's term, a new commissioner
1027 shall be randomly selected from the qualified candidate pool
1028 to serve a five-year term upon the conclusion of the current
1029 commissioner's term. Within 30 days after a vacancy occurs on
1030 the commission, a new commissioner shall be randomly selected
1031 from the qualified candidate pool to complete the vacant
1032 unexpired term.

1033 (d) In any action or investigation to enforce the
1034 Alabama Voting Rights Act, the commission may subpoena
1035 witnesses, administer oaths, examine individuals under oath,
1036 determine material facts, and compel production of records,



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1037 books, papers, contracts, and other documents in accordance
1038 with the Alabama rules of civil procedure.

1039 (e) The commission may hire staff and make expenditures
1040 as necessary to carry out its responsibilities.

1041 (f) The commission may adopt rules to administer
1042 Sections 3 through 8.

1043 Section 6. (a) The Secretary of State shall establish,
1044 in the Office of the Secretary of State, a statewide database
1045 of information necessary to assist the state and any
1046 municipality in: (i) evaluating whether and to what extent
1047 current laws and practices related to election administration
1048 are consistent with the Alabama Voting Rights Act; (ii)
1049 implementing best practices in election administration to
1050 further the purposes of Sections 3 through 8; and (iii)
1051 investigating any potential infringement upon the right to
1052 vote.

1053 (b) No later than January 1, 2027, the Secretary of
1054 State shall designate an employee of the Office of the
1055 Secretary of State to serve as manager of the statewide
1056 database. The designated employee shall possess an advanced
1057 degree from an accredited college or university, or equivalent
1058 experience, and have expertise in demography, statistical
1059 analysis, and electoral systems. The designated employee shall
1060 be responsible for the operation of the statewide database and
1061 shall manage staff as necessary to implement and maintain the
1062 statewide database.

1063 (c) The statewide database shall maintain, in an
1064 electronic format, for a period covering at least the 12



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1065 previous years, all of the following data and records:

1066 (1) Estimates of total population, voting age
1067 population, and citizen voting age population by race, color,
1068 and language minority group, broken down annually to the
1069 voting district level for each municipality, based on
1070 information from the United States Census Bureau, including
1071 from the American Community Survey or information of
1072 comparable quality collected by a similar governmental agency,
1073 and accounting for population adjustments, as applicable.

1074 (2) Election results at the district level for each
1075 statewide election and each election in each municipality.

1076 (3) Regularly updated registry lists, geocoded
1077 locations for each elector, and elector history files for each
1078 election in each municipality.

1079 (4) Contemporaneous maps and descriptions of boundaries
1080 and other similar items which shall be provided as shapefiles
1081 or in a comparable electronic format if an electronic format
1082 is available.

1083 (5) Geocoded locations of polling places and absentee
1084 ballot drop-off locations for each election in each
1085 municipality and a list or description of the voting districts
1086 or geographic areas served by each location.

1087 (6) Any other information the Secretary of State deems
1088 advisable to maintain the database in furtherance of the
1089 purposes of Sections 3 through 8.

1090 (d) Except for any data, information, or estimates that
1091 identify individual electors, the data, information, or
1092 estimates maintained in the statewide database shall be



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1093 published on the website of the Office of the Secretary of
1094 State and made publicly available in electronic format at no
1095 cost.

1096 (e) Any estimates prepared pursuant to this section,
1097 including estimates of eligible electors, shall be prepared
1098 using the most advanced, peer-reviewed, and validated
1099 methodologies available to the state.

1100 (f) Upon the certification of election results and the
1101 completion of the elector history file after each election,
1102 the officials responsible for administering elections in each
1103 municipality shall transmit to the Secretary of State, in
1104 electronic format, copies of all of the following:

1105 (1) Election results at the voting district level.

1106 (2) Updated registry lists.

1107 (3) Elector history files.

1108 (4) Maps, descriptions of boundaries, and similar
1109 items.

1110 (5) Lists of polling place and absentee ballot drop-off
1111 locations.

1112 (6) Lists or descriptions of the voting districts or
1113 geographic areas served by the locations.

1114 (g) At least annually or upon the request by the
1115 Secretary of State, the Alabama Criminal Justice Information
1116 Services Division within the Alabama State Law Enforcement
1117 Agency, or any other state entity identified by the Secretary
1118 of State as possessing data, statistics, or other information
1119 that the Office of the Secretary of the State requires to
1120 carry out its duties and responsibilities under Title 17 shall



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1121 provide to the Secretary of State the data, statistics, or
1122 information.

1123 (h) The Office of the Secretary of State may provide
1124 nonpartisan technical assistance to municipalities,
1125 researchers, and members of the public seeking to use the
1126 resources of the statewide database.

1127 (i) In each action filed pursuant to Section 4 of this
1128 act, there shall be a rebuttable presumption that the data,
1129 estimates, or other information maintained in the statewide
1130 database is valid.

1131 Section 7. (a) The enactment or implementation of a
1132 covered policy by a covered jurisdiction shall be subject to
1133 preclearance by the commission or the Fifteenth Judicial
1134 Circuit.

1135 (b) A covered policy, as determined by the commission,
1136 shall include any new or modified qualification for admission
1137 as an elector, prerequisite to voting, or ordinance,
1138 regulation, standard, practice, procedure, or policy
1139 concerning any of the following:

1140 (1) Districting or redistricting.

1141 (2) Method of election.

1142 (3) Form of government.

1143 (4) Annexation, incorporation, dissolution,
1144 consolidation, or division of a municipality.

1145 (5) An elector's voter registration status.

1146 (6) Hours of operation for any polling location.

1147 (7) Assignment of voting districts to any polling
1148 location.



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1149 (8) Assistance offered to members of a protected class.

1150 (9) Any additional subject matter the commission may
1151 identify for inclusion in this subsection, pursuant to a rule
1152 adopted by the commission in accordance with the Alabama
1153 Administrative Procedure Act, if the commission determines
1154 that any qualification for admission as an elector,
1155 prerequisite to voting or ordinance, regulation, standard,
1156 practice, procedure, or policy concerning the subject matter
1157 may have the effect of diminishing the right to vote of any
1158 member of a protected class or have the effect of violating
1159 the Alabama Voting Rights Act. A decision by the commission to
1160 identify or to not identify any additional subject matter for
1161 inclusion in this section shall be final and shall not be
1162 subject to review in any court or forum, except as provided in
1163 the Constitution of Alabama of 2022.

1164 (c) A covered jurisdiction shall include a local
1165 government that meets any of the following criteria:

1166 (1) Within the 25 preceding years, has been subject to
1167 any court order, court-approved consent decree, government
1168 enforcement action, or settlement in which the local
1169 government conceded liability for violating the Alabama Voting
1170 Rights Act, the Voting Rights Act of 1965, any state or
1171 federal civil rights law, the Fourteenth or Fifteenth
1172 Amendment to the United States Constitution concerning a
1173 violation of the right to vote, or a pattern, practice, or
1174 policy of discrimination against any member of a protected
1175 class.

1176 (2) Within the three preceding years, has failed to



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1177 comply with obligations to provide data or information to the
1178 statewide database pursuant to Section 6.

1179 (3) Within the 25 preceding years, was found to have
1180 enacted or implemented a covered policy without obtaining
1181 preclearance for the covered policy pursuant to this section.

1182 (4) Within the preceding 10 years has at least 1,000
1183 eligible electors of any protected class, or a population of
1184 members of a protected class that is at least 10 percent of
1185 the eligible elector population of the local government and
1186 either: (i) the percentage of electors of any protected class
1187 in a local government that participated in any general
1188 election for any local government office is at least 10
1189 percentage points lower than the percentage of all electors in
1190 the local government that participated in the election; (ii)
1191 the percentage of eligible electors of the protected class who
1192 were registered to vote was at least 10 percentage points
1193 lower than the percentage of all eligible electors in the
1194 local government who were registered to vote; (iii) the
1195 dissimilarity index of the protected class based upon the
1196 United States Census data, calculated using census tracts, is
1197 in excess of 50 with respect to the race, color, or language
1198 minority group that comprises a plurality within the local
1199 government; (iv) the poverty rate among members of the
1200 protected class exceeds the poverty rate among the population
1201 of the local government as a whole by at least 10 percentage
1202 points; (v) the arrest rate among members of the protected
1203 class exceeds the arrest rate of the population of the local
1204 government by at least 10 percentage points; or (vi) the



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1205 graduation rate of the protected class is lower than the
1206 graduation rate of the school district student population by
1207 at least 10 percentage points.

1208 (d) (1) At least annually, the commission shall
1209 determine which governmental entities are covered
1210 jurisdictions pursuant to subsection (c) and provide a list of
1211 the local governments to the Secretary of State who shall
1212 publish the list on the Secretary of State's website.

1213 (2) A determination of the commission as to coverage
1214 under subdivision (1) shall be effective upon the publication
1215 and may be appealed in accordance with the Alabama
1216 Administrative Procedure Act.

1217 (e) (1) If a covered jurisdiction seeks preclearance
1218 from the commission for the adoption or implementation of any
1219 covered policy, the covered jurisdiction shall submit the
1220 covered policy in writing to the commission.

1221 (2) If the commission receives a request for
1222 preclearance of a covered policy from a covered jurisdiction,
1223 not later than 10 calendar days after receipt of the request
1224 for preclearance of a covered policy, the commission shall
1225 publish the covered policy on the commission's website.

1226 (3) Members of the public shall have an opportunity to
1227 comment on any covered policy published on the commission's
1228 website within the time period set forth in subdivision (9).
1229 The Secretary of State shall allow members of the public to
1230 sign up to receive notifications of submitted covered policies
1231 for preclearance and deadlines for submission of public
1232 comments.



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1233 (4) The commission shall review the submission for
1234 preclearance and any public comments and provide a report and
1235 determination as to whether preclearance of the covered policy
1236 should be granted or denied within the time period set forth
1237 in subdivision (10). The time period for public comment shall
1238 run concurrently with the time period for review of the
1239 submission for preclearance.

1240 (5) The covered jurisdiction shall bear the burden of
1241 proof in any determination as to preclearance of a covered
1242 policy. The commission may request additional information from
1243 a covered jurisdiction at any time during the commission's
1244 review for the purpose of developing the Secretary of State's
1245 report and determination. Failure of the covered jurisdiction
1246 to timely comply with reasonable requests for additional
1247 information may constitute grounds for the denial of
1248 preclearance. The commission shall publish on the website of
1249 the office of the commission each report and determination
1250 upon completion of the report.

1251 (6) In its determination, the commission shall state in
1252 writing whether the Secretary of State is approving or
1253 rejecting the covered policy, provided the commission may
1254 designate preclearance as preliminary and subsequently approve
1255 or deny final preclearance not later than 90 days after
1256 receipt of submission of the covered policy.

1257 (7) The commission shall deny preclearance to a
1258 submitted covered policy only if the covered policy is more
1259 likely than not to violate the provisions of the Alabama
1260 Voting Rights Act or diminish the opportunity or ability of



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1261 members of a protected class to participate in the political
1262 process and elect candidates of their choice or otherwise
1263 influence the outcome of elections. If the commission denies
1264 preclearance to a covered policy under this subdivision, the
1265 commission shall interpose objections explaining the
1266 commission's basis for the denial, and the covered policy
1267 shall not be enacted or implemented.

1268 (8) If the commission grants preclearance to a
1269 submitted covered policy, the covered jurisdiction may
1270 immediately enact or implement the covered policy. A
1271 determination by the commission to grant preclearance shall
1272 not be considered by a court in any subsequent action
1273 challenging the covered policy.

1274 (9) The commission shall allow 10 business days for
1275 public comment on any submitted covered policy, except that
1276 the commission shall allow 20 business days for public comment
1277 on any submitted covered policy concerning the implementation
1278 of a district-based or alternative method of election, a
1279 districting or redistricting plan, or a change to a
1280 municipality's form of government.

1281 (10) The commission shall review and determine to grant
1282 or deny preclearance to a submitted covered policy not later
1283 than 30 calendar days after receipt of the submitted covered
1284 policy, except that the commission shall review and determine
1285 to grant or deny preclearance to a submitted covered policy
1286 concerning the implementation of a district-based or
1287 alternative method of election, a districting or redistricting
1288 plan, or a change to a municipality's form of government not



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1289 later than 90 days after receipt of the submitted covered
1290 policy.

1291 (11) If the commission fails to grant or deny
1292 preclearance to a submitted covered policy within the time
1293 period specified in subdivision (10), the covered policy shall
1294 be deemed precleared and the covered jurisdiction may enact or
1295 implement the covered policy.

1296 (f) The commission may adopt rules in accordance with
1297 the Alabama Administrative Procedure Act to establish an
1298 expedited emergency preclearance process under which the
1299 commission may address covered policies that are submitted
1300 during or immediately preceding an election as a result of any
1301 attack, disaster, emergency, or other exigent circumstance.
1302 Any preclearance granted pursuant to the rules adopted under
1303 this subsection shall be designated "preliminary" and the
1304 commission may subsequently approve or deny final preclearance
1305 not later than 90 days after receipt of submission of the
1306 covered policy.

1307 (g) Any denial of preclearance by the commission may be
1308 appealed in accordance with the Alabama Administrative
1309 Procedure Act.

1310 (h) (1) If a covered jurisdiction seeks preclearance
1311 from the Fifteenth Judicial Circuit for the adoption or
1312 implementation of any covered policy, in lieu of seeking
1313 preclearance from the commission pursuant to subsection (e),
1314 the covered jurisdiction shall submit the covered policy to
1315 the court and may obtain preclearance in accordance with this
1316 subsection, provided the covered jurisdiction shall also



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1317 contemporaneously transmit to the commission a copy of the
1318 submission. Failure to provide a copy of the submission to the
1319 commission shall result in automatic denial of the
1320 preclearance.

1321 (2) Notwithstanding the transmission of a copy of any
1322 submission to the commission, the court shall exercise
1323 exclusive jurisdiction over the submission. The covered
1324 jurisdiction shall bear the burden of proof in the court's
1325 determination as to preclearance.

1326 (3) The court shall grant or deny preclearance no later
1327 than 90 days after the receipt of the submission of a covered
1328 policy.

1329 (4) The court shall deny preclearance to a submitted
1330 covered policy only if the court determines that: (i) the
1331 covered policy is more likely than not to diminish the
1332 opportunity or ability of members of a protected class to
1333 participate in the political process and elect candidates of
1334 their choice or otherwise influence the outcome of elections;
1335 or (ii) the covered policy is more likely than not to violate
1336 the Alabama Voting Rights Act.

1337 (5) If the court grants preclearance of the covered
1338 policy, the covered jurisdiction may immediately enact or
1339 implement the covered policy. A determination by the court to
1340 grant preclearance to a covered policy shall not be admissible
1341 in, or otherwise considered by, a court in any subsequent
1342 action challenging the covered policy.

1343 (6) If the court denies preclearance of a covered
1344 policy, or fails to make a determination within 90 days after



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1345 receipt of submission of the covered policy, the covered
1346 policy shall not be enacted or implemented.

1347 (7) Any denial of preclearance under this subsection
1348 may be appealed in accordance with the Alabama Rules of
1349 Appellate Procedure. Any action brought pursuant to this
1350 subsection shall be expedited with respect to assignment for
1351 trial or appeal, including expedited pretrial and other
1352 proceedings.

1353 (i) If any covered jurisdiction enacts or implements
1354 any covered policy without obtaining preclearance for the
1355 covered policy in accordance with this section, the commission
1356 or any party described in Section 4(d) may file an action in
1357 the Fifteenth Judicial Circuit to enjoin the enactment or
1358 implementation and seek sanctions against the covered
1359 jurisdiction for violations of this section.

1360 (j)(1) The commission may adopt rules, in accordance
1361 with the Alabama Administrative Procedure Act to effectuate
1362 the purposes of this section.

1363 (2) Any estimates prepared for the purpose of
1364 identifying covered jurisdictions under this section,
1365 including estimates of eligible electors, shall be prepared
1366 using the most advanced, peer-reviewed, and validated
1367 methodologies.

1368 Section 8. (a) The Secretary of State shall publicize
1369 his or her work with local registrars, probate offices, and
1370 election administrators to provide semi-annual voter outreach
1371 efforts to educate Alabama residents on matters, including,
1372 but not limited to, upcoming election dates, voter



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1373 registration requirements, available methods of voting, voting
1374 locations, and proposed redistricting changes.

1375 (b) The Voter Education Fund is created within the
1376 State Treasury, to be administered by the commission. All
1377 receipts collected by the commission pursuant to this act
1378 shall be deposited into this fund and used to the credit of
1379 the commission and to carry out this act.

1380 (c) The commission may expend monies from the fund for
1381 any of the following purposes:

1382 (1) Developing and distributing educational materials
1383 on voting rights and the voting process, including information
1384 on voter registration, absentee voting, and polling place
1385 accessibility.

1386 (2) Conducting public education campaigns to inform
1387 voters about changes to voting laws, procedures, or polling
1388 locations, and to counteract false or misleading information
1389 about voting.

1390 (3) Providing training and resources to local election
1391 officials, poll workers, and volunteers on how to ensure fair
1392 and equitable access to the ballot for all eligible voters.

1393 (4) Establishing and maintaining voter hotlines, online
1394 portals, or other mechanisms for voters to report incidents of
1395 voter intimidation, suppression, or discrimination, and for
1396 election officials to respond to those reports.

1397 (5) Supporting voter outreach efforts targeted at
1398 historically underrepresented communities, including, but not
1399 limited to, members of protected classes, low-income
1400 individuals, youth, and people with disabilities.



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1401 (6) Providing grants to community-based organizations,
1402 civic groups, and civil rights organizations to conduct voter
1403 education and mobilization activities, including voter
1404 registration drives, candidate forums, and get-out-the-vote
1405 campaigns, or to engage in nonpartisan advocacy, litigation,
1406 or other legal actions to protect voting rights, challenge
1407 discriminatory voting practices, or seek redress for victims
1408 of voter suppression or intimidation.

1409 (7) Partnering with schools and universities to develop
1410 and implement nonpartisan curricula on civic engagement,
1411 voting, and the importance of participating in the democratic
1412 process.

1413 (8) Funding research and evaluation projects to assess
1414 the impact of voter education and outreach efforts on voter
1415 participation and civic engagement and to identify best
1416 practices for improving access to the ballot.

1417 Section 9. This act shall become effective on October
1418 1, 2026.