

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

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8 SYNOPSIS: Under existing law, a registered voter may  
9 vote by absentee ballot in certain circumstances.  
10 Under existing law, an absentee ballot must be  
11 postmarked no later than the day before the  
12 election and received no later than noon on  
13 election day, and unused absentee ballot materials  
14 are sent to the Secretary of State.

15 This bill would provide that an absentee  
16 ballot application may not be issued to an  
17 applicant without required identification, although  
18 a provisional ballot may be issued in certain  
19 circumstances without identification.

20 This bill would allow a person to vote by  
21 absentee ballot if the person is a caregiver to a  
22 family member in certain circumstances.

23 This bill would allow a person to vote who  
24 is incarcerated, but has not been convicted of a  
25 crime of moral turpitude.

26 This bill would allow a person to vote by  
27 emergency absentee ballot if the person is a

1           caregiver of a person who requires emergency  
2           medical treatment or if there is a death in the  
3           family.

4           This bill would delete a requirement that an  
5           absentee election manager post a list of all  
6           absentee ballot applications received, on a daily  
7           basis, in a public place prior to an election.

8           This bill would allow an absentee ballot to  
9           be postmarked no later than election day and  
10          received by mail no later than noon on the seventh  
11          day following an election.

12          This bill would require unused absentee  
13          ballot materials to be sent to the sheriff in the  
14          respective county.

15          This bill would also make conforming  
16          changes.

17  
18                           A BILL

19                           TO BE ENTITLED

20                           AN ACT

21  
22           Relating to absentee voting; to amend Sections  
23   17-9-30, 17-10-1, 17-10-2, 17-11-3, 17-11-4, 17-11-5, 17-11-7,  
24   17-11-18, and 17-11-19, Code of Alabama 1975; to require an  
25   applicant to include with an absentee ballot application photo  
26   identification; to provide additional situations under which a  
27   registered voter may vote by absentee ballot or emergency

1 absentee ballot; to delete a requirement that an absentee  
2 election manager post a list of all absentee ballot  
3 applications received in a public place prior to an election;  
4 to allow an absentee ballot to be postmarked no later than  
5 election day and received by mail no later than noon on the  
6 seventh day following an election; to require unused absentee  
7 ballot materials to be sent to the appropriate sheriff instead  
8 of the Secretary of State; to make conforming changes; and to  
9 repeal Section 17-9-51, Code of Alabama 1975, relating to time  
10 requirements for receipt of absentee ballots.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 17-9-30, 17-10-1, 17-10-2,  
13 17-11-3, 17-11-4, 17-11-5, 17-11-7, 17-11-18, and 17-11-19,  
14 Code of Alabama 1975, are amended to read as follows:

15 "§17-9-30.

16 "(a) Each elector shall provide valid photo  
17 identification to an appropriate election official prior to  
18 voting. A voter required to show valid photo identification  
19 when voting in person shall present to the appropriate  
20 election official one of the following forms of valid photo  
21 identification:

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

25 "(2) A valid Alabama photo voter identification card  
26 issued under subsection (f) or other valid identification card  
27 issued by a branch, department, agency, or entity of the State

1 of Alabama, any other state, or the United States authorized  
2 by law to issue personal identification, provided that such  
3 identification card contains a photograph of the elector.

4 "(3) A valid United States passport.

5 "(4) A valid employee identification card containing  
6 the photograph of the elector and issued by any branch,  
7 department, agency, or entity of the United States government,  
8 this state, or any county, municipality, board, authority, or  
9 other entity of this state.

10 "(5) A valid student or employee identification card  
11 issued by a public or private college, university, or  
12 postgraduate technical or professional school located within  
13 the state, provided that such identification card contains a  
14 photograph of the elector.

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

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

20 "(b) Voters ~~voting~~ requesting an absentee ballot  
21 shall submit with the absentee ballot application a copy of  
22 one of the forms of identification listed in subsection (a).  
23 Notwithstanding subsection (e), an absentee ballot shall not  
24 be issued unless the required identification is submitted with  
25 the absentee ballot application except as provided in  
26 subsection (c).

1           "(c) Notwithstanding subsection (b), if an absentee  
2           election manager receives an absentee ballot application on or  
3           after the eighth day prior to the election without a copy of  
4           one of the forms of identification listed in subsection (a),  
5           the absentee election manager, if the applicant is otherwise  
6           qualified to vote, shall issue the absentee ballot as a  
7           provisional ballot pursuant to subdivision (1) of subsection  
8           (c) of Section 17-10-2.

9           "~~(c)~~ (d) Notwithstanding subsection (b), a voter who  
10          is entitled to vote by absentee ballot pursuant to the  
11          Uniformed and Overseas Citizens Absentee Voting Act  
12          (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section  
13          3(b) (2) (B) (ii) of the Voting Accessibility for the Elderly and  
14          Handicapped Act (subchapter I-F of Chapter 20 of Title 42  
15          U.S.C.); or any other federal law, shall not be required to  
16          produce identification prior to voting.

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

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

1           "~~(f)~~ (g) The Secretary of State shall issue, upon  
2 application, an Alabama photo voter identification card to  
3 registered Alabama electors which shall under state law be  
4 valid only for the purposes of voter identification under  
5 subsection (a) and available only to registered electors of  
6 this state. No fee shall be charged or collected for the  
7 application for or issuance of an Alabama photo voter  
8 identification card.

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

13           "~~(h)~~ (i) The Alabama photo voter identification card  
14 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and  
15 shall contain a prominent statement that under Alabama law the  
16 card is valid only as identification for voting purposes. The  
17 Alabama photo voter identification card shall be laminated,  
18 shall contain a digital color photograph of the applicant,  
19 shall have the signature of the Secretary of State, and shall  
20 include the following information:

21           "(1) Full legal name.

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

24           "(3) Date of birth.

25           "(4) Eye color.

26           "(5) Gender.

27           "(6) Height.

1           "(7) Weight.

2           "(8) Date identification card was issued.

3           "(9) Other information as required by rule of the  
4 Secretary of State.

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

11           "~~(j)~~ (k) The Secretary of State shall require  
12 presentation and verification of the following information  
13 before issuing an Alabama photo voter identification card to a  
14 person:

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

18           "(2) Documentation showing the person's date of  
19 birth.

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

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

24           "~~(k)~~ (l) An Alabama photo voter identification card  
25 shall remain valid so long as the person resides at that same  
26 address and remains qualified to vote. It shall be the duty of  
27 a person who moves his or her residence within the State of



1 Alabama to surrender his or her card to the Secretary of  
2 State, and such person may after such surrender apply for and  
3 receive a new card if the person is otherwise eligible under  
4 this section. It shall be the duty of a person who moves his  
5 or her residence outside the State of Alabama or who ceases to  
6 be qualified to vote to surrender his or her card to the  
7 Secretary of State.

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

12 "~~(m)~~ (n) The expenses for the production of the  
13 Alabama photo voter identification card shall be paid from  
14 funds appropriated in the state General Fund for Registration  
15 of Voters.

16 "~~(n)~~ (o) The Secretary of State is directed to inform  
17 the public regarding the requirements of subsection (a)  
18 through whatever means deemed necessary by the Secretary of  
19 State.

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

23 "§17-10-1.

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

1           "(b) Voters who are voting by absentee ballot shall  
2 submit with the absentee ballot application a copy of one of  
3 the forms of identification listed in Section 17-9-30. An  
4 absentee ballot shall not be issued unless the required  
5 identification is submitted with the absentee ballot  
6 application except as provided in subsection (c).

7           "(c) If an individual required to present  
8 identification in accordance with this section is unable to  
9 meet the identification requirements of this section, the  
10 ballot cast is a provisional ballot.

11           "§17-10-2.

12           "(a) A voter shall be required to cast a provisional  
13 ballot when:

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

19           "(2) An inspector has knowledge that the individual  
20 is not entitled to vote at that precinct and challenges the  
21 individual.

22           "(3) The individual is required to comply with the  
23 voter identification provisions of Section 17-10-1 but is  
24 unable to do so. If the voter's ballot becomes a provisional  
25 ballot due to lack of identification, the identification,  
26 including the address and telephone number of the voter, must  
27 be provided to the board of registrars no later than 5:00 P.M.

1 on the Friday following the election. If the voter fails to  
2 provide identification to the board of registrars by 5:00 P.M.  
3 on the Friday following the election, the voter's ballot shall  
4 not be counted.

5 "(4) A federal or state court order extends the time  
6 for closing the polls beyond that established by state law and  
7 the individual votes during the extended period of time.  
8 Notwithstanding any other provision of state law, where  
9 provisional ballots are cast pursuant to a federal or state  
10 court order extending the time for closing the polls beyond  
11 that established by state law, the provisional ballots shall  
12 be segregated from other provisional ballots into a separate  
13 sealed container for such purpose and shall be counted,  
14 tabulated, and canvassed only pursuant to the order of a court  
15 having proper jurisdiction.

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

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

20 "(1) An inspector at the polling place shall notify  
21 the individual that the individual may cast a provisional  
22 ballot in that election and shall give the individual written  
23 information that states that any individual who casts a  
24 provisional ballot will be able to ascertain under the system  
25 described in subsection (g) whether the vote was counted, and,  
26 if the vote was not counted, the reason that the vote was not  
27 counted.

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

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

Signature or Mark

Printed Name of Voter

Printed Residence Address of Voter

City State Zip Code

Date of Birth"

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

1           "(4) Where a provisional ballot is required on the  
2 basis of an inspector's knowledge that a voter is not  
3 qualified to vote in the precinct in which the individual is  
4 seeking to vote, the inspector shall sign a statement under  
5 penalty of perjury setting forth facts which the inspector  
6 believes to support his or her belief that the individual is  
7 not qualified to vote in the precinct in which the voter is  
8 seeking to vote. The challenge statement of the inspector  
9 shall be written on a multi-part form prescribed for such  
10 purpose by the Secretary of State and the inspector shall give  
11 one copy to the provisional voter, provide one copy to be  
12 sealed with the provisional ballots, and provide one copy to  
13 be returned to the board of registrars in a sealed envelope.

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

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

19           "(1) Upon receipt of an absentee ballot application,  
20 the absentee election manager shall determine whether  
21 identification has been properly provided. If the  
22 identification has not been properly provided on or after the  
23 eighth day before the election, the absentee election manager  
24 shall ~~notify the voter in writing~~ issue the absentee ballot as  
25 a provisional ballot and shall do all of the following:

26           ~~"a. That unless such identification is provided to~~  
27 ~~the absentee election manager by 5:00 P.M. on the Friday~~

1 ~~before the election, the voter's absentee ballot will become a~~  
2 ~~provisional ballot.~~

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

9 ~~"c. That in the event the voter fails to provide~~  
10 ~~identification to the board of registrars by 5:00 P.M. on the~~  
11 ~~Friday following the election, the voter's ballot will not be~~  
12 ~~counted.~~

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

17 "a. Mark the word "Provisional" on the second or  
18 affidavit envelope prior to transmittal of the absentee  
19 ballot.

20 "b. Enclose the following information with the  
21 transmittal of the absentee ballot:

22 "1. A written explanation as to why the ballot is a  
23 provisional ballot; how to complete the voter reidentification  
24 form and affirmation of provisional voter form; and the  
25 procedure followed by the board of registrars in verifying and  
26 certifying provisional votes.

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

5           "3. A written explanation that in the event the  
6 voter fails to provide identification with the voted ballot or  
7 fails to provide identification to the board of registrars by  
8 5:00 p.m. on the Friday following the election, the voter's  
9 ballot will not be counted.

10           "4. A voter reidentification form and an affirmation  
11 of provisional voter form.

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

17           "(2) Upon receipt of an application for an absentee  
18 ballot where the voter is not identified as appearing in the  
19 precinct for which the voter seeks a ballot, the absentee  
20 election manager shall:

21           "a. Mark the word "Provisional" on the second or  
22 affidavit envelope prior to transmittal of the absentee  
23 ballot.

24           "b. Enclose the following information with the  
25 transmittal of the absentee ballot:

26           "1. A written explanation as to why the ballot is a  
27 provisional ballot; how to complete the voter reidentification

1 form and affirmation of provisional voter form; and the  
2 procedure followed by the board of registrars in verifying and  
3 certifying provisional votes.

4 "2. A voter reidentification form and an affirmation  
5 of provisional voter form.

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

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

18 "a. In lieu of providing the provisional voter with  
19 a copy of the poll worker challenge statement, the inspector  
20 shall provide two copies to the absentee election manager once  
21 the results from the absentee precinct have been tabulated and  
22 certified.

23 "b. The absentee election manager shall mail one  
24 copy of the challenge statement of the inspector by first  
25 class mail by the day after the election to the mailing  
26 address provided on the provisional voter's application for an  
27 absentee ballot and shall enclose with it a written



1 explanation of the procedure used by the board of registrars  
2 in verifying and certifying provisional ballots; an address  
3 and telephone number by which the provisional voter may  
4 respond; and a written explanation that any individual who  
5 casts a provisional ballot will be able to ascertain under the  
6 system described in subsection (g) whether the vote was  
7 counted and, if the vote was not counted, the reason that the  
8 vote was not counted.

9           "(d) Upon the closing of the polls, the sealed  
10 ballot box containing the provisional ballots shall be  
11 returned unopened to the sheriff, or in municipal elections to  
12 the municipal clerk, who shall keep it securely until such  
13 time as the provisional ballots are counted in accordance with  
14 subsection (f). The written affirmations of the provisional  
15 voters, inspector challenge statements, and all voter  
16 reidentification forms shall be placed in a sealed envelope  
17 addressed to the board of registrars and delivered by the  
18 sheriff, or in municipal elections by the municipal clerk, to  
19 the board of registrars no later than noon on the day  
20 following the election.

21           "(e) Upon receipt of materials returned from the  
22 polling places, the board of registrars shall forthwith update  
23 the state voter registration list utilizing the voter  
24 reidentification forms of provisional voters and shall verify  
25 by a certification attached to each provisional voter  
26 affirmation whether the provisional vote is entitled to be  
27 counted and the reason for or against counting the provisional

1 ballot. For the purposes of a municipal election, when  
2 verifying a provisional ballot based upon the fact that the  
3 individual's name does not appear on the official list of  
4 eligible voters for the polling place in which the individual  
5 seeks to vote, the board of registrars shall verify that the  
6 voter is registered to vote at an address located within the  
7 municipal corporate limits or district within which he or she  
8 seeks to vote. When verifying a provisional ballot based upon  
9 the challenge of an inspector, the board of registrars shall  
10 promptly contact the voter by first class mail and provide an  
11 explanation of how the provisional voter may respond to the  
12 challenge. After determining that the provisional voter has  
13 had notice and an opportunity to be heard, the board of  
14 registrars shall verify by a certification attached to the  
15 challenge statement whether the provisional ballot is due to  
16 be counted and, if not, why it should not be counted. The  
17 board of registrars shall deliver the provisional voter  
18 affirmations and inspector challenge statements, with the  
19 certified findings of the board of registrars attached, to the  
20 judge of probate, or in municipal elections to the municipal  
21 clerk, no later than noon seven days after the election until  
22 which time such findings shall remain confidential. Upon  
23 delivery of such materials, the board of registrars shall  
24 enter into the state voter registration list a voter history  
25 providing identification of voters who cast provisional  
26 ballots, whether their ballot was counted, and the reason the  
27 ballot either was or was not counted.

1           "(f) Commencing at noon, Tuesday, seven days after  
2           the election, the canvassing board, or in municipal elections  
3           the municipal governing body, in the presence of watchers,  
4           shall tabulate provisional ballots which have been certified  
5           by the board of registrars as cast by registered and qualified  
6           voters of the voting places in which such ballots were cast.  
7           For the purpose of making election returns of provisional  
8           ballots, provisional balloting results shall be returned and  
9           canvassed as a separate precinct while disclosing all votes  
10          for candidates and ballot measures cast in such ballots. The  
11          canvassing board shall certify on a form to be prescribed by  
12          the Secretary of State the results of the provisional votes  
13          cast and shall post one copy in a public location within the  
14          courthouse, or in the city hall in municipal elections, and  
15          shall seal one copy with the provisional ballots, provisional  
16          voter affirmations, inspector or clerk challenge statements,  
17          and certifications of the board of registrars into a sealed  
18          container or, in the case of primary elections, containers  
19          designated for each political party for such purpose. Such  
20          containers shall be delivered and remain secured with the  
21          other records of the election in accordance with state law.

22          "(g) The board of registrars, after verifying the  
23          identity of a provisional voter, shall make available at the  
24          request of such voter, the findings of the board of registrars  
25          as to whether the individual's provisional ballot was counted  
26          and, if not, the reason why. This may be accomplished by  
27          telephone, by letter, or by secured electronic means. The

1 Secretary of State shall provide a secure means for  
2 provisional voters to verify by electronic means whether the  
3 individual's vote was counted and, if not, the reason why.  
4 There shall be no charge to the provisional voters for  
5 obtaining this information.

6 "(h) The Secretary of State may by rule address the  
7 means of identifying ballots cast by particular provisional  
8 voters by the appointing board and the method of providing  
9 confidentiality and security to communications with  
10 provisional voters seeking information about the status of  
11 their ballot. Notice of any proposed rule or amendment to an  
12 existing rule relating to provisional balloting shall be sent  
13 by certified mail to every judge of probate at least 30 days  
14 prior to certification of the proposed rule or amendment under  
15 the Administrative Procedure Act.

16 "§17-11-3.

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

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

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

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

8           "(4) The person is enrolled as a student at an  
9           educational institution located outside the county of his or  
10          her personal residence attendance at which prevents his or her  
11          attendance at the polls.

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

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

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

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

26          "(b) An applicant for an absentee ballot who is a  
27          member of the Armed Forces of the United States, including the

1 Alabama National Guard, the United States Naval Reserves, the  
2 United States Air Force Reserves, and the United States Army  
3 Reserve on active duty or active duty for training or an  
4 applicant who is the spouse of any member of the armed forces  
5 or any other applicant qualified to vote absentee pursuant to  
6 the federal Uniformed and Overseas Citizens Absentee Voting  
7 Act, 42 U.S.C. 1973ff, may make application for an absentee  
8 ballot by filling out the federal postcard application form,  
9 authorized and provided for under the provisions of "The  
10 Federal Voting Assistance Act of 1955," Public Law 296,  
11 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress  
12 1st Session.

13 "(c) Any registered elector who requires emergency  
14 treatment of a licensed physician within five days of an  
15 election may apply for an emergency absentee ballot for the  
16 election and may vote by returning the absentee ballot no  
17 later than noon on the day the election is held. The attendant  
18 physician shall describe and certify the circumstances as  
19 constituting an emergency on a special form designed by the  
20 Secretary of State and provided by his or her office to local  
21 absentee election managers. The special form shall be attached  
22 to the application.

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

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

5           "b. The elector is a caregiver of a person who  
6 requires emergency treatment by a licensed physician within  
7 five days before an election.

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

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

24           "(e) If the occurrence of a state of emergency as  
25 declared in this or any other state, or by the federal  
26 government, renders substantial compliance with this article  
27 impossible or unreasonable for a group of qualified voters who

1       respond to the emergency, the Secretary of State, pursuant to  
2       Section 41-22-5, may promulgate an emergency rule to allow  
3       those qualified voters to vote by absentee ballot.

4       Notwithstanding any other laws to the contrary, all expenses  
5       and costs incurred by the state or any county in carrying out  
6       the responsibilities and duties included in an emergency rule  
7       promulgated pursuant to this subsection shall be paid by the  
8       State of Alabama from any funds made available for election  
9       expenses under state and federal law.

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

24               "§17-11-4.

25               "The application required in Section 17-11-3 shall  
26       be filed with the person designated to serve as the absentee  
27       election manager. The application shall be in a form



1 prescribed and designed by the Secretary of State and shall be  
2 used throughout the state. Notwithstanding the foregoing,  
3 handwritten applications can also be accepted at any time  
4 prior to the five-day deadline to receive absentee ballot  
5 applications as provided in Section 17-11-3. The application  
6 shall contain sufficient information to identify the applicant  
7 and shall include the applicant's name, residence address, or  
8 such other information necessary to verify that the applicant  
9 is a registered voter. The application shall also list all  
10 felonies of moral turpitude, as provided in Section 17-3-30.1.  
11 Any applicant may receive assistance in filling out the  
12 application as he or she desires, but each application shall  
13 be manually signed by the applicant and, if he or she signs by  
14 mark, the name of the witness to his or her signature shall be  
15 signed thereon. The application may be handed by the applicant  
16 to the absentee election manager or forwarded to him or her by  
17 United States mail or by commercial carrier, as determined by  
18 rule by the Secretary of State. An application for ~~an~~  
19 ~~emergency absentee ballot~~ a voter who requires emergency  
20 treatment by a licensed physician within five days before an  
21 election pursuant to Section 17-11-3 may be forwarded to the  
22 absentee election manager by the applicant or his or her  
23 designee. Application forms which are printed and made  
24 available to any applicant by the absentee election manager  
25 shall have printed thereon all penalties provided for any  
26 violation of this chapter. The Secretary of State shall

1 provide applications for absentee voting to military and  
2 overseas voters in accordance with Section 17-4-35.

3 "§17-11-5.

4 "(a) Upon receipt of an application for an absentee  
5 ballot as provided in Section 17-11-3, if the applicant's name  
6 appears on the list of qualified voters produced from the  
7 state voter registration list in the election to be held, or  
8 if the ~~voter makes an affidavit for a challenged vote or~~  
9 applicant qualifies for a provisional absentee ballot, the  
10 absentee election manager shall furnish the absentee ballot to  
11 the applicant by: (1) Forwarding it by United States mail to  
12 the applicant's or voter's residence address or, upon written  
13 request of the voter, to the address where the voter regularly  
14 receives mail or (2) by handing the absentee ballot to the  
15 ~~voter~~ applicant in person or, in the case of emergency voting  
16 when the applicant requires medical treatment, his or her  
17 designee in person. If the absentee election manager has  
18 reasonable cause to believe that the applicant has given a  
19 fraudulent address on the application for the absentee ballot,  
20 the absentee election manager shall turn over the ballot  
21 application to the district attorney for any action which may  
22 be necessary under this chapter. The absentee election manager  
23 may require additional proof of ~~a voter's~~ an applicant's  
24 eligibility to vote absentee when there is evidence of  
25 continuous absentee voting. The absentee election manager  
26 shall mail any absentee ballot requested to be mailed as  
27 provided in Section 17-11-3 no later than the next business

1 day after an application has been received unless the absentee  
2 ballots have not been delivered to the absentee election  
3 manager. If the absentee ballots have not been so delivered,  
4 the absentee election manager shall hold all requests until  
5 the ballots are delivered and shall then respond by placing  
6 ballots in the mail no later than the next business day.

7 "(b) The official list of qualified voters shall be  
8 furnished to the absentee election manager by the judge of  
9 probate using a printout from the state voter registration  
10 list of registered voters for that county containing voter  
11 registration information useful in the identification of  
12 absentee voters. The information provided in this report shall  
13 be established by rules adopted by the Secretary of State with  
14 the advice of the Alabama Circuit Court Clerks Association or  
15 its members and shall indicate whether the individual is  
16 obligated to produce identification in accordance with  
17 Sections 17-9-30 and 17-10-1. The Secretary of State may  
18 further provide by administrative rule for electronic access  
19 to this list for optional use by the absentee election  
20 manager. This list shall be made available beginning at least  
21 55 days before the election. In municipal elections, the  
22 official list of qualified voters shall be furnished to the  
23 absentee election manager at least 35 days before the  
24 election. Any supplemental list of qualified electors shall  
25 also be provided to the absentee election manager as soon as  
26 the list becomes available. The absentee election manager  
27 shall underscore on the list the name of each voter who has

1 applied for an absentee ballot and shall write immediately  
2 beside his or her name the word "absentee." The Secretary of  
3 State by rule may provide for electronic access to the  
4 absentee election manager's county list of registered voters  
5 in lieu of the printed list and for the method of identifying  
6 applicants for absentee ballots in conjunction with the state  
7 voter registration list.

8 "(c) (1) ~~The absentee election manager shall enroll~~  
9 ~~the name, residence, and voting place of the applicant, and~~  
10 ~~the date the application was received on a list of absentee~~  
11 ~~voters. Each day the absentee election manager shall enter on~~  
12 ~~the list the names, addresses, and voting places of each voter~~  
13 ~~who has that day applied for an absentee ballot and shall, for~~  
14 ~~all elections other than municipal elections, post a copy of~~  
15 ~~the list of applications received each day on the regular~~  
16 ~~bulletin board or other public place in the county courthouse.~~  
17 ~~In municipal elections, the absentee election manager shall~~  
18 ~~post a copy of the list of applications received each day on~~  
19 ~~the regular bulletin board or other public place in the city~~  
20 ~~hall. The list of electors voting by absentee ballot shall~~  
21 remain confidential until the day following the election. The  
22 absentee election manager in all elections shall deliver to  
23 the board of registrars the day following the election, a copy  
24 of the list of all absentee voters, at which point the list is  
25 deemed a public record. The list shall be maintained in the  
26 office of the circuit clerk for 60 days after the election, at  
27 which time it shall be delivered to the judge of probate.

1 Before the polls open at any election on election day, the  
2 absentee election manager shall effectuate the delivery to the  
3 election officers of each voting place a list showing the name  
4 and address of every person whose name appears on the official  
5 list of qualified electors for the voting place who applied  
6 for an absentee ballot in the election. The name of the person  
7 who applied for an absentee ballot shall be identified as an  
8 absentee voter on the list of qualified electors kept at the  
9 voting place, and the person shall not vote again, except that  
10 in county, state, and federal elections the person may vote a  
11 provisional ballot. Applications for absentee ballots are  
12 required for elections which are more than 42 days apart,  
13 except as to individuals voting pursuant to the federal  
14 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

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

20 "(d) For individuals voting pursuant to the federal  
21 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,  
22 the Secretary of State shall by rule prescribe use of  
23 standardized military and overseas voter registration  
24 applications and applications for absentee ballots adopted by  
25 the United States government for such use. The Secretary of  
26 State shall also prescribe by rule provisions within the  
27 standard state application form for absentee voting which

1 permit the voter to identify himself or herself as a military  
2 or overseas voter. Unless otherwise indicated by the military  
3 or overseas voter, an application for an absentee ballot by  
4 such a voter shall remain valid for any election for a  
5 federal, state, or county office or for any proposed  
6 constitutional amendment or a state or county referendum held  
7 through the end of the calendar year in which the application  
8 is filed, provided that if an election cycle begins one year  
9 and continues into the subsequent year, the application shall  
10 be valid for the whole election cycle. The absentee election  
11 manager shall provide an absentee ballot to the military and  
12 overseas voters for each such subsequent election. The  
13 absentee election manager, within seven days after each  
14 regularly scheduled general election for federal office, shall  
15 report the number of military and overseas ballots mailed out  
16 and the number of ballots received to the Secretary of State  
17 who shall report this information to the Federal Election  
18 Assistance Commission within 90 days of each regularly  
19 scheduled general election for federal office.

20 "§17-11-7.

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

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

26 ""State of Alabama

27 "County of \_\_\_\_\_

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

2 ~~"(1) I am a resident of \_\_\_\_\_ County in the~~  
3 ~~State of Alabama.~~

4 ~~"(2) My place of residence in Alabama is: \_\_\_\_\_~~

5 ~~"(street)~~

6 ~~" \_\_\_\_\_, Alabama \_\_\_\_\_~~

7 ~~"(city or town) (zip code)~~

8 ~~"(3) My voting precinct (or place where I vote)~~

9 ~~is: \_\_\_\_\_~~

10 ~~" \_\_\_\_\_~~

11 ~~" \_\_\_\_\_~~

12 ~~"(4) My date of birth is: \_\_\_\_\_~~

13 ~~"month day year~~

14  
15 ~~"(5) I am entitled to vote an absentee ballot~~

16 because:

17 "Check ~~only~~ at least one:

18 "\_\_\_ I ~~will~~ expect to be out of the county or the  
19 state on election day.

20 "\_\_\_ I am physically incapacitated and will not be  
21 able to vote in person on election day.

1           "\_\_\_ I expect to work a required workplace shift  
2 which has at least 10 hours which coincide with the polling  
3 hours at my regular polling place.

4           "\_\_\_ I am a student at an educational institution  
5 located outside the county of my permanent residence and am  
6 therefore unable to vote at my usual polling place on election  
7 day.

8           "\_\_\_ I am a member of or a spouse or dependent of a  
9 member of the Armed Forces of the United States or am  
10 otherwise entitled to vote pursuant to the federal Uniformed  
11 and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

12           "\_\_\_ I have been appointed as an election officer at  
13 a polling place which is not my regular polling place.

14           "\_\_\_ I will be out of the county on election day  
15 responding to a state of emergency as declared by this state  
16 or any other state, or by the federal government.

17           "\_\_\_ I am a caregiver for a family member to the  
18 second degree of kinship by affinity or consanguinity and the  
19 family member is confined to his or her home.

20           "\_\_\_ I am currently incarcerated in prison or jail  
21 and I have not been convicted of a felony involving moral  
22 turpitude.

23           "I further swear (or affirm) that I have not voted  
24 nor will I vote in person in the election to which this ballot  
25 pertains.

26           "I have marked the enclosed absentee ballot  
27 voluntarily and I have read or had read to me and understand



1 the instructions accompanying this ballot and I have carefully  
2 complied with such instructions.

3 "Moreover, I further swear (or affirm) that all of  
4 the information given above is true and correct to the best of  
5 my knowledge and that I understand that by knowingly giving  
6 false information so as to vote illegally by absentee ballot  
7 that I shall be guilty of a misdemeanor which is punishable by  
8 a fine not to exceed one thousand dollars (\$1,000) or confine-  
9 ment in the county jail for not more than six months, or both.

10 \_\_\_\_\_  
11 (Signature or mark of voter.)

12 \_\_\_\_\_  
13 (Printed name of voter.)

14 "IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF  
15 YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF  
16 AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO  
17 ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE  
18 ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.

19 Sworn to and subscribed before me this \_\_\_\_\_ day of  
20 \_\_\_\_\_, 2\_\_.

21 I certify that the affiant is known (or made known)  
22 to me to be the identical party he or she claims to be.

1	_____ (Signature of official)	
2	(Title of official)	
3	_____	
4	(Address of official)	
5		OR
6	1st Witness _____	
7		Signature
8		_____
9		Print name
10		_____
11		Address
12		_____
13		City Zip Code
14	2nd Witness _____	
15		Signature
16		_____
17		Print name
18		_____
19		Address
20		_____

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

"§17-11-18.

"(a) No absentee ballot shall be opened or counted if received by the absentee election manager by mail, unless postmarked ~~as of the date prior to the day of the~~ no later than election day and received by mail no later than noon on the seventh day ~~of~~ after the election, or, if received by the absentee election manager by hand delivery, unless so delivered by the voter or medical emergency designee to the absentee election manager not later than the close of the last business day next preceding the election or, if delivered by the medical emergency designee, by noon on the day of the election.

"(b) All absentee ballots that arrive by noon on the day of the election shall be counted on the day of the election. All absentee ballots that arrive after noon on the day of the election shall be counted with the provisional ballots.

~~"(b) The above provision does not apply in the case of individuals voting absentee pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C. 1973ff, when those individuals are voting in a primary, second primary, general, or special election for a~~

1 ~~federal, state, or county office or proposed constitutional~~  
2 ~~amendment or other referenda. In the case of UOCAVA voters~~  
3 ~~voting absentee in a primary, second primary, general, or~~  
4 ~~special election for a federal, state, or county office or~~  
5 ~~proposed constitutional amendment or other referenda, no~~  
6 ~~absentee ballot shall be opened or counted, if received by the~~  
7 ~~absentee election manager by mail, unless postmarked as of the~~  
8 ~~day of the primary, second primary, general, or special~~  
9 ~~election and received by mail no later than noon seven days~~  
10 ~~after the primary, second primary, general, or special~~  
11 ~~election.~~

12 "§17-11-19.

13 "Each person, firm, or entity supplying to any  
14 county or municipality any absentee affidavit envelopes,  
15 absentee ballots, or other absentee election materials in  
16 connection with any primary, general, special, or municipal  
17 election shall, at the time of the shipment or delivery of the  
18 same, provide to the county or municipality, and to the  
19 Secretary of State, an itemized and signed statement showing a  
20 description and the quantity of each item so shipped or  
21 delivered. Upon the conclusion of the election, the absentee  
22 election manager shall return all unused absentee election  
23 materials to the ~~Secretary of State~~ sheriff of the respective  
24 county along with an itemized, signed statement showing the  
25 description and quantity of each item of absentee election  
26 material not utilized by the county or municipality in the  
27 election then concluded, and the unused absentee election

1 materials shall be maintained for the period of time  
2 prescribed by applicable law and, in no event, less than 18  
3 months."

4 Section 2. Section 17-9-51, Code of Alabama 1975,  
5 relating to time requirements for receipt of absentee ballots  
6 is repealed.

7 Section 3. This act shall become effective on August  
8 1, 2018, following its passage and approval by the Governor,  
9 or its otherwise becoming law.