SB301

197914-5

By Senator Smitherman

RFD: Governmental Affairs

First Read: 16-APR-19
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-9-30. 
"(a) Each elector shall provide valid photo identification to an appropriate election official prior to voting. A voter required to show valid photo identification when voting in person shall present to the appropriate election official one of the following forms of valid photo identification:

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

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

"(3) A valid United States passport.

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

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

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

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

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

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

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

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

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

"(g) The Secretary of State shall issue, upon
application, an Alabama photo voter identification card to
registered Alabama electors which shall under state law be
valid only for the purposes of voter identification under
subsection (a) and available only to registered electors of
this state. No fee shall be charged or collected for the
application for or issuance of an Alabama photo voter
identification card.
(h) No person shall be eligible for an Alabama photo voter identification card if such person has a valid unexpired driver's license, nondriver identification card, or any other photo identification described in subsection (a).

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

(1) Full legal name.
(2) Address as reflected in the person's voter registration record.
(3) Date of birth.
(4) Eye color.
(5) Gender.
(6) Height.
(7) Weight.
(8) Date identification card was issued.
(9) Other information as required by rule of the Secretary of State.

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

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

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

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

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

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

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

The Secretary of State is authorized to contract with a private provider for the production of the Alabama photo voter identification card pursuant to any applicable state bid laws.

The expenses for the production of the Alabama photo voter identification card shall be paid from funds appropriated in the state General Fund for Registration of Voters.

The Secretary of State is directed to inform the public regarding the requirements of subsection (a) through whatever means deemed necessary by the Secretary of State.

The Secretary of State is granted rule making authority for the implementation of this section under the Alabama Administrative Procedure Act.

§17-10-1.

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

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

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

"§17-10-2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"a. Mark the word "Provisional" on the second or affidavit envelope prior to transmittal of the absentee ballot.
"b. Enclose the following information with the transmittal of the absentee ballot:

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

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

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


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

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

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

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

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

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

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

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

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

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

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

"(e) Upon receipt of materials returned from the polling places, the board of registrars shall forthwith update the state voter registration list utilizing the voter reidentification forms of provisional voters and shall verify by a certification attached to each provisional voter affirmation whether the provisional vote is entitled to be counted and the reason for or against counting the provisional ballot. For the purposes of a municipal election, when verifying a provisional ballot based upon the fact that the individual's name does not appear on the official list of eligible voters for the polling place in which the individual seeks to vote, the board of registrars shall verify that the voter is registered to vote at an address located within the municipal corporate limits or district within which he or she seeks to vote. When verifying a provisional ballot based upon the challenge of an inspector, the board of registrars shall promptly contact the voter by first class mail and provide an explanation of how the provisional voter may respond to the
challenge. After determining that the provisional voter has had notice and an opportunity to be heard, the board of registrars shall verify by a certification attached to the challenge statement whether the provisional ballot is due to be counted and, if not, why it should not be counted. The board of registrars shall deliver the provisional voter affirmations and inspector challenge statements, with the certified findings of the board of registrars attached, to the judge of probate, or in municipal elections to the municipal clerk, no later than noon seven days after the election until which time such findings shall remain confidential. Upon delivery of such materials, the board of registrars shall enter into the state voter registration list a voter history providing identification of voters who cast provisional ballots, whether their ballot was counted, and the reason the ballot either was or was not counted.

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

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

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

"§17—ll-3.

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

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

"(2) The person has any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of the election.
"(3) The person works on expects to work a shift which has at least 10 hours which coincide with the hours the polls are open at his or her regular polling place.

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

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

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

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

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

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

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

"(d)(1) Any registered elector whose name appears on the poll list of qualified voters may vote by an emergency absentee ballot if he or she any of the following situations arise:
"a. The elector is required by his or her employer under unforeseen circumstances within five days before an election to be out of the county on an emergency business trip unavailable to vote at the polls on election day.

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

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

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

(e) If the occurrence of a state of emergency as declared in this or any other state, or by the federal
government, renders substantial compliance with this article impossible or unreasonable for a group of qualified voters who respond to the emergency, the Secretary of State, pursuant to Section 41-22-5, may promulgate an emergency rule to allow those qualified voters to vote by absentee ballot.

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

"(f) Notwithstanding any other provision of otherwise applicable law, in the event more than one absentee ballot is cast in the name of the single voter, whether any such multiple ballot is cast by mail or otherwise, none of the affidavit envelopes containing the multiple ballots shall be opened, and none of the multiple ballots shall be counted, except in the event of an election contest, upon the order of the election contest tribunal. Upon the conclusion of an election contest or, in the event no such contest is filed, upon the expiration of time for filing such a contest, the multiple ballots shall be provided to the district attorney, with photocopies provided to the state Attorney General, for such investigation, prosecution, or other action as may be appropriate under applicable law.
"§17-11-4.

The application required in Section 17-11-3 shall be filed with the person designated to serve as the absentee election manager. The application shall be in a form prescribed and designed by the Secretary of State and shall be used throughout the state. Notwithstanding the foregoing, handwritten applications can also be accepted at any time prior to the five-day deadline to receive absentee ballot applications as provided in Section 17-11-3. The application shall contain sufficient information to identify the applicant and shall include the applicant's name, residence address, or such other information necessary to verify that the applicant is a registered voter. The application shall also list all felonies of moral turpitude, as provided in Section 17-3-30.1. Any applicant may receive assistance in filling out the application as he or she desires, but each application shall be manually signed by the applicant and, if he or she signs by mark, the name of the witness to his or her signature shall be signed thereon. The application may be handed by the applicant to the absentee election manager or forwarded to him or her by United States mail or by commercial carrier, as determined by rule by the Secretary of State. An application for an emergency absentee ballot a voter who requires emergency treatment by a licensed physician within five days before an election pursuant to Section 17-11-3 may be forwarded to the
absentee election manager by the applicant or his or her
designee. Application forms which are printed and made
available to any applicant by the absentee election manager
shall have printed thereon all penalties provided for any
violation of this chapter. The Secretary of State shall
provide applications for absentee voting to military and
overseas voters in accordance with Section 17-4-35.

"§17-11-5.

"(a) Upon receipt of an application for an absentee
ballot as provided in Section 17-11-3, if the applicant's name
appears on the list of qualified voters produced from the
state voter registration list in the election to be held, or
if the voter makes an affidavit for a challenged vote or
applicant qualifies for a provisional absentee ballot, the
absentee election manager shall furnish the absentee ballot to
the applicant by: (1) Forwarding it by United States mail to
the applicant's or voter's residence address or, upon written
request of the voter, to the address where the voter regularly
receives mail or (2) by handing the absentee ballot to the
voter applicant in person or, in the case of emergency voting
when the applicant requires medical treatment, his or her
designee in person. If the absentee election manager has
reasonable cause to believe that the applicant has given a
fraudulent address on the application for the absentee ballot,
the absentee election manager shall turn over the ballot
application to the district attorney for any action which may be necessary under this chapter. The absentee election manager may require additional proof of a voter's eligibility to vote absentee when there is evidence of continuous absentee voting. The absentee election manager shall mail any absentee ballot requested to be mailed as provided in Section 17-11-3 no later than the next business day after an application has been received unless the absentee ballots have not been delivered to the absentee election manager. If the absentee ballots have not been so delivered, the absentee election manager shall hold all requests until the ballots are delivered and shall then respond by placing ballots in the mail no later than the next business day.

"(b) The official list of qualified voters shall be furnished to the absentee election manager by the judge of probate using a printout from the state voter registration list of registered voters for that county containing voter registration information useful in the identification of absentee voters. The information provided in this report shall be established by rules adopted by the Secretary of State with the advice of the Alabama Circuit Court Clerks Association or its members and shall indicate whether the individual is obligated to produce identification in accordance with Sections 17-9-30 and 17-10-1. The Secretary of State may further provide by administrative rule for electronic access
to this list for optional use by the absentee election manager. This list shall be made available beginning at least 55 days before the election. In municipal elections, the official list of qualified voters shall be furnished to the absentee election manager at least 35 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as the list becomes available. The absentee election manager shall underscore on the list the name of each voter who has applied for an absentee ballot and shall write immediately beside his or her name the word "absentee." The Secretary of State by rule may provide for electronic access to the absentee election manager's county list of registered voters in lieu of the printed list and for the method of identifying applicants for absentee ballots in conjunction with the state voter registration list.

"(c)(1) The absentee election manager shall enroll the name, residence, and voting place of the applicant, and the date the application was received on a list of absentee voters. Each day the absentee election manager shall enter on the list the names, addresses, and voting places of each voter who has that day applied for an absentee ballot and shall, for all elections other than municipal elections, post a copy of the list of applications received each day on the regular bulletin board or other public place in the county courthouse."
In municipal elections, the absentee election manager shall post a copy of the list of applications received each day on the regular bulletin board or other public place in the city hall. The list of electors voting by absentee ballot shall remain confidential until the day following the election. The absentee election manager in all elections shall deliver to the board of registrars the day following the election, a copy of the list of all absentee voters, at which point the list is deemed a public record. The list shall be maintained in the office of the circuit clerk for 60 days after the election, at which time it shall be delivered to the judge of probate. Before the polls open at any election on election day, the absentee election manager shall effectuate the delivery to the election officers of each voting place a list showing the name and address of every person whose name appears on the official list of qualified electors for the voting place who applied for an absentee ballot in the election. The name of the person who applied for an absentee ballot shall be identified as an absentee voter on the list of qualified electors kept at the voting place, and the person shall not vote again, except that in county, state, and federal elections the person may vote a provisional ballot. Applications for absentee ballots are required for elections which are more than 42 days apart, except as to individuals voting pursuant to the federal Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff.
(2) The absentee election manager shall redact any information required to be redacted pursuant to Section 17-4-33 from any copy of an absentee voter list, to be posted or otherwise made a public record. This subdivision shall not affect poll lists used at local precincts.

(d) For individuals voting pursuant to the federal Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff, the Secretary of State shall by rule prescribe use of standardized military and overseas voter registration applications and applications for absentee ballots adopted by the United States government for such use. The Secretary of State shall also prescribe by rule provisions within the standard state application form for absentee voting which permit the voter to identify himself or herself as a military or overseas voter. Unless otherwise indicated by the military or overseas voter, an application for an absentee ballot by such a voter shall remain valid for any election for a federal, state, or county office or for any proposed constitutional amendment or a state or county referendum held through the end of the calendar year in which the application is filed, provided that if an election cycle begins one year and continues into the subsequent year, the application shall be valid for the whole election cycle. The absentee election manager shall provide an absentee ballot to the military and overseas voters for each such subsequent election. The
absentee election manager, within seven days after each
regularly scheduled general election for federal office, shall
report the number of military and overseas ballots mailed out
and the number of ballots received to the Secretary of State
who shall report this information to the Federal Election
Assistance Commission within 90 days of each regularly
scheduled general election for federal office.

"§17-11-7.

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

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

""State of Alabama

"County of __________

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

"(1) I am a resident of __________ County in the
State of Alabama.

"(2) My place of residence in Alabama is: __________

"(street)

"______________

Alabama __________

"(city or town) (zip code)
"(3) My voting precinct (or place where I vote) is:


"(4) My date of birth is: __________

"month day year

"(5) I am entitled to vote an absentee ballot because:

"Check only at least one:

"___ I will expect to be out of the county or the state on election day.

"___ I am physically incapacitated and will not be able to vote in person on election day.

"___ I expect to work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.

"___ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.
__ I am a member of or a spouse or dependent of a member of the Armed Forces of the United States or am otherwise entitled to vote pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

__ I have been appointed as an election officer at a polling place which is not my regular polling place.

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

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

__ I am currently incarcerated in prison or jail and I have not been convicted of a felony involving moral turpitude.

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

"I have marked the enclosed absentee ballot voluntarily and I have read or had read to me and understand the instructions accompanying this ballot and I have carefully complied with such instructions.

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

(Signature or mark of voter.)

(Printed name of voter.)

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

Sworn to and subscribed before me this ____ day of
__, 2__.

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

(Signature of official)

(Title of official)
10
(Address of official)

2
OR

3
1st Witness___________

4
Signature

5
_______________

6
Print name

7
_______________

8
Address

9
_______________

10
City Zip Code

11
2nd Witness___________

12
Signature

13
_______________

14
Print name

15
_______________

16
Address

17
_______________

18
City Zip Code"
"(c) Unless running unopposed, a candidate may not
witness or notarize any absentee ballot.

§17-11-18.

"(a) No absentee ballot shall be opened or counted
if received by the absentee election manager by mail, unless
postmarked as of the date prior to the day of the election and
received by mail no later than noon on the day of election,
or, if received by the absentee election manager by hand
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) 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
federal, state, or county office or proposed constitutional
amendment or other referenda. In the case of UOCAVA voters
voting absentee in a primary, second primary, general, or
special election for a federal, state, or county office or
proposed constitutional amendment or other referenda, no
absentee ballot shall be opened or counted, if received by the
absentee election manager by mail, unless postmarked as of the
day of the primary, second primary, general, or special
election and received by mail no later than noon seven days
after the primary, second primary, general, or special
election.

"§17-11-19.

"Each person, firm, or entity supplying to any
county or municipality any absentee affidavit envelopes,
absentee ballots, or other absentee election materials in
connection with any primary, general, special, or municipal
election shall, at the time of the shipment or delivery of the
same, provide to the county or municipality, and to the
Secretary of State, an itemized and signed statement showing a
description and the quantity of each item so shipped or
delivered. Upon the conclusion of the election, the absentee
election manager shall return all unused absentee election
materials to the Secretary of State sheriff of the respective
county along with an itemized, signed statement showing the
description and quantity of each item of absentee election
material not utilized by the county or municipality in the
election then concluded, and the unused absentee election
materials shall be maintained for the period of time
prescribed by applicable law and, in no event, less than 18
months."
Section 2. Section 17-9-51, Code of Alabama 1975, relating to time requirements for receipt of absentee ballots is repealed.

Section 3. This act shall become effective on August 1, 2019, following its passage and approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Mac McCaughan
Speaker of the House of Representatives

SB301
Senate 28-MAY-19
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAY-19

By: Senator Smitherman

APPROVED 6-10-19
TIME 2:58 P.M.

Alabama Secretary Of State
Act Num.: 2019-507
Bill Num.: S-301
Recvd 06/10/19 04:17pmSLF

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 301.

YEAS 3 | NAYS 0 | ABSTAIN 0

PATRICK HARRIS,
Secretary

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on (constititution, campaigns, elections) and acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub...(as required in the General Acts of Alabama. 1975 Act No. 919.

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees

HOUSE ACTION

DATE: 3/25/2019

RE: REFERRED RE: COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 301.

YEAS _______ | NAYS _______

JEFF WOODARD,
Clerk