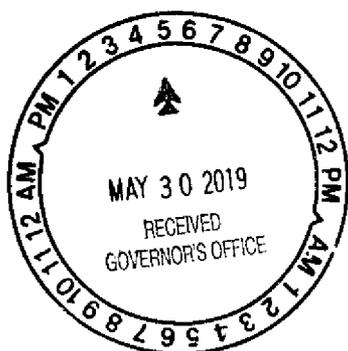


1 SB301  
2 197914-5  
3 By Senator Smitherman  
4 RFD: Governmental Affairs  
5 First Read: 16-APR-19

ACT #2019- 507



1 SB301

2

3

4 ENROLLED, An Act,

5 Relating to absentee voting; to amend Sections

6 17-9-30, 17-10-1, 17-10-2, 17-11-3, 17-11-4, 17-11-5, 17-11-7,

7 17-11-18, and 17-11-19, Code of Alabama 1975; to require an

8 applicant to include with an absentee ballot application photo

9 identification; to provide additional situations under which a

10 registered voter may vote by absentee ballot or emergency

11 absentee ballot; to delete a requirement that an absentee

12 election manager post a list of all absentee ballot

13 applications received in a public place prior to an election;

14 to allow an absentee ballot to be postmarked no later than

15 election day and received by mail no later than noon on the

16 seventh day following an election; to require unused absentee

17 ballot materials to be sent to the appropriate sheriff instead

18 of the Secretary of State; to make conforming changes; and to

19 repeal Section 17-9-51, Code of Alabama 1975, relating to time

20 requirements for receipt of absentee ballots.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 17-9-30, 17-10-1, 17-10-2,

23 17-11-3, 17-11-4, 17-11-5, 17-11-7, 17-11-18, and 17-11-19,

24 Code of Alabama 1975, are amended to read as follows:

25 "§17-9-30.

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

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

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

16           "(3) A valid United States passport.

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

22           "(5) A valid student or employee identification card  
23 issued by a public or private college, university, or  
24 postgraduate technical or professional school located within

1 the state, provided that such identification card contains a  
2 photograph of the elector.

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

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

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

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

23 "~~(c)~~ (d) Notwithstanding subsection (b), a voter who  
24 is entitled to vote by absentee ballot pursuant to the  
25 Uniformed and Overseas Citizens Absentee Voting Act

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

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

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

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

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

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

13                 "(1) Full legal name.

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

16                 "(3) Date of birth.

17                 "(4) Eye color.

18                 "(5) Gender.

19                 "(6) Height.

20                 "(7) Weight.

21                 "(8) Date identification card was issued.

22                 "(9) Other information as required by rule of the  
23 Secretary of State.

24           "~~(i)~~ (j) The application for an Alabama photo voter  
25 identification card shall elicit the information required

1 under subdivisions (1) to (7), inclusive, of subsection ~~(h)~~  
2 (i). The application shall be signed and sworn to by the  
3 applicant, and any falsification or fraud in the making of the  
4 application shall constitute a Class C felony.

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

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

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

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

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

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

1 or her residence outside the State of Alabama or who ceases to  
2 be qualified to vote to surrender his or her card to the  
3 Secretary of State.

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

8 "~~(m)~~ (n) The expenses for the production of the  
9 Alabama photo voter identification card shall be paid from  
10 funds appropriated in the state General Fund for Registration  
11 of Voters.

12 "~~(n)~~ (o) The Secretary of State is directed to inform  
13 the public regarding the requirements of subsection (a)  
14 through whatever means deemed necessary by the Secretary of  
15 State.

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

19 "§17-10-1.

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

24 "(b) Voters who are voting by absentee ballot shall  
25 submit with the absentee ballot application a copy of one of

1 the forms of identification listed in Section 17-9-30. An  
2 absentee ballot shall not be issued unless the required  
3 identification is submitted with the absentee ballot  
4 application except as provided in subsection (c).

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

9 "§17-10-2.

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

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

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

20 "(3) The individual is required to comply with the  
21 voter identification provisions of Section 17-10-1 but is  
22 unable to do so. If the voter's ballot becomes a provisional  
23 ballot due to lack of identification, the identification,  
24 including the address and telephone number of the voter, must  
25 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,

1 if the vote was not counted, the reason that the vote was not  
2 counted.

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

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

10 \_\_\_\_\_

11 Signature or Mark

12 \_\_\_\_\_

13 Printed Name of Voter

14 \_\_\_\_\_

15 Printed Residence Address of Voter

16 \_\_\_\_\_

17 City State Zip Code

18 \_\_\_\_\_

19 Date of Birth"

20 "(3) The individual shall complete a voter  
21 reidentification form prescribed by the Secretary of State for

1 use in updating the state voter registration list. This form  
2 shall indicate whether it is associated with a provisional  
3 ballot.

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

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

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

22 "(1) Upon receipt of an absentee ballot application,  
23 the absentee election manager shall determine whether  
24 identification has been properly provided. If the  
25 identification has not been properly provided on or after the

1 eighth day before the election, the absentee election manager  
2 shall ~~notify the voter in writing~~ issue the absentee ballot as  
3 a provisional ballot and shall do all of the following:

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

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

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

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

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

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

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

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

12           "3. A written explanation that in the event the  
13           voter fails to provide identification with the voted ballot or  
14           fails to provide identification to the board of registrars by  
15           5:00 p.m. on the Friday following the election, the voter's  
16           ballot will not be counted.

17           "4. A voter reidentification form and an affirmation  
18           of provisional voter form.

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

24           (2) Upon receipt of an application for an absentee  
25           ballot where the voter is not identified as appearing in the

1 precinct for which the voter seeks a ballot, the absentee  
2 election manager shall:

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

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

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

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

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

20 "(3) When an absentee ballot becomes a provisional  
21 ballot as a result of an absentee precinct inspector having  
22 knowledge that the individual is not entitled to vote at the  
23 voting place applicable to the voter's ballot and challenges  
24 the voter's right to vote a particular ballot, the absentee

1 precinct inspector shall follow the same procedure identified  
2 in subdivision (4) of subsection (b) except as follows:

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

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

21 "(d) Upon the closing of the polls, the sealed  
22 ballot box containing the provisional ballots shall be  
23 returned unopened to the sheriff, or in municipal elections to  
24 the municipal clerk, who shall keep it securely until such  
25 time as the provisional ballots are counted in accordance with

1 subsection (f). The written affirmations of the provisional  
2 voters, inspector challenge statements, and all voter  
3 reidentification forms shall be placed in a sealed envelope  
4 addressed to the board of registrars and delivered by the  
5 sheriff, or in municipal elections by the municipal clerk, to  
6 the board of registrars no later than noon on the day  
7 following the election.

8 "(e) Upon receipt of materials returned from the  
9 polling places, the board of registrars shall forthwith update  
10 the state voter registration list utilizing the voter  
11 reidentification forms of provisional voters and shall verify  
12 by a certification attached to each provisional voter  
13 affirmation whether the provisional vote is entitled to be  
14 counted and the reason for or against counting the provisional  
15 ballot. For the purposes of a municipal election, when  
16 verifying a provisional ballot based upon the fact that the  
17 individual's name does not appear on the official list of  
18 eligible voters for the polling place in which the individual  
19 seeks to vote, the board of registrars shall verify that the  
20 voter is registered to vote at an address located within the  
21 municipal corporate limits or district within which he or she  
22 seeks to vote. When verifying a provisional ballot based upon  
23 the challenge of an inspector, the board of registrars shall  
24 promptly contact the voter by first class mail and provide an  
25 explanation of how the provisional voter may respond to the

1 challenge. After determining that the provisional voter has  
2 had notice and an opportunity to be heard, the board of  
3 registrars shall verify by a certification attached to the  
4 challenge statement whether the provisional ballot is due to  
5 be counted and, if not, why it should not be counted. The  
6 board of registrars shall deliver the provisional voter  
7 affirmations and inspector challenge statements, with the  
8 certified findings of the board of registrars attached, to the  
9 judge of probate, or in municipal elections to the municipal  
10 clerk, no later than noon seven days after the election until  
11 which time such findings shall remain confidential. Upon  
12 delivery of such materials, the board of registrars shall  
13 enter into the state voter registration list a voter history  
14 providing identification of voters who cast provisional  
15 ballots, whether their ballot was counted, and the reason the  
16 ballot either was or was not counted.

17 "(f) Commencing at noon, Tuesday, seven days after  
18 the election, the canvassing board, or in municipal elections  
19 the municipal governing body, in the presence of watchers,  
20 shall tabulate provisional ballots which have been certified  
21 by the board of registrars as cast by registered and qualified  
22 voters of the voting places in which such ballots were cast.  
23 For the purpose of making election returns of provisional  
24 ballots, provisional balloting results shall be returned and  
25 canvassed as a separate precinct while disclosing all votes

1 for candidates and ballot measures cast in such ballots. The  
2 canvassing board shall certify on a form to be prescribed by  
3 the Secretary of State the results of the provisional votes  
4 cast and shall post one copy in a public location within the  
5 courthouse, or in the city hall in municipal elections, and  
6 shall seal one copy with the provisional ballots, provisional  
7 voter affirmations, inspector or clerk challenge statements,  
8 and certifications of the board of registrars into a sealed  
9 container or, in the case of primary elections, containers  
10 designated for each political party for such purpose. Such  
11 containers shall be delivered and remain secured with the  
12 other records of the election in accordance with state law.

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

24 "(h) The Secretary of State may by rule address the  
25 means of identifying ballots cast by particular provisional

1 voters by the appointing board and the method of providing  
2 confidentiality and security to communications with  
3 provisional voters seeking information about the status of  
4 their ballot. Notice of any proposed rule or amendment to an  
5 existing rule relating to provisional balloting shall be sent  
6 by certified mail to every judge of probate at least 30 days  
7 prior to certification of the proposed rule or amendment under  
8 the Administrative Procedure Act.

9 "§17-11-3.

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

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

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

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

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

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

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

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

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

22           "(b) An applicant for an absentee ballot who is a  
23 member of the Armed Forces of the United States, including the  
24 Alabama National Guard, the United States Naval Reserves, the  
25 United States Air Force Reserves, and the United States Army

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

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

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

1 government, renders substantial compliance with this article  
2 impossible or unreasonable for a group of qualified voters who  
3 respond to the emergency, the Secretary of State, pursuant to  
4 Section 41-22-5, may promulgate an emergency rule to allow  
5 those qualified voters to vote by absentee ballot.

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

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

1           "§17-11-4.

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

1 absentee election manager by the applicant or his or her  
2 designee. Application forms which are printed and made  
3 available to any applicant by the absentee election manager  
4 shall have printed thereon all penalties provided for any  
5 violation of this chapter. The Secretary of State shall  
6 provide applications for absentee voting to military and  
7 overseas voters in accordance with Section 17-4-35.

8 "§17-11-5.

9 "(a) Upon receipt of an application for an absentee  
10 ballot as provided in Section 17-11-3, if the applicant's name  
11 appears on the list of qualified voters produced from the  
12 state voter registration list in the election to be held, or  
13 if the ~~voter makes an affidavit for a challenged vote or~~  
14 applicant qualifies for a provisional absentee ballot, the  
15 absentee election manager shall furnish the absentee ballot to  
16 the applicant by: (1) Forwarding it by United States mail to  
17 the applicant's or voter's residence address or, upon written  
18 request of the voter, to the address where the voter regularly  
19 receives mail or (2) by handing the absentee ballot to the  
20 ~~voter~~ applicant in person or, in the case of emergency voting  
21 when the applicant requires medical treatment, his or her  
22 designee in person. If the absentee election manager has  
23 reasonable cause to believe that the applicant has given a  
24 fraudulent address on the application for the absentee ballot,  
25 the absentee election manager shall turn over the ballot

1 application to the district attorney for any action which may  
2 be necessary under this chapter. The absentee election manager  
3 may require additional proof of ~~a voter's~~ an applicant's  
4 eligibility to vote absentee when there is evidence of  
5 continuous absentee voting. The absentee election manager  
6 shall mail any absentee ballot requested to be mailed as  
7 provided in Section 17-11-3 no later than the next business  
8 day after an application has been received unless the absentee  
9 ballots have not been delivered to the absentee election  
10 manager. If the absentee ballots have not been so delivered,  
11 the absentee election manager shall hold all requests until  
12 the ballots are delivered and shall then respond by placing  
13 ballots in the mail no later than the next business day.

14 " (b) The official list of qualified voters shall be  
15 furnished to the absentee election manager by the judge of  
16 probate using a printout from the state voter registration  
17 list of registered voters for that county containing voter  
18 registration information useful in the identification of  
19 absentee voters. The information provided in this report shall  
20 be established by rules adopted by the Secretary of State with  
21 the advice of the Alabama Circuit Court Clerks Association or  
22 its members and shall indicate whether the individual is  
23 obligated to produce identification in accordance with  
24 Sections 17-9-30 and 17-10-1. The Secretary of State may  
25 further provide by administrative rule for electronic access

1 to this list for optional use by the absentee election  
2 manager. This list shall be made available beginning at least  
3 55 days before the election. In municipal elections, the  
4 official list of qualified voters shall be furnished to the  
5 absentee election manager at least 35 days before the  
6 election. Any supplemental list of qualified electors shall  
7 also be provided to the absentee election manager as soon as  
8 the list becomes available. The absentee election manager  
9 shall underscore on the list the name of each voter who has  
10 applied for an absentee ballot and shall write immediately  
11 beside his or her name the word "absentee." The Secretary of  
12 State by rule may provide for electronic access to the  
13 absentee election manager's county list of registered voters  
14 in lieu of the printed list and for the method of identifying  
15 applicants for absentee ballots in conjunction with the state  
16 voter registration list.

17 ~~"(c) (1) The absentee election manager shall enroll~~  
18 ~~the name, residence, and voting place of the applicant, and~~  
19 ~~the date the application was received on a list of absentee~~  
20 ~~voters. Each day the absentee election manager shall enter on~~  
21 ~~the list the names, addresses, and voting places of each voter~~  
22 ~~who has that day applied for an absentee ballot and shall, for~~  
23 ~~all elections other than municipal elections, post a copy of~~  
24 ~~the list of applications received each day on the regular~~  
25 ~~bulletin board or other public place in the county courthouse.~~

1 ~~In municipal elections, the absentee election manager shall~~  
2 ~~post a copy of the list of applications received each day on~~  
3 ~~the regular bulletin board or other public place in the city~~  
4 ~~hall. The list of electors voting by absentee ballot shall~~  
5 ~~remain confidential until the day following the election.~~ The  
6 absentee election manager in all elections shall deliver to  
7 the board of registrars the day following the election, a copy  
8 of the list of all absentee voters, at which point the list is  
9 deemed a public record. The list shall be maintained in the  
10 office of the circuit clerk for 60 days after the election, at  
11 which time it shall be delivered to the judge of probate.  
12 Before the polls open at any election on election day, the  
13 absentee election manager shall effectuate the delivery to the  
14 election officers of each voting place a list showing the name  
15 and address of every person whose name appears on the official  
16 list of qualified electors for the voting place who applied  
17 for an absentee ballot in the election. The name of the person  
18 who applied for an absentee ballot shall be identified as an  
19 absentee voter on the list of qualified electors kept at the  
20 voting place, and the person shall not vote again, except that  
21 in county, state, and federal elections the person may vote a  
22 provisional ballot. Applications for absentee ballots are  
23 required for elections which are more than 42 days apart,  
24 except as to individuals voting pursuant to the federal  
25 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

1           "(2) The absentee election manager shall redact any  
2 information required to be redacted pursuant to Section  
3 17-4-33 from any copy of an absentee voter list, ~~to be posted~~  
4 ~~or otherwise made a public record.~~ This subdivision shall not  
5 affect poll lists used at local precincts.

6           "(d) For individuals voting pursuant to the federal  
7 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,  
8 the Secretary of State shall by rule prescribe use of  
9 standardized military and overseas voter registration  
10 applications and applications for absentee ballots adopted by  
11 the United States government for such use. The Secretary of  
12 State shall also prescribe by rule provisions within the  
13 standard state application form for absentee voting which  
14 permit the voter to identify himself or herself as a military  
15 or overseas voter. Unless otherwise indicated by the military  
16 or overseas voter, an application for an absentee ballot by  
17 such a voter shall remain valid for any election for a  
18 federal, state, or county office or for any proposed  
19 constitutional amendment or a state or county referendum held  
20 through the end of the calendar year in which the application  
21 is filed, provided that if an election cycle begins one year  
22 and continues into the subsequent year, the application shall  
23 be valid for the whole election cycle. The absentee election  
24 manager shall provide an absentee ballot to the military and  
25 overseas voters for each such subsequent election. The

1 absentee election manager, within seven days after each  
2 regularly scheduled general election for federal office, shall  
3 report the number of military and overseas ballots mailed out  
4 and the number of ballots received to the Secretary of State  
5 who shall report this information to the Federal Election  
6 Assistance Commission within 90 days of each regularly  
7 scheduled general election for federal office.

8 "§17-11-7.

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

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

14 ""State of Alabama

15 "County of \_\_\_\_\_

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

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

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

20 \_\_\_\_\_  
21 "(street)

22 \_\_\_\_\_, Alabama \_\_\_\_\_

"(city or town) (zip code)



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

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

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

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

13          "\_\_\_ I am currently incarcerated in prison or jail  
14 and I have not been convicted of a felony involving moral  
15 turpitude.

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

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

23          "Moreover, I further swear (or affirm) that all of  
24 the information given above is true and correct to the best of  
25 my knowledge and that I understand that by knowingly giving

1 false information so as to vote illegally by absentee ballot  
2 that I shall be guilty of a misdemeanor which is punishable by  
3 a fine not to exceed one thousand dollars (\$1,000) or confine-  
4 ment in the county jail for not more than six months, or both.

5 \_\_\_\_\_  
6 (Signature or mark of voter.)

7 \_\_\_\_\_  
8 (Printed name of voter.)

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

14 Sworn to and subscribed before me this \_\_\_\_\_ day of  
15 \_\_\_\_\_, 2\_\_.

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

18 \_\_\_\_\_ (Signature of official)

19 (Title of official)

20 \_\_\_\_\_

1 (Address of official)

2 OR

3 1st Witness \_\_\_\_\_

Signature

\_\_\_\_\_

Print name

\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code

11 2nd Witness \_\_\_\_\_

Signature

\_\_\_\_\_

Print name

\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code"

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

3           "§17-11-18.

4           "(a) No absentee ballot shall be opened or counted  
5 if received by the absentee election manager by mail, unless  
6 postmarked as of the date prior to the day of the election and  
7 received by mail no later than noon on the day of election,  
8 or, if received by the absentee election manager by hand  
9 delivery, unless so delivered by the voter or medical  
10 emergency designee to the absentee election manager not later  
11 than the close of the last business day next preceding the  
12 election or, if delivered by the medical emergency designee,  
13 by noon on the day of the election.

14           "(b) The above provision does not apply in the case  
15 of individuals voting absentee pursuant to the federal  
16 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),  
17 42 U.S.C. 1973ff, when those individuals are voting in a  
18 primary, second primary, general, or special election for a  
19 federal, state, or county office or proposed constitutional  
20 amendment or other referenda. In the case of UOCAVA voters  
21 voting absentee in a primary, second primary, general, or  
22 special election for a federal, state, or county office or  
23 proposed constitutional amendment or other referenda, no  
24 absentee ballot shall be opened or counted, if received by the

1 absentee election manager by mail, unless postmarked as of the  
2 day of the primary, second primary, general, or special  
3 election and received by mail no later than noon seven days  
4 after the primary, second primary, general, or special  
5 election.

6 "§17-11-19.

7 "Each person, firm, or entity supplying to any  
8 county or municipality any absentee affidavit envelopes,  
9 absentee ballots, or other absentee election materials in  
10 connection with any primary, general, special, or municipal  
11 election shall, at the time of the shipment or delivery of the  
12 same, provide to the county or municipality, and to the  
13 Secretary of State, an itemized and signed statement showing a  
14 description and the quantity of each item so shipped or  
15 delivered. Upon the conclusion of the election, the absentee  
16 election manager shall return all unused absentee election  
17 materials to the ~~Secretary of State~~ sheriff of the respective  
18 county along with an itemized, signed statement showing the  
19 description and quantity of each item of absentee election  
20 material not utilized by the county or municipality in the  
21 election then concluded, and the unused absentee election  
22 materials shall be maintained for the period of time  
23 prescribed by applicable law and, in no event, less than 18  
24 months."

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

4           Section 3. This act shall become effective on August  
5 1, 2019, following its passage and approval by the Governor,  
6 or its otherwise becoming law.

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President and Presiding Officer of the Senate



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.

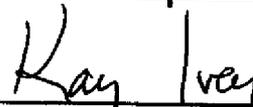
Patrick Harris,  
Secretary.

House of Representatives  
Passed: 30-MAY-19

By: Senator Smitherman

**APPROVED** 6-10-19

**TIME** 2:58 p.m.

  
**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2019-507  
Bill Num....: S-301

Recv'd 06/10/19 04:17pmSLF

SPONSOR

Smith

SPONSORS

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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

years 31 nays 0 abstain 0

**PATRICK HARRIS,**  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.

**PATRICK HARRIS,**  
Secretary

CONFERENCE COMMITTEE

Senate Conferees

HOUSE ACTION

DATE: 5/28 2019

RD 1 RFD 0

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Construction, Company & Elections 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 \_\_\_\_\_.  
This 28 day of May, 2019.  
Patrick Harris Chairperson

DATE: 5/28 2019

RF RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_\_\_

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 100 NAYS 0

**JEFF WOODARD,**  
Clerk