

1 SB86
2 125833-1
3 By Senators Allen, Marsh, Beason, Waggoner, Williams,
4 Brewbaker, Glover, Scofield, Bussman, Whatley, Reed, Orr,
5 Sanford, Brooks, Pittman, Ward, Dial, Holtzclaw and Taylor
6 RFD: Judiciary
7 First Read: 01-MAR-11

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8 SYNOPSIS: This bill would require government issued
9 photo identification for persons wishing to vote.

10 This bill would require the Secretary of
11 State to issue photo identification cards at no
12 charge to individuals who have no valid photo
13 identification.

14 This bill would provide for a criminal
15 penalty to applicants making false applications.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Section 17-9-30, Code of Alabama 1975, as
16 amended by Act 2010-687, 2010 Regular Session (Acts 2010, p.
17 1660), relating to the identification of voters at elections;
18 to provide that a voter must provide valid photo
19 identification, as defined; to require the Secretary of State
20 to issue photo identification cards at no cost to individuals
21 who have no valid photo identification; to provide a penalty
22 for making a fraudulent application for a photo identification
23 card; to authorize the Secretary of State to produce the photo
24 cards through a private vendor; to provide funding; and in
25 connection therewith would have as its purpose or effect the
26 requirement of a new or increased expenditure of local funds
27 within the meaning of Amendment 621 of the Constitution of

1 Alabama of 1901, now appearing as Section 111.05 of the
2 Official Recompilation of the Constitution of Alabama of 1901,
3 as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§17-9-30.

8 ~~"(a) As used in this section, the term "valid photo~~
9 ~~identification" may include in addition to governmentally~~
10 ~~produced photo identifications, identification cards~~
11 ~~containing the photo of the elector produced by employers for~~
12 ~~employees and identification cards containing the photo of the~~
13 ~~elector produced by a public or private college, university,~~
14 ~~or postgraduate technical or professional school located~~
15 ~~within the state.~~

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

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

26 ~~"(2) A copy of a current utility bill, bank~~
27 ~~statement, government check, paycheck, or other government~~

1 document that shows the name and address of the voter. The
2 term "other government document" may include, but is not
3 limited to, any of the following:

4 "a. A valid identification card issued by a branch,
5 department, agency, or entity of the State of Alabama, any
6 other state, or the United States authorized by law to issue
7 personal identification.

8 "b. A valid United States passport.

9 "c. A valid Alabama hunting or fishing license.

10 "d. A valid Alabama permit to carry a pistol or
11 revolver.

12 "e. A valid pilot's license issued by the Federal
13 Aviation Administration or other authorized agency of the
14 United States.

15 "f. A valid United States military identification
16 card.

17 "g. A certified copy of the elector's birth
18 certificate.

19 "h. A valid Social Security card.

20 "i. Certified naturalization documentation.

21 "j. A certified copy of court records showing
22 adoption or name change.

23 "k. A valid Medicaid card, Medicare card, or an
24 Electronic Benefits Transfer Card (formerly referred to as a
25 "food stamp card").

26 "(2) A valid Alabama photo voter identification card
27 issued under subsection (f) or other valid identification card

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

5 "(3) A valid United States passport.

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

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

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

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

21 "~~(c)~~(b) Voters voting an absentee ballot shall
22 submit with the ballot a copy of one of the forms of
23 identification listed in subsection ~~(b)~~(a).

24 "~~(d)~~(c) Notwithstanding subsection ~~(c)~~(b), a voter
25 who is entitled to vote by absentee ballot pursuant to the
26 Uniformed and Overseas Citizens Absentee Voting Act
27 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section

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

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

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

17 ~~"(g) Notwithstanding any provision of law to the~~
18 ~~contrary, the provisions of subsection (f) shall not apply to~~
19 ~~municipal elections.~~

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

1 "(g) 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) 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) The application for an Alabama photo voter
25 identification card shall elicit the information required
26 under subparagraphs, inclusive, of subsection (h) of 1 to 7.
27 The application shall be signed and sworn to by the applicant,

1 and any falsification or fraud in the making of the
2 application shall constitute a Class C felony.

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

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

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

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

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

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

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

5 "(m) The expenses for the production of the Alabama
6 photo voter identification card shall be paid from funds
7 appropriated in the state General Fund for Registration of
8 Voters.

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

13 "(o) The Secretary of State is granted rule making
14 authority for the implementation of this section under the
15 Alabama Administrative Procedure Act."

16 Section 2. The photo identification requirements of
17 this act shall be operative in the first statewide primary for
18 2014. The voter identification requirements prior to the
19 effective date of this act shall continue to apply in any
20 election prior to that election.

21 Section 3. The provisions of this act are severable.
22 If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

25 Section 4. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 5. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.