

1 HB331
2 115762-1
3 By Representatives Ward, Hill and Martin
4 RFD: Constitution and Elections
5 First Read: 19-JAN-10

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8 SYNOPSIS: Under existing law, certain qualified
9 electors are permitted to apply for and vote by
10 absentee ballot or emergency absentee ballot.

11 This bill would include any registered
12 elector who is the spouse or primary caretaker of a
13 person with a physical illness or infirmity as a
14 person permitted to apply for and vote by absentee
15 ballot.

16 This bill would also include any registered
17 elector who is the spouse or primary caretaker of a
18 person who requires emergency medical treatment
19 within five days before an election as a person
20 permitted to apply for and vote by an emergency
21 absentee ballot.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Section 17-11-3, Code of Alabama 1975,
2 relating to absentee voting; to permit a registered elector
3 who is the spouse or primary caretaker of a person with a
4 physical illness or infirmity to apply for and vote by
5 absentee ballot; and to permit a registered elector who is the
6 spouse or primary caretaker of a person who requires emergency
7 medical treatment within five days before an election to apply
8 for and vote by emergency absentee ballot.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 17-11-3 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§17-11-3.

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

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

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

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

5 "~~(3)~~(4) The person works on a shift which has at
6 least 10 hours which coincide with the hours the polls are
7 open at his or her regular polling place.

8 "~~(4)~~(5) The person is enrolled as a student at an
9 educational institution located outside the county of his or
10 her personal residence attendance at which prevents his or her
11 attendance at the polls.

12 "~~(5)~~(6) The person is a member of, or spouse or
13 dependent of a member of, the Armed Forces of the United
14 States or is similarly qualified to vote absentee pursuant to
15 the federal Uniformed and Overseas Citizens Absentee Voting
16 Act, 42 U.S.C. 1973ff.

17 "~~(6)~~(7) The person has been appointed as an election
18 officer or named as a poll watcher at a polling place other
19 than his or her regular polling place.

20 "(b) An applicant for an absentee ballot who is a
21 member of the Armed Forces of the United States, including the
22 Alabama National Guard, the United States Naval Reserves, the
23 United States Air Force Reserves, and the United States Army
24 Reserve on active duty or active duty for training or an
25 applicant who is the spouse of any member of the armed forces
26 or any other applicant qualified to vote absentee pursuant to
27 the federal Uniformed and Overseas Citizens Absentee Voting

1 Act, 42 U.S.C. 1973ff, may make application for an absentee
2 ballot by filling out the federal postcard application form,
3 authorized and provided for under the provisions of "The
4 Federal Voting Assistance Act of 1955," Public Law 296,
5 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress
6 1st Session.

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

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

1 "~~(d)~~ (e) Any registered elector whose name appears on
2 the poll list of qualified voters may vote by an emergency
3 absentee ballot if he or she is required by his or her
4 employer under unforeseen circumstances to be out of the
5 county on an emergency business trip on election day. Under
6 such circumstances, the applicant shall apply for an emergency
7 absentee ballot at the office of the absentee election manager
8 no later than the close of the business day one day prior to
9 the election. The applicant shall complete and file an
10 application form designed by the Secretary of State for
11 emergency absentee voters. The form shall contain an affidavit
12 which the applicant shall sign or swear acknowledging that he
13 or she was not aware of the out-of-county business requirement
14 prior to five days before the election. An applicant who meets
15 the requirements of this subsection may vote by an emergency
16 absentee ballot. After voting the ballot, the voter shall hand
17 the ballot to the absentee election manager.

18 "~~(e)~~ (f) Notwithstanding any other provision of
19 otherwise applicable law, in the event more than one absentee
20 ballot is cast in the name of the single voter, whether any
21 such multiple ballot is cast by mail or otherwise, none of the
22 affidavit envelopes containing the multiple ballots shall be
23 opened, and none of the multiple ballots shall be counted,
24 except in the event of an election contest, upon the order of
25 the election contest tribunal. Upon the conclusion of an
26 election contest or, in the event no such contest is filed,
27 upon the expiration of time for filing such a contest, the

1 multiple ballots shall be provided to the district attorney,
2 with photocopies provided to the state Attorney General, for
3 such investigation, prosecution, or other action as may be
4 appropriate under applicable law."

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.