

1 SB228  
2 189836-2  
3 By Senator Smitherman  
4 RFD: Constitution, Ethics and Elections  
5 First Read: 25-JAN-18

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8 SYNOPSIS: Under existing law, a registered voter may  
9 vote by absentee ballot in certain circumstances.

10 Also under existing law, an absentee ballot  
11 must be postmarked no later than the day before the  
12 election and received no later than noon on  
13 election day.

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

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

22 This bill would allow a person to vote by  
23 emergency absentee ballot if the person is a  
24 caregiver of a person who requires emergency  
25 medical treatment or if there is a death in the  
26 family.

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

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

9                   This bill would also make conforming  
10 changes.

11  
12                                   A BILL  
13                                   TO BE ENTITLED  
14                                   AN ACT

15  
16                   Relating to absentee voting; to amend Sections  
17 17-9-30, 17-10-1, 17-10-2, 17-11-3, 17-11-4, 17-11-5, 17-11-7,  
18 and 17-11-18, Code of Alabama 1975; to require an applicant to  
19 include with an absentee ballot application photo  
20 identification; to provide additional situations under which a  
21 registered voter may vote by absentee ballot or emergency  
22 absentee ballot; to delete a requirement that an absentee  
23 election manager post a list of all absentee ballot  
24 applications received in a public place prior to an election;  
25 to allow an absentee ballot to be postmarked no later than  
26 election day and received by mail no later than noon on the  
27 seventh day following an election; to make conforming changes;

1 and to repeal Section 17-9-51, Code of Alabama 1975, relating  
2 to time requirements for receipt of absentee ballots, and  
3 Section 17-11-19, Code of Alabama 1975, relating to the  
4 maintenance of absentee ballot materials.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 "§17-9-30.

10 "(a) Each elector shall provide valid photo  
11 identification to an appropriate election official prior to  
12 voting. A voter required to show valid photo identification  
13 when voting in person shall present to the appropriate  
14 election official one of the following forms of valid photo  
15 identification:

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

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

25 "(3) A valid United States passport.

26 "(4) A valid employee identification card containing  
27 the photograph of the elector and issued by any branch,

1 department, agency, or entity of the United States government,  
2 this state, or any county, municipality, board, authority, or  
3 other entity of this state.

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

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

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

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

21 "(c) Notwithstanding subsection (b), if an absentee  
22 election manager receives an absentee ballot application on or  
23 after the eighth day prior to the election without a copy of  
24 one of the forms of identification listed in subsection (a),  
25 the absentee election manager, if the applicant is otherwise  
26 qualified to vote, shall issue the absentee ballot as a

1 provisional ballot pursuant to subdivision (1) of subsection  
2 (c) of Section 17-10-2.

3 "~~(c)~~(d) Notwithstanding subsection (b), a voter who  
4 is entitled to vote by absentee ballot pursuant to the  
5 Uniformed and Overseas Citizens Absentee Voting Act  
6 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section  
7 3(b) (2) (B) (ii) of the Voting Accessibility for the Elderly and  
8 Handicapped Act (subchapter I-F of Chapter 20 of Title 42  
9 U.S.C.); or any other federal law, shall not be required to  
10 produce identification prior to voting.

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

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

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

1 application for or issuance of an Alabama photo voter  
2 identification card.

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

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

15 "(1) Full legal name.

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

18 "(3) Date of birth.

19 "(4) Eye color.

20 "(5) Gender.

21 "(6) Height.

22 "(7) Weight.

23 "(8) Date identification card was issued.

24 "(9) Other information as required by rule of the  
25 Secretary of State.

26 ~~"(i)~~ (j) The application for an Alabama photo voter  
27 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  
26 or her residence outside the State of Alabama or who ceases to



1 be qualified to vote to surrender his or her card to the  
2 Secretary of State.

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

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

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

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

18 "§17-10-1.

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

23 "(b) Voters who are voting by absentee ballot shall  
24 submit with the absentee ballot application a copy of one of  
25 the forms of identification listed in Section 17-9-30. An  
26 absentee ballot shall not be issued unless the required

1 identification is submitted with the absentee ballot  
2 application except as provided in subsection (c).

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

7 "§17-10-2.

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

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

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

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

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

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

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

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

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

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

5 \_\_\_\_\_

6 Signature or Mark

7 \_\_\_\_\_

8 Printed Name of Voter

9 \_\_\_\_\_

10 Printed Residence Address of Voter

11 \_\_\_\_\_

12 City State Zip Code

13 \_\_\_\_\_

14 Date of Birth"

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

20                   "(4) Where a provisional ballot is required on the  
21 basis of an inspector's knowledge that a voter is not  
22 qualified to vote in the precinct in which the individual is

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

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

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

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

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

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

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

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

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

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

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

25           "2. A written explanation that identification must  
26 be returned with the ballot or must be provided to the board

1 of registrars no later than 5:00 p.m. on the Friday following  
2 the election.

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

8 "4. A voter reidentification form and an affirmation  
9 of provisional voter form.

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

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

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

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

24 "1. A written explanation as to why the ballot is a  
25 provisional ballot; how to complete the voter reidentification  
26 form and affirmation of provisional voter form; and the

1 procedure followed by the board of registrars in verifying and  
2 certifying provisional votes.

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

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

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

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

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



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

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

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

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

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

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

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

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

16 "§17-11-3.

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

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

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

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

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

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

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

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

23           "(b) An applicant for an absentee ballot who is a  
24 member of the Armed Forces of the United States, including the  
25 Alabama National Guard, the United States Naval Reserves, the  
26 United States Air Force Reserves, and the United States Army  
27 Reserve on active duty or active duty for training or an

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

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

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

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

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

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

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

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

1 and costs incurred by the state or any county in carrying out  
2 the responsibilities and duties included in an emergency rule  
3 promulgated pursuant to this subsection shall be paid by the  
4 State of Alabama from any funds made available for election  
5 expenses under state and federal law.

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

20 "§17-11-4.

21 "The application required in Section 17-11-3 shall  
22 be filed with the person designated to serve as the absentee  
23 election manager. The application shall be in a form  
24 prescribed and designed by the Secretary of State and shall be  
25 used throughout the state. Notwithstanding the foregoing,  
26 handwritten applications can also be accepted at any time  
27 prior to the five-day deadline to receive absentee ballot



1 applications as provided in Section 17-11-3. The application  
2 shall contain sufficient information to identify the applicant  
3 and shall include the applicant's name, residence address, or  
4 such other information necessary to verify that the applicant  
5 is a registered voter. Any applicant may receive assistance in  
6 filling out the application as he or she desires, but each  
7 application shall be manually signed by the applicant and, if  
8 he or she signs by mark, the name of the witness to his or her  
9 signature shall be signed thereon. The application may be  
10 handed by the applicant to the absentee election manager or  
11 forwarded to him or her by United States mail or by commercial  
12 carrier. An application for ~~an emergency absentee ballot~~ a  
13 voter who requires emergency treatment by a licensed physician  
14 within five days before an election pursuant to Section  
15 17-11-3 may be forwarded to the absentee election manager by  
16 the applicant or his or her designee. Application forms which  
17 are printed and made available to any applicant by the  
18 absentee election manager shall have printed thereon all  
19 penalties provided for any violation of this chapter. The  
20 Secretary of State shall provide applications for absentee  
21 voting to military and overseas voters in accordance with  
22 Section 17-4-35.

23 "§17-11-5.

24 "(a) Upon receipt of an application for an absentee  
25 ballot as provided in Section 17-11-3, if the applicant's name  
26 appears on the list of qualified voters produced from the  
27 state voter registration list in the election to be held, or

1 if the ~~voter makes an affidavit for a challenged vote or~~  
2 applicant qualifies for a provisional absentee ballot, the  
3 absentee election manager shall furnish the absentee ballot to  
4 the applicant by: (1) Forwarding it by United States mail to  
5 the applicant's or voter's residence address or, upon written  
6 request of the voter, to the address where the voter regularly  
7 receives mail or (2) by handing the absentee ballot to the  
8 ~~voter~~ applicant in person or, in the case of emergency voting  
9 when the applicant requires medical treatment, his or her  
10 designee in person. If the absentee election manager has  
11 reasonable cause to believe that the applicant has given a  
12 fraudulent address on the application for the absentee ballot,  
13 the absentee election manager shall turn over the ballot  
14 application to the district attorney for any action which may  
15 be necessary under this chapter. The absentee election manager  
16 may require additional proof of ~~a voter's~~ an applicant's  
17 eligibility to vote absentee when there is evidence of  
18 continuous absentee voting. The absentee election manager  
19 shall mail any absentee ballot requested to be mailed as  
20 provided in Section 17-11-3 no later than the next business  
21 day after an application has been received unless the absentee  
22 ballots have not been delivered to the absentee election  
23 manager. If the absentee ballots have not been so delivered,  
24 the absentee election manager shall hold all requests until  
25 the ballots are delivered and shall then respond by placing  
26 ballots in the mail no later than the next business day.

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

1 applicants for absentee ballots in conjunction with the state  
2 voter registration list.

3           "~~(c) (1) The absentee election manager shall enroll~~  
4 ~~the name, residence, and voting place of the applicant, and~~  
5 ~~the date the application was received on a list of absentee~~  
6 ~~voters. Each day the absentee election manager shall enter on~~  
7 ~~the list the names, addresses, and voting places of each voter~~  
8 ~~who has that day applied for an absentee ballot and shall, for~~  
9 ~~all elections other than municipal elections, post a copy of~~  
10 ~~the list of applications received each day on the regular~~  
11 ~~bulletin board or other public place in the county courthouse.~~  
12 ~~In municipal elections, the absentee election manager shall~~  
13 ~~post a copy of the list of applications received each day on~~  
14 ~~the regular bulletin board or other public place in the city~~  
15 ~~hall.~~ The absentee election manager in all elections shall  
16 deliver to the board of registrars the day following the  
17 election, a copy of the list of all absentee voters, which  
18 shall not be deemed a public record until that day. The list  
19 shall be maintained in the office of the circuit clerk for 60  
20 days after the election, at which time it shall be delivered  
21 to the judge of probate. Before the polls open at any election  
22 on election day, the absentee election manager shall  
23 effectuate the delivery to the election officers of each  
24 voting place a list showing the name and address of every  
25 person whose name appears on the official list of qualified  
26 electors for the voting place who applied for an absentee  
27 ballot in the election. The name of the person who applied for

1 an absentee ballot shall be identified as an absentee voter on  
2 the list of qualified electors kept at the voting place, and  
3 the person shall not vote again, except that in county, state,  
4 and federal elections the person may vote a provisional  
5 ballot. Applications for absentee ballots are required for  
6 elections which are more than 42 days apart, except as to  
7 individuals voting pursuant to the federal Uniformed and  
8 Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

9 "(2) The absentee election manager shall redact any  
10 information required to be redacted pursuant to Section  
11 17-4-33 from any copy of an absentee voter list. ~~to be posted~~  
12 ~~or otherwise made a public record.~~ This subdivision shall not  
13 affect poll lists used at local precincts.

14 "(d) For individuals voting pursuant to the federal  
15 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,  
16 the Secretary of State shall by rule prescribe use of  
17 standardized military and overseas voter registration  
18 applications and applications for absentee ballots adopted by  
19 the United States government for such use. The Secretary of  
20 State shall also prescribe by rule provisions within the  
21 standard state application form for absentee voting which  
22 permit the voter to identify himself or herself as a military  
23 or overseas voter. Unless otherwise indicated by the military  
24 or overseas voter, an application for an absentee ballot by  
25 such a voter shall remain valid for any election for a  
26 federal, state, or county office or for any proposed  
27 constitutional amendment or a state or county referendum held

1 through the end of the calendar year in which the application  
2 is filed, provided that if an election cycle begins one year  
3 and continues into the subsequent year, the application shall  
4 be valid for the whole election cycle. The absentee election  
5 manager shall provide an absentee ballot to the military and  
6 overseas voters for each such subsequent election. The  
7 absentee election manager, within seven days after each  
8 regularly scheduled general election for federal office, shall  
9 report the number of military and overseas ballots mailed out  
10 and the number of ballots received to the Secretary of State  
11 who shall report this information to the Federal Election  
12 Assistance Commission within 90 days of each regularly  
13 scheduled general election for federal office.

14 "§17-11-7.

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

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

20 ""State of Alabama

21 "County of \_\_\_\_\_

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

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

25 "~~(2)~~(1) My place of residence in Alabama \_\_\_\_\_

26 is:

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"(street)  
Alabama \_\_\_\_\_  
(zip code)

" \_\_\_\_\_,

"(city or town)

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

is: \_\_\_\_\_

" \_\_\_\_\_

" \_\_\_\_\_

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

~~"month day year~~

~~"(5) (2) I am entitled to vote an absentee ballot~~

because:

"Check only 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

1 therefore unable to vote at my usual polling place on election  
2 day.

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

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

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

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

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

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

22 "Moreover, I further swear (or affirm) that all of  
23 the information given above is true and correct to the best of  
24 my knowledge and that I understand that by knowingly giving  
25 false information so as to vote illegally by absentee ballot  
26 that I shall be guilty of a misdemeanor which is punishable by



1 a fine not to exceed one thousand dollars (\$1,000) or confine-  
2 ment in the county jail for not more than six months, or both.

3 \_\_\_\_\_  
4 (Signature or mark of voter.)

5 \_\_\_\_\_  
6 (Printed name of voter.)

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

12 Sworn to and subscribed before me this \_\_\_\_\_ day of  
13 \_\_\_\_\_, 2\_\_.

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

16 \_\_\_\_\_ (Signature of official)

17 (Title of official)

18 \_\_\_\_\_

19 (Address of official)

20 OR

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

Signature

\_\_\_\_\_

Print name

\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code

9 2nd Witness \_\_\_\_\_

Signature

\_\_\_\_\_

Print name

\_\_\_\_\_

Address

\_\_\_\_\_

City Zip Code"

17 "\$17-11-18.

18 "(a) No absentee ballot shall be opened or counted  
19 if received by the absentee election manager by mail, unless  
20 postmarked ~~as of the date prior to the day of the~~ no later  
21 than election day and received by mail no later than noon on

1 the seventh day ~~of~~ after the election, or, if received by the  
2 absentee election manager by hand delivery, unless so  
3 delivered by the voter or medical emergency designee to the  
4 absentee election manager not later than the close of the last  
5 business day next preceding the election or, if delivered by  
6 the medical emergency designee, by noon on the day of the  
7 election.

8 ~~"(b) The above provision does not apply in the case~~  
9 ~~of individuals voting absentee pursuant to the federal~~  
10 ~~Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),~~  
11 ~~42 U.S.C. 1973ff, when those individuals are voting in a~~  
12 ~~primary, second primary, general, or special election for a~~  
13 ~~federal, state, or county office or proposed constitutional~~  
14 ~~amendment or other referenda. In the case of UOCAVA voters~~  
15 ~~voting absentee in a primary, second primary, general, or~~  
16 ~~special election for a federal, state, or county office or~~  
17 ~~proposed constitutional amendment or other referenda, no~~  
18 ~~absentee ballot shall be opened or counted, if received by the~~  
19 ~~absentee election manager by mail, unless postmarked as of the~~  
20 ~~day of the primary, second primary, general, or special~~  
21 ~~election and received by mail no later than noon seven days~~  
22 ~~after the primary, second primary, general, or special~~  
23 ~~election."~~

24 Section 2. Section 17-9-51, Code of Alabama 1975,  
25 relating to time requirements for receipt of absentee ballots,  
26 and Section 17-11-19, Code of Alabama 1975, relating to the  
27 maintainance of absentee ballot materials, are repealed.

1                   Section 3. This act shall become effective on August  
2           1, 2018, following its passage and approval by the Governor,  
3           or its otherwise becoming law.