

1 SB109
2 197277-1
3 By Senator Ward
4 RFD: Governmental Affairs
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, it is a Class A
9 misdemeanor to tamper with or misuse an electronic
10 voting machine.

11 This bill would make it a Class B felony to
12 tamper with, hack, or otherwise manipulate an
13 electronic voting machine or to misuse a voting
14 machine.

15 Under existing law, it is a Class C felony
16 to falsify an absentee ballot application, to
17 change a ballot application so that the ballot does
18 not reflect the voter's intention, to vote more
19 than once by absentee ballot, or to vote on behalf
20 of another voter.

21 This bill would make certain enumerated
22 actions relating to voter fraud, whereby a voter
23 takes an unlawful action when voting by absentee
24 ballot, a Class A misdemeanor.

25 This bill would make certain enumerated
26 action relating to electoral fraud, whereby a
27 person influences or attempts to influence or

1 manipulate the vote of another person by absentee
2 ballot, a Class C felony.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to elections; to amend Sections 17-17-23
2 and 17-17-24, Code of Alabama 1975; to provide that tampering
3 with, hacking, or otherwise manipulating an electronic voting
4 machine or misusing a voting machine is a Class B felony; to
5 make certain enumerated actions relating to voter fraud,
6 whereby a voter takes an unlawful action when voting by
7 absentee ballot, a Class A misdemeanor; to make certain
8 enumerated action relating to electoral fraud, whereby a
9 person influences or attempts to influence or manipulate the
10 vote of another person by absentee ballot, a Class C felony;
11 and in connection therewith would have as its purpose or
12 effect the requirement of a new or increased expenditure of
13 local funds within the meaning of Amendment 621 of the
14 Constitution of Alabama of 1901, now appearing as Section
15 111.05 of the Official Recompilation of the Constitution of
16 Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. This act shall be known and may be cited
19 as the Election Integrity Act.

20 Section 2. Sections 17-17-23 and 17-17-24, Code of
21 Alabama 1975, are amended to read as follows:

22 "§17-17-23.

23 "~~Any election officer or other person, who shall~~
24 ~~tamper with, injure, or attempt to injure any~~ who tampers
25 with, hacks, or otherwise manipulates an electronic voting
26 machine to be used or being used in an election, or who ~~shall~~
27 willfully ~~misuse any such~~ misuses an electronic voting

1 machine, ~~or who shall prevent or attempt~~ prevents or attempts
2 to prevent the correct operation of ~~such an~~ electronic voting
3 machine, or any unauthorized person who ~~shall make or have~~
4 makes or has in his or her possession a key to a voting
5 machine to be used or being used in an election, shall be
6 guilty, upon conviction, of a Class ~~A misdemeanor~~ B felony.

7 "§17-17-24.

8 "(a) ~~Any A person who willfully changes an absentee~~
9 ~~voter's ballot to the extent that it does not reflect the~~
10 ~~voter's true ballot, any person who willfully~~ does any of the
11 following shall be guilty, upon conviction, of voter fraud,
12 which is a Class A misdemeanor:

13 "(1) Willfully votes more than once by absentee
14 ballot in the same election, ~~any person who willfully~~

15 "(2) Willfully votes ~~for~~ on behalf of another voter.
16 or

17 "(3) Willfully falsifies absentee ballot
18 applications or verification documents so as to vote absentee.
19 ~~, or any person who solicits, encourages, urges, or otherwise~~
20 ~~promotes illegal absentee voting, shall be guilty, upon~~
21 ~~conviction, of a Class C felony. Any person who willfully aids~~
22 ~~any person unlawfully to vote an absentee ballot, any person~~
23 ~~who knowingly and unlawfully votes an absentee ballot, and any~~
24 ~~voter who votes~~

25 "(4) Votes both an absentee and a regular ballot at
26 any election ~~shall be similarly punished.~~

1 "(b) A person who does any of the following shall be
2 guilty, upon conviction, of electoral fraud, which is a Class
3 C felony:

4 "(1) Willfully procures, seeks to procure, or seeks
5 to influence the vote of another person voting by absentee
6 ballot, by the payment or promise of money, or by the delivery
7 or promise of any item of value or by promising or giving the
8 voter any favor or reward in an effort to influence his or her
9 vote.

10 "(2) Aids, abets, assists, encourages, or causes any
11 person voting an absentee ballot to violate any law pertaining
12 to absentee voting.

13 "(3) For a person who pays or otherwise compensates
14 another person for assisting voters in marking their absentee
15 ballots, bases the pay or compensation on the number of
16 absentee voters assisted or the number of absentee ballots
17 cast by persons who have received the assistance.

18 ~~"(b)~~ (c) Upon request by the local district attorney
19 or the Secretary of State, the Attorney General shall provide
20 investigating assistance in instances of ~~absentee ballot or~~
21 ~~voting~~ alleged violations of this section.

22 ~~"(c)~~ (d) Nothing in this section shall be construed
23 to impede or inhibit organized legal efforts to encourage
24 voter participation in the election process or to discourage a
25 candidate from encouraging electors to lawfully vote by
26 absentee ballot."

1 Section 3. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 4. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.