

1 HB38
2 204164-1
3 By Representative Hall
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-FEB-21
6 PFD: 11/30/2020

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a voter who is entitled
9 to vote by absentee ballot is required to submit a
10 form of identification.

11 This bill would add a valid inmate
12 identification card or other form of identification
13 to the list of acceptable forms of identification
14 to vote by absentee ballot.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to absentee voting; to amend Section
21 17-9-30, Code of Alabama 1975, as amended by Act 2019-507,
22 2019 Regular Session, to add a valid inmate identification
23 card or other form of identification to the list of acceptable
24 forms of identification to vote by absentee ballot.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 17-9-30, Code of Alabama 1975, as
2 amended by Act 2019-507, 2019 Regular Session, is amended to
3 read as follows:

4 "§17-9-30.

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

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

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

20 "(3) A valid United States passport.

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

26 "(5) A valid student or employee identification card
27 issued by a public or private college, university, or

1 postgraduate technical or professional school located within
2 the state, provided that such identification card contains a
3 photograph of the elector.

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

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

9 "(8) A valid inmate identification card or other
10 form of identification issued by the facility in which the
11 inmate is incarcerated.

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

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

1 "(d) Notwithstanding subsection (b), a voter who is
2 entitled to vote by absentee ballot pursuant to the Uniformed
3 and Overseas Citizens Absentee Voting Act ~~(subchapter I-G of~~
4 ~~Chapter 20 of Title 42 U.S.C.)~~ (Chapter 203, Title 52 U.S.C.);
5 Section 3(b) (2) (B) (ii) of the Voting Accessibility for the
6 Elderly and Handicapped Act (subchapter I-F of Chapter 20 of
7 Title 42 U.S.C.); or any other federal law, shall not be
8 required to produce identification prior to voting.

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

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

20 "(g) 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 "(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 "(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 "(j) The application for an Alabama photo voter
25 identification card shall elicit the information required
26 under subdivisions (1) to (7), inclusive, of subsection (i).
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 "(k) 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 "(1) 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 "(m) 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 "(n) 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 "(o) 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 "(p) The Secretary of State is granted rulemaking
14 authority for the implementation of this section under the
15 Alabama Administrative Procedure Act."

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