

1 HB638
2 213329-1
3 By Representatives Mooney and Kiel
4 RFD: Constitution, Campaigns and Elections
5 First Read: 20-APR-21

8 SYNOPSIS: Under existing law, voters requesting an
9 absentee ballot must submit photo identification
10 with the absentee ballot application.

11 Under existing law, the absentee election
12 manager is required to be open on the days and
13 during the hours as that of the circuit clerk.

14 Under existing law, the list of electors
15 voting by absentee ballot is confidential until the
16 day following an election.

17 Under existing law, election officials may
18 not begin the process of counting and returning
19 absentee ballots until noon on election day.

20 Under existing law, a person or organization
21 authorized by law may appoint one poll watcher to
22 be present for the counting of absentee ballots.

23 Under existing law, an absentee ballot,
24 except one cast pursuant to the Uniformed and
25 Overseas Citizens Absentee Voting Act (UOCAVA),
26 cannot be counted unless postmarked as of the day

1 before the election and received by mail or hand
2 delivery no later than noon on election day.

3 This bill would require that the photo
4 identification be submitted with the absentee
5 ballot rather than the absentee ballot application.

6 This bill would prohibit the absentee
7 election manager and circuit clerk from extending
8 its hours of operation outside of its normal
9 business hours during an election year.

10 This bill would require the absentee
11 election manager to report to the Secretary of
12 State and Attorney General listing the names of any
13 voters who requested that an absentee ballot be
14 mailed to an address where a number of absentee
15 ballots were requested, and that names of any
16 voters who requested an absentee ballot in a county
17 other than the county in which the voter is
18 registered to vote.

19 This bill would require the absentee
20 election manager to record the name, voting place
21 of the applicant, date the application was
22 received, date the ballot was sent, and date the
23 ballot was returned on a list of absentee voters
24 and to post a copy of the list of voters who have
25 requested an absentee ballot each day on the
26 regular bulletin board or other public place in the
27 county courthouse.

1 This bill would require that each absentee
2 ballot have an identifying tracking number.

3 This bill would permit election officials to
4 begin the process of counting and returning
5 absentee ballots earlier on election day when a
6 certain number of absentee ballots have been
7 received by the absentee election manager.

8 This bill would increase the number of poll
9 watchers when a certain amount of absentee ballots
10 have been received.

11 This bill would provide that any absentee
12 ballot postmarked before election day and received
13 by mail a certain number of calendar days after the
14 election shall be deemed a provisional ballot.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to absentee voting; to amend Sections
21 17-9-30, 17-11-2, 17-11-4, 17-11-5, 17-11-10, 17-11-11,
22 17-11-18, Code of Alabama 1975, to require photo
23 identification to be submitted with the absentee ballot rather
24 than the absentee ballot application; to prohibit the absentee
25 election manager and circuit clerk from extending its hours of
26 operation outside of its normal business hours during an
27 election year; to require the absentee election manager to

1 submit a report to the Secretary of State and Attorney General
2 relating to certain absentee ballot requests; to require the
3 absentee election manager to record certain activities
4 relating to each absentee ballot and to post a copy of the
5 list of voters who have requested an absentee ballot each day
6 on the regular bulletin board or other public place in the
7 county courthouse; to require that each absentee ballot have
8 an identifying tracking number; to permit election officials
9 to begin the process of counting and returning absentee
10 ballots earlier on election day when a certain number of
11 absentee ballots have been received by the absentee election
12 manager; to increase the number of poll watchers; to observe
13 counting of absentee ballots in certain circumstances; and to
14 provide that any absentee ballot postmarked as of the date
15 prior to the day of the election and received by mail a
16 certain number of calendar days after the election shall be
17 deemed a provisional ballot.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 17-9-30, 17-11-2, 17-11-4,
20 17-11-5, 17-11-10, 17-11-11, 17-11-18, Code of Alabama 1975,
21 are amended to read as follows:

22 "§17-9-30.

23 "(a) Each elector shall provide valid photo
24 identification to an appropriate election official prior to
25 voting. A voter required to show valid photo identification
26 when voting in person shall present to the appropriate

1 election official one of the following forms of valid photo
2 identification:

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

6 "(2) A valid Alabama photo voter identification card
7 issued under subsection (g) or other valid identification card
8 issued by a branch, department, agency, or entity of the State
9 of Alabama, any other state, or the United States authorized
10 by law to issue personal identification, provided that ~~such~~
11 the identification card contains a photograph of the elector.

12 "(3) A valid United States passport.

13 "(4) A valid employee identification card containing
14 the photograph of the elector and issued by any branch,
15 department, agency, or entity of the United States government,
16 this state, or any county, municipality, board, authority, or
17 other entity of this state.

18 "(5) A valid student or employee identification card
19 issued by a public or private college, university, or
20 postgraduate technical or professional school located within
21 the state, provided that ~~such~~ the identification card contains
22 a photograph of the elector.

23 "(6) A valid United States military identification
24 card, provided that ~~such~~ the identification card contains a
25 photograph of the elector.

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

1 "~~(b) Voters requesting an~~ An elector voting by
2 absentee ballot shall submit with the absentee ballot
3 ~~application~~ a copy of one of the forms of identification
4 listed in subsection (a). Notwithstanding subsection (e), an
5 absentee ballot shall not be ~~issued~~ counted unless the
6 required identification is submitted with the absentee ballot
7 ~~application~~ except as provided in subsection (c).

8 "~~(c) Notwithstanding subsection (b), if an absentee~~
9 ~~election manager receives an absentee ballot application on or~~
10 ~~after the eighth day prior to the election without a copy of~~
11 ~~one of the forms of identification listed in subsection (a),~~
12 ~~the absentee election manager, if the applicant is otherwise~~
13 ~~qualified to vote, shall issue the absentee ballot as a~~
14 ~~provisional ballot pursuant to subdivision (1) of subsection~~
15 ~~(c) of Section 17-10-2.~~

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

24 "~~(e)~~ (d) An individual required to present valid
25 photo identification in accordance with this section who is
26 unable to meet the identification requirements of this section

1 shall be permitted to vote by a provisional ballot, as
2 provided for by law.

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

9 ~~"(g)~~ (f) The Secretary of State shall issue, upon
10 application, an Alabama photo voter identification card to
11 registered Alabama electors which shall under state law be
12 valid only for the purposes of voter identification under
13 subsection (a) and available only to registered electors of
14 this state. No fee shall be charged or collected for the
15 application for or issuance of an Alabama photo voter
16 identification card.

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

21 ~~"(i)~~ (h) The Alabama photo voter identification card
22 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and
23 shall contain a prominent statement that under Alabama law the
24 card is valid only as identification for voting purposes. The
25 Alabama photo voter identification card shall be laminated,
26 shall contain a digital color photograph of the applicant,

1 shall have the signature of the Secretary of State, and shall
2 include the following information:

3 "(1) Full legal name.

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

6 "(3) Date of birth.

7 "(4) Eye color.

8 "(5) Gender.

9 "(6) Height.

10 "(7) Weight.

11 "(8) Date identification card was issued.

12 "(9) Other information as required by rule of the
13 Secretary of State.

14 "~~(j)~~ (i) The application for an Alabama photo voter
15 identification card shall elicit the information required
16 under subdivisions (1) to (7), inclusive, of subsection ~~(i)~~
17 (h). The application shall be signed and sworn to by the
18 applicant, and any falsification or fraud in the making of the
19 application shall constitute a Class C felony.

20 "~~(k)~~ (j) The Secretary of State shall require
21 presentation and verification of the following information
22 before issuing an Alabama photo voter identification card to a
23 person:

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

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

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

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

7 "~~(i)~~ (k) An Alabama photo voter identification card
8 shall remain valid so long as the person resides at that same
9 address and remains qualified to vote. It shall be the duty of
10 a person who moves his or her residence within the State of
11 Alabama to surrender his or her card to the Secretary of
12 State, and ~~such~~ the person may after ~~such~~ the surrender apply
13 for and receive a new card if the person is otherwise eligible
14 under this section. It shall be the duty of a person who moves
15 his or her residence outside the State of Alabama or who
16 ceases to be qualified to vote to surrender his or her card to
17 the Secretary of State.

18 "~~(m)~~ (l) The Secretary of State is authorized to
19 contract with a private provider for the production of the
20 Alabama photo voter identification card pursuant to any
21 applicable state bid laws.

22 "~~(n)~~ (m) The expenses for the production of the
23 Alabama photo voter identification card shall be paid from
24 funds appropriated in the state General Fund for Registration
25 of Voters.

26 "~~(o)~~ (n) The Secretary of State is directed to
27 inform the public regarding the requirements of subsection (a)

1 through whatever means deemed necessary by the Secretary of
2 State.

3 "~~(p)~~ (o) The Secretary of State is granted
4 rulemaking authority for the implementation of this section
5 under the Alabama Administrative Procedure Act.

6 "§17-11-2.

7 "In each county there shall be an "absentee election
8 manager," who shall fulfill the duties assigned by this
9 chapter. The circuit clerk of the county shall, at his or her
10 option, be the absentee election manager. If the circuit clerk
11 of the county declines the duties of absentee election
12 manager, the appointing board shall thereupon appoint an
13 absentee election manager, who shall be a person qualified by
14 training and experience, who is a qualified elector of the
15 county and who is not a candidate in the election to perform
16 the duties assigned by this chapter. The county commission
17 shall designate the place or office where such duties shall be
18 performed. ~~Such~~ The place or office shall be open on the days
19 and during the hours as that of the circuit clerk prior to
20 each election and the absentee election manager or circuit
21 clerk shall not expand its hours of operation outside of its
22 normal business hours during an election year. Any person so
23 appointed shall have all the powers, duties, and
24 responsibilities of the circuit clerk for the purposes of this
25 chapter, including the power to administer oaths. ~~Such~~ These
26 powers, duties, and responsibilities shall terminate when the
27 election results are certified. The absentee election manager

1 or circuit clerk shall be entitled to the same compensation
2 for the performance of his or her duties as is provided in
3 Section 17-11-14.

4 "§17-11-4.

5 "(a) The application required in Section 17-11-3
6 shall be filed with the person designated to serve as the
7 absentee election manager. The application shall be in a form
8 prescribed and designed by the Secretary of State and shall be
9 used throughout the state. Notwithstanding the foregoing,
10 handwritten applications can also be accepted at any time
11 prior to the five-day deadline to receive absentee ballot
12 applications as provided in Section 17-11-3. The application
13 shall contain sufficient information to identify the applicant
14 and shall include the applicant's name, residence address, or
15 such other information necessary to verify that the applicant
16 is a registered voter. The application shall also list all
17 felonies of moral turpitude, as provided in Section 17-3-30.1.
18 Any applicant may receive assistance in filling out the
19 application as he or she desires, but each application shall
20 be manually signed by the applicant and, if he or she signs by
21 mark, the name of the witness to his or her signature shall be
22 signed thereon. The application may be handed by the applicant
23 to the absentee election manager or forwarded to him or her by
24 United States mail or by commercial carrier, as determined by
25 rule by the Secretary of State. An application for a voter who
26 requires emergency treatment by a licensed physician within
27 five days before an election pursuant to Section 17-11-3 may

1 be forwarded to the absentee election manager by the applicant
2 or his or her designee. Application forms that are printed and
3 made available to any applicant by the absentee election
4 manager shall have printed thereon all penalties provided for
5 any violation of this chapter. The Secretary of State shall
6 provide applications for absentee voting to military and
7 overseas voters in accordance with Section 17-4-35.

8 "(b) The absentee election manager, within 10
9 calendar days of an election, shall submit a report to the
10 Secretary of State and Attorney General listing the names of
11 any voter who requested an absentee ballot to be mailed to an
12 address where more than four absentee ballots were requested
13 and any voter who requested an absentee ballot in a county
14 other than the county in which the voter is registered to
15 vote.

16 "§17-11-5.

17 "(a) Upon receipt of an application for an absentee
18 ballot as provided in Section 17-11-3, if the applicant's name
19 appears on the list of qualified voters produced from the
20 state voter registration list in the election to be held, or
21 if the applicant qualifies for a provisional absentee ballot,
22 the absentee election manager shall furnish the absentee
23 ballot to the applicant by: (1) Forwarding it by United States
24 mail to the applicant's or voter's residence address or, upon
25 written request of the voter, to the address where the voter
26 regularly receives mail; or (2) by handing the absentee ballot
27 to the applicant in person or, in the case of emergency voting

1 when the applicant requires medical treatment, his or her
2 designee in person. If the absentee election manager has
3 reasonable cause to believe that the applicant has given a
4 fraudulent address on the application for the absentee ballot,
5 the absentee election manager shall turn over the ballot
6 application to the district attorney for any action which may
7 be necessary under this chapter. The absentee election manager
8 may require additional proof of an applicant's eligibility to
9 vote absentee when there is evidence of continuous absentee
10 voting. The absentee election manager shall mail any absentee
11 ballot requested to be mailed as provided in Section 17-11-3
12 no later than the next business day after an application has
13 been received unless the absentee ballots have not been
14 delivered to the absentee election manager. If the absentee
15 ballots have not been so delivered, the absentee election
16 manager shall hold all requests until the ballots are
17 delivered and shall then respond by placing ballots in the
18 mail no later than the next business day.

19 "(b) The official list of qualified voters shall be
20 furnished to the absentee election manager by the judge of
21 probate using a printout from the state voter registration
22 list of registered voters for that county containing voter
23 registration information useful in the identification of
24 absentee voters. The information provided in this report shall
25 be established by rules adopted by the Secretary of State with
26 the advice of the Alabama Circuit Court Clerks Association or
27 its members and shall indicate whether the individual is

1 obligated to produce identification in accordance with
2 Sections 17-9-30 and 17-10-1. The Secretary of State may
3 further provide by administrative rule for electronic access
4 to this list for optional use by the absentee election
5 manager. This list shall be made available beginning at least
6 55 days before the election. In municipal elections, the
7 official list of qualified voters shall be furnished to the
8 absentee election manager at least 35 days before the
9 election. Any supplemental list of qualified electors shall
10 also be provided to the absentee election manager as soon as
11 the list becomes available. The absentee election manager
12 shall underscore on the list the name of each voter who has
13 applied for an absentee ballot and shall write immediately
14 beside his or her name the word "absentee." The Secretary of
15 State by rule may provide for electronic access to the
16 absentee election manager's county list of registered voters
17 in lieu of the printed list and for the method of identifying
18 applicants for absentee ballots in conjunction with the state
19 voter registration list.

20 " (c) (1) ~~The list of electors voting by absentee~~
21 ~~ballot shall remain confidential until the day following the~~
22 ~~election.~~ The absentee election manager shall enroll the name,
23 voting place of the applicant, the date the application was
24 received, date the ballot was sent, and date that the ballot
25 was returned on a list of absentee voters. Each day the
26 absentee election manager shall enter on the list the names,
27 addresses, and voting places of each voter who has that day

1 applied for an absentee ballot and shall, for all elections
2 other than municipal elections, post a copy of the list of
3 applications received each day on the regular bulletin board
4 or other public place in the county courthouse. In municipal
5 elections, the absentee election manager shall post a copy of
6 the list of applications received each day on the regular
7 bulletin board or other public place in the city hall. The
8 absentee election manager in all elections shall deliver to
9 the board of registrars, the day following the election, a
10 copy of the list of all absentee voters, ~~at which point the~~
11 ~~list is deemed a public record.~~ The list shall be maintained
12 in the office of the circuit clerk for 60 days after the
13 election, at which time it shall be delivered to the judge of
14 probate. Before the polls open at any election on election
15 day, the absentee election manager shall effectuate the
16 delivery to the election officers of each voting place a list
17 showing the name and address of every person whose name
18 appears on the official list of qualified electors for the
19 voting place who applied for an absentee ballot in the
20 election. The name of the person who applied for an absentee
21 ballot shall be identified as an absentee voter on the list of
22 qualified electors kept at the voting place, and the person
23 shall not vote again, except that in county, state, and
24 federal elections the person may vote a provisional ballot.
25 Applications for absentee ballots are required for elections
26 that are more than 42 days apart, except as to individuals

1 voting pursuant to the federal Uniformed and Overseas Absentee
2 Voting Act, ~~42 U.S.C. 1973ff~~ 52 U.S.C. §§ 20301-20311.

3 "(2) The absentee election manager shall redact any
4 information required to be redacted pursuant to Section
5 17-4-33 from any copy of an absentee voter list. This
6 subdivision shall not affect poll lists used at local
7 precincts.

8 "(d) Each absentee ballot issued under subsection
9 (a) shall be assigned an individually identifying tracking
10 number.

11 "~~(d)~~ (e) For individuals voting pursuant to the
12 federal Uniformed and Overseas Absentee Voting Act, ~~42 U.S.C.~~
13 ~~1973ff~~ 52 U.S.C. §§ 20301-20311, the Secretary of State, by
14 rule, shall prescribe use of standardized military and
15 overseas voter registration applications and applications for
16 absentee ballots adopted by the United States government. The
17 Secretary of State shall also prescribe by rule provisions
18 within the standard state application form for absentee voting
19 which permit the voter to identify himself or herself as a
20 military or overseas voter. Unless otherwise indicated by the
21 military or overseas voter, an application for an absentee
22 ballot by ~~such~~ a voter shall remain valid for any election for
23 a federal, state, or county office or for any proposed
24 constitutional amendment or a state or county referendum held
25 through the end of the calendar year in which the application
26 is filed, provided that if an election cycle begins one year
27 and continues into the subsequent year, the application shall

1 be valid for the whole election cycle. The absentee election
2 manager shall provide an absentee ballot to the military and
3 overseas voters for each ~~such~~ subsequent election. The
4 absentee election manager, within seven days after each
5 regularly scheduled general election for federal office, shall
6 report the number of military and overseas ballots mailed out
7 and the number of ballots received to the Secretary of State,
8 who shall report this information to the Federal Election
9 Assistance Commission within 90 days of each regularly
10 scheduled general election for federal office.

11 "§17-11-10.

12 "(a) Upon receipt of the absentee ballot, the
13 absentee election manager shall record its receipt thereof on
14 the absentee list as provided in Section 17-11-5 and shall
15 safely keep the ballot without breaking the seal of the
16 affidavit envelope.

17 "(b) For absentee ballots received by noon on the
18 day of the election, the absentee election manager shall,
19 beginning at noon, deliver the sealed affidavit envelopes
20 containing absentee ballots to the election officials provided
21 for in Section 17-11-11, except that when there are more than
22 10,000 absentee ballots received by the absentee election
23 manager, then the absentee election officials may perform the
24 duties prescribed in Section 17-11-11 no earlier than 7:00
25 a.m. on election day so long as public notice is provided at
26 least seven calendar days prior to election day or as soon as
27 practicably possible. The election officials shall then call

1 the name of each voter casting an absentee ballot with poll
2 watchers present as may be provided under the laws of Alabama
3 and shall examine each affidavit envelope to determine if the
4 signature of the voter has been appropriately witnessed. If
5 the witnessing of the signature and the information in the
6 affidavit establish that the voter is entitled to vote by
7 absentee ballot, then the election officials shall certify the
8 findings, open each affidavit envelope, and deposit the plain
9 envelope containing the absentee ballot into a sealed ballot
10 box.

11 "(c) No poll worker or other election official shall
12 open an affidavit envelope if the envelope indicates the
13 ballot is an unverified provisional ballot or the affidavit
14 printed thereon is unsigned by the voter or unmarked, and no
15 ballot envelope or ballot therein may be removed or counted.
16 No poll worker or other election official shall open an
17 affidavit envelope if the voter's affidavit signature or mark
18 is not witnessed by the signatures of two witnesses or a
19 notary public, or other officer, including a military
20 commissioned officer, authorized to acknowledge oaths, and no
21 ballot envelope or ballot therein may be removed or counted.
22 The provision for witnessing of the voter's affidavit
23 signature or mark in Section 17-11-7 goes to the integrity and
24 sanctity of the ballot and election. No court or other
25 election tribunal shall allow the counting of an absentee
26 ballot with respect to which the voter's affidavit signature
27 or mark is not witnessed by the signatures of two witnesses 18

1 years of age or older or a notary public, or other officer,
2 including a military commissioned officer, authorized to
3 acknowledge oaths, prior to being delivered or mailed to the
4 absentee election manager.

5 "(d) Upon closing of the polls, the absentee ballots
6 shall be counted and otherwise handled in all respects as if
7 the absentee voter were present and voting in person. Precinct
8 ballot counters may be used to count absentee ballots.

9 Absentee election officials are to be appointed and trained in
10 the same manner as prescribed for regular election officials.
11 The number of absentee election officials shall be determined
12 by the number of precinct counters provided. The county
13 commission may provide more than one precinct ballot counter
14 based upon the recommendation of the absentee election
15 manager. Beginning not earlier than noon on election day, the
16 absentee election officials shall perform the duties
17 prescribed in Section 17-11-11, except that when there are
18 more than 10,000 absentee ballots received by the absentee
19 election manager, then the absentee election officials may
20 perform the duties prescribed in Section 17-11-11 no earlier
21 than 7:00 a.m. on election day so long as public notice is
22 provided at least seven calendar days prior to election day or
23 as soon as practicably possible.

24 "(e) As regards municipalities with populations of
25 less than 10,000, in the case of municipal elections held at a
26 time different from a primary or general election, the return
27 mail envelopes containing the ballots shall be delivered to

1 the election official of the precinct of the respective
2 voters, unless the city or town having a population of less
3 than 10,000 inhabitants has, by permanent ordinance adopted
4 six months prior to the municipal election, established a
5 procedure for the appointment of absentee election officials
6 pursuant to subsection (c) of Section 11-46-27.

7 "~~(c)~~ (f) Absentee ballots cast in a second primary
8 election for federal, state, or county office by individuals
9 voting pursuant to the federal Uniformed and Overseas Citizens
10 Absentee Voting Act, ~~42 U.S.C. 1973ff et seq.~~ 52 U.S.C. §§
11 20301-20311, and received after noon on the day of the second
12 primary election, shall be opened and counted at the same time
13 as the verified provisional ballots. At noon seven days after
14 the second primary election, the absentee election manager
15 shall deliver the sealed affidavit envelopes containing
16 absentee ballots to the officials provided for in subsection
17 (f) of Section 17-10-2. The officials shall call the name of
18 each voter casting an absentee ballot in the presence of
19 watchers designated by any interested candidates and shall
20 examine each affidavit envelope to determine if the signature
21 of the voter has been appropriately witnessed. If the
22 witnessing of the signature and the information in the
23 affidavit establish that the voter is entitled to vote by
24 absentee ballot, then the election officials shall certify the
25 findings, open each affidavit envelope, and deposit the plain
26 envelope containing the absentee ballot into a sealed ballot
27 box.

1 "(g) No election official shall open an affidavit
2 envelope if the affidavit printed thereon is unsigned by the
3 voter or unmarked, and no ballot envelope or ballot therein
4 may be removed or counted. No election official shall open an
5 affidavit envelope if the voter's affidavit signature or mark
6 is not witnessed by the signatures of two witnesses or a
7 notary public, or other officer, including a military
8 commissioned officer, authorized to acknowledge oaths, and no
9 ballot envelope or ballot therein may be removed or counted.
10 The provision for witnessing of the voter's affidavit
11 signature or mark in Section 17-11-7 goes to the integrity and
12 sanctity of the ballot and election. No court or other
13 election tribunal shall allow the counting of an absentee
14 ballot with respect to which the voter's affidavit signature
15 or mark is not witnessed by the signatures of two witnesses 18
16 years of age or older or a notary public, or other officer,
17 including a military commissioned officer, authorized to
18 acknowledge oaths, prior to being delivered or mailed to the
19 absentee election manager.

20 "(h) The absentee ballots described in this
21 subsection shall be opened, counted, and tabulated. The
22 results of the absentee ballots counted and tabulated on
23 election day shall be amended to include the results of the
24 absentee ballots described in this subsection. In all other
25 respects, unless otherwise specifically provided by law, the
26 absentee ballots described in this subsection shall be treated
27 as other absentee ballots.

1 "§17-11-11.

2 "(a) For every primary, general, special, or
3 municipal election, there shall be appointed one inspector and
4 at least three clerks, named and notified as are other
5 election officials under the general laws of the state, who
6 shall meet, at the regular time of closing of the election on
7 that day, in the courthouse, or municipal building for
8 municipal elections, as designated by the absentee election
9 manager for the purpose of counting and returning the ballots
10 cast by absentee voters. The returns from the absentee
11 precinct shall be made as required by law for all other boxes.
12 It shall be unlawful for any election official or other person
13 to publish or make known to anyone the results of the count of
14 absentee votes before the polls close.

15 "(b) Any person or organization authorized to
16 appoint poll watchers under Sections 17-8-7 and 17-13-11 may
17 have ~~a single~~ one poll watcher for every 10,000 absentee
18 ballots present at the counting of absentee ballots, with the
19 rights as are conferred by the sections and by any other
20 provisions of state law.

21 "(c) This section shall not apply to municipal
22 elections in cities and towns of less than 10,000 inhabitants
23 which are held at a time different from a primary or general
24 election. These cities or towns may establish a procedure for
25 the appointment of absentee election officials pursuant to
26 subsection (c) of Section 11-46-27 by permanent ordinance
27 adopted six months prior to the municipal election.

1 "§17-11-18.

2 "(a) No absentee ballot shall be opened or counted
3 if received by the absentee election manager by mail, unless
4 postmarked as of the date prior to the day of the election and
5 received by mail no later than noon on the day of election,
6 or, if received by the absentee election manager by hand
7 delivery, unless so delivered by the voter or medical
8 emergency designee to the absentee election manager not later
9 than the close of the last business day next preceding the
10 election or, if delivered by the medical emergency designee,
11 by noon on the day of the election. Any absentee ballot
12 postmarked as of the date prior to the day of the election and
13 received by mail after noon on election day up to six calendar
14 days after the election shall be deemed a provisional ballot
15 and counted pursuant to Section 17-10-2, if the absentee
16 election manager determines that it is otherwise valid.

17 "(b) The above provision does not apply in the case
18 of individuals voting absentee pursuant to the federal
19 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),
20 ~~42 U.S.C. 1973ff~~ 52 U.S.C. §§ 20301-20311, when those
21 individuals are voting in a primary, second primary, general,
22 or special election for a federal, state, or county office or
23 proposed constitutional amendment or other referenda. In the
24 case of UOCAVA voters voting absentee in a primary, second
25 primary, general, or special election for a federal, state, or
26 county office or proposed constitutional amendment or other
27 referenda, no absentee ballot shall be opened or counted, if

1 received by the absentee election manager by mail, unless
2 postmarked as of the day of the primary, second primary,
3 general, or special election and received by mail no later
4 than noon seven days after the primary, second primary,
5 general, or special election."

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