

1 SB77  
2 183427-3  
3 By Senators Smitherman, Ross, Figures, Coleman-Madison, Dunn  
4 and Beasley  
5 RFD: Constitution, Ethics and Elections  
6 First Read: 07-FEB-17

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3  
4 ENGROSSED

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6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to absentee voting; to amend Sections  
12 17-9-30, 17-11-3, 17-11-4, 17-11-5, 17-11-7, 17-11-9,  
13 17-11-10, and 17-11-49, Code of Alabama 1975; to allow a  
14 qualified elector to vote by absentee ballot without an excuse  
15 or explanation; to require an absentee ballot application to  
16 include a form of photo identification; to authorize the  
17 Secretary of State, by rule, to establish a process for  
18 submitting an application for an absentee ballot  
19 electronically; and to remove the requirement that an absentee  
20 ballot include the signature of two witnesses.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 17-9-30, 17-11-3, 17-11-4,  
23 17-11-5, 17-11-7, 17-11-9, 17-11-10, and 17-11-49, Code of  
24 Alabama 1975, are amended to read as follows:

25 "§17-9-30.

26 "(a) Each elector shall provide valid photo  
27 identification to an appropriate election official prior to

1 voting. A voter required to show valid photo identification  
2 when voting in person shall present to the appropriate  
3 election official one of the following forms of valid photo  
4 identification:

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

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

14 "(3) A valid United States passport.

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

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

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

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

3           "~~(b) Voters voting an absentee ballot shall submit~~  
4 ~~with the ballot a~~ A copy of one of the forms of identification  
5 listed in subsection (a) shall be submitted by an elector in  
6 both of the following situations:

7           "(1) When the elector applies for an absentee  
8 ballot, along with an absentee ballot application.

9           "(2) When the elector votes an absentee ballot,  
10 along with the absentee ballot.

11           "(c) Notwithstanding subsection (b), ~~a voter~~ an  
12 elector who is entitled to vote by absentee ballot pursuant to  
13 the Uniformed and Overseas Citizens Absentee Voting Act  
14 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section  
15 3(b) (2) (B) (ii) of the Voting Accessibility for the Elderly and  
16 Handicapped Act (subchapter I-F of Chapter 20 of Title 42  
17 U.S.C.); or any other federal law, shall not be required to  
18 produce identification prior to voting.

19           "(d) An individual required to present valid photo  
20 identification in accordance with this section who is unable  
21 to meet the identification requirements of this section shall  
22 be permitted to vote by a provisional ballot, as provided for  
23 by law.

24           "(e) In addition, an individual who does not have  
25 valid photo identification in his or her possession at the  
26 polls shall be permitted to vote if the individual is  
27 positively identified by two election officials as a voter on

1 the poll list who is eligible to vote and the election  
2 officials sign a sworn affidavit so stating.

3 "(f) The Secretary of State shall issue, upon  
4 application, an Alabama photo voter identification card to  
5 registered Alabama electors which shall under state law be  
6 valid only for the purposes of voter identification under  
7 subsection (a) and available only to registered electors of  
8 this state. No fee shall be charged or collected for the  
9 application for or issuance of an Alabama photo voter  
10 identification card.

11 "(g) No person shall be eligible for an Alabama  
12 photo voter identification card if such person has a valid  
13 unexpired driver's license, nondriver identification card, or  
14 any other photo identification described in subsection (a).

15 "(h) The Alabama photo voter identification card  
16 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and  
17 shall contain a prominent statement that under Alabama law the  
18 card is valid only as identification for voting purposes. The  
19 Alabama photo voter identification card shall be laminated,  
20 shall contain a digital color photograph of the applicant,  
21 shall have the signature of the Secretary of State, and shall  
22 include the following information:

23 "(1) Full legal name.

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

26 "(3) Date of birth.

27 "(4) Eye color.

1           "(5) Gender.

2           "(6) Height.

3           "(7) Weight.

4           "(8) Date identification card was issued.

5           "(9) Other information as required by rule of the  
6 Secretary of State.

7           "(i) The application for an Alabama photo voter  
8 identification card shall elicit the information required  
9 under subdivisions (1) to (7), inclusive, of subsection (h).  
10 The application shall be signed and sworn to by the applicant,  
11 and any falsification or fraud in the making of the  
12 application shall constitute a Class C felony.

13           "(j) The Secretary of State shall require  
14 presentation and verification of the following information  
15 before issuing an Alabama photo voter identification card to a  
16 person:

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

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

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

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

26           "(k) An Alabama photo voter identification card  
27 shall remain valid so long as the person resides at that same

1 address and remains qualified to vote. It shall be the duty of  
2 a person who moves his or her residence within the State of  
3 Alabama to surrender his or her card to the Secretary of  
4 State, and such person may after such surrender apply for and  
5 receive a new card if the person is otherwise eligible under  
6 this section. It shall be the duty of a person who moves his  
7 or her residence outside the State of Alabama or who ceases to  
8 be qualified to vote to surrender his or her card to the  
9 Secretary of State.

10 "(l) The Secretary of State is authorized to  
11 contract with a private provider for the production of the  
12 Alabama photo voter identification card pursuant to any  
13 applicable state bid laws.

14 "(m) The expenses for the production of the Alabama  
15 photo voter identification card shall be paid from funds  
16 appropriated in the state General Fund for Registration of  
17 Voters.

18 "(n) The Secretary of State is directed to inform  
19 the public regarding the requirements of subsection (a)  
20 through whatever means deemed necessary by the Secretary of  
21 State.

22 "(o) The Secretary of State is granted rule making  
23 authority for the implementation of this section under the  
24 Alabama Administrative Procedure Act.

25 "§17-11-3.

26 "(a) Any qualified elector of this state may apply  
27 for and vote an absentee ballot by mail or by hand delivery,

1 as provided in Sections 17-11-5 and 17-11-9, in any primary,  
2 general, special, or municipal election, if he or she makes  
3 application in writing therefor not less than five days prior  
4 to the election in which he or she desires to vote and submits  
5 a copy of a valid form of photo identification required  
6 pursuant to Section 17-9-30. ~~meets one of the following~~  
7 ~~requirements:~~

8 ~~"(1) The person will be out of the county or the~~  
9 ~~state, or the municipality for municipal elections, on~~  
10 ~~election day.~~

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

15 ~~"(3) The person works on a shift which has at least~~  
16 ~~10 hours which coincide with the hours the polls are open at~~  
17 ~~his or her regular polling place.~~

18 ~~"(4) The person is enrolled as a student at an~~  
19 ~~educational institution located outside the county of his or~~  
20 ~~her personal residence attendance at which prevents his or her~~  
21 ~~attendance at the polls.~~

22 ~~"(5) The person is a member of, or spouse or~~  
23 ~~dependent of a member of, the Armed Forces of the United~~  
24 ~~States or is similarly qualified to vote absentee pursuant to~~  
25 ~~the federal Uniformed and Overseas Citizens Absentee Voting~~  
26 ~~Act, 42 U.S.C. 1973ff.~~

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

4           "(b) An applicant for an absentee ballot who is a  
5 member of the Armed Forces of the United States, including the  
6 Alabama National Guard, the United States Naval Reserves, the  
7 United States Air Force Reserves, and the United States Army  
8 Reserve on active duty or active duty for training or an  
9 applicant who is the spouse of any member of the armed forces  
10 or any other applicant qualified to vote absentee pursuant to  
11 the federal Uniformed and Overseas Citizens Absentee Voting  
12 Act, 42 U.S.C. 1973ff, may make application for an absentee  
13 ballot by filling out the federal postcard application form,  
14 authorized and provided for under the provisions of "The  
15 Federal Voting Assistance Act of 1955," Public Law 296,  
16 Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress  
17 1st Session.

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

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

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

1 promulgated pursuant to this subsection shall be paid by the  
2 State of Alabama from any funds made available for election  
3 expenses under state and federal law.

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

18 "§17-11-4.

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

1 and shall include the applicant's name, residence address, or  
2 such other information necessary to verify that the applicant  
3 is a registered voter. The application shall also provide  
4 notification that the applicant must include a copy of a form  
5 of valid photo identification in accordance with Section  
6 17-9-30. An applicant who does not meet the identification  
7 requirements of Section 17-9-30 shall not receive an absentee  
8 ballot until the identification requirements are met.

9 "(b) Any applicant may receive assistance in filling  
10 out the application as he or she desires, but each application  
11 shall be manually signed by the applicant and, if he or she  
12 signs by mark, the name of the witness to his or her signature  
13 shall be signed thereon. The application may be handed by the  
14 applicant to the absentee election manager or forwarded to him  
15 or her by United States mail. An application for an emergency  
16 absentee ballot pursuant to Section 17-11-3 may be forwarded  
17 to the absentee election manager by the applicant or his or  
18 her designee. Application forms which are printed and made  
19 available to any applicant by the absentee election manager  
20 shall have printed thereon all penalties provided for any  
21 violation of this chapter. The Secretary of State shall  
22 provide applications for absentee voting to military and  
23 overseas voters in accordance with Section 17-4-35.

24 "(c) The Secretary of State, by rule, shall  
25 establish a process for submitting absentee ballot  
26 applications electronically. The rules shall allow an  
27 applicant to submit, in lieu of a copy of a form of photo

1 identification, information necessary, as determined by the  
2 Secretary of State, to securely identify the elector.

3 "§17-11-5.

4 "(a) Upon receipt of an application for an absentee  
5 ballot as provided in Section 17-11-3 and a copy of a valid  
6 form of identification listed in Section 17-9-30, if the  
7 applicant's name appears on the list of qualified voters  
8 produced from the state voter registration list in the  
9 election to be held, or if the voter makes an affidavit for a  
10 challenged vote or provisional ballot, the absentee election  
11 manager shall furnish the absentee ballot to the applicant by:  
12 (1) Forwarding it by United States mail to the applicant's or  
13 voter's residence address or, upon written request of the  
14 voter, to the address where the voter regularly receives mail  
15 or (2) by handing the absentee ballot to the voter in person  
16 or, in the case of emergency voting, his or her designee in  
17 person. If the absentee election manager has reasonable cause  
18 to believe that the applicant has given a fraudulent address  
19 on the application for the absentee ballot, the absentee  
20 election manager shall turn over the ballot application to the  
21 district attorney for any action which may be necessary under  
22 this chapter. ~~The absentee election manager may require~~  
23 ~~additional proof of a voter's eligibility to vote absentee~~  
24 ~~when there is evidence of continuous absentee voting.~~ The  
25 absentee election manager shall mail any absentee ballot  
26 requested to be mailed as provided in Section 17-11-3 no later  
27 than the next business day after an application has been

1 received unless the absentee ballots have not been delivered  
2 to the absentee election manager. If the absentee ballots have  
3 not been so delivered, the absentee election manager shall  
4 hold all requests until the ballots are delivered and shall  
5 then respond by placing ballots in the mail no later than the  
6 next business day.

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

1 applied for an absentee ballot and shall write immediately  
2 beside his or her name the word "absentee." The Secretary of  
3 State by rule may provide for electronic access to the  
4 absentee election manager's county list of registered voters  
5 and for the method of identifying applicants for absentee  
6 ballots in conjunction with the state voter registration list.

7 "(c) (1) The absentee election manager shall enroll  
8 the name, residence, and voting place of the applicant, and  
9 the date the application was received on a list of absentee  
10 voters. Each day the absentee election manager shall enter on  
11 the list the names, addresses, and voting places of each voter  
12 who has that day applied for an absentee ballot and shall, for  
13 all elections other than municipal elections, post a copy of  
14 the list of applications received each day on the regular  
15 bulletin board or other public place in the county courthouse.  
16 In municipal elections, the absentee election manager shall  
17 post a copy of the list of applications received each day on  
18 the regular bulletin board or other public place in the city  
19 hall. The absentee election manager in all elections shall  
20 deliver to the board of registrars the day following the  
21 election, a copy of the list of all absentee voters. The list  
22 shall be maintained in the office of the circuit clerk for 60  
23 days after the election, at which time it shall be delivered  
24 to the judge of probate. Before the polls open at any election  
25 on election day, the absentee election manager shall  
26 effectuate the delivery to the election officers of each  
27 voting place a list showing the name and address of every

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

12 "(2) The absentee election manager shall redact any  
13 information required to be redacted pursuant to Section  
14 17-4-33 from any copy of an absentee voter list to be posted  
15 or otherwise made a public record. This subdivision shall not  
16 affect poll lists used at local precincts.

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

1 such a voter shall remain valid for any election for a  
2 federal, state, or county office or for any proposed  
3 constitutional amendment or a state or county referendum held  
4 through the end of the calendar year in which the application  
5 is filed. The absentee election manager shall provide an  
6 absentee ballot to the military and overseas voters for each  
7 such subsequent election. The absentee election manager,  
8 within seven days after each regularly scheduled general  
9 election for federal office, shall report the number of  
10 military and overseas ballots mailed out and the number of  
11 ballots received to the Secretary of State who shall report  
12 this information to the Federal Election Assistance Commission  
13 within 90 days of each regularly scheduled general election  
14 for federal office.

15 "§17-11-7.

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

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

21 ""State of Alabama

22 "County of \_\_\_\_\_

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

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



1           ~~"\_\_\_ I am a student at an educational institution~~  
2 ~~located outside the county of my permanent residence and am~~  
3 ~~therefore unable to vote at my usual polling place on election~~  
4 ~~day.~~

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

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

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

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

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

21           "Moreover, I further swear (or affirm) that all of  
22 the information given above is true and correct to the best of  
23 my knowledge and that I understand that by knowingly giving  
24 false information so as to vote illegally by absentee ballot  
25 that I shall be guilty of a misdemeanor which is punishable by  
26 a fine not to exceed one thousand dollars (\$1,000) or confine-  
27 ment in the county jail for not more than six months, or both.

1 \_\_\_\_\_  
2 (Signature or mark of voter.)

3 \_\_\_\_\_  
4 (Printed name of voter.)

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

10 "Sworn to and subscribed before me this \_\_\_\_\_ day of  
11 \_\_\_\_\_, 2\_\_.

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

14 \_\_\_\_\_ (Signature of official)

15 (Title of official)

16 \_\_\_\_\_

17 (Address of official)

18 OR

19 ~~1st Witness~~ \_\_\_\_\_

20 Signature  
21 \_\_\_\_\_

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~~Print name~~  
\_\_\_\_\_  
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\_\_\_\_\_  
~~City Zip Code~~

~~2nd Witness~~ \_\_\_\_\_

~~Signature~~  
\_\_\_\_\_  
~~Print name~~  
\_\_\_\_\_  
~~Address~~  
\_\_\_\_\_  
~~City Zip Code"~~

"§17-11-9.

"Each prospective absentee voter who meets the requirements of this chapter shall be furnished with the absentee ballot herein provided for, together with two envelopes for returning his or her marked ballot and instructions for completing and returning the absentee ballot as well as instructions for correcting mistakes in completing ballots or obtaining a replacement ballot. One envelope shall

1 be a plain envelope in which the ballot shall be sealed by the  
2 voter after he or she has marked it.

3 "The second envelope shall have the voter's  
4 affidavit printed on the back and shall be large enough to  
5 seal the plain ballot envelope inside. The second envelope  
6 shall also be a return mail envelope.

7 "Such return mail envelope shall be addressed on the  
8 front to the absentee election manager and shall be endorsed  
9 on the left-hand upper corner thereof as follows:

10 ""Absent Voter's Ballot. State, County, Municipal,  
11 General, Primary, or Special Election (as the case may be) to  
12 be held on the \_\_\_ day of \_\_\_\_, 2\_\_ From \_\_\_\_\_ (name of  
13 voter), precinct or districts \_\_\_\_\_, County of \_\_\_\_\_,  
14 Alabama."

15 "After marking the ballot and subscribing the oath  
16 herein required, the voter shall seal his or her ballot in the  
17 plain envelope, place that plain envelope inside the affidavit  
18 envelope, complete the affidavit, ~~have a notary public (or~~  
19 ~~other officer authorized to acknowledge oaths) or two~~  
20 ~~witnesses witness his or her signature to the affidavit,~~ and  
21 forward it by United States mail to the absentee election  
22 manager or hand it to him or her in person.

23 "Notwithstanding the other provisions of this  
24 section, the absentee election manager shall determine whether  
25 an applicant for an absentee ballot is obligated to produce  
26 identification in accordance with Sections 17-9-30 and 17-10-1  
27 or reidentify in accordance with Chapter 4. For absentee

1 applicants required to produce identification, a third  
2 envelope of different color and sufficient size to enclose the  
3 first and second envelopes shall be provided to the applicant  
4 along with instructions for including a proper form of  
5 identification in accordance with Sections 17-9-30 and  
6 17-10-1.

7 "For absentee applicants required to reidentify  
8 because they do not appear in the voting place for which they  
9 seek to vote but do appear in another voting place within the  
10 state voter registration list, the absentee election manager  
11 shall provide to the voter a third envelope of different color  
12 and sufficient size to enclose the first and second envelopes  
13 along with a voter reidentification form, a provisional voter  
14 affirmation, and instructions in accordance with Section  
15 17-10-2. Such ballot shall be treated as a provisional ballot  
16 and the term "Provisional" shall be marked on the second or  
17 affidavit envelope prior to transmitting the ballot to the  
18 voter. Applicants for an absentee ballot who do not appear on  
19 the state voter registration list shall not be entitled to an  
20 absentee ballot.

21 "§17-11-10.

22 "(a) Upon receipt of the absentee ballot, the  
23 absentee election manager shall record its receipt thereof on  
24 the absentee list as provided in Section 17-11-5 and shall  
25 safely keep the ballot without breaking the seal of the  
26 affidavit envelope.

1           "(b) For absentee ballots received by noon on the  
2 day of the election, the absentee election manager shall,  
3 beginning at noon, deliver the sealed affidavit envelopes  
4 containing absentee ballots to the election officials provided  
5 for in Section 17-11-11. The election officials shall then  
6 call the name of each voter casting an absentee ballot with  
7 poll watchers present as may be provided under the laws of  
8 Alabama and shall examine each affidavit envelope to determine  
9 if ~~the signature of the voter has been appropriately witnessed~~  
10 signed the affidavit envelope. If ~~the witnessing of the~~  
11 ~~voter's signature and the information in the affidavit~~  
12 ~~establish that the voter is entitled to vote by absentee~~  
13 ~~ballot~~ is present, then the election officials shall certify  
14 the findings, open each affidavit envelope, and deposit the  
15 plain envelope containing the absentee ballot into a sealed  
16 ballot box.

17           "No poll worker or other election official shall  
18 open an affidavit envelope if the envelope indicates the  
19 ballot is an unverified provisional ballot or the affidavit  
20 printed thereon is unsigned by the voter or unmarked, and no  
21 ballot envelope or ballot therein may be removed or counted.  
22 ~~No poll worker or other election official shall open an~~  
23 ~~affidavit envelope if the voter's affidavit signature or mark~~  
24 ~~is not witnessed by the signatures of two witnesses or a~~  
25 ~~notary public, or other officer, including a military~~  
26 ~~commissioned officer, authorized to acknowledge oaths, and no~~  
27 ~~ballot envelope or ballot therein may be removed or counted.~~

1 ~~The provision for witnessing of the voter's affidavit~~  
2 ~~signature or mark in Section 17-11-7 goes to the integrity and~~  
3 ~~sanctity of the ballot and election. No court or other~~  
4 ~~election tribunal shall allow the counting of an absentee~~  
5 ~~ballot with respect to which the voter's affidavit signature~~  
6 ~~or mark is not witnessed by the signatures of two witnesses 18~~  
7 ~~years of age or older or a notary public, or other officer,~~  
8 ~~including a military commissioned officer, authorized to~~  
9 ~~acknowledge oaths, prior to being delivered or mailed to the~~  
10 ~~absentee election manager.~~

11 "Upon closing of the polls, the absentee ballots  
12 shall be counted and otherwise handled in all respects as if  
13 the absentee voter were present and voting in person.

14 "Precinct ballot counters may be used to count  
15 absentee ballots. Absentee election officials are to be  
16 appointed and trained in the same manner as prescribed for  
17 regular election officials. The number of absentee election  
18 officials shall be determined by the number of precinct  
19 counters provided. The county commission may provide more than  
20 one precinct ballot counter based upon the recommendation of  
21 the absentee election manager. Beginning not earlier than noon  
22 on election day, the absentee election officials shall perform  
23 the duties prescribed in Section 17-11-11.

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

1 election official of the precinct of the respective voters,  
2 unless the city or town having a population of less than  
3 10,000 inhabitants has, by permanent ordinance adopted six  
4 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) 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., and received  
11 after noon on the day of the second primary election, shall be  
12 opened and counted at the same time as the verified  
13 provisional ballots. At noon seven days after the second  
14 primary election, the absentee election manager shall deliver  
15 the sealed affidavit envelopes containing absentee ballots to  
16 the officials provided for in subsection (f) of Section  
17 17-10-2. The officials shall call the name of each voter  
18 casting an absentee ballot in the presence of watchers  
19 designated by any interested candidates and shall examine each  
20 affidavit envelope to determine if ~~the signature of the voter~~  
21 ~~has been appropriately witnessed~~ signed the affidavit  
22 envelope. If the ~~witnessing of the voter's~~ signature ~~and the~~  
23 ~~information in the affidavit establish that the voter is~~  
24 ~~entitled to vote by absentee ballot~~ is present, then the  
25 election officials shall certify the findings, open each  
26 affidavit envelope, and deposit the plain envelope containing  
27 the absentee ballot into a sealed ballot box.

1            "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            "The absentee ballots described in this subsection  
21 shall be opened, counted, and tabulated. The results of the  
22 absentee ballots counted and tabulated on election day shall  
23 be amended to include the results of the absentee ballots  
24 described in this subsection.

25            "In all other respects, unless otherwise  
26 specifically provided by law, the absentee ballots described  
27 in this subsection shall be treated as other absentee ballots.

1                   "§17-11-49.

2                   "(a) The Secretary of State is granted authority to  
3 adopt requirements related to ~~witnessing or notarization of~~  
4 ~~absentee ballots,~~ voter identification, candidate qualifying,  
5 and ballot access procedures, ballot printing, and the  
6 application process for absentee balloting in elections for  
7 federal, state, county, and municipal offices and  
8 constitutional amendments and other referenda to comply with  
9 federal law.

10                   "(b) The Secretary of State is authorized to extend  
11 the deadline for receiving, processing, and counting absentee  
12 ballots if absentee ballots are transmitted to qualified  
13 absentee voters less than the minimum number of days prior to  
14 an election as required by federal law. Absentee election  
15 officials utilized for the processing and counting of absentee  
16 ballots pursuant to this section shall be appointed in the  
17 manner prescribed in Section 17-11-11, and compensated as  
18 provided in Section 17-8-12."

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

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Senate

Read for the first time and referred to the Senate  
committee on Constitution, Ethics and Elections .. 07-FEB-17

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 16-MAR-17

Read for the third time and passed as amended .... 20-APR-17

Yeas 25  
Nays 3

Patrick Harris,  
Secretary.