

1 HB177  
2 163761-3  
3 By Representative Ball  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 05-MAR-15



1 Alabama and shall examine each affidavit envelope to determine  
2 if the signature of the voter has been appropriately  
3 witnessed. If the witnessing of the signature and the  
4 information in the affidavit establish that the voter is  
5 entitled to vote by absentee ballot, then the election  
6 officials shall certify the findings, open each affidavit  
7 envelope, and deposit the plain envelope containing the  
8 absentee ballot into a sealed ballot box.

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

1 acknowledge oaths, prior to being delivered or mailed to the  
2 absentee election manager.

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

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

16 "As regards municipalities with populations of less  
17 than 10,000, in the case of municipal elections held at a time  
18 different from a primary or general election, the return mail  
19 envelopes containing the ballots shall be delivered to the  
20 election official of the precinct of the respective voters,  
21 unless the city or town having a population of less than  
22 10,000 inhabitants has, by permanent ordinance adopted six  
23 months prior to the municipal election, established a  
24 procedure for the appointment of absentee election officials  
25 pursuant to subsection (c) of Section 11-46-27.

26 "(c) Absentee ballots cast in a second primary  
27 election for federal, state, or county office by individuals

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

19 "No election official shall open an affidavit  
20 envelope if the affidavit printed thereon is unsigned by the  
21 voter or unmarked, and no ballot envelope or ballot therein  
22 may be removed or counted. No 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 "The absentee ballots described in this subsection  
12 shall be opened, counted, and tabulated. The results of the  
13 absentee ballots counted and tabulated on election day shall  
14 be amended to include the results of the absentee ballots  
15 described in this subsection.

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

19 "(d) In the event the voter's affidavit signature or  
20 mark on the affidavit envelope is not witnessed by the  
21 signatures of two witnesses 18 years of age or older or a  
22 notary public, or other officer, including a military  
23 commissioned officer, authorized to acknowledge oaths, or the  
24 ballot is rejected for any other legal reason, and the ballot  
25 envelope or ballot therein is not removed and counted, the  
26 unopened affidavit envelope, and notice in writing stating the  
27 cause of the rejection and signed by the election official who

1 ~~rejected the ballot, shall be returned to the absentee~~  
2 ~~election manager. The absentee election manager, within 10~~  
3 ~~calendar days after the election in which the absentee ballot~~  
4 ~~was found defective and unopened, shall notify the voter in~~  
5 ~~writing, by first class mail, of the reason why his or her~~  
6 cause of the rejection and signed by the election officials  
7 who rejected the ballot, shall be sent by first class mail and  
8 the public, upon request at cost, within 10 calendar days  
9 after the election to the voter stating the reason why his or  
10 her absentee ballot was not counted. The Secretary of State  
11 shall promulgate any rules as necessary to provide for the  
12 implementation of this subsection."

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Constitution,  
Campaigns and Elections..... . . . . . 05-MAR-15

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 02-APR-15

Read for the third time and passed  
as amended..... . . . . . 21-APR-15

Yeas 96, Nays 3, Abstains 0

Jeff Woodard  
Clerk