

1 HB385
2 147300-1
3 By Representative Gaston
4 RFD: Constitution, Campaigns and Elections
5 First Read: 05-MAR-13

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8 SYNOPSIS: Under existing law, absentee ballots can
9 only be submitted by United States mail or in
10 person.

11 This bill would allow absentee voters to
12 submit ballots by commercial carriers as well as
13 United States mail.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To amend Sections 17-9-51, 17-11-9, and 17-11-18,
20 Code of Alabama 1975; to allow absentee voters to submit
21 ballots by commercial carrier.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 17-9-51, 17-11-9, and 17-11-18,
24 Code of Alabama 1975, are amended to read as follows:

25 "§17-9-51.

26 "No absentee ballot shall be opened or counted if
27 received by the absentee election manager by mail or

1 commercial carrier, unless postmarked as of the date prior to
2 the day of the election and received ~~by mail~~ no later than
3 noon on the day of election, or, if received by the absentee
4 election manager by hand delivery, unless so delivered by the
5 voter or medical emergency designee to the absentee election
6 manager not later than the close of the last business day next
7 preceding the election or, if delivered by the medical
8 emergency designee, by noon on the day of the election.

9 "The above provision does not apply in the case of
10 individuals voting absentee pursuant to the Uniformed and
11 Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C.
12 1973ff et seq., when those individuals are voting in a second
13 primary election for a federal, state, or county office. In
14 the case of UOCAVA voters voting absentee in a second primary
15 election for a federal, state, or county office, no absentee
16 ballot shall be opened or counted, if received by the absentee
17 election manager by mail, unless postmarked as of the day of
18 the second primary election and received by mail no later than
19 noon seven days after the second primary election.

20 "§17-11-9.

21 "Each prospective absentee voter who meets the
22 requirements of this chapter shall be furnished with the
23 absentee ballot herein provided for, together with two
24 envelopes for returning his or her marked ballot and
25 instructions for completing and returning the absentee ballot
26 as well as instructions for correcting mistakes in completing
27 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 or by commercial carrier to
22 the absentee election manager or hand it to him or her in
23 person.

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

1 or reidentify in accordance with Chapter 4. For absentee
2 applicants required to produce identification, a third
3 envelope of different color and sufficient size to enclose the
4 first and second envelopes shall be provided to the applicant
5 along with instructions for including a proper form of
6 identification in accordance with Sections 17-9-30 and
7 17-10-1.

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

22 "§17-11-18.

23 "No absentee ballot shall be opened or counted if
24 received by the absentee election manager by mail or
25 commercial carrier, unless postmarked as of the date prior to
26 the day of the election and received ~~by mail~~ no later than
27 noon on the day of election, or, if received by the absentee

1 election manager by hand delivery, unless so delivered by the
2 voter or medical emergency designee to the absentee election
3 manager not later than the close of the last business day next
4 preceding the election or, if delivered by the medical
5 emergency designee, by noon on the day of the election.

6 "The above provision does not apply in the case of
7 individuals voting absentee pursuant to the federal Uniformed
8 and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C.
9 1973ff, when those individuals are voting in a second primary
10 election for a federal, state, or county office. In the case
11 of UOCAVA voters voting absentee in a second primary election
12 for a federal, state, or county office, no absentee ballot
13 shall be opened or counted, if received by the absentee
14 election manager by mail or commercial carrier, unless
15 postmarked as of the day of the second primary election and
16 received ~~by mail~~ no later than noon seven days after the
17 second primary election."

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