

1 HB161
2 105132-1
3 By Representatives Robinson (O) and Dunn
4 RFD: Constitution and Elections
5 First Read: 03-FEB-09
6 PFD: 01/28/2009

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8 SYNOPSIS: Under existing law, a qualified elector
9 must provide a certain reason in order to vote an
10 absentee ballot.

11 This bill would allow any qualified elector
12 to apply for and vote an absentee ballot without
13 stating a reason.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To amend Section 17-11-3, Code of Alabama 1975,
20 relating to elections; to allow any qualified elector to vote
21 an absentee ballot.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 17-11-3, Code of Alabama 1975, is
24 amended to read as follows:

25 "§17-11-3.

26 "(a) Any Without supplying a reason, any qualified
27 elector of this state may apply for and vote an absentee

1 ballot in person, by mail, or by hand delivery, as provided in
2 Sections 17-11-5 and 17-11-9, in any primary, general,
3 special, or municipal election, if he or she makes application
4 in writing therefor not less than five days prior to the
5 election in which he or she desires to vote. ~~and meets one of~~
6 ~~the following requirements:~~

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

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

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

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

21 ~~"(5) The person is a member of, or spouse or~~
22 ~~dependent of a member of, the Armed Forces of the United~~
23 ~~States or is similarly qualified to vote absentee pursuant to~~
24 ~~the federal Uniformed and Overseas Citizens Absentee Voting~~
25 ~~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) Notwithstanding any other provision of
19 otherwise applicable law, in the event more than one absentee
20 ballot is cast in the name of the single voter, whether any
21 such multiple ballot is cast by mail or otherwise, none of the
22 affidavit envelopes containing the multiple ballots shall be
23 opened, and none of the multiple ballots shall be counted,
24 except in the event of an election contest, upon the order of
25 the election contest tribunal. Upon the conclusion of an
26 election contest or, in the event no such contest is filed,
27 upon the expiration of time for filing such a contest, the

1 multiple ballots shall be provided to the district attorney,
2 with photocopies provided to the state Attorney General, for
3 such investigation, prosecution, or other action as may be
4 appropriate under applicable law."

5 Section 2. Upon passage of this act, the Secretary
6 of State shall redesign the absentee ballot application so as
7 to allow any qualified elector to vote absentee.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.