

1 HB419
2 55985-6
3 By Representatives Guin, Hinshaw, Moore, Davis, Faust and
4 Bandy
5 RFD: Constitution and Elections
6 First Read: 18-MAR-03

1
2 ENROLLED, An Act,

3 Relating to elections; to provide that the Secretary
4 of State shall be the chief elections official in the state;
5 to amend Sections 17-4-127, 17-4-129, 17-4-130, 17-4-136,
6 17-4-138, 17-4-150, 17-4-151, 17-4-187, 17-4-210 to 17-4-214,
7 inclusive, 17-4-230, 17-4-231, 17-4-250, 17-4-252 to 17-4-255,
8 inclusive, 17-5A-4 to 17-5A-6, inclusive, 17-7-13, 17-8-43,
9 17-9-23, 17-10-4, 17-10-5, as last amended by Act 2001-1097 of
10 the 2001 Fourth Special Session, 17-10-9, 17-10-10, 17-10-23,
11 17-14-1, 17-14-20, 17-16-31, 17-16-35, 17-16-36, and 17-20-4,
12 Code of Alabama 1975, to provide further for statewide voter
13 registration; to provide further for the qualifications and
14 duties of registrars and for the list of qualified voters in
15 the precincts; to authorize the Secretary of State to
16 prescribe forms and promulgate and implement administrative
17 rules for compliance with the "Help America Vote Act of 2002"
18 and this act; to place the Office of Voter Registration under
19 the Secretary of State; to provide further for
20 reidentification of voters; to provide further for the State
21 Voter Registration Advisory Board; to provide further for
22 coordination of the state driver's license database with the
23 state voter registration list and the federal Social Security
24 Administration; to provide further for canvassing returns and
25 declaring the results of certain elections; to provide for

1 provisional voting; to provide further for absentee balloting
 2 and voting by military and overseas voters; to provide for
 3 certain voter identification; to establish a Help America Vote
 4 Fund in the State Treasury and make an appropriation from the
 5 fund to the Secretary of State for the fiscal year ending
 6 September 30, 2003; to provide for a committee to assist the
 7 Secretary of State in implementing the "Help America Vote Act
 8 of 2002"; to provide criminal penalties for certain
 9 violations; to provide that each voting system used in an
 10 election shall satisfy certain federal requirements on or
 11 before January 1, 2005; and to repeal Sections 17-11-1 to
 12 17-11-4, inclusive, 17-12-1 to 17-12-8, inclusive, 17-16-23,
 13 and 17-16-24, Code of Alabama 1975.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) The Secretary of State is the chief
 16 elections official in the state and shall provide uniform
 17 guidance for election activities. The Secretary of State is
 18 granted rule making authority for the implementation of this
 19 act under the Alabama Administrative Procedure Act.

20 (b) The judge of probate is the chief elections
 21 official of the county and shall serve as chair of the
 22 canvassing board.

23 Section 2. Sections 17-4-127, 17-4-129, 17-4-130,
 24 17-4-136, 17-4-138, 17-4-150, 17-4-151, 17-4-187, 17-4-210 to
 25 17-4-214, inclusive, 17-4-230, 17-4-231, 17-4-250, 17-4-252 to

1 17-4-255, inclusive, 17-5A-4 to 17-5A-6, inclusive, 17-7-13,
 2 17-8-43, 17-9-23, 17-10-4, 17-10-5, as last amended by Act
 3 2001-1097 of the 2001 Fourth Special Session, 17-10-9,
 4 17-10-10, 17-10-23, 17-14-1, 17-14-20, 17-16-31, 17-16-35,
 5 17-16-36, and 17-20-4, Code of Alabama 1975, are amended to
 6 read as follows:

7 "§17-4-127.

8 "It shall be unlawful for any elector to cast his or
 9 her ballot during any general election, primary election,
 10 municipal election or special election in any precinct, any
 11 district, any ward, or any other subdivision where his or her
 12 name does not duly appear upon the official list of ~~such the~~
 13 precinct, district, ward or subdivision. All ballots cast in
 14 any election contrary to ~~the provisions of~~ this section are
 15 hereby declared illegal and, upon a contest duly instituted,
 16 ~~such the~~ ballots shall be excluded in determining the final
 17 result of any election; provided, that nothing in this section
 18 shall prevent any qualified elector residing in ~~said the~~
 19 precinct, ward, or voting district from voting after
 20 presenting a proper certificate from the board of registrars,
 21 or from voting ~~a challenge a provisional ballot with the~~
 22 ~~proper officials of said box or voting place~~ when his or her
 23 name does not duly appear upon the official list of the
 24 precinct, district, ward, or subdivision.

25 "§17-4-129.

1 "The judge of probate shall publish from the state
 2 voter registration list a correct alphabetical list of
 3 qualified electors by precinct, district, or subdivision
 4 wherein each elector is registered to vote, in some newspaper
 5 with general circulation in the county, on or before the
 6 twentieth day preceding the regularly scheduled primary
 7 election. ~~Such~~ The list shall be accompanied by a certificate
 8 verifying that ~~said lists contain~~ the list contains the names
 9 of all qualified electors registered as of the date shown on
 10 the state voter registration list ~~certified by the board of~~
 11 ~~registrars.~~ The list shall further state that any elector
 12 whose name was inadvertently omitted from the list shall have
 13 10 days in which to have his or her name entered upon the
 14 ~~lists~~ list of qualified voters. If within 10 days any voter
 15 shall reasonably satisfy the board of registrars by proper
 16 proof that any name should be added to the list, the board
 17 shall add such name to the list. The supplemental list of
 18 registered voters inadvertently omitted from the original list
 19 shall be published once in a newspaper of general circulation
 20 in the county on or before the seventh day preceding the date
 21 of the primary election. ~~Only in 1978, in any county which has~~
 22 ~~duly published a list of qualified voters prior to August 4,~~
 23 ~~1978, the probate judge shall prepare and publish in some~~
 24 ~~newspaper with a general circulation in said county, an~~
 25 ~~alphabetical listing, as hereinabove required, only on or~~

1 ~~before the seventh day preceding the date of the primary~~
2 ~~election. In 1978, in any such county, this list, together~~
3 ~~with the list published prior to August 4, 1978, shall be the~~
4 ~~official list of voters qualified in each of the precincts,~~
5 ~~districts, wards or other subdivisions within such county.~~

6 "§17-4-130.

7 ~~"The board of registrars shall, when registration is~~
8 ~~closed before a primary, general, or special election, certify~~
9 ~~to the judge of probate any additions, deletions, corrections~~
10 ~~or changes from the list previously prepared and submitted to~~
11 ~~the judge. From these lists the state voter registration list,~~
12 ~~the judge shall prepare and print a report of the correct~~
13 ~~alphabetical lists of the qualified electors registered by~~
14 ~~precincts, by districts, or by subdivisions thereof of a~~
15 ~~precinct where the precinct has been divided or subdivided, if~~
16 ~~not within a city or incorporated town, and by wards and other~~
17 ~~subdivisions, if within a city or incorporated town, and no~~
18 ~~others, which lists shall be certified by the board thereof~~
19 ~~officially to be full and correct copies of the lists of~~
20 ~~registered electors for each of said political subdivisions,~~
21 ~~as the same appears from the records of the board, and shall~~
22 ~~deliver the same to the judge of probate for distribution to~~
23 ~~the officers of election. An electronic archive in the~~
24 ~~database for the state voter registration list shall be~~
25 ~~recorded simultaneously with the printing of each county's~~

1 lists of qualified voters. The board of registrars shall
2 deliver these lists of qualified electors for each precinct to
3 the judge of probate and certify that the same was produced
4 from the state voter registration list. Each printed list of
5 qualified voters shall contain a printed certification
6 generated by the state voter registration system establishing
7 that the contents of the list are true and correct as of the
8 specified time and date when it was printed. The judge of
9 probate shall deliver or cause to be delivered to the
10 inspectors in each precinct, each district, each ward, or each
11 other subdivision one copy of the list ~~prepared~~ of qualified
12 electors printed for such box or voting place immediately
13 preceding every general, primary, or special election, and the
14 delivered list shall contain only the names of persons
15 qualified to vote at such box or voting place; except, that
16 for purposes of information only, there may be delivered to
17 ~~such~~ the inspectors lists prepared for other boxes or voting
18 places. The list published in the newspaper before each
19 primary election shall not be used as the poll list.

20 "Notwithstanding the foregoing, electronic access to
21 the state voter registration list may be utilized in lieu of a
22 printed list in accordance with administrative rules
23 promulgated and implemented by the Secretary of State. The
24 Secretary of State shall send any proposed new rule or
25 amendment to an existing rule by certified mail to each county

1 canvassing board at least 30 days prior to certification of
2 the proposed rule or amendment pursuant to the Administrative
3 Procedure Act.

4 ~~"The judge of probate shall certify a copy of each~~
5 ~~such poll list to the Secretary of State and shall provide a~~
6 ~~copy to the board of registrars.~~ Both the board of registrars
7 and the judge of probate shall keep a current copy of such
8 lists the qualified elector list for the county open and
9 subject to public inspection.

10 "§17-4-136.

11 ~~"The board of registrars~~ Secretary of State may make
12 ~~such promulgate~~ rules and regulations as it deems proper for
13 the receipt of applications for registration and the
14 ~~accomplishing in as expedient a manner as possible the~~
15 ~~registration~~ administration of those ~~entitled to register~~
16 applications, but no person shall be registered until a
17 majority of the board of registrars has passed favorably upon
18 ~~such~~ the person's qualifications.

19 "§17-4-138.

20 "The judge of probate may employ such assistants and
21 clerical help as may be necessary to complete and properly
22 prepare reports from the state voter registration list of the
23 list of qualified electors which the judge of probate is
24 ~~required to furnish~~ to certify and furnish to the election
25 inspectors. The judge of probate shall receive or such

1 assistants shall be paid out of the county treasury by
 2 warrants, drawn by the county commission on certificate of the
 3 probate judge, accompanied by the certificates of the person
 4 being paid, showing the amount is due under the provisions of
 5 this chapter, but the entire amount spent for the preparation
 6 of such lists shall not exceed a sum equal to the amount
 7 obtained by multiplying the number of names on said list by
 8 \$.05 for the preparation of such list. The judge of probate in
 9 all counties ~~having a population of not less than 100,000 nor~~
 10 ~~more than 350,000, according to the last or any subsequent~~
 11 ~~federal census, is hereby authorized and directed to having a~~
 12 ~~population of not less than 100,000 nor more than 350,000,~~
 13 ~~according to the last or any subsequent federal census, is~~
 14 ~~hereby authorized and directed to shall~~ employ a clerk to
 15 assist the board of registrars of ~~said~~ the county. The duties
 16 of ~~said~~ the clerk shall be to submit to the board of
 17 registrars revised election lists of ~~said~~ the county by
 18 placing all persons in their proper ward or precincts and
 19 eliminating therefrom all deceased, nonresident, and
 20 fictitious persons named upon ~~said~~ the voting roll and those
 21 convicted of crime, ~~and~~. The clerk shall further attend to all
 22 clerical work of the board of registrars. ~~Such~~ The clerk shall
 23 be paid a compensation out of the county treasury, ~~of not more~~
 24 ~~than \$250.00 per month, to be fixed by the judge of probate~~ and

1 of not more than \$250.00 per month, to be fixed by the judge
2 of probate.

3 "The board of registrars shall be furnished with ~~not~~
4 ~~less than 450 square feet of~~ office space by the county
5 governing body. The chairman of the board of registrars is
6 hereby authorized to purchase all necessary office equipment
7 and hire all necessary part time or full time clerical help to
8 perform its prescribed duties.

9 ~~"At the discretion of the board of registrars,~~
10 ~~voting machines may be placed in their office.~~

11 "§17-4-150.

12 "(a) Registration shall be conducted in each county
13 by a board of three reputable and suitable persons to be
14 appointed, unless otherwise provided by law, by the Governor,
15 Auditor, and Commissioner of Agriculture and Industries, or by
16 a majority of them acting as a board of appointment, ~~and who~~
17 must. The registrars shall be also qualified electors, and
18 residents of the county, shall have a high school diploma or
19 equivalent, and possess the minimum computer and map reading
20 skills necessary to function in the office. The Secretary of
21 State shall prescribe guidelines to assist the Board of
22 Appointment in determining the qualifications of registrars.
23 The registrars ~~and who~~ shall not hold an elective office
24 during their term. One of the members shall be designated by

1 the Board of Appointment as chair of the board of registrars
2 for each county.

3 "(b) Notwithstanding the provisions of subsection
4 (a), the Legislature may provide by local law for the
5 appointment of additional members to the board of registrars
6 for a county that has two courthouses.

7 "(c) The provisions of this section shall not apply
8 in any county having a population of not less than 600,000
9 inhabitants according to the 1970 or any succeeding federal
10 decennial census, and any currently effective local law or
11 general law of local application providing for the appointment
12 of any member of the board of registrars in the county shall
13 remain in full force and effect and shall not be repealed by
14 operation of this chapter.

15 "§17-4-151.

16 "The registrars ~~so~~ appointed under this article may
17 be removed ~~at the will of the appointing board, or a majority~~
18 ~~of the members thereof,~~ for cause by the Secretary of State at
19 any time before the end of their term of office, ~~with or~~
20 ~~without cause, and without giving their~~ upon submitting
21 written reasons therefor; ~~and if not so removed, the~~
22 ~~registrars may hold office for four years from the time of~~
23 ~~their appointment and until their successors are appointed to~~
24 the registrar removed and to the members of the appointing
25 board. If not so removed, the registrar may hold office for

1 four years from the date of appointment and until a successor
2 is appointed.

3 "§17-4-187.

4 "The ~~board of registrars~~ Secretary of State shall
5 maintain a permanent list of all qualified electors by which
6 shall include the electors' county, precinct, voting history,
7 and by race, and other information required in Sections
8 17-4-210 and 17-4-214.

9 "§17-4-210.

10 "(a) Every county that has not conducted and
11 completed a purge of its voter registration list pursuant to
12 the provisions of Article 7 of this chapter since January 1,
13 1984, shall conduct and complete such purge no later than
14 December 15, 1992. Only when every county has completed a
15 voter registration list purge in compliance with the
16 mentioned mandate, the The State of Alabama shall
17 provide, through the ~~Voter Registration Advisory Board~~ and
18 ~~Director of Voter Registration as established herein,~~ for the
19 establishment, operation and maintenance of a centralized
20 statewide voter registration file, effective no later than
21 January 1, 1993, as a service to the board of registrars. the
22 Secretary of State, a nondiscriminatory, single, uniform,
23 official, centralized, interactive computerized statewide
24 voter registration list defined, maintained, and administered
25 by the Secretary of State, with advice from the Voter

1 Registration Advisory Board and the President of the Alabama
2 Probate Judges Association, which contains the name and
3 registration information of every legally registered voter in
4 the state. The computerized list shall comply with ~~Such file~~
5 ~~shall include~~ the following information requirements:

6 ~~"(1) The names, addresses, and voting locations of~~
7 ~~all registered voters of this state.~~

8 ~~"(2) The minutes of the meetings of the Voter~~
9 ~~Registration Advisory Board, as established under this~~
10 ~~article.~~

11 ~~"(3) Information such as may be deemed necessary by~~
12 ~~the Voter Registration Advisory Board or the Director of Voter~~
13 ~~Registration, as established herein, in order to ensure~~
14 ~~honesty, fairness, and integrity in the lists of qualified~~
15 ~~voters maintained by the various county boards of registrars.~~

16 "(1) It shall serve as the single system for storing
17 and managing the official list of registered voters throughout
18 the state.

19 "(2) It shall contain the name, address, and voting
20 location, as well as other information deemed necessary by the
21 Voter Registration Advisory Board or the Secretary of State,
22 of every legally registered voter in the state.

23 "(3) A unique identifier shall be assigned to each
24 legally registered voter in the state.

1 "(4) It shall contain the voting history of each
2 registered voter.

3 "(5) It shall be coordinated with the driver's
4 license database of the Department of Public Safety and the
5 appropriate state agency to assist in the removal of deceased
6 voters.

7 "(6) Any election official in the state, including
8 any local election official, may obtain immediate electronic
9 access to the information contained in the computerized list.

10 "(7) All voter registration information obtained by
11 any registrar in the state shall be electronically entered
12 into the computerized list on an expedited basis at the time
13 information is provided to the registrar.

14 "(8) The Secretary of State shall provide such
15 support as may be required so that registrars are able to
16 enter voter registration information.

17 "(9) It shall serve as the official voter
18 registration list for the conduct of all elections.

19 "(10) The Secretary of State shall furnish one copy
20 of the computerized list free of charge to each political
21 party that has satisfied the ballot access requirements for a
22 statewide election within two weeks of the date of a written
23 request for the list by the chair of the political party.

24 "(11) The list shall be maintained so that it is
25 technologically secure.

1 "(b) As an oversight board for ~~such~~ the system,
2 there is ~~hereby~~ created and established a State Voter
3 Registration Advisory Board composed of nine members, to be
4 appointed as follows:

5 "Three members by the Governor ~~for terms of four~~
6 ~~years~~ one of which ~~one must~~ shall be Black reflect the racial,
7 ethnic, gender, and age diversity of the state.

8 "Three members by the Commissioner of Agriculture
9 and Industries ~~for terms of four years~~ one of which ~~one must~~
10 shall be Black reflect the racial, ethnic, gender, and age
11 diversity of the state.

12 "Three members by the State Auditor ~~for terms of~~
13 ~~four years~~ one of which ~~one must~~ shall be Black reflect the
14 racial, ethnic, gender, and age diversity of the state.

15 "Such appointments shall be made no later than
16 September 30, ~~1989~~ 2003. Persons appointed to the Voter
17 Registration Advisory Board shall serve at the pleasure of the
18 appointing authority and shall have knowledge of the workings
19 of voter registration and election laws and shall receive no
20 compensation for their services other than reimbursement for
21 traveling and other expenses actually incurred in the
22 performance of their official duties. ~~Such~~ The expenses shall
23 be paid in the manner and amount as is provided for other
24 state officers and employees and persons traveling on official
25 business for state departments and agencies. ~~Such~~ The

1 appointees shall meet within 30 days after their appointments
 2 to select one of their number as chairperson who shall serve
 3 for two years. Thereafter, the Voter Registration Advisory
 4 Board shall elect a new chairperson every four years. The
 5 Voter Registration Advisory Board shall meet regularly at
 6 least once during each quarter and at such special meetings as
 7 may be called, from time to time, by the chairperson. ~~Such~~
 8 ~~appointees, if reappointed after the conclusion of their~~
 9 ~~original terms, shall then serve for new terms of four years~~
 10 ~~after the conclusion of their original terms and shall be~~
 11 ~~eligible for reappointment. Whenever any vacancy occurs on the~~
 12 ~~Voter Registration Advisory Board, for any reason, a successor~~
 13 ~~shall be appointed by the original appointing state official,~~
 14 ~~whether the Governor, Commissioner of Agriculture and~~
 15 ~~Industries, or State Auditor, to serve on the Voter~~
 16 ~~Registration Advisory Board for the remaining period of the~~
 17 ~~unexpired term.~~

18 "(c) The Voter Registration Advisory Board shall
 19 have the following duties:

20 "(1) To oversee the statewide voter registration
 21 file list created in this ~~article,~~ chapter.

22 "(2) To advise and consult with the ~~Director of~~
 23 ~~Voter Registration, as established in this article,~~ Secretary
 24 of State concerning the statewide voter registration file
 25 maintenance system created in this ~~article,~~ chapter.

1 "(3) To recommend to the Legislature and the
2 Governor any needed improvements or legislation in regard to
3 the statewide voter registration file~~7~~.

4 "(4) To make studies of conditions and problems
5 pertaining to voter identification and registration in the
6 state~~7~~.

7 "(5) To keep abreast of the latest developments in
8 the field of voter identification and registration~~7~~ and.

9 "(6) To promote honesty, fairness, and integrity in
10 lists of qualified voters, the voter registration process, and
11 the election process in the State of Alabama.

12 "§17-4-211.

13 ~~"The Board of Appointment provided for in Section~~
14 ~~17-4-150 shall unanimously select a Director of Voter~~
15 ~~Registration who shall serve at the pleasure of such board.~~
16 ~~Said director, who shall serve as a member of the unclassified~~
17 ~~service of the state, shall be a confidential assistant to~~
18 ~~said Board of Appointment. Said director, The Director of~~
19 ~~Voter Registration employed immediately preceding the~~
20 ~~enactment creating this sentence shall serve as the initial~~
21 ~~Supervisor of Voter Registration and shall be employed, along~~
22 ~~with his or her successors, by the Secretary of State under~~
23 ~~the terms and conditions of the state Merit System and whose~~
24 ~~salary and benefits shall be set by the ~~said Board of~~~~
25 ~~Appointment Secretary of State out of funds appropriated for~~

1 such purpose, ~~may be removed from such position at any time,~~
2 ~~with or without cause, by a unanimous vote if the said Board~~
3 ~~of Appointment, for any reason, revokes their appointment of~~
4 ~~the individual to such position. Said Director~~ The Supervisor
5 of Voter Registration shall work at the direction of the ~~said~~
6 ~~Board of Appointment~~ Secretary of State. ~~Said director~~ In
7 addition to those duties assigned by the Secretary of State,
8 the Supervisor of Voter Registration shall have the following
9 duties:

10 "(1) To keep the minutes of the meetings of the
11 Voter Registration Advisory Board, conduct the day-to-day
12 business activities of the Voter Registration Advisory Board
13 and give progress reports on such activities at its meetings~~7.~~

14 "(2) To serve as a liaison between the ~~state, the~~
15 ~~Board of Appointment set forth in Section 17-4-150,~~ Secretary
16 of State and the county boards of registrars on implementation
17 of existing and future laws pertaining to voter registration~~7.~~

18 "(3) To provide to the county boards of registrars
19 such information as would allow them to determine which names
20 should be stricken by them from voter lists in accordance with
21 state law~~7.~~

22 "(4) To provide assistance to the county boards of
23 registrars in determining the names of any person or persons
24 who are deceased, who are no longer qualified to vote in the
25 election district where registered due to removal of his or

1 her residence from the county in which he or she is
 2 registered, or from the State of Alabama, who has been
 3 convicted of a disqualifying crime, or who is otherwise no
 4 longer qualified to vote as may be provided by law~~7.~~

5 "(5) To establish and maintain a statewide voter
 6 registration ~~file~~ list including all registered voters of the
 7 state as such information is reported to the ~~Director~~
 8 Supervisor of Voter Registration by the boards of registrars
 9 or judges of probate of the various counties~~7.~~

10 "(6) To maintain all information furnished to the
 11 ~~Director~~ Supervisor of Voter Registration relating to the
 12 inclusion or deletion of names from the lists of registered
 13 voters~~7.~~

14 "(7) To acquire by purchase, lease, or contract, the
 15 use of such equipment as is required to establish a fully
 16 centralized statewide voter registration ~~file~~ list which will
 17 allow the computerization of all of the offices of the boards
 18 of registrars throughout the state upon legislative approval
 19 of funds for such computerization, the communication of
 20 necessary information between the boards of registrars and the
 21 ~~Director~~ Supervisor of Voter Registration; storage and instant
 22 comparison of names and other identifying information
 23 contained in voter lists, automatically identifying duplicate
 24 entries, produce in printed forms selected names or lists of
 25 names with identifying information, and do such other tasks as

1 may be designated for it by the ~~Director~~ Supervisor of Voter
2 Registration~~7~~.

3 "(8) To ~~promulgate~~ recommend procedures and
4 administrative rules to the Secretary of State and prepare
5 forms necessary to properly carry out such duties set forth
6 herein~~7~~.

7 "(9) To secure from each county voter registration
8 information and from any state department, agency, board,
9 bureau, or commission, or from any other sources, information
10 regarding the death, conviction of disqualifying crime, or
11 removal of residence from the county or state of any
12 registered voter~~7~~.

13 "(10) To furnish, at a reasonable ~~charge~~
14 reproduction cost and within 14 days of receipt of the
15 request, voter registration lists limited to the names,
16 addresses, and political subdivisions or voting places to
17 candidates for election or political party nomination to
18 further their candidacy, political party committees or
19 officials thereof for political purposes only, incumbent
20 officeholders to report to their constituents; nonprofit
21 organizations which promote voter participation and
22 registration for that purpose only; and for no other purpose
23 and to no one else; failure to furnish the requested voter
24 registration list within 14 days of receipt of request shall
25 result in no charge to the requesting entity and ~~said~~ the cost

1 shall be absorbed by the ~~Director of Voter Registration,~~
2 Secretary of State.

3 "(11) To perform such duties pertaining to voter
4 registration as may be assigned by the ~~members of the Board of~~
5 ~~Appointment set forth in Section 17-4-150,~~ and Secretary of
6 State.

7 "(12) To ~~employ~~ supervise persons employed by the
8 Secretary of State, subject to the State Merit System laws and
9 entitled to the rights of benefits thereunder, as may be
10 necessary to carry out ~~the provisions of~~ this article.

11 "(13) To train, counsel, advise, and evaluate
12 registrars in the performance of their lawful functions.

13 "(14) To provide military and overseas voters with
14 voter registration applications and absentee ballot
15 applications and shall otherwise assist such voters with
16 information helpful in becoming registered, changing
17 registration, and obtaining absentee ballots.

18 "(15) To provide information relating to procedures
19 for registering and voting an absentee ballot.

20 "§17-4-212.

21 "To continuously and automatically identify the
22 names of persons to be purged from the voters' list, the
23 appropriate state departments or agencies shall provide to the
24 ~~Director of Voter Registration~~ Secretary of State, as such
25 information is recorded by said departments, the names and

1 identifying information set out below of any person age 18 or
2 older who:

3 "(1) Have died, with date of birth and social
4 security number (if such number is known), last known address
5 with county of residence, and date of death, as provided by
6 the Bureau of Vital Statistics of the State Health Department;
7 and

8 "(2) Have been convicted of a felony with date of
9 birth and social security number (if such number is known),
10 last known address with county of residence, and date of
11 conviction, as provided by the Alabama criminal justice
12 information systems.

13 "§17-4-213.

14 "Any voter who fails to vote for four years in his
15 or her county shall have his or her name automatically struck
16 from the voter registration list and placed on an inactive
17 voter list by the local board of registrars. Once on ~~such the~~
18 inactive list, ~~said the~~ voter ~~must shall~~ reidentify with the
19 local board of registrars in order to again have his or her
20 name placed on the active voter registration list. ~~Provided,~~
21 ~~however, that~~ Notwithstanding the foregoing, if a voter on the
22 inactive list goes to his or her polling place to vote on an
23 election day and identifies himself or herself to the ~~poll's~~
24 election official responsible for the voter registration list,

1 such voter shall be permitted to vote provided the voter
2 completes a voter reidentification form.

3 "§17-4-214.

4 "(a) In order to establish the statewide voter file
5 and to ensure its continued accuracy, it shall be the duty of
6 the boards of registrars, on forms or in a ~~manner~~ rule
7 prescribed by the ~~Director of Voter Registration~~ Secretary of
8 State:

9 "(1) To provide ~~said director~~ the Secretary of State
10 the name, driver's license number or non-driver's
11 identification number (if such number is known), the last four
12 digits of the social security number (if such number is
13 known), date of birth, address, race, sex, and political
14 subdivision or voting place of each registered voter in their
15 respective counties within one month after a written request
16 from ~~said director~~ the Secretary of State;

17 "(2) To provide ~~said director~~ the Secretary of State
18 the name, driver's license number or non-driver's
19 identification number (if such number is known), the last four
20 digits of the social security number (if such number is
21 known), date of birth, address, race, sex, political
22 subdivision or voting place, place of previous registration,
23 if applicable, and date of registration of each newly
24 registered voter as such voter is registered;

1 "(3) To provide to ~~said director~~ the Secretary of
2 State the name, driver's license number or non-driver's
3 identification number (if such number is known), the last four
4 digits of the social security number (if such number is
5 known), date of birth, address, race, sex, political
6 subdivision or voting place, and date of reidentification of
7 every voter who reidentifies, pursuant to Article 7 of this
8 chapter.

9 "(b) Where an applicant for voter registration is
10 unable to produce either a driver's license number, a
11 non-driver's identification number, or the last four digits of
12 the Social Security number, the state voter registration list
13 shall assign a unique number which shall serve as the
14 registrant's voter registration identification number.

15 ~~"(b) Members of local boards of registrars and~~
16 ~~members of county commissions who fail to comply with the~~
17 ~~provisions of this article in their representative capacities~~
18 ~~as such registrars and commissioners shall be guilty of a~~
19 ~~Class A misdemeanor and punished as prescribed by law.~~

20 "§17-4-230.

21 "For purposes of this article, unless the context
22 plainly indicates otherwise, the following terms shall have
23 the meanings respectively ascribed to them by this section:

1 "(1) CLERK'S POLL LIST. The list of voters that is
2 written by a clerk at the polling place pursuant to Section
3 11-46-39 or 17-8-34.

4 "(2) LIST OF REGISTERED VOTERS. The list of
5 registered voters, sometimes called the list of qualified
6 voters, that is provided for each polling place by the city
7 clerk in municipal elections and by the judge of probate in
8 all other elections.

9 "(3) STATEMENT OF CANVAS or CERTIFICATE OF RESULT.
10 The vote totals recorded at the polling places on forms
11 provided for that purpose in accordance with Sections 17-13-6,
12 17-9-33, 17-16-32, 11-46-116, and 11-46-123.

13 "(4) VOTERS' POLL LIST. The numbered list that is
14 signed by the voter at the polling place.

15 "(5) VOTER REIDENTIFICATION FORM. A form that is
16 ~~approved~~ prescribed by rule by the ~~Alabama Director of Voter~~
17 ~~Registration~~ Secretary of State for use at the polling place
18 pursuant to Section 17-4-186.

19 "§17-4-231.

20 "After the close of the polls in all primary,
21 special, general, and municipal elections held in the state,
22 the records and forms produced at the polling places shall be
23 returned as follows:

24 "(1) The list of registered voters, the affirmations
25 of provisional voters, the statements of election officials

1 challenging provisional voters, and the voter reidentification
2 forms shall be sealed in an envelope addressed to the board of
3 registrars and the inspectors and any poll watchers present
4 shall sign across the seal. The board of registrars shall hold
5 the list of registered voters as a public record while using
6 it to update their voter histories in accordance with Article
7 8 of this chapter. The list shall then be returned to the city
8 clerk in municipal elections and the judge of probate in all
9 other elections.

10 ~~"(2) One copy of the affidavits of challenged voters~~
11 ~~and witnesses shall be placed in an envelope addressed to the~~
12 ~~district attorney as required by Section 17-12-4.~~

13 ~~"(3)~~ (2) The voters' poll list, the clerk's poll
14 list and all records required by law to be sealed in a voting
15 machine or sealed in a ballot box shall be sealed in an
16 envelope labeled "RECORDS OF ELECTION" and the inspectors and
17 any poll watchers present shall sign across the seal. The
18 "records of election" envelope shall be sealed in the ballot
19 box or voting machine and remain there during the period of
20 time for the initiation of election contest or recount as
21 provided by law. The "records of election" envelope shall be
22 removed and returned to the city clerk in municipal elections
23 and the sheriff in all other elections to be retained in
24 accordance with state and federal law.

25 "§17-4-250.

1 "(a) The Secretary of State shall be the primary
2 state official for federal contact for the implementation of
3 the National Voter Registration Act of 1993 and the Help
4 America Vote Act of 2002. ~~The Secretary of State is the chief~~
5 ~~state elections official.~~

6 "(b) The State Department of Public Safety shall
7 integrate voter registration into driver's license application
8 and renewal or updating procedures and shall coordinate its
9 driver's license database with the state voter registration
10 list and the Social Security Administration's database in
11 accordance with the Help America Vote Act of 2002.

12 "(c) The state through the Secretary of State's
13 Office shall allow citizens to register to vote by mail. The
14 voter registration application may be designed by the
15 Secretary of State provided it meets the requirements of the
16 National Voter Registration Act of 1993. The Secretary of
17 State may, however, choose to use federally prescribed forms.

18 "(d) State agencies which provide food stamps,
19 Medicaid, services related to Women and Infant Children
20 program (WIC), services related to Aid to Families with
21 Dependent Children (AFDC), and agencies providing services to
22 the disabled shall provide voter registration opportunities to
23 their clientele in accordance with the National Voter
24 Registration Act of 1993.

1 "(e) Recruitment offices of the armed forces of the
 2 United States shall provide voter registration opportunities
 3 to their clientele in accordance with the National Voter
 4 Registration Act of 1993.

5 "(f) Other public offices and agencies which may
 6 provide the voter registration services provided by the
 7 National Voter Registration Act of 1993 include public
 8 libraries, public schools, offices of municipal clerks,
 9 probate offices, state and local revenue offices, unemployment
 10 compensation offices, offices providing services to the
 11 disabled other than those required in (d) to provide voter
 12 registration services, and federal and nongovernmental offices
 13 which agree to provide the voter registration services.

14 "(g) Voter registration, confirmation documents, and
 15 any other documents necessary to be prescribed by the
 16 Secretary of State to meet the requirements of the National
 17 Voter Registration Act of 1993 shall be prepared and furnished
 18 as provided for in Sections 17-4-126 and 17-4-137.

19 "(h) The Secretary of State, by rule, may prescribe
 20 forms in furtherance of state election laws deemed helpful to
 21 disabled voters and voters speaking an alternative language to
 22 English who, according to the most recent decennial census,
 23 comprise more than five percent of the voting age population
 24 for any county in Alabama.

25 "§17-4-252.

1 ~~The Director of Voter Registration~~ Secretary of
2 State shall ensure that all applicants obtain requested voter
3 lists in a timely manner. Methods shall be established for the
4 transmission of tapes, discs, or lists to any applicant.
5 Hindrances shall not be created or devised to delay
6 transmission of tapes, discs, or lists to any applicant.
7 Except as provided in this section, there shall be a uniform
8 charge for the production of voter lists. The reproduction
9 costs of the basic electronic copy of the statewide file shall
10 be reasonable as determined by the ~~Office of Voter~~
11 ~~Registration~~ Secretary of State and a fee schedule shall be
12 conspicuously posted in the office of the ~~director~~ Secretary
13 of State. Costs of printed copies of lists are as otherwise
14 provided by law. Access to the lists and voter history
15 information contained on the central computer in the Office of
16 ~~Voter Registration~~ the Secretary of State is accessible to
17 anyone making application, except social security numbers
18 which are not to be released. Proceeds from the sale of tapes,
19 discs, lists, labels, or other materials from the ~~Office of~~
20 ~~Voter Registration~~ Secretary of State shall be retained by the
21 ~~Director of the Office of Voter Registration~~ Secretary of
22 State for use in ~~the Office of Voter Registration~~ voter
23 registration. Upon application and without charge, legislators
24 shall be furnished up to two free printed copies of the voter

1 lists for their districts during a legislative quadrennium and
2 resale of the lists shall be strictly prohibited.

3 "§17-4-253.

4 "It shall be the responsibility of the board of
5 registrars to enter in a timely manner the names of the
6 electors who vote in each election into the state ~~voter file~~
7 ~~computer as maintained by the Office of Voter Registration~~
8 registration list.

9 "§17-4-254.

10 "There is established a separate trust fund in the
11 State Treasury to be known as the Voter Registration Fund. All
12 receipts collected under this ~~act~~ article by the ~~Office of~~
13 ~~Voter Registration~~ Secretary of State are to be deposited in
14 this fund. The receipts shall be disbursed only by warrant of
15 the State Comptroller drawn upon the State Treasury supported
16 by itemized vouchers approved by the ~~Director of Voter~~
17 ~~Registration~~ Secretary of State. No funds shall be withdrawn
18 or expended except as budgeted and allotted according to
19 Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to
20 41-19-12, inclusive, and only in amounts as stipulated in the
21 general appropriations act, this amendatory act, or other
22 appropriations acts.

23 "§17-4-255.

24 "The Secretary of State shall promulgate rules ~~and~~
25 ~~regulations~~ and prescribe forms and instructions as shall be

1 necessary to implement the National Voter Registration Act of
2 1993 in Alabama ~~on January 1, 1995,~~ or the Help America Vote
3 Act of 2002, including any rules, ~~regulations,~~ and forms
4 necessary for the administration of the ~~act~~ acts by state
5 departments and agencies. ~~The Director of the Office of Voter~~
6 ~~Registration shall work in close cooperation and coordination~~
7 ~~with the Secretary of State and under his or her direct~~
8 ~~supervision for the implementation of the National Voter~~
9 ~~Registration Act of 1993.~~ The Secretary of State is further
10 authorized to enter into inter-agency agreements with other
11 government agencies for the implementation of the National
12 Voter Registration Act of 1993 and the Help America Vote Act
13 of 2002.

14 "§17-5A-4.

15 "(a) Except as may be provided further by local
16 election laws or by the electronic vote counting statutes, the
17 counties in this state, as divided pursuant to this chapter
18 into election precincts and the boundaries of such precincts
19 shall so remain until changed by order of the county governing
20 body, but the county governing body, at its first regular
21 meeting in March in each even-numbered year beginning in 1990,
22 shall subdivide any election precinct in which there are more
23 than 300 qualified voters and paper ballots are used or in
24 which there are more than 600 qualified voters and voting
25 machines are used into voting districts or shall divide

1 alphabetically the list of qualified voters in such precincts
2 into groups and assign each qualified voter a designated
3 voting place and a designated box or voting machine in such
4 precinct so as to provide a box for every person legally
5 entitled to vote at which not more than 300 paper ballots will
6 be cast or a machine at which not more than 600 votes by
7 voting machines will be cast.

8 "(b) Except as may be provided further by local
9 election laws or by the electronic vote counting statutes, the
10 county governing body, at its first regular meeting in March
11 in each even-numbered year beginning in 1990, shall in their
12 respective counties examine the ~~registration and official list~~
13 ~~of voters as the same is on file in the office of the judge of~~
14 ~~probate of said county~~ state voter registration list, and if
15 it shall appear from such examination and from other available
16 sources of information that there is in any election precinct
17 as constituted pursuant to this chapter in which paper ballots
18 are used more than 300 legal voters, or that there is in any
19 election precinct as constituted pursuant to this chapter in
20 which voting machines are used more than 600 legal voters,
21 they shall immediately either divide ~~said~~ the precinct into
22 voting districts so that no one district shall contain over
23 300 legal voters where paper ballots are used or 600 legal
24 voters where voting machines are used or establish two or more
25 places or provide additional boxes or voting machines at

1 established polling places in such precinct and shall separate
2 the list of qualified registered voters in ~~said~~ the precinct,
3 as shown by the ~~list on file in the office of the probate~~
4 ~~judge in said~~ state voter registration list as reported for
5 the county, into groups in alphabetical order so that no group
6 in a precinct in which paper ballots are used shall contain
7 more than 300 qualified registered voters or in a precinct
8 where voting machines are used more than 600 qualified
9 registered voters and shall designate the place and box or
10 machine in ~~such~~ the precinct at which each qualified voter
11 shall cast his or her ballot.

12 "(c) Whenever any election precinct has been
13 subdivided into voting districts, pursuant to subsection (a)
14 or (b) ~~hereof~~, the county governing body making ~~such~~ the
15 subdivision shall immediately cause a description of the
16 boundaries of ~~said~~ the voting districts to be filed in the
17 office of the judge of probate and with the board of
18 registrars and shall post a copy thereof at the county
19 courthouse.

20 "(d) ~~Such~~ The precincts shall be named and
21 designated by the county governing body numerically or
22 alphabetically or by a combination thereof in a manner that
23 ~~will~~ shall be uniform statewide as determined by the
24 association of county commissions and approved by the
25 reapportionment task force.

1 "§17-5A-5.

2 "(a) Except as may be provided further by local
3 election laws or by the electronic vote counting statutes, the
4 county governing bodies shall designate the places of holding
5 elections in the precincts established hereunder, and,
6 whenever the county has alphabetically divided the list of
7 registered qualified voters of a precinct into groups, it
8 shall designate not only the voting place but also the number
9 of boxes or voting machines at each voting place in the
10 precinct, being sure that it designates a box or machine for
11 each group of qualified voters. The county governing body is
12 ~~hereby~~ specifically authorized to provide for installing as
13 many boxes or machines as are needed in each precinct, and
14 ~~such~~ the boxes or machines may be installed at one designated
15 voting place or there may be more than one voting place
16 designated and such number of boxes or machines installed at
17 each place as needed to provide for the voters authorized to
18 vote at each ~~such~~ place. The county governing body shall file
19 with the judge of probate of the county and with the board of
20 registrars along with a copy of its order fixing the
21 boundaries of a precinct, the names of places designated for
22 voting, indicating in those precincts in which the voters have
23 been alphabetically divided into groups the voting places and
24 boxes or voting machine at which each alphabetical group shall

1 vote and shall also post ~~such~~ the list of voting places at the
 2 county courthouse.

3 "(b) The judge of probate, within five days after
 4 the county governing body of any county files with him or her
 5 the boundaries of ~~such~~ the election precincts and the names of
 6 the voting places therein, shall give notice of the same by
 7 publishing the same in some newspaper of general circulation
 8 published in ~~said~~ the county and shall have the same posted by
 9 the sheriff at the courthouse and at two public places in ~~said~~
 10 the election district of ~~such~~ the precinct. ~~Such~~ The notice
 11 ~~must~~ shall describe ~~such~~ the election precincts by ~~its number~~
 12 their numbers and ~~must~~ shall specify the place therein where
 13 elections are to be held.

14 "(c) Where election precincts have been subdivided
 15 into voting districts hereunder, no voter in any election held
 16 thereafter shall vote at any place other than the voting
 17 district in which ~~said~~ the voter ~~is~~ at ~~such~~ the time is
 18 registered as a qualified elector; ~~provided further, however,~~
 19 ~~that.~~ Notwithstanding the foregoing, any county ~~may,~~ by local
 20 law, may establish voting centers by combining voters from two
 21 or more precincts in order to create a voting center in order
 22 to facilitate, or reduce costs, for elections.

23 "(d) Except as may be provided further by local
 24 election laws or by the electronic vote counting statutes,
 25 whenever places of voting are once designated and established

1 as required by this chapter, the voting places for precincts
2 shall not be changed within three months before an election is
3 to be held; ~~and, whenever.~~ When the boundaries of election
4 precincts are changed, the county governing body shall
5 forthwith designate and establish at least one voting place
6 for every 300, or 600 where voting machines are used, voters
7 in each election precinct so created. Places of voting shall
8 be the same for all elections, whether primary, general, or
9 special, or federal, state, district, or county.

10 "(e) The courthouse is the place of holding
11 elections in the precinct in which it is situated unless
12 another place for that purpose is designated by the county
13 governing body. Elections must be held at such places in the
14 other precincts as may be designated hereafter by the county
15 governing body.

16 "§17-5A-6.

17 "The judge of probate shall prepare a separate,
18 correct alphabetical list of all the names of qualified
19 electors or voters for each voting place from the state voter
20 registration list ~~compiled and filed in the probate office,~~
21 pursuant to Sections 17-4-129 and 17-4-130, for all elections
22 hereafter held in this state, whether primary, general, or
23 special, or federal, state, district, county, or municipal,
24 and shall certify separately for each voting place, to the
25 election officials appointed for holding election, each of

1 which election official shall be an elector qualified to vote
2 only in the box at the place for which he or she is chosen to
3 serve, a list containing only the names of the voters or
4 qualified electors entitled to vote at ~~such~~ the voting place,
5 ~~provided, that as regards.~~ However, with regard to municipal
6 elections, the mayor of the city or town shall cause the list
7 to be made and certified ~~such list; provided further, that~~
8 ~~nothing.~~ Nothing in this section shall prevent a series of
9 lists of names of voters or electors of other voting places
10 from being certified by the judge of probate on the same
11 general list for information. A vote cast at a place other
12 than the voting place at which the voter is entitled to vote
13 shall be illegal.

14 "§17-7-13.

15 "At all elections ~~by the people of~~ held within this
16 state, the elector ~~must~~ shall vote in the county and precinct
17 of his or her residence and nowhere else and ~~must~~ shall have
18 registered as provided in this title; ~~and, if.~~ If any elector
19 attempts to vote in any precinct other than that of his or her
20 residence, his or her vote ~~must~~ shall be rejected, except ~~as~~
21 ~~provided in Section 17-3-2~~ when casting a provisional ballot,
22 as provided by law.

23 "§17-8-43.

24 "(a) The judge of probate shall cause to be printed
25 in large type ~~cards~~ posters of instructions for the guidance

1 of electors in preparing their ballots. The information shall
2 include:

3 "(1) A sample version of the ballot that will be
4 used for that election.

5 "(2) Information regarding the date of the election
6 and the hours during which polling places will be open.

7 "(3) Instructions on how to vote, including how to
8 cast a vote and how to cast a provisional ballot.

9 "(4) Instructions for mail-in registrants and
10 first-time voters registering and voting for the first time
11 after January 1, 2003.

12 "(5) General information on voting rights under
13 applicable federal and state laws, including information on
14 the right of an individual to cast a provisional ballot and
15 instructions on how to contact the appropriate officials if
16 these rights are alleged to have been violated.

17 "(6) General information on federal and state laws
18 regarding prohibitions on acts of fraud and misrepresentation.

19 "(b) The judge of probate ~~He~~ shall furnish to the
20 sheriff three, or more if necessary, ~~of such cards~~ sets of
21 instructions for to be posted in the following manner at each
22 precinct, ~~and the sheriff shall post one of such cards in each~~
23 ~~booth or compartment for the preparation of ballots, and not~~
24 ~~less than three in prominent places elsewhere about the~~
25 ~~outside of the polling place on the day of the election.~~ One

1 set of instructions shall be posted near the entrance of the
2 voting place so as to be plainly visible to those entering.
3 Another set of instructions shall be placed in a plainly
4 visible location near the area where voters are identified
5 from the list of qualified voters printed from the state voter
6 registration list. Remaining sets of instructions may be
7 placed in plainly visible locations to assist voters in
8 accordance with the circumstances presented by the physical
9 layout of the voting place. The instructions ~~Such cards~~ shall
10 be printed in large clear type and shall ~~contain full~~
11 ~~instructions to electors as to what should be done; first, to~~
12 ~~obtain ballots for voting; second, to prepare the ballot for~~
13 ~~deposit in the ballot box; third, to obtain a new ballot in~~
14 ~~place of one accidentally spoiled; fourth, to instruct as to~~
15 ~~the right and manner of obtaining a watcher for each political~~
16 ~~party having candidates to be voted for.~~ be made available in
17 alternative languages in counties where the most recent
18 federal decennial census indicates that a specific alternative
19 language group exceeds five percent of the voting age
20 population for that county.

21 "§17-9-23.

22 "The election officers for each voting machine shall
23 consist of an inspector, a chief clerk, and a first and second
24 assistant clerk. The inspector shall be in general charge of
25 the poll and shall see that the chief clerk properly marks off

1 from the ~~poll list~~ list of registered voters, and that the
2 first assistant clerk properly records~~7~~ the name of each voter
3 before ~~such~~ the voter casts his or her ballot, and shall keep
4 such other records as are required by law. It shall be the
5 duty of the second assistant clerk to attend the voting
6 machine at all times and to see that it is not tampered with.
7 The second assistant clerk shall also inspect the ballot
8 labels at frequent intervals to see that none have been
9 tampered with and to see that the machine has not been
10 injured. The inspector shall see that the counter compartments
11 of the machine are never unlocked or opened so that the
12 counters are exposed during voting. The election officers
13 shall ascertain, as required by law, whether each applicant to
14 vote is entitled to vote. If he or she is found to be entitled
15 to vote, he or she shall be ~~admitted within the voting machine~~
16 ~~booth, and shall be~~ permitted to vote.

17 "No voter shall remain within the voting ~~machine~~
18 booth an unreasonable length of time, ~~and in no event longer~~
19 ~~than three minutes~~, and, if he ~~shall refuse~~ the voter refuses
20 to leave after a reasonable period, ~~he~~ the voter shall be
21 removed by the election officers; provided, that they may
22 grant ~~him~~ the voter a longer time if other voters are not
23 waiting to vote.

24 "All laws now existing or as hereafter amended
25 relating to ~~the challenging of voters~~ provisional voting

1 ~~shall~~, insofar as practicable, shall relate to elections held
2 with voting machines. Wherever in any election held under ~~the~~
3 ~~provisions of~~ this chapter, the right of any voter to cast his
4 or her ballot shall have been challenged under ~~the provisions~~
5 ~~of law referred to in~~ this section, ~~such challenged~~ the
6 provisional voter, after having first complied with provisions
7 of the laws referred to in this section, shall be permitted to
8 cast his or her ballot ~~on the voting machine~~ by means of the
9 "irregular provisional ballot." ~~or by means of the device or~~
10 ~~devices specifically provided for the casting of challenged~~
11 ~~votes.~~

12 "§17-10-4.

13 "The application required in Section 17-10-3(a)
14 shall be filed with the person designated to serve as the
15 absentee election manager. The application shall be in a form
16 prescribed and designed by the Secretary of State and shall be
17 used throughout the state. Notwithstanding the foregoing,
18 handwritten applications can also be accepted at any time
19 prior to the five day deadline to receive absentee ballot
20 applications as provided in Section 17-10-3(a). The
21 application shall contain sufficient information to identify
22 the applicant and shall include the applicant's name,
23 residence address, or such other information necessary to
24 verify that the applicant is a registered voter. Any applicant
25 may receive assistance in filling out the application as he or

1 she desires, but each application shall be manually signed by
2 the applicant and, if he or she signs by mark, the name of the
3 witness to his or her signature shall be signed thereon. The
4 application may be handed by the applicant to the absentee
5 election manager or forwarded to him or her by United States
6 mail. An application for an emergency absentee ballot pursuant
7 to Section 17-10-12 may be forwarded to the absentee election
8 manager by the applicant or his or her designee. Application
9 forms which are printed and made available to any applicant by
10 the absentee election manager shall have printed thereon all
11 penalties provided for any violation of this chapter. The
12 Secretary of State shall provide applications for absentee
13 voting to military and overseas voters in accordance with
14 Section 17-4-211.

15 "§17-10-5.

16 "(a) Upon receipt of an application for an absentee
17 ballot as provided in Section 17-10-3(a) if the applicant's
18 name appears on the list of qualified voters produced from the
19 state voter registration list in the election to be held, or
20 if the voter makes an affidavit for a ~~challenged vote~~
21 provisional ballot, the absentee election manager shall
22 furnish the absentee ballot to the applicant by: (1)
23 Forwarding it by United States mail to the applicant's or
24 voter's residence address or upon written request of the
25 voter, to the address where the voter regularly receives mail

1 or (2) by handing the absentee ballot to the voter in person
2 or, in the case of emergency voting, his or her designee in
3 person. If the absentee election manager has reasonable cause
4 to believe that the applicant has given a fraudulent address
5 on the application for the absentee ballot, the absentee
6 election manager shall turn over the ballot application to the
7 district attorney for any action which may be necessary under
8 Act 94-320 or other acts. The absentee election manager
9 ~~further~~ may require additional proof of a voter's eligibility
10 to vote absentee when there is evidence of continuous absentee
11 voting. The absentee election manager shall mail any absentee
12 ballot requested to be mailed as provided in Section
13 17-10-3(a) no later than the next business day after an
14 application has been received unless the absentee ballots have
15 not been delivered to the absentee election manager. If the
16 absentee ballots have not been so delivered, the absentee
17 election manager shall hold all requests until the ballots are
18 delivered and shall then respond by placing ballots in the
19 mail no later than the next business day.

20 "(b) The official list of qualified voters shall be
21 furnished to the absentee election manager by the judge of
22 probate using a printout from the state voter registration
23 list of registered voters for that county containing vote
24 registration information useful in the identification of
25 absentee voters. The information provided in this report shall

1 be established by rules adopted by the Secretary of State with
2 the advice of the Alabama Circuit Court Clerks Association or
3 its members and shall indicate whether the individual is
4 obligated to produce identification in accordance with Section
5 4 of the act adding this sentence. The Secretary of State may
6 further provide by administrative rule for electronic access
7 to this list for optional use by the absentee election
8 manager. This list shall be made available beginning at least
9 45 days before the election. Any supplemental list of
10 qualified electors shall also be provided to the absentee
11 election manager as soon as the list becomes available. The
12 absentee election manager shall underscore on the list the
13 name of each voter who has applied for an absentee ballot and
14 shall write immediately beside his or her name the word
15 "absentee." The Secretary of State by rule may provide for
16 electronic access to the absentee election manager's county
17 list of registered voters and for the method of identifying
18 applicants for absentee ballots in conjunction with the state
19 voter registration list.

20 (c) The absentee election manager shall enroll the
21 name, residence, and polling place of the applicant, and the
22 date the application was received on a list of absentee
23 voters. Each day the absentee election manager shall enter on
24 the list the names, addresses, and polling places of each
25 voter who has that day applied for an absentee ballot and

1 shall post a copy of the list of applications received each
2 day on the regular bulletin board or other public place in the
3 county courthouse. The list shall be maintained in the office
4 of the clerk or register for 60 days after the election, at
5 which time it shall be filed with the judge of probate. Before
6 the polls open at any election on election day, the absentee
7 election manager shall effectuate the delivery to the election
8 officers of each polling place a list showing the name and
9 address of every person whose name appears on the official
10 list of qualified electors for the polling place who applied
11 for an absentee ballot in the election. The name of the person
12 who applied for an absentee ballot shall be stricken from the
13 list of qualified electors kept at the polling place, and the
14 person shall not vote again. ~~Separate~~ Except as to individuals
15 voting pursuant to the Uniformed and Overseas Absentee Voting
16 Act, 42 U.S.C. 1973ff, applications for absentee ballots are
17 required for elections which are more than 30 days apart.

18 "(d) For individuals voting pursuant to the
19 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
20 the Secretary of State shall by rule prescribe use of
21 standardized military and overseas voter registration
22 applications and applications for absentee ballots adopted by
23 the United States government for such use. The Secretary of
24 State shall also prescribe by rule provisions within the
25 standard state application form for absentee voting which

1 permit the voter to identify himself or herself as a military
2 or overseas voter. Unless otherwise indicated by the military
3 or overseas voter, an application for an absentee ballot by
4 such a voter shall remain valid through the next two regularly
5 scheduled general election cycles for federal office. The
6 circuit clerk shall confirm by January 1, of each election
7 year the address of the military and overseas voters prior to
8 mailing the ballots during each election cycle, and the
9 absentee election manager shall provide an absentee ballot to
10 the military and overseas voters for each such subsequent
11 election. The absentee election manager, within seven days
12 after each regularly scheduled general election for federal
13 office, shall report the number of military and overseas
14 ballots mailed out and the number of ballots received to the
15 Secretary of State who shall report this information to the
16 Federal Election Assistance Commission within 90 days of each
17 regularly scheduled general election for federal office.

18 "§17-10-9.

19 "Each prospective absentee voter who meets the
20 requirements of this chapter shall be furnished with the
21 absentee ballot herein provided for, together with two
22 envelopes for returning his or her marked ballot and
23 instructions for completing and returning the absentee ballot
24 as well as instructions for correcting mistakes in completing
25 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, shall have a notary public
19 (or other officer authorized to acknowledge oaths) or two
20 witnesses witness his or her signature to the affidavit, and
21 shall forward it by United States mail to the addressee or
22 shall 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

1 identification in accordance with Section 4 of the act adding
2 this paragraph or reidentify in accordance with Section 4 of
3 the act adding this paragraph. For absentee applicants
4 required to produce identification, a third envelope of
5 different color and sufficient size to enclose the first and
6 second envelopes shall be provided to the applicant along with
7 instructions for including a proper form of identification in
8 accordance with Section 3 4 of the act adding this paragraph.

9 "For absentee applicants required to reidentify
10 because they do not appear in the precinct for which they seek
11 to vote but do appear in another precinct within the state
12 voter registration list, the absentee election manager shall
13 provide to the voter a third envelope of different color and
14 sufficient size to enclose the first and second envelopes
15 along with a voter reidentification form, a provisional voter
16 affirmation, and instructions in accordance with Section 5 of
17 the act adding this paragraph. Such ballot shall be treated as
18 a provisional ballot and the term "Provisional" shall be
19 marked on the second or affidavit envelope prior to
20 transmitting the ballot to the voter. Applicants for an
21 absentee ballot who do not appear on the state voter
22 registration list shall not be entitled to an absentee ballot.

23 "§17-10-10.

24 "Upon receipt of the absentee ballot, the absentee
25 election manager shall record its receipt thereof on the

1 absentee list as provided in Section 17-10-5 and shall safely
2 keep the ballot without breaking the seal of the affidavit
3 envelope. On the day of the election, beginning at 12:00 noon,
4 the absentee election manager shall deliver the sealed
5 affidavit envelopes containing absentee ballots to the
6 election officials provided for in Section 17-10-11. The
7 election officials shall then call the name of each voter
8 casting an absentee ballot with poll watchers present as may
9 be provided under the laws of Alabama and shall examine each
10 affidavit envelope to determine if the signature of the voter
11 has been appropriately witnessed. If the witnessing of the
12 signature and the information in the affidavit establish that
13 the voter is entitled to vote by absentee ballot, then the
14 election officials shall certify the findings, open each
15 affidavit envelope, and deposit the plain envelope containing
16 the absentee ballot into a sealed 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 (and unmarked), and
21 no ballot envelope or ballot therein may be removed or
22 counted. No poll worker or other election official shall open
23 an affidavit envelope if the voter's affidavit signature (or
24 mark) is not witnessed by the signatures of two witnesses or a
25 notary public (or other officer authorized to acknowledge

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

11 "The absentee ballots shall upon the closing of the
12 polls be counted and otherwise handled in all respects as if
13 the absentee voter were present and voting in person. As
14 regards municipalities with populations of less than 10,000,
15 in the case of municipal elections held at a time different
16 from a primary or general election, the return mail envelopes
17 containing the ballots shall be delivered to the election
18 official of the precinct of the respective voters.

19 "§17-10-23.

20 "No absentee ballot shall be opened or counted if
21 received by the absentee election manager by mail, unless
22 postmarked as of the date prior to the day of the election and
23 received by mail no later than noon on the day of election,
24 or, if received by the absentee election manager by hand

1 delivery, unless so delivered to the absentee election manager
 2 not later than 5:00 p.m. on the day prior to the election.

3 "Except as to provisional absentee ballots that have
 4 not been verified by seven days after the election, any Any
 5 election official who fails to count a legal vote under Act
 6 96-885 shall be guilty of a Class C felony and punished as
 7 provided by law.

8 "§17-14-1.

9 "On the second Friday next after the election, at
 10 the hour of 12:00 noon, the returning officer of the county,
 11 in person or by deputy, and the judge of probate and the clerk
 12 of the circuit court shall assemble at the courthouse; and if
 13 there is no such judge or clerk, or if either of them fails to
 14 attend, or if either of them is interested by reason of having
 15 been a candidate at such election, his place must be supplied
 16 by a respectable freeholder or householder of the county,
 17 appointed by the board hereinbefore provided for the
 18 appointing of the inspectors in the various precincts for said
 19 election, at the time of appointing the election inspectors,
 20 and if said appointing board fails to provide for such member
 21 or members, or if any member or members as herein provided
 22 should fail to attend at the time and place herein mentioned,
 23 the returning officer shall supply such deficiency by a
 24 respectable freeholder or householder of the county who is a
 25 qualified elector; and if all such officers are of the same

1 political party, then the returning officer of the county must
 2 summon three reputable persons resident householders or
 3 freeholders of the county, members of the opposite political
 4 party who are qualified electors, to attend at such time and
 5 place; and, in the presence of such other persons as choose to
 6 attend, the board shall make a correct statement from the
 7 returns of the votes from the several precincts of the county
 8 of the whole number of votes given therein for each officer,
 9 and the person to whom such votes were given.

10 "§17-14-20.

11 "All returns of elections required by law to be sent
 12 to the Secretary of State must, within ~~15~~ 22 days after an
 13 election, be opened and counted in the presence of the
 14 Governor, Secretary of State and Attorney General, or two of
 15 them.

16 "§17-16-31.

17 "At the close of the primary election at each
 18 polling place, and nowhere else, the inspectors and clerks
 19 shall proceed forthwith, without adjournment, in the manner
 20 provided by law in the case of general elections, to count the
 21 votes. This section shall not apply to provisional ballots
 22 governed by Section 5 of the act adding this sentence.

23 "§17-16-35.

24 "The county executive committee of the party or
 25 parties participating in said primary election shall meet at

1 the courthouse of its county, not later than noon on ~~Wednesday~~
2 Monday next following said primary election, and receive said
3 returns, canvass and tabulate the same, by precincts, and
4 publicly declare the results thereof. The chairman of each
5 county executive committee shall forthwith, and not later than
6 noon on the ~~Friday next~~ Wednesday eight days following said
7 primary election, certify and return to the chairman of the
8 state executive committee a statement and tabulation, by
9 precincts, of the result of said primary election and of the
10 number of votes received by each candidate therein for office,
11 except candidates for county office. Not later than noon on
12 the ~~Monday next~~ Friday 10 days following such primary
13 election, the state executive committee, or such subcommittee
14 thereof as may have been appointed by the chairman thereof for
15 such purpose, shall meet at the State Capitol in Montgomery
16 and receive said returns, canvass and tabulate the same by
17 counties and publicly declare on that day the results thereof
18 as to all candidates for office therein, except candidates for
19 county office, which results shall be final. The state
20 executive committee or such subcommittee as provided in this
21 section shall also provide the Secretary of State with the
22 primary election returns by precincts according to county on a
23 form authorized by the Secretary of State on the ~~Monday next~~
24 Friday 10 days following the primary election, county and
25 municipal returns excepted.

1 "§17-16-36.

2 "(a) At the respective meetings of the respective
 3 executive committees, said county executive committee shall,
 4 as to candidates in said primary election for office, except
 5 candidates for county office, publicly ascertain, determine
 6 and declare whether any candidate for office in said primary
 7 election has received a majority of the votes cast for the
 8 office, and, if so, declare said candidate the nominee of the
 9 party for the office for which he was a candidate and for
 10 which he received a majority of the votes cast for that office
 11 in said primary election.

12 "(b) If no candidate receives a majority of all of
 13 the votes cast in such primary election for any one office or
 14 offices for the nomination to which there were more than two
 15 candidates, then there shall be held a second primary election
 16 on the ~~third Tuesday next thereafter~~ last Tuesday in June
 17 following said primary election, and the chairman of the state
 18 executive committee shall certify to the Secretary of State,
 19 immediately upon the completion of such canvass as aforesaid,
 20 the names of the two candidates of his party to receive the
 21 highest number of votes in the first primary election for such
 22 office or offices, except county officers, and who are to be
 23 voted for in the second primary election. The chairman of each
 24 county executive committee shall, immediately upon the
 25 completion of such canvass, certify to the probate judge of

1 the county the names of the two candidates who received the
2 highest number of votes in the first primary for nomination to
3 any county office. The Secretary of State shall, within not
4 more than six days from the date said certificate is received
5 from the chairman of the state executive committee, certify to
6 the probate judge of any county where a second primary
7 election is to be held the name or names of the candidates
8 certified to him as herein provided by the chairman of the
9 state executive committee. The probate judge of each county in
10 Alabama shall in the manner and form as required by this
11 chapter and the general laws of Alabama, have prepared and
12 printed all election supplies and all ballots to be voted in
13 the second primary election, which ballots shall contain,
14 under appropriate headings or titles of the offices to be
15 filled, the names of the two candidates for each office so
16 certified to him by the Secretary of State and the chairman of
17 the county executive committee, as herein required, as well as
18 such other matters as are required by this chapter and the
19 general laws of Alabama, on ballots for the first primary
20 election.

21 "(c) At the second primary election, no person can
22 be a candidate except the two persons who receive the highest
23 number of votes for the offices for which they were candidates
24 in the first primary election.

1 "(d) The returns from the second primary election
2 shall be made and the votes canvassed, tabulated and certified
3 and the results declared in the same manner provided in this
4 chapter for making, canvassing, tabulating, certifying and
5 declaring the results of the first primary election. The
6 county executive committee of the parties participating in
7 said primary election shall meet at the courthouse of their
8 respective counties not later than ~~Wednesday next~~ the second
9 Friday following the second primary election and receive said
10 returns, canvass and tabulate the same by precinct and
11 publicly declare the results thereof. The chairman of each
12 county executive committee shall forthwith, and not later than
13 noon on the ~~Friday next~~ second Monday following said primary
14 election, certify and return to the chairman of the state
15 executive committee a statement and tabulation by precincts of
16 the results of the second primary election and of the number
17 of votes received by each candidate for office therein voted
18 for except candidates for county office. Not later than noon
19 on the ~~Monday next~~ third Wednesday following the second
20 primary election, the state executive committee, or such
21 subcommittee thereof as may have been appointed by the
22 chairman thereof for such purpose, shall meet at the State
23 Capitol in Montgomery and receive said returns and canvass and
24 tabulate the same by counties, and publicly declare on that
25 day the result thereof as to all candidates voted for, except

1 as to candidates for county office which results shall be
2 final. At said respective meetings of said respective
3 executive committees, said county executive committee shall,
4 as to candidates for county office voted for in the second
5 primary election, and said state executive committee shall, as
6 to candidates for office in the second primary election voted
7 for therein, except candidates for county office, publicly
8 ascertain and determine the candidates receiving a majority of
9 all of the votes cast in such second primary election for any
10 one office, and the candidates so ascertained and determined
11 to have received a majority of all of the votes cast in such
12 second primary election for said office shall be declared the
13 nominee of the party for such office by said respective county
14 and state executive committees. Thereupon and immediately upon
15 the completion of such canvass as aforesaid, the chairman
16 thereof shall certify to and file with the probate judge of
17 his county the names of those who have been nominated in the
18 first or the second primary election or as otherwise
19 authorized or provided by this chapter, as candidates of his
20 party for county offices; and in like manner, and immediately
21 upon the completion of such canvass, as aforesaid by the state
22 executive committee, or subcommittee thereof, the chairman of
23 the state executive committee shall certify to and file with
24 the Secretary of State the names of those who have been
25 nominated in the first or second primary election or as

1 otherwise authorized or provided by this chapter as candidates
 2 of his party for office, except candidates for county office,
 3 and the names of the persons so certified shall be placed upon
 4 the official ballot of the general election to be held in
 5 November next thereafter as the candidates of the party for
 6 the offices for which they, respectively, have been so
 7 nominated.

8 "(e) The state executive committee or such
 9 subcommittee as provided in this section shall also provide
 10 the Secretary of State with the second primary election
 11 returns by precincts according to county on a form authorized
 12 by the Secretary of State on the ~~Monday next~~ third Wednesday
 13 following the secondary primary, county and municipal returns
 14 excepted.

15 "§17-20-4.

16 "Within ~~15~~ 22 days after the time for making the
 17 returns, the Governor, in the presence of the Secretary of
 18 State and Attorney General, or either of them in the absence
 19 of the other, must estimate the returns, ascertain which
 20 candidates are elected and notify them by proclamation."

21 Section 3. In addition to all other appropriations
 22 heretofore or hereafter made, there is hereby appropriated
 23 such amount as determined necessary by the Secretary of State
 24 from the Voter Registration Fund to the Secretary of State for
 25 the fiscal year ending September 30, 2003. Furthermore, upon

1 the effective date of this act all property of the Office of
2 Voter Registration and any remaining fiscal year 2003 General
3 Fund appropriations to the Office of Voter Registration for
4 the Voter Registration Identification Program, shall be
5 transferred to the Office of the Secretary of State.

6 Section 4. (a) Each person registering to vote by
7 mail after January 1, 2003, shall provide identification prior
8 to the first time they vote in an election containing a
9 federal office on the ballot. Such voters shall not
10 subsequently be required to show identification in order to
11 vote.

12 (1) For voters required to show identification who
13 are voting in person, the voter must:

14 a. Present to the appropriate election official a
15 current and valid photo identification; or

16 b. Present to the appropriate election official a
17 copy of a current utility bill, bank statement, government
18 check, paycheck, or other government document that shows the
19 name and address of the voter.

20 (2) For voters required to show identification who
21 are voting by mail, the voter must submit with the ballot a
22 copy of one of the forms of identification listed in
23 subdivision (1).

24 (b) Notwithstanding the foregoing, a voter who
25 registers by mail after January 1, 2003, shall be exempt from

1 subsequent voter identification requirements if the
2 registrant:

3 (1) Submits as part of such registration a copy of
4 one of the forms of identification listed in subdivision (1)
5 of subsection (a) of this section.

6 (2) Submits as part of such registration a driver's
7 license number or the last four digits of the individual's
8 Social Security number, and the board of registrars is able to
9 match either number with a record bearing the same number,
10 name, and date of birth in the driver's license database of
11 the Department of Public Safety.

12 (3) Is entitled to vote by absentee ballot pursuant
13 to the Uniformed and Overseas Citizens Absentee Voting Act (42
14 U.S.C. 1973ff-1 et seq.), Section 3(b)(2)(B)(ii) of the Voting
15 Accessibility for the Elderly and Handicapped Act (42 U.S.C.
16 1973ee-2(b)(2)(B)(ii), or any other federal law.

17 (c) An individual required to present identification
18 in accordance with this section who is unable to meet the
19 identification requirements of this section shall be permitted
20 to vote by provisional ballot.

21 Section 5. (a) A voter shall be required to cast a
22 provisional ballot when:

23 (1) The name of the individual does not appear on
24 the official list of eligible voters for the precinct in which
25 the individual seeks to vote, and the individual's

1 registration cannot be verified while at the polling place by
2 the registrar, deputy registrar, or a member of the canvassing
3 board.

4 (2) An inspector has knowledge that the individual
5 is not entitled to vote at that precinct and challenges the
6 individual.

7 (3) The individual is required to comply with the
8 voter identification provisions of Section 3 4 of this act but
9 is unable to do so.

10 (4) A federal or state court order extends the time
11 for closing the polls beyond that established by state law and
12 the individual votes during the extended period of time.
13 Notwithstanding any other provision of state law, where
14 provisional ballots are cast pursuant to a federal or state
15 court order extending the time for closing the polls beyond
16 that established by state law, the provisional ballots shall
17 be segregated from other provisional ballots into a separate
18 sealed container for such purpose and shall be counted,
19 tabulated, and canvassed only pursuant to the order of a court
20 having proper jurisdiction.

21 (b) The procedure for casting a provisional ballot
22 at the polling place shall be as follows:

23 (1) An inspector at the polling place shall notify
24 the individual that the individual may cast a provisional
25 ballot in that election and shall give the individual written

1 information that states that any individual who casts a
2 provisional ballot will be able to ascertain under the system
3 described in subsection (d) whether the vote was counted, and,
4 if the vote was not counted, the reason that the vote was not
5 counted.

6 (2) The individual shall execute a written
7 affirmation by the individual before the inspector or clerk
8 stating the following:

9 "State of Alabama, County of _____ I do
10 solemnly swear (or affirm) that I am a registered voter in the
11 precinct in which I am seeking to vote and that I am eligible
12 to vote in this election _____ Signature or Mark
13 _____ Printed Name of Voter _____ Printed
14 Residence Address of Voter _____ City _____
15 State _____ Zip Code _____ Date of Birth"

16 (3) The individual shall complete a voter
17 reidentification form prescribed by the Secretary of State for
18 use in updating the state voter registration list. This form
19 shall indicate whether it is associated with a provisional
20 ballot.

21 (4) Where a provisional ballot is required on the
22 basis of an inspector's knowledge that a voter is not
23 qualified to vote in the precinct in which the individual is
24 seeking to vote, the inspector ~~or clerk~~ shall sign a statement
25 under penalty of perjury setting forth facts which the

1 inspector ~~or clerk~~ believes to support his or her belief that
2 the individual is not qualified to vote in the precinct in
3 which the voter is seeking to vote. The challenge statement of
4 the inspector shall be written on a multi-part form prescribed
5 for such purpose by the Secretary of State and the inspector
6 shall give one copy to the provisional voter, provide one copy
7 to be sealed with the provisional ballots, and provide one
8 copy to be returned to the board of registrars in a sealed
9 envelope.

10 (5) The voter shall cast the provisional ballot and
11 place it into a sealed ballot box separately identified and
12 utilized for containing provisional ballots.

13 (c) The procedure for voting a provisional ballot by
14 absentee voting shall be as follows:

15 (1) Upon receipt of an absentee ballot from an
16 individual required to provide identification, the absentee
17 election manager shall determine whether such identification
18 has been properly provided. If the identification has not been
19 properly provided, the absentee election manager shall notify
20 the voter in writing of the following:

21 a. That unless such identification is provided to
22 the absentee election manager by 5:00 p.m. on the Monday
23 before the election, the voter's absentee ballot will become a
24 provisional ballot.

1 b. That in the event the voter's ballot becomes a
2 provisional ballot due to lack of identification, such
3 identification must be provided to the board of registrars no
4 later than 5:00 p.m. on the Monday following the election and
5 shall include the address and telephone information for the
6 board of registrars.

7 c. That in the event the voter fails to provide
8 identification to the board of registrars by 5:00 p.m. on the
9 Monday following the election, the voter's ballot will not be
10 counted.

11 d. That any individual who casts a provisional
12 ballot will be able to ascertain under the system described in
13 subsections (d) and (f) whether the vote was counted and, if
14 the vote was not counted, the reason that the vote was not
15 counted.

16 (2) Upon receipt of an application for an absentee
17 ballot where the voter is not identified as appearing in the
18 precinct for which the voter seeks a ballot, the absentee
19 election manager shall:

20 a. Mark the word "Provisional" on the second or
21 affidavit envelope prior to transmittal of the absentee
22 ballot.

23 b. Enclose the following information with the
24 transmittal of the absentee ballot:

1 1. A written explanation as to why the ballot is a
2 provisional ballot; how to complete the voter reidentification
3 form and affirmation of provisional voter form; and the
4 procedure followed by the board of registrars in verifying and
5 certifying provisional votes.

6 2. A voter reidentification form and an affirmation
7 of provisional voter form.

8 3. A written explanation that any individual who
9 casts a provisional ballot will be able to ascertain under the
10 system described in subsection (d) whether the vote was
11 counted and, if the vote was not counted, the reason that the
12 vote was not counted.

13 (3) When an absentee ballot becomes a provisional
14 ballot as a result of an absentee precinct inspector or clerk
15 having knowledge that the individual is not entitled to vote
16 at the precinct applicable to the voter's ballot and
17 challenges the voter's right to vote a particular ballot, the
18 absentee precinct inspector or clerk shall follow the same
19 procedure identified in subsection (b)(4) except as follows:

20 a. In lieu of providing the provisional voter with a
21 copy of the poll worker challenge statement, the inspector
22 shall provide two copies to the absentee election manager once
23 the results from the absentee precinct have been tabulated and
24 certified.

1 b. The absentee election manager shall mail one copy
2 of the challenge statement of the inspector by first class
3 mail by the day after the election to the mailing address
4 provided on the provisional voter's application for an
5 absentee ballot and shall enclose with it a written
6 explanation of the procedure used by the board of registrars
7 in verifying and certifying provisional ballots; an address
8 and telephone number by which the provisional voter may
9 respond; and a written explanation that any individual who
10 casts a provisional ballot will be able to ascertain under the
11 system described in subsection (d) whether the vote was
12 counted and, if the vote was not counted, the reason that the
13 vote was not counted.

14 (d) Upon the closing of the polls, the sealed ballot
15 box containing the provisional ballots shall be returned
16 unopened to the sheriff who shall keep it securely until such
17 time as the provisional ballots are counted in accordance with
18 subsection (f). The written affirmations of the provisional
19 voters, inspector challenge statements, and all voter
20 reidentification forms shall be placed in a sealed envelope
21 addressed to the board of registrars and delivered by the
22 sheriff to the board of registrars no later than noon on the
23 day following the election.

24 (e) Upon receipt of materials returned from the
25 polling places, the board of registrars shall forthwith update

1 the state voter registration list utilizing the voter
2 reidentification forms of provisional voters and shall verify
3 by a certification attached to each provisional voter
4 affirmation whether the provisional vote is entitled to be
5 counted and the reason for or against counting the provisional
6 ballot. When verifying a provisional ballot based upon the
7 challenge of an inspector, the board of registrars shall
8 promptly contact the voter by first class mail and provide an
9 explanation of how the provisional voter may respond to the
10 challenge. After determining that the provisional voter has
11 had notice and an opportunity to be heard, the board of
12 registrars shall verify by a certification attached to the
13 challenge statement whether the provisional ballot is due to
14 be counted and, if not, why it should not be counted. The
15 board of registrars shall deliver the provisional voter
16 affirmations and inspector ~~or clerk~~ challenge statements, with
17 the certified findings of the board of registrars attached, to
18 the judge of probate no later than noon seven days after the
19 election until which time such findings shall remain
20 confidential. Upon delivery of such materials, the board of
21 registrars shall enter into the state voter registration list
22 a voter history providing identification of voters who cast
23 provisional ballots, whether their ballot was counted, and the
24 reason the ballot either was or was not counted.

1 (f) Commencing at noon seven days after the
2 election, the appointing board for poll workers, in the
3 presence of watchers designated by any interested candidates,
4 shall tabulate provisional ballots which have been certified
5 by the board of registrars as cast by registered and qualified
6 voters of the precincts in which such ballots were cast. For
7 the purpose of making election returns of provisional ballots,
8 provisional balloting results shall be returned and canvassed
9 as a separate precinct while disclosing all votes for
10 candidates and ballot measures cast in such ballots. The
11 appointing board shall certify on a form to be prescribed by
12 the Secretary of State the results of the provisional votes
13 cast and shall post one copy in a public location within the
14 courthouse and shall seal one copy with the provisional
15 ballots, provisional voter affirmations, inspector or clerk
16 challenge statements, and certifications of the board of
17 registrars into a sealed container or, in the case of primary
18 elections, containers designated for each political party for
19 such purpose. Such containers shall be delivered and remain
20 secured with the other records of the election in accordance
21 with state law.

22 (g) The board of registrars, after verifying the
23 identity of a provisional voter, shall make available at the
24 request of such voter, the findings of the board of registrars
25 as to whether the individual's provisional ballot was counted

1 and, if not, the reason why. This may be accomplished by
2 telephone, by letter, or by secured electronic means. The
3 Secretary of State shall provide a secure means for
4 provisional voters to verify by electronic means whether the
5 individual's vote was counted and, if not, the reason why.
6 There shall be no charge to the provisional voters for
7 obtaining this information.

8 (h) The Secretary of State may by rule address the
9 means of identifying ballots cast by particular provisional
10 voters by the appointing board and the method of providing
11 confidentiality and security to communications with
12 provisional voters seeking information about the status of
13 their ballot. Notice of any proposed rule or amendment to an
14 existing rule relating to provisional balloting shall be sent
15 by certified mail to every judge of probate at least 30 days
16 prior to certification of the proposed rule or amendment under
17 the Administrative Procedure Act.

18 Section 6. There is established a separate trust
19 fund in the State Treasury to be known as the Help America
20 Vote Fund. All state and federal monies designated in
21 accordance with the Help America Vote Act of 2002 and accrued
22 interest are to be deposited into this fund. The receipts
23 shall be disbursed only by warrant of the state Comptroller
24 drawn upon the State Treasury supported by itemized vouchers
25 approved by the Secretary of State. No funds shall be

1 withdrawn or expended except as budgeted and allotted
2 according to Sections 41-4-80 to 41-4-96, inclusive, and
3 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only
4 in amounts as stipulated in the general appropriations act or
5 other appropriation acts.

6 Section 7. (a) There is established, pursuant to
7 Section 254 of the Help America Vote Act of 2002, a state plan
8 to provide for the implementation of that act. There shall be
9 appointed a committee of ~~15~~ 23 individuals to assist the
10 Secretary of State in the development of the state plan. The
11 committee membership shall reflect the racial diversity of the
12 state.

13 (b) In accordance with the provisions of Section 255
14 of the Help America Vote Act of 2002, the members of the
15 committee shall include the following:

16 (1) The judge of probate of the most populous county
17 in the state, according to the most recent federal decennial
18 census.

19 (2) The judge of probate of the second most populous
20 county in the state according to the most recent federal
21 decennial census.

22 (3) Three additional election officials, serving in
23 a county or municipality in the state, to be appointed by the
24 Secretary of State, one of whom shall be recommended by the
25 Probate Judges' Association, one of whom shall be recommended

1 by the Sheriffs' Association, and one of whom shall be
2 recommended by the Circuit Clerks' Association.

3 (4) Five individuals in the state, representing the
4 interests of the electorate to be appointed by the Secretary
5 of State, one of whom shall represent the political party with
6 the highest number of votes in the last Presidential election
7 in the state, recommended by the chair of the party, one of
8 whom shall represent the political party with the second
9 highest number of votes in the last Presidential election in
10 the state, recommended by the chair of the party, and one of
11 whom shall represent an organization serving as an advocate
12 for the rights of individuals with disabilities.

13 (5) Three private citizens, representing the public
14 at large, to be appointed by the Governor.

15 (6) ~~One member~~ Five members of the state House of
16 Representatives to be appointed by the Speaker of the House of
17 Representatives ~~and one member of the state Senate to be~~
18 ~~appointed by the President of the Senate.~~ and two members of
19 the State Senate to be appointed by the President of the
20 Senate and three members of the State Senate to be appointed
21 by the President Pro Tem of the Senate.

22 (c) Members of the committee shall be appointed
23 within 14 days after the effective date of this act and shall
24 hold their initial organizational meeting within 30 days after
25 the effective date of this act. The committee shall elect a

1 chairperson from among its members. The members of the
2 committee shall serve without compensation but shall be
3 eligible for reimbursement for necessary and reasonable
4 expenses incurred in the performance of their official duties.

5 (d) The members appointed by the Secretary of State
6 to serve on the first state plan committee will serve until
7 the next gubernatorial inauguration in January of 2007.
8 Thereafter, each member appointed by the Secretary of State
9 shall serve for a term of four years, with each term starting
10 and ending on the date of the state gubernatorial
11 inauguration. A vacancy shall be filled in the same manner as
12 the original appointment.

13 (e) The committee shall have the power and the duty
14 to advise the Secretary of State on the further development of
15 the state plan, which the Secretary of State must develop and
16 submit to the Election Assistance Commission in Accordance
17 with the Help America Vote Act of 2002. The committee shall
18 make recommendations on all aspects of the state plan
19 described in Section 254 of the Help America Vote Act of 2002.

20 (f) ~~Eight~~ Twelve members of the committee shall
21 constitute a quorum. A vote of a majority of the members of
22 the board is required for the issuance of recommendations in
23 accordance with subsection (e). The committee shall meet as
24 needed to fulfill the requirements of this section.

1 Section 8. The Secretary of State, by administrative
2 rule, shall establish procedures for the review of complaints
3 regarding the administration of Title III of the Help America
4 Vote Act of 2002. These procedures shall meet the following
5 requirements:

6 (1) Any person who believes there has been a
7 violation of Title III may file a complaint.

8 (2) Any complaint filed shall be in writing and
9 notarized, and signed and sworn by the complaining person.

10 (3) The Secretary of State may consolidate
11 complaints.

12 (4) At the request of the complainant, there shall
13 be a hearing on the record.

14 (5) If it is determined that there has been a
15 violation of Title III, the appropriate remedy shall be
16 provided.

17 (6) If it is determined that there has not been a
18 violation of Title III, the complaint shall be dismissed, and
19 the results of the procedures shall be published.

20 (7) After a complaint is filed, a final
21 determination shall be made within 90 days.

22 (8) If the 90-day deadline is not met, the complaint
23 shall be resolved within 60 days under alternative dispute
24 resolution.

1 Section 9. In addition to all other appropriations
2 heretofore or hereafter made, there is appropriated such
3 amount as determined necessary by the Secretary of State from
4 the Help America Vote Fund to the Secretary of State for the
5 fiscal year ending September 30, 2003.

6 Section 10. (a) On or before January 1, 2005, each
7 voting system used in an election shall meet the following
8 requirements:

9 (1) The voting system shall:

10 a. Permit the voter to verify, in a private and
11 independent manner, the votes selected by the voter on the
12 ballot before the ballot is cast and counted.

13 b. Provide the voter with the opportunity, in a
14 private and independent manner, to change the ballot or
15 correct any error before the ballot is cast and counted,
16 including the opportunity to correct the error through the
17 issuance of a replacement ballot if the voter was otherwise
18 unable to change the ballot or correct any error.

19 c. If the voter selects votes for more than one
20 candidate for a single office:

21 1. Notify the voter that the voter has selected more
22 than one candidate for a single office on the ballot.

23 2. Notify the voter before the ballot is cast and
24 counted of the effect of casting multiple votes for the
25 office.

1 3. Provide the voter with the opportunity to correct
2 the ballot before the ballot is cast and counted.

3 (2) A voting system may meet the requirements of
4 subparagraph (1)c. by:

5 a. Establishing a voter education program specific
6 to that voting system that notifies each voter of the effect
7 of casting multiple votes for an office.

8 b. Providing the voter with instructions on how to
9 correct the ballot before it is cast and counted, including
10 instructions on how to correct the error through the issuance
11 of a replacement ballot if the voter was otherwise unable to
12 change the ballot or correct any error.

13 (3) The voting system shall ensure that any
14 notification required under this paragraph preserves the
15 privacy of the voter and the confidentiality of the ballot.

16 (b) (1) The voting system shall produce a record with
17 an audit capacity for such system.

18 (2)a. The voting system shall produce a permanent
19 paper record with a manual audit capacity for such system.

20 b. The voting system shall provide the voter with an
21 opportunity to change the ballot or correct any error before
22 the permanent paper record is produced.

23 c. The paper record produced under subparagraph (1)
24 shall be available as an official record for any recount

1 conducted with respect to any election in which the system is
2 used.

3 (c) The voting system shall:

4 (1) Be accessible for individuals with disabilities,
5 including nonvisual accessibility for the blind and visually
6 impaired, in a manner that provides the same opportunity for
7 access and participation, including privacy and independence,
8 as for other voters.

9 (2) Satisfy the requirement of subparagraph (1)
10 through the use of at least one direct recording electronic
11 voting system or other voting system equipped for individuals
12 with disabilities at each polling place.

13 (d) The voting system shall provide alternative
14 language accessibility pursuant to the requirements of Section
15 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).

16 (e) The error rate of the voting system in counting
17 ballots, determined by taking into account only those errors
18 which are attributable to the voting system and not
19 attributable to an act of the voter, shall comply with the
20 error rate standards established under section 3.2.1 of the
21 voting systems standards issued by the Federal Elections
22 Commission which are in effect on the date of the enactment of
23 this act.

24 (f) The Secretary of State by administrative rule
25 shall adopt uniform and nondiscriminatory standards that

1 define what constitutes a vote and what will be counted as a
2 vote for each category of voting system used in the state.

3 (g) The Secretary of State shall recommend to the
4 Legislature on or before January 1, 2005, a uniform polling
5 system, which includes machine capabilities to count each
6 ballot at the polling place, a uniform ballot and prepare
7 necessary legislation for implementation.

8 (h) Purchases of voting equipment made by a county
9 in order to comply with the voting system guidelines
10 established by the Secretary of State and the committee
11 established in Section 7 of this act shall be approved for
12 reimbursement from the Help America Vote Fund created in
13 Section 6 of this act by the Secretary of State.

14 Section 11. Any person who knowingly provides false
15 information in order to vote or register to vote in violation
16 of this act shall be guilty of a Class A misdemeanor and upon
17 conviction thereof shall be punished as provided by law.

18 Section 12. Sections ~~17-4-156~~, 17-11-1 to 17-11-4,
19 inclusive, 17-12-1 to 17-12-8, inclusive, 17-16-23, and
20 17-16-24, Code of Alabama 1975, are hereby repealed.

21 Section 13. The provisions of this act are
22 severable. If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

1 Section 14. This act shall become effective upon its
2 passage and approval by the Governor, or its otherwise
3 becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 06-MAY-03, as amended.

Greg Pappas
Clerk

Senate	16-JUN-03	Amended and Passed
House	16-JUN-03	Concurred in Senate Amendment