

1 HB173  
2 195594-1  
3 By Representatives Gaston and Bracy  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, the right to vote a  
9 secret ballot is inviolate.

10 This bill would prohibit an individual from  
11 taking a picture of another voter's ballot or  
12 otherwise revealing the contents of another voter's  
13 ballot at any polling place.

14 This bill would provide penalties for  
15 violations.

16 This bill would also provide that if a voter  
17 has posted an image of his or her own ballot  
18 contents electronically, any retransmittal of that  
19 image is not a violation.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 governmental entity without enactment by a 2/3 vote

1           unless: it comes within one of a number of  
2           specified exceptions; it is approved by the  
3           affected entity; or the Legislature appropriates  
4           funds, or provides a local source of revenue, to  
5           the entity for the purpose.

6           The purpose or effect of this bill would be  
7           to require a new or increased expenditure of local  
8           funds within the meaning of the amendment. However,  
9           the bill does not require approval of a local  
10          governmental entity or enactment by a 2/3 vote to  
11          become effective because it comes within one of the  
12          specified exceptions contained in the amendment.

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14                                   A BILL  
15                                   TO BE ENTITLED  
16                                   AN ACT

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18           Relating to elections; to add Section 17-9-50.1 to  
19          the Code of Alabama 1975; to prohibit an individual from  
20          taking a photograph or otherwise revealing the contents of  
21          another voter's ballot at any polling place; to provide that a  
22          violation is a Class C misdemeanor; and in connection  
23          therewith would have as its purpose or effect the requirement  
24          of a new or increased expenditure of local funds within the  
25          meaning of Amendment 621 of the Constitution of Alabama of  
26          1901, now appearing as Section 111.05 of the Official

1       Recompilation of the Constitution of Alabama of 1901, as  
2       amended.

3       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4               Section 1. Section 17-9-50.1 is added to the Code of  
5       Alabama 1975 to read as follows:

6               §17-9-50.1.

7               (a) At any polling place in any state, county, or  
8       municipal election, an individual may not do either of the  
9       following:

10              (1) Take a photograph of a ballot, other than the  
11       individual's own ballot.

12              (2) Reveal another voter's ballot in a manner that  
13       would disclose its contents to anyone other than an individual  
14       lawfully assisting the voter.

15              (b) An individual who violates subsection (a), upon  
16       conviction, shall be guilty of a Class C misdemeanor.

17              (c) This section does not prohibit a voter from  
18       making available a photograph of the voter's own ballot by  
19       posting the photograph on the Internet or in some other  
20       electronic medium, and any retransmittal of the photograph  
21       does not constitute a violation of this section.

22              Section 2. Although this bill would have as its  
23       purpose or effect the requirement of a new or increased  
24       expenditure of local funds, the bill is excluded from further  
25       requirements and application under Amendment 621, now  
26       appearing as Section 111.05 of the Official Recompilation of  
27       the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

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