SR60
207072-1
By Senators Smitherman and Singleton
RFD:
First Read: 05-MAY-20
URGING THE ADOPTION OF LEGISLATION PROVIDING "NO EXCUSE" ABSENTEE VOTING.

WHEREAS, Title 17 of the Code of Alabama 1975, applies to all primary elections and all elections by counties or municipalities held in the state; and

WHEREAS, Section 17-11-3 of the Code of Alabama 1975 provides for absentee voting in any primary, general, special, or municipal election within the State of Alabama and, furthermore, provides requirements to be met in the event an elector proposes to vote absentee; and

WHEREAS, the applicable provision of Section 17-11-3, Code of Alabama 1975, provides for a person who has "any physical illness or infirmity which prevents his or her attendance at the polls..." to vote absentee, whether the person is within or without the county on the day of the election; and

WHEREAS, the State of Alabama and, indeed, the entire United States, is in the midst of a pandemic, to-wit: a
novel coronavirus, known as COVID-19, the extent, severity, and duration of which has yet to be determined; and

WHEREAS, citizens of this state have been urged to stay at home, to separate, and to sanitize, in order to slow the progression of this pandemic and the danger to the citizens, including death; and

WHEREAS, those citizens with underlying health conditions, including advanced years, are particularly susceptible to this pandemic, whereupon many of them are avoiding any and all close contact with others outside their home in order to avoid infection; and

WHEREAS, those citizens so situated should not be required to enhance their exposure to the disease caused by COVID-19 in order to exercise their right to vote; and

WHEREAS, current Alabama law would require these citizens, be they predisposed to infection due to another health condition, or simply because they fear infection, to falsely affirm they have a "physical illness or infirmity which prevents his or her attendance at the polls" in order to exercise their right to vote, thereby subjecting themselves to prosecution for falsifying an absentee ballot application or verification document "so as to vote absentee," of which charge a finding of guilt would constitute a Class C felony; and

WHEREAS, it is important, even in times such as these, for our citizens to be able to cast their votes in any
and all elections without fear that to do so might enhance
their exposure to a serious, even deadly, disease; and

WHEREAS, at least 29 states plus the District of
Columbia, currently allow citizens to cast an absentee ballot
without an "excuse"; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF
ALABAMA, That, during these trying and uncertain times, it is
imperative to the democratic process to propose and adopt
legislation revising existing law to allow "no excuse"
absentee voting.