HB84

204164-1

By Representative Hall

RFD: Constitution, Campaigns and Elections

First Read: 02-FEB-21

PFD: 11/30/2020
SYNOPSIS: Under existing law, a voter who is entitled to vote by absentee ballot is required to submit a form of identification.

This bill would add a valid inmate identification card or other form of identification to the list of acceptable forms of identification to vote by absentee ballot.

A BILL TO BE ENTITLED
AN ACT

Relating to absentee voting; to amend Section 17-9-30, Code of Alabama 1975, as amended by Act 2019-507, 2019 Regular Session, to add a valid inmate identification card or other form of identification to the list of acceptable forms of identification to vote by absentee ballot.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 17-9-30, Code of Alabama 1975, as amended by Act 2019-507, 2019 Regular Session, is amended to read as follows:

"§17-9-30.

(a) Each elector shall provide valid photo identification to an appropriate election official prior to voting. A voter required to show valid photo identification when voting in person shall present to the appropriate election official one of the following forms of valid photo identification:

(1) A valid Alabama driver's license or nondriver identification card which was properly issued by the appropriate state or county department or agency.

(2) A valid Alabama photo voter identification card issued under subsection (g) or other valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector.

(3) A valid United States passport.

(4) A valid employee identification card containing the photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state.

(5) A valid student or employee identification card issued by a public or private college, university, or
postgraduate technical or professional school located within
the state, provided that such identification card contains a
photograph of the elector.

"(6) A valid United States military identification
card, provided that such identification card contains a
photograph of the elector.

"(7) A valid tribal identification card containing a
photograph of the elector.

"(8) A valid inmate identification card or other
form of identification issued by the facility in which the
inmate is incarcerated.

"(b) Voters requesting an absentee ballot shall
submit with the absentee ballot application a copy of one of
the forms of identification listed in subsection (a).
Notwithstanding subsection (e), an absentee ballot shall not
be issued unless the required identification is submitted with
the absentee ballot application except as provided in
subsection (c).

"(c) Notwithstanding subsection (b), if an absentee
election manager receives an absentee ballot application on or
after the eighth day prior to the election without a copy of
one of the forms of identification listed in subsection (a),
the absentee election manager, if the applicant is otherwise
qualified to vote, shall issue the absentee ballot as a
provisional ballot pursuant to subdivision (1) of subsection
(c) of Section 17-10-2.
"(d) Notwithstanding subsection (b), a voter who is entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (subchapter I-G of Chapter 20 of Title 42 U.S.C.) (Chapter 203, Title 52 U.S.C.); Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (subchapter I-F of Chapter 20 of Title 42 U.S.C.); or any other federal law, shall not be required to produce identification prior to voting.

"(e) An individual required to present valid photo identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by a provisional ballot, as provided for by law.

"(f) In addition, an individual who does not have valid photo identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election officials sign a sworn affidavit so stating.

"(g) The Secretary of State shall issue, upon application, an Alabama photo voter identification card to registered Alabama electors which shall under state law be valid only for the purposes of voter identification under subsection (a) and available only to registered electors of this state. No fee shall be charged or collected for the application for or issuance of an Alabama photo voter identification card.
"(h) No person shall be eligible for an Alabama photo voter identification card if such person has a valid unexpired driver's license, nondriver identification card, or any other photo identification described in subsection (a).

"(i) The Alabama photo voter identification card shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and shall contain a prominent statement that under Alabama law the card is valid only as identification for voting purposes. The Alabama photo voter identification card shall be laminated, shall contain a digital color photograph of the applicant, shall have the signature of the Secretary of State, and shall include the following information:

"(1) Full legal name.
"(2) Address as reflected in the person's voter registration record.
"(3) Date of birth.
"(4) Eye color.
"(5) Gender.
"(6) Height.
"(7) Weight.
"(8) Date identification card was issued.
"(9) Other information as required by rule of the Secretary of State.

"(j) The application for an Alabama photo voter identification card shall elicit the information required under subdivisions (1) to (7), inclusive, of subsection (i). The application shall be signed and sworn to by the applicant,
and any falsification or fraud in the making of the application shall constitute a Class C felony.

"(k) The Secretary of State shall require presentation and verification of the following information before issuing an Alabama photo voter identification card to a person:

"(1) A photo identity document, except that a non-photo identity document is acceptable if the document includes both the person's full legal name and date of birth.

"(2) Documentation showing the person's date of birth.

"(3) Documentation showing the person is registered to vote in this state.

"(4) Documentation showing the person’s name and address as reflected in the voter registration record.

"(l) An Alabama photo voter identification card shall remain valid so long as the person resides at that same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State of Alabama to surrender his or her card to the Secretary of State, and such person may after such surrender apply for and receive a new card if the person is otherwise eligible under this section. It shall be the duty of a person who moves his or her residence outside the State of Alabama or who ceases to be qualified to vote to surrender his or her card to the Secretary of State.
"(m) The Secretary of State is authorized to contract with a private provider for the production of the Alabama photo voter identification card pursuant to any applicable state bid laws.

"(n) The expenses for the production of the Alabama photo voter identification card shall be paid from funds appropriated in the state General Fund for Registration of Voters.

"(o) The Secretary of State is directed to inform the public regarding the requirements of subsection (a) through whatever means deemed necessary by the Secretary of State.

"(p) The Secretary of State is granted rulemaking authority for the implementation of this section under the Alabama Administrative Procedure Act."

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