Exhibit 3
Submission 2002-0168
DATE: 1-16-08  TIME: 

TO: Kelly Munroe

TO FAX NO.  PAGES INCLUDING COVER:

FROM: Charles Campbell

COMMENTS: Act No. 2001-1077

CONFIDENTIALITY NOTE

This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender/seepee. This information is intended only for the use of the individual or entity named above.

If this transmittal is not received in good condition, please contact (334) 242-7406.
January 16, 2002

VIA FACSIMILE

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

RE: Submission under Section 5 of the Voting Rights Act of 1965

Dear Sir:

Pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c, we submit for preclearance by the Attorney General of the United States Act No. 2001-1097 of the 2001 Fourth Special Session of the Legislature of Alabama, together with revised forms for requesting absentee ballots. Act No. 2001-1097 abolishes on-site absentee voting in Alabama; the revised forms include revisions presently under submission to the Attorney General in your file number 2001-3917 as well as revisions necessary to reflect the abolition of on-site absentee voting. Act No. 2001-1097 was enacted into law and approved by the Governor on December 28, 2001. Because Jefferson County will conduct a county election on April 19, 2002, we respectfully request expedited consideration so that the new forms and the new absentee voting law can be used and enforced at that election.

In compliance with 28 C.F.R. § 51.27, the following information is submitted to the Attorney General:

(a) Act No. 2001-1097:
A copy of Act No. 2001-1097 is enclosed as Exhibit A-1

Forms:
A copy of the revised “APPLICATION FOR ABSENTEE BALLOT, GENERAL CONSTITUTIONAL AMENDMENT AND SPECIAL ELECTION” is enclosed as Exhibit A-2.
A copy of the revised "APPLICATION FOR ABSENTEE BALLOT, PRIMARY AND PRIMARY RUN-OFF ELECTIONS" is enclosed as Exhibit A-3.

A copy of the revised "APPLICATION FOR ABSENTEE BALLOT, MUNICIPAL ELECTION" is enclosed as Exhibit A-4.

(b) Act No. 2001-1097:
Act No. 2001-1097 substantially alters Ala. Code §§ 17-10-3, 17-10-5, and 17-10-7 (Supp. 2001) to abolish on-site absentee voting. A copy of Ala. Code §§ 17-10-3, 17-10-5, and 17-10-7 is enclosed as Exhibit B. To facilitate further comparison of prior law with the new statute, we enclose as Exhibit B-1 a red-line version of Senate Bill 34 (which later became Act No. 2001-1097) as introduced in the Alabama Senate. This red-line version shows the additions and deletions made to the current statutes.

Forms:
The old forms, which are being revised, are enclosed as Exhibits B-1, B-2, and B-3. The statement appearing on the back of each form, enclosed as Exhibit B-4, does not change with the new forms.

(c) Act No. 2001-1097:
Act No. 2001-1097 abolishes "on-site absentee voting" in Alabama. "On-site absentee voting" permitted voters who would be absent on election day to vote on the Saturday 10 days before the election at a designated on-site balloting location. In order to have an ordinary absentee ballot mailed to him or her, and in order to cast a lawful absentee ballot by mail, a voter had to swear that he or she would be absent on election day and on the Saturday 10 days before election day, or that the mail-in ballot was being applied for after the Saturday 10 days before election day.

Act No. 2001-1097 substantially alters Ala. Code §§ 17-10-3, 17-10-5, and 17-10-7 (Supp. 2001) to abolish on-site absentee voting. We would suggest reviewing the red-line version of Senate Bill 34 as introduced in the Alabama Senate to grasp most readily the changes made by the new Act.

Forms:
The revised forms we are submitting were recently revised to enhance clarity, and that preclearance submission is currently pending, your file number 2001-3917. Now they have been further
revised to reflect the abolition of on-site absentee voting. The changes made should be readily apparent from comparing the new forms with the old ones. Among the alterations in the design of the applications that have been adopted are the following:

The layout of the forms has been redesigned to facilitate usage, especially readability, of the forms;

the fields requesting the voter’s personal information, such as name and address, have been moved to the top of the form and set apart using blocks;

a Privacy Act notice has been added to the Social Security Number section;

the fields for appointing a designee to assist with medical emergency absentee ballots have been moved to the bottom of the forms to consolidate medical emergency information in one place on the forms;

instructional elements for medical and business emergency ballots have been expanded to further assist the voter with those sections; and

the signature block for the voter and for any witness has been set apart and emphasized through the use of blocks; and

as noted, all references to on-site absentee voting have been removed.

(d) Person making the submission – Charles B. Campbell, Assistant Attorney General, State of Alabama, Alabama State House, 11 South Union Street, Montgomery, AL 36130, telephone (334) 353-3198; you may also contact Ed Packer in the Office of the Secretary of State, State of Alabama, P.O. Box 5616, Montgomery, Alabama 36103-5616.


(f) Not applicable.
Chief, Voting Section  
January 15, 2002  
Page 4

(g) Body responsible for change: The State Legislature is responsible for Act No. 2001-1097. The Office of the Secretary of State of Alabama is responsible for the revised forms.

Modes of change: Legislative act and administrative decision.

(h) The State legislature enacts general legislation pursuant to Ala. Const. art. IV, §§ 44-111, as amended. The Governor approves legislation pursuant to Ala. Const. art. V, § 125. The Secretary of State adopted the revised absentee ballot request forms pursuant to Ala. Code § 17-10-4 (Supp. 2001).

(i) Dates adopted – Act No. 2001-1097 was adopted on December 28, 2001. The revised forms were adopted in January 2002.

(j) Act No. 2001-1097 became effective immediately upon passage. The revised forms are effective upon preclearance.

(k) The changes made by Act No. 2001-1097 have not been enforced, and the revised forms have not been used, pending preclearance.

(l) The changes made by Act No. 2001-1097 and the revised forms apply statewide.

(m) Reason for change: On-site absentee voting was introduced in Alabama in 1996 as part of a package of absentee voting reforms. The intent was to reduce reliance upon mailed-in absentee ballots. In practice, however, on-site absentee balloting was little used by the voters, and proved inordinately expensive for local election officials. After repeated attempts, the Legislature decided to abolish on-site absentee balloting and return to a system allowing voters to mail in their ballots or to go to the courthouse and prepare their ballots, without restricting that to a particular day.

(n) Anticipated effect on minority groups – None.

(o) Past or pending litigation – There has been no litigation over on-site absentee balloting specifically. There was substantial litigation in the 1990s over counting of absentee ballots and "substantial compliance" with the absentee voting statutes, which preceded the amendments introduced in 1996.
Chief, Voting Section
January 15, 2002
Page 5

(p) Prior preclearance: Prior absentee voting statutes have been
precleared. The last amendment to the absentee voting statutes, Act
No. 99-388, was precleared by your Office on August 23, 1999.

(q) Not Applicable.

(r) Other Information:

Publicity information:
Upon preclearance, the absentee ballot managers in all 67 counties
of Alabama and companies printing election supplies will be
notified that the new form is available for their use. Additionally,
the Office of the Secretary of State will make the form available to
the public from its web site located at www.sos.state.al.us.

Minority contacts:
Mr. Jerome Gray                                Hon. Vivian Figures
Alabama Democratic Conference                  State Senator
P.O. Box 6233                                  P.O. Box 40536
Montgomery, Alabama 36106                      Mobile, Alabama 36640
(334) 263-4040                                  (251) 432-0482

Again, we respectfully request expedited consideration of this
submission so that the State may begin printing the revised forms for the
2002 primary election season. If you need further information, please contact
Charles Campbell by telephone at (334) 353-3198 or by electronic mail at
campbell@ago.state.al.us.

Sincerely,

BILL PRYOR
Attorney General
By:

CHARLES B. CAMPBELL
Assistant Attorney General

BP/CBC
cc: Honorable Jeff Enfinger (w/o enclosures)
    Mr. Ed Packard (w/ enclosures)
Enclosures
SB34
40634-3
By Senator Enfinger
RFD: Constitution, Campaign Finance, Ethics, and Elections
First Read: 04-DEC-2001
SB34

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Enrolled, An Act,

To amend Sections 17-10-3, 17-10-5, and 17-10-7 of
the Code of Alabama 1975, relating to absentee voting, to
abolish provisions of law allowing on-site absentee voting.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-3, 17-10-5, and 17-10-7,
Code of Alabama 1975, are amended further to read as follows:

"§17-10-3.

(a) Any qualified elector of this state (1) who
will be out of the county or the state on election day or (2)
who has any physical illness or infirmity which prevents his
or her attendance at the polls, whether he or she is within or
without the county on the day of the election, or (3) who
works on a shift which has at least 10 hours which coincide
with the hours the polls are open at his or her regular
polling place, or (4) who is enrolled as a student at an
educational institution located outside the county of his or
her personal residence attendance at which prevents his or her
attendance at the polls, or (5) who is a member of, or spouse
or dependent of a member of, the armed forces of the United
States or is similarly qualified to vote absentee pursuant to
the federal Uniformed and Overseas Citizens Absentee Voting
Act, 42 U.S.C. 1973ff, or (6) who has been appointed as an
election officer or named as a poll watcher at a polling place
other than his or her regular polling place, may apply for and
vote an absentee ballot by mail or by hand delivery, as
provided in Sections 17-10-5 and 17-10-9, in any primary,
general, special, or municipal election, provided he or she
makes application in writing therefor not less than five days
prior to the election in which he or she desires to vote as
authorized in this chapter.

"(b) An applicant for an absentee ballot who is a
member of the armed forces of the United States, including the
Alabama National Guard, the United States Naval Reserves, the
United States Air Force Reserves, and the United States
Military Reserves on active duty training or an applicant who
is the spouse of any member of the armed forces or any other
applicant qualified to vote absentee pursuant to the federal
Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.
1973ff, may make application for an absentee ballot by filling
out the federal postcard application form, authorized and
provided for under the provisions of "The Federal Voting
Assistance Act of 1955," Public Law 296, Chapter 656, H.R.
4048, approved August 9, 1955, 84th Congress 1st Session.

"(c) Notwithstanding any other provision of
otherwise applicable law, in the event more than one absentee
ballot is cast in the name of the single voter, whether any
such multiple ballot is cast by mail or otherwise, none of the
SB34

affidavit envelopes containing said multiple ballots shall be opened, and none of said multiple ballots shall be counted, except in the event of an election contest, upon the order of the election contest tribunal. Upon the conclusion of an election contest or, in the event no such contest is filed, upon the expiration of time for filing such a contest, said multiple ballots shall be provided to the district attorney, with photocopies provided to the state Attorney General, for such investigation, prosecution, or other action as may be appropriate under applicable law.

§17-10-5.

"(a) Upon receipt of an application for an absentee ballot as provided in Section 17-10-3(a) if the applicant's name appears on the list of qualified voters in the election to be held or if the voter makes an affidavit for a challenged vote, the absentee election manager shall furnish the absentee ballot to the applicant by: (1) forwarding it by United States mail to the applicant's or voter's residence address or upon written request of the voter, to the address where the voter regularly receives mail or (2) by handing the absentee ballot to the voter in person or, in the case of emergency voting, his or her designee in person. If the absentee election manager has reasonable cause to believe that the applicant has given a fraudulent address on the application for the absentee ballot, the absentee election manager shall turn over the
ballot application to the district attorney for any action which may be necessary under Act 94-320 or other acts. The absentee election manager further may require additional proof of a voter's eligibility to vote absentee when there is evidence of continuous absentee voting. The absentee election manager shall mail any absentee ballot requested to be mailed as provided in Section 17-10-3(a) no later than the next business day after an application has been received unless the absentee ballots have not been delivered to the absentee election manager. If the absentee ballots have not been so delivered, the absentee election manager shall hold all requests until the ballots are delivered and shall then respond by placing ballots in the mail no later than the next business day.

"(b) The official list of qualified voters shall be furnished to the absentee election manager by the judge of probate at least 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as the list becomes available. The absentee election manager shall underscore on the list the name of each voter who has applied for an absentee ballot and shall write immediately beside his or her name the word "absentee." The absentee election manager shall enroll the name, residence, and polling place of the applicant, and the date the application was received on a list
of absentee voters. Each day the absentee election manager
shall enter on the list the names, addresses, and polling
places of each voter who has that day applied for an absentee
ballot and shall post a copy of the list of applications
received each day on the regular bulletin board or other
public place in the county courthouse. The list shall be
maintained in the office of the clerk or register for 60 days
after the election, at which time it shall be filed with the
judge of probate. Before the polls open at any election on
election day, the absentee election manager shall effectuate
the delivery to the election officers of each polling place a
list showing the name and address of every person whose name
appears on the official list of qualified electors for the
polling place who applied for an absentee ballot in the
election. The name of the person who applied for an absentee
ballot shall be stricken from the list of qualified electors
kept at the polling place, and the person shall not vote
again. Separate applications for absentee ballots are required
for elections which are more than 30 days apart.

"§17-10-7.

"(a) Each absentee ballot shall be accompanied by an
envelope upon which shall be printed an affidavit.

"(b) With respect to an absentee ballot cast
pursuant to Section 17-10-3(a), said affidavit shall read as
follows:
SB34

"State of Alabama

"County of ________

"I, the undersigned, do swear (or affirm) that:

"(1) I am a resident of ________ County in the State of Alabama.

"(2) My place of residence in Alabama is:

________________________

(street)

________________________, Alabama

(city or town)___________

(zip code)

"(3) My voting precinct (or place where I vote) is: ____________________

________________________________________

________________________________________

"(4) My date of birth is: ________________

month day year

"(5) I am entitled to vote an absentee ballot because:

"Check only one:
SB34

"_____ I will be out of the county or the state on election day.

"_____ I am physically incapacitated and will not be able to vote in person on election day.

"_____ I work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.

"_____ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.

"_____ I am a member of or a spouse or dependent of a member of the armed forces of the United States or am otherwise entitled to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

"_____ I have been appointed as an election officer at a polling place which is not my regular polling place.

"I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

"I have marked the enclosed absentee ballot voluntarily and I have read or had read to me and understand the instructions accompanying this ballot and I have carefully complied with such instructions.

"Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving
SB34

false information so as to vote illegally by absentee ballot
that I shall be guilty of a misdemeanor which is punishable by
a fine not to exceed one thousand dollars ($1,000) or confine-
ment in the county jail for not more than six months, or both.

____________________
(Signature or mark of voter.)

____________________
(Printed name of voter.)

"IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), OR IF
YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF
AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO
ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE
ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.

"Sworn to and subscribed before me this ____ day of
____, 19__.

"I certify that the affiant is known (or made known)
to me to be the identical party he or she claims to be.

____________________ (Signature of official)

(Title of official)

____________________
(Address of official)

OR
1st Wit-
ness

Signature

Print name

Address

City Zip Code

2nd Wit-
ness

Signature

Print name

Address

City Zip Code

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.
SB34

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB34

I hereby certify that the within Act originated in and passed the Senate.

McDowell Lee
Secretary

House of Representatives
Passed: 19-DEC-2001

By: Senator Enfinger

APPROVED 12/29/01
TIME 1:06 AM
GOVERNOR

Alabama Secretary of State
Act Num....: 2001-1097
Bill Num....: S-34
Recvd 12/28/01 01:45pm HNB
APPLICATION FOR ABSENTEE BALLOT
GENERAL, CONSTITUTIONAL AMENDMENT AND SPECIAL ELECTION

COUNTY, ALABAMA

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address where you live</td>
</tr>
<tr>
<td>Precinct where you vote</td>
</tr>
<tr>
<td>Date of Birth</td>
</tr>
<tr>
<td>Home Telephone Number</td>
</tr>
</tbody>
</table>

I hereby make application for an absentee ballot so that I may vote in the following election:

- [ ] General Election
- [ ] Constitutional Amendment Election
- [ ] Special Election

I will be unable to vote at my regular polling place on election day because (check one box):

- [ ] I will be out of the county or the state on election day.
- [ ] I am physically incapacitated and will not be able to vote in person on election day.
- [ ] I work a required workplace shift which has at least ten (10) hours that coincide with the polling hours at my regular polling place.
- [ ] I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.
- [ ] I am a member of, or a spouse of a member of, the armed forces of the United States or am otherwise entitled to vote by absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.
- [ ] I have been appointed as an election officer at a polling place which is not my regular polling place.
- [ ] I have a medical emergency. Complete the Physician’s Report. The physician’s report must be signed by a physician. [Application may be delivered by a designee. If assigning a designee, complete the Designee section at the bottom of this form.]
- [ ] I have a business emergency. By signing this application, I do solemnly swear or affirm that I was not aware of the out-of-county business requirement prior to the five (5) days before the election. [The voter must deliver the application by hand to the Absentee Election Manager during the five (5) days prior to the election.]

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and I will not be entitled to vote at my regular polling place and I shall not vote again in this election.

Voter’s Signature | Complete this section if voter signs by mark
Witness Signature
Print Witness Name

The application may be handed by the voter to the Absentee Election Manager. Except in the case of a business emergency, the application may alternatively be forwarded to the Absentee Election Manager by U.S. Mail [§17-10-4 and §17-10-12, Code of Alabama, 1975].

READ PENALTIES ON BACK

PHYSICIANS REPORT FOR MEDICAL EMERGENCY
Physician shall describe and certify the circumstances as constituting the emergency.

__________________________
Physician’s Signature
Date

ASSIGNMENT OF DESIGNEE FOR DELIVERY OF APPLICATION
An application for an emergency medical absentee ballot may be forwarded to the Absentee Election Manager by the applicant or his or her designee. If assigning a designee, complete this section.

__________________________________________
Printed Name of Designee

__________________________________________
Signature of Designee
APPLICATION FOR ABSENTEE BALLOT
PRIMARY AND PRIMARY RUN-OFF ELECTIONS

COUNTY, ALABAMA

Name
Address where you live
Precinct where you vote

Date of Birth
Social Security Number
Home Telephone Number
Work Telephone Number

I hereby make application for an absentee ballot so that I may vote in the following election(s):

Democratic Party & Amendments
- Primary Election
- Run-off Election

Republican Party & Amendments
- Primary Election
- Run-off Election

Other Party (specify) & Amendments
- Primary Election
- Run-off Election

Amendment Ballot Only
- Primary Election
- Run-off Election

I will be unable to vote at my regular polling place on election day because (check one box):

- I will be out of the county or the state on election day.
- I am physically incapacitated and will not be able to vote in person on election day.
- I work a required workplace shift which has at least ten (10) hours that coincide with the polling hours at my regular polling place.
- I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.
- I am a member of, or a spouse of a member of, the armed forces of the United States or am otherwise entitled to vote by absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.
- I have been appointed as an election officer at a polling place which is not my regular polling place.
- I have a medical emergency. Complete the Physician's Report. The physician's report must be signed by a physician.
- [Application may be delivered by a designee. If assigning a designee, complete the Designee section at the bottom of this form.]
- I have a business emergency. By signing this application, I do solemnly swear or affirm that I was not aware of the out-of-county business requirement prior to the five (5) days before the election. [The voter must deliver the application by hand to the Absentee Election Manager during the five (5) days prior to the election.]

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and I will not be entitled to vote at my regular polling place and I shall not vote again in this election.

Voter's Signature

Complete this section if voter signs by mark

Witness Signature

Print Witness Name

The application may be handed by the voter to the Absentee Election Manager. Except in the case of a business emergency, the application may alternatively be forwarded to the Absentee Election Manager by U.S. Mail [§17-10-4 and §17-10-12, Code of Alabama, 1975].

READ PENALTIES ON BACK

PHYSICIANS REPORT FOR MEDICAL EMERGENCY
Physician shall describe and certify the circumstances as constituting the emergency.

Physician's Signature

Date

ASSIGNMENT OF DESIGNEE FOR DELIVERY OF APPLICATION
An application for an emergency medical absentee ballot may be forwarded to the Absentee Election Manager by the applicant or his or her designee. If assigning a designee, complete this section.

Printed Name of Designee

Signature of Designee
APPLICATION FOR ABSENTEE BALLOT
MUNICIPAL ELECTION

CITY/TOWN OF __________________________, ALABAMA

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address where you live</td>
</tr>
<tr>
<td>Precinct where you vote</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Birth</th>
<th>Social Security Number (requested, but not required, by authority of §17-10-4, Code of Alabama, 1975. for administration of absentee voting)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Home Telephone Number</th>
<th>Work Telephone Number</th>
</tr>
</thead>
</table>

I hereby make application for an absentee ballot so that I may vote in the following election:

- [ ] Municipal Election
- [ ] Municipal Run-Off Election

I will be unable to vote at my regular polling place on election day because (check one box):

- [ ] I will be out of the county or the state on election day.
- [ ] I am physically incapacitated and will not be able to vote in person on election day.
- [ ] I work a required workplace shift which has at least ten (10) hours that coincide with the polling hours at my regular polling place.
- [ ] I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.
- [ ] I am a member of, or a spouse of a member of, the armed forces of the United States or am otherwise entitled to vote by absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.
- [ ] I have been appointed as an election officer at a polling place which is not my regular polling place.
- [ ] I have a medical emergency. Complete the Physician's Report. The physician's report must be signed by a physician.
  [Application may be delivered by a designee. If assigning a designee, complete the Designee section at the bottom of this form.]
- [ ] I have a business emergency. By signing this application, I do solemnly swear or affirm that I was not aware of the out-of-county business requirement prior to the five (5) days before the election. [The voter must deliver the application by hand to the Absentee Election Manager during the five (5) days prior to the election.]

When I apply for this absentee ballot, I understand that my name will be stricken from the list of qualified electors and I will not be entitled to vote at my regular polling place and I shall not vote again in this election.

Voter's Signature  Complete this section if voter signs by mark  Witness Signature  Print Witness Name

The application may be handed by the voter to the Absentee Election Manager. Except in the case of a business emergency, the application may alternatively be forwarded to the Absentee Election Manager by U.S. Mail (§17-10-4 and §17-10-12, Code of Alabama, 1975).

READ PENALTIES ON BACK

PHYSICIANS REPORT FOR MEDICAL EMERGENCY
Physician shall describe and certify the circumstances as constituting the emergency.

<table>
<thead>
<tr>
<th>Physician's Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

ASSIGNMENT OF DESIGNEE FOR DELIVERY OF APPLICATION
An application for an emergency medical absentee ballot may be forwarded to the Absentee Election Manager by the applicant or his or her designee. If assigning a designee, complete this section.

Printed Name of Designee  Signature of Designee
SB34

By Senator Enfinger

RFD: Constitution, Campaign Finance, Ethics, and Elections

First Read: 04-DEC-2001
SYNOPSIS: Under existing law, an elector eligible to vote by absentee ballot may obtain and cast the absentee ballot on-site at the elector's on-site absentee balloting location on the Saturday 10 days prior to the date of the election.

This bill would abolish the provisions of law which allow on-site absentee voting.

A BILL

TO BE ENTITLED

AN ACT

To amend Sections 17-10-3, 17-10-5, and 17-10-7 of the Code of Alabama 1975, relating to absentee voting, to abolish provisions of law allowing on-site absentee voting.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-3, 17-10-5, and 17-10-7, Code of Alabama 1975, are amended further to read as follows:

"§17-10-3.
"(a) Any qualified elector of this state (1) who
will be out of the county or the state on election day and the
Saturday 10 days prior to the date of the election, or (2) who
has any physical illness or infirmity which prevents his or
her attendance at the polls, whether he or she is within or
without the county on the day of the election, or (3) who
works on a shift which has at least 10 hours which coincide
with the hours the polls are open at his or her regular
polling place, or (4) who is enrolled as a student at an
educational institution located outside the county of his or
her personal residence attendance at which prevents his or her
attendance at the polls, or (5) who is a member of, or spouse
or dependent of a member of, the armed forces of the United
States or is similarly qualified to vote absentee pursuant to
the federal Uniformed and Overseas Citizens Absentee Voting
Act, 42 U.S.C. 1973ff, or (6) who has been appointed as an
election officer or named as a poll watcher at a polling place
other than his or her regular polling place, may apply for and
vote an absentee ballot by mail or by hand delivery, as
provided in Sections 17-10-5 and 17-10-9, in any primary,
general, special, or municipal election, provided he or she
makes application in writing therefor not less than five days
prior to the election in which he or she desires to vote as
authorized in this chapter.

"(b) An applicant for an absentee ballot who is a
member of the armed forces of the United States, including the

Page 2
Alabama National Guard, the United States Naval Reserves, the
United States Air Force Reserves, and the United States
Military Reserves on active duty training or an applicant who
is the spouse of any member of the armed forces or any other
applicant qualified to vote absentee pursuant to the federal
Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.
1973ff, may make application for an absentee ballot by filling
out the federal postcard application form, authorized and
provided for under the provisions of "The Federal Voting
Assistance Act of 1955," Public Law 296, Chapter 656, H.R.
4048, approved August 9, 1955, 84th Congress 1st Session.

"(c) Any qualified elector of this state who will be
unable to vote at his or her regular polling place because of
sight of his or her residence
said elector's absence from the county of his or her residence
on the day of any primary, general, or special or municipal
election may obtain and cast an absentee ballot by appearing
in person at the elector's on-site absentee balloting location
within said county on the Saturday 10 days prior to the date
of the election. Upon establishing his or her identity (which
shall be done by presenting a form of identification if so
provided by applicable Alabama law), signing or marking a polit-
test, and providing his or her residence address, date of
birth, and voting precinct on a line included on the polit-
test, any such elector may obtain and cast an absentee ballot
in person at the elector's on-site absentee balloting
location, provided that the elector's name appears on the
official list of qualified electors for the county. Said
absentee ballots shall be in the same form and must meet the
same requirements to be counted as an absentee ballot cast by
mail under the provisions of this chapter, except that the
envelope accompanying the same shall have printed thereon an
affidavit in the form prescribed by Section 17-10-7(c). The
absentee election manager shall provide election officials at
each on-site balloting location the list of qualified voters
for the applicable county in such form as shall enable the
officials to verify that a person asking to cast an on-site
absentee ballot is on the list of qualified electors and which
precinct or ballot style applies to the voter. The preparation
of the list for the on-site voting locations shall be in
addition to the preparation of the poll book as provided in
Section 17-4-138 and any actual expenses incurred in the
preparation of the on-site voting list shall be reimbursed by
the State of Alabama as provided in subsection (m). The
authorization for payment to the judge of probate provided
under Section 17-4-138 shall not apply to the publication of
the on-site voting list herein required.

"(d) In any county with a population of less than
50,000, the on-site absentee balloting for which provision is
made in subsection (c) shall be conducted at each courthouse
and the most populous incorporated town or city not containing
the courthouse within each county. In any other county the
on-site absentee balloting for which provision is made in
subsection (c) shall be conducted at each courthouse,
courthouse annex, and the two most populous incorporated towns
or cities not containing the courthouse or a courthouse annex
within each county, provided however, that as to separately
held municipal elections, the on-site absentee ballot
location shall be determined by the governing body of the
municipality, upon the recommendation of the absentee election
manager. For the purposes of this chapter, a courthouse annex
shall not include any courthouse annex within three miles of
the county courthouse. In the case of a special election in
district that includes only a portion of the county, the
county commission shall establish one on-site voting location
in the county to be located in the most populous incorporated
town or city within the district. If no incorporated towns or
cities are located within the district, the on-site voting
location shall be established in the regular polling place
utilized by the most populous regular or usual voting precinct
within the district.

"No later than 90 days after the effective date of
this amendatory act for state or county office, the county
commission shall assign each of the regular or usual voting
precincts in the county to one of the on-site voting locations
established by this subsection. All regular or usual voting
precincts any portion of which are within one of the three or
more incorporated towns or cities that have on-site voting
locations shall be assigned by the county commission to the
on-site voting location within the incorporated town or city. All other regular or usual voting precincts within the county shall be assigned by majority vote of the county commission to the on-site voting location nearest the regular polling place utilized by each regular or usual voting precinct. For purposes of this subsection, the nearest regular polling place shall be determined in miles as measured by public roads on the official county map. Each elector of the county who satisfies the requirements in this section for on-site absentee voting shall be required to cast his or her absentee ballot at the on-site voting location assigned to his or her regular or usual voting precinct. No changes shall be made in the assignment of on-site voting locations unless necessitated by precinct changes under Title 17, Chapter 5A.

"(e) At any site serving as the on-site absentee balloting location pursuant to this section, the particular room to be utilized for said purpose shall be determined by the local governing body, upon the recommendation of the absentee election manager; provided, however, in no event shall the absentee balloting location be held in the office of any incumbent official running for reelection.

"(f) The absentee election manager shall advertise the locations and time schedule for on-site absentee balloting by posting notice of the same at a conspicuous place in each courthouse, courthouse annex, the two most populous incorporated towns or cities within the county not containing
the courthouse or a courthouse annex, and city hall located
within the county at least 30 days prior to the day of on-site
absentee balloting, and by advertising the same in a newspaper
of general circulation in the county at least once per week
during each of the four weeks prior to the day of such
balloting, provided, however, that as to separately held
municipal elections, the requirements for posting and
publication for on-site absentee balloting shall be pursuant
to Section 11-45-8 as is required for the posting and
publication of all ordinances of a general or permanent
nature. Excluding separately held municipal elections, such
advertisement shall include the numerical listing of each
voting precinct as well as the physical description of the
polling place assigned to each of the on-site absentee
balloting locations established in subsection (d).

"(g) The on-site absentee balloting locations for
all elections shall be open for such balloting from 8:00 a.m.
to 5:00 p.m. on the Saturday 10 days prior to the date of the
election.

"(h) Election officers consisting of an inspector,
chief clerk, and first and second assistant clerk for each
on-site absentee balloting location shall be nominated and
appointed in the same manner as provided by law for regular
voting places. The appointing authority shall meet at least 10
days prior to the on-site absentee balloting day and shall
appoint on-site absentee election officers in the manner
prescribed by applicable law, provided however, that
appointments shall be made from separate lists of nominees
supplied by each political party for each day on which on-site
absentee balloting is to be conducted at a given location as
provided for in Chapter 6 of this title. Any qualified elector
of a county may be appointed as an election officer at any
on-site absentee balloting location for which he or she may be
nominated in that county. As to separately held municipal
elections, the requirements for the selection and appointment
of election officers for each on-site absentee ballot location
shall be pursuant to Chapter 46 of Title 11.

"(1) Poll watchers shall be allowed at each on-site
balloting location as provided by Section 17-6-8 or as
otherwise provided by law.

"(2) Election officers appointed to an on-site
absentee-balloting location shall:

"(1) Post a sign at the entrance of the on-site
absentee voting place notifying prospective voters that they
may only vote absentee at the on-site absentee balloting
location if the voter will be out of the county on election
day.

"(2) Notarize or witness the affidavits of electors
casting absentee ballots at such site; however, no election
officer shall be required to witness or notarize the affidavit
of any person who has not established his or her identity or
who is not otherwise in compliance with the requirements of
subsection (c).

"(k) The absentee election manager is responsible
for instruction, training, and coordination of all aspects of
on-site absentee balloting. All appointed on-site absentee
balloting election officers shall attend a school prior to
assuming their duties at the on-site absentee balloting
location. Without limiting the foregoing provisions of this
subsection, the absentee election manager shall take
sufficient steps to provide for an accounting of all absentee
election materials supplied to each on-site absentee-balloting
location and the return of the same, whether used or unused,
to the absentee election manager as required by this section.

"(l) On-site absentee ballot election officers,
including the absentee election manager, shall be compensated
for their services as provided in Section 17-6-13 or as
otherwise provided by local law.

"(m) The State of Alabama shall reimburse the Office
of Voter Registration, each county, and each municipality for
all sums expended by the office and the respective county and
municipality for costs associated with advertising,
conducting, processing, and remittance in relation to on-site
absentee balloting.

"(n) Except as otherwise provided by this chapter or
as may be inconsistent with the manner of absentee balloting
as described in this section, on-site absentee balloting
locations shall be subject to all laws applicable to regular
polling places on election day, including but not limited to
provisions of Chapters 6 and 7 of this title. No absentee
ballots, absentee affidavits, or other absentee election
materials may be removed from any such site by any person
except an election officer as expressly authorized by this
section upon the daily closing of said site.

"(c) Notwithstanding any other provision of
otherwise applicable law, in the event more than one absentee
ballot is cast in the name of the single voter, whether any
such multiple ballot is cast by mail or at an on-site
balloting location otherwise, none of the affidavit envelopes
containing said multiple ballots shall be opened, and none of
said multiple ballots shall be counted, except in the event of
an election contest, upon the order of the election contest
tribunal. Upon the conclusion of an election contest or, in
the event no such contest is filed, upon the expiration of
time for filing such a contest, said multiple ballots shall be
provided to the district attorney, with photocopies provided
to the state Attorney General, for such investigation,
prosecution, or other action as may be appropriate under
applicable law.

"(p) Upon the daily closing of an on-site absentee
balloting location, the election officers thereof shall place
all absentee ballots cast at said location, the poll list
maintained at said location, any list of qualified voters
maintained at said location, and all other absentee ballot
materials, whether used or unused, in a box which shall be
securely sealed and labeled so as to show the nature of its
contents. Said box and its contents shall immediately be
delivered by the election officers for said absentee ballot
site to the absentee election manager, who shall be
responsible for the security of the same and who otherwise
shall treat such ballots in the manner prescribed in Section
17-10-10. The poll list maintained at each location shall be
sealed in a separate envelope and delivered to the absentee
election manager, who shall open the envelope for the purpose
of satisfying the requirements of Section 17-10-5(b), and
shall then reseal the envelope and be responsible for its
security."

"§17-10-5.

"(a) Upon receipt of an application for an absentee
ballot as provided in Section 17-10-3(a) if the applicant's
name appears on the list of qualified voters in the election
to be held or if the voter makes an affidavit for a challenged
vote, the absentee election manager shall furnish the absentee
ballot to the applicant by: (1) forwarding it by United States
mail to the applicant's or voter's residence address or upon
written request of the voter, to the address where the voter
regularly receives mail or (2) by handing the absentee ballot
to the voter in person or, in the case of emergency voting,
his or her designee in person. If the absentee election
manager has reasonable cause to believe that the applicant has
given a fraudulent address on the application for the absentee
ballot, the absentee election manager shall turn over the
ballot application to the district attorney for any action
which may be necessary under Act 94-320 or other acts. The
absentee election manager further may require additional proof
of a voter's eligibility to vote absentee when there is
evidence of continuous absentee voting. The absentee election
manager shall mail any absentee ballot requested to be mailed
as provided in Section 17-10-3(a) no later than the next
business day after an application has been received unless the
absentee ballots have not been delivered to the absentee
election manager. If the absentee ballots have not been so
delivered, the absentee election manager shall hold all
requests until the ballots are delivered and shall then
respond by placing ballots in the mail no later than the next
business day.

"(b) The official list of qualified voters shall be
furnished to the absentee election manager by the judge of
probate at least 45 days before the election. Any supplemental
list of qualified electors shall also be provided to the
absentee election manager as soon as the list becomes
available. The absentee election manager shall underscore on
the list the name of each voter who has applied for an
absentee ballot and shall write immediately beside his or her
name the word "absentee." The absentee election manager shall
enroll the name, residence, and polling place of the 
applicant, and the date the application was received on a list 
of absentee voters. Each day the absentee election manager 
shall enter on the list the names, addresses, and polling 
places of each voter who has that day applied for an absentee 
ballet and shall post a copy of the list of applications 
received each day on the regular bulletin board or other 
public place in the county courthouse. The list shall be 
maintained in the office of the clerk or register for 60 days 
after the election, at which time it shall be filed with the 
judge of probate. Before the polls open at any election on 
election day, the absentee election manager shall effectuate 
the delivery to the election officers of each polling place a 
list showing the name and address of every person whose name 
appears on the official list of qualified electors for the 
polling place who applied for an absentee ballot in the 
election. The name of the person who applied for an absentee 
ballet shall be stricken from the list of qualified electors 
kept at the polling place, and the person shall not vote 
again. Separate applications for absentee ballots are required 
for elections which are more than 30 days apart. For purposes 
of this subsection (b), including but not limited to 
provisions hereof relating to the posting and maintenance of 
certain lists, the signing or marking of a poll list and 
providing his or her residence address, date of birth, and 
voting precinct by an absentee voter casting his or her ballot
at an on-site absentee balloting location shall constitute an "application" for an absentee ballot.

"§17-10-7.

(a) Each absentee ballot shall be accompanied by an envelope upon which shall be printed an affidavit.

(b) With respect to an absentee ballot cast pursuant to Section 17-10-3(a), said affidavit shall read as follows:

"State of Alabama
County of

I, the undersigned, do swear (or affirm) that:

(1) I am a resident of County in the State of Alabama.

(2) My place of residence in Alabama is:

__________________________
(street)

__________________________
(city or town) ____________________
(zip code)

(3) My voting precinct (or place where I vote) is:

__________________________
__________________________

(4) My date of birth is:

__________________________
month day year

"(5) I am entitled to vote an absentee ballot because:

"Check only one:

____ I will be out of the county or the state on both of the following days: election day and the Saturday 10 days prior to election day.

____ I am applying for this absentee ballot following the close of on-site absentee voting hours and will be out of the county or state on election day.

____ I am physically incapacitated and will not be able to vote in person on election day.

____ I work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.

____ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.

____ I am a member of or a spouse or dependent of a member of the armed forces of the United States or am otherwise entitled to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.
I have been appointed as an election officer at a polling place which is not my regular polling place.

"I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

"I have marked the enclosed absentee ballot voluntarily and I have read or had read to me and understand the instructions accompanying this ballot and I have carefully complied with such instructions.

"Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving false information so as to vote illegally by absentee ballot that I shall be guilty of a misdemeanor which is punishable by a fine not to exceed one thousand dollars ($1,000) or confinement in the county jail for not more than six months, or both.

(Signature or mark of voter.)

(Printed name of voter.)

"IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), OR IF YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.
"Sworn to and subscribed before me this ___ day of ___, 19__.

"I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

____________________ (Signature of official)

(Title of official)

____________________ (Address of official)

OR

1st Witness

Signature

Print name

Address

City Zip Code

2nd Witness

Signature

Print name

Address
"(c) With respect to an absentee ballot cast at an on-site absentee balloting location as provided in Section 19-10-3(c), the form of the affidavit shall be the same as that provided in subsection (b) of this section, except that paragraph (5) thereof shall read as follows:

"(5) I am entitled to vote an absentee ballot because I will be out of the county or state on election day."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.
GENERAL, CONSTITUTIONAL AMENDMENT AND SPECIAL ELECTION
APPLICATION FOR ABSENTEE BALLOT

COUNTY, ALABAMA

To: Absentee Election Manager

Dear Absentee Election Manager:

1. I will be unable to vote at my regular polling place on election day because: (check one of the boxes)
   ☐ I will be out of the county or the state on both of the following days: election day and the Saturday 10 days prior to election day.
   ☐ I am physically incapacitated and will not be able to vote in person on election day.
   ☐ I will be required to be on duty for a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.
   ☐ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.
   ☐ I am a member of or a spouse or dependent of a member of the armed forces of the United States or an otherwise entitled to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 20304.
   ☐ I have been appointed as an election officer at a polling place which is not my regular polling place.
   ☐ Medical Emergency — (May be delivered to the Absentee Election Manager by a designee.)

Physician's Report at the bottom of this form must be completed by a physician.

Name of Designee (print) __________________________ Signature of Designee __________________________

☐ Business Emergency — (Must be turned in within (5) five days prior to the election.)
   I, the undersigned, do solemnly swear or affirm (1) that I was not aware of the out of county business requirement prior to (5) five days before the election (2) that I will faithfully observe all the rules of law prescribed for the conduct of elections.

Applicant signature __________________________

2. Thence make application for an absentee ballot so that I may vote in the election:
   ☐ General Election   ☐ Constitutional Amendment Election   ☐ Special Election

Applicant's Name __________________________

Residence Address __________________________ (If Mailing Address is different from above, please indicate on back in space provided.)

Registered to vote in Precinct __________________________

Home Telephone __________________________ Business Telephone __________________________

Date of Birth __________________________ Social Security No. (optional) __________________________

I understand that my name shall be stricken from the list of qualified electors when I apply and kept at my polling place and I shall not vote again in this election.

Applicant signature __________________________ Witness signature __________________________

If signed by mark the name of the witness must be signed here.

Applicant signature __________________________ Witness signature __________________________

Any registered elector may change his registration to the address of his new residence by application to the proper election officials.

Date __________________________

Christopher Cunningham, Judge of Probate, Probate Judge

[Signature]

Alabama Secretary of State

Date __________________________

Christopher Cunningham, Judge of Probate, Probate Judge

[Signature]
**PRIMARY ELECTIONS**

**APPLICATION FOR ABSENTEE BALLOT**

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**COUNTY, ALABAMA**

To: Absentee Election Manager

Dear Absentee Election Manager:

1. I will be unable to vote at my regular polling place on election day because: (check one of the boxes)
   - [ ] I will be out of the county or the state on both of the following days: election day and the Saturday ten days prior to election day.
   - [ ] I am physically incapacitated and will not be able to vote in person on election day.
   - [ ] I work a required workplace shift which has at least ten hours which coincide with the polling hours at my regular polling place.
   - [ ] I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.
   - [ ] I am a member of or a spouse/dependent of a member of the armed forces of the United States or am otherwise entitled to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.
   - [ ] I have been appointed as an election officer at a polling place which is not my regular polling place.
   - [ ] Medical Emergency — (may be delivered to the Absentee Election Manager by a designee.)
     
     Physician’s Report at the bottom of this form must be completed by a physician.

2. I hereby make application for an absentee ballot(s) so that I may vote in the election:
   
   (You must check to receive an absentee ballot.)

   **ELECTION**
   - **DEMOCRATIC PARTY BALLOT, AND AMENDMENTS**
   - **REPUBLICAN PARTY BALLOT, AND AMENDMENTS**
   - **OTHER PARTY BALLOT (SPECIFY) AND AMENDMENTS**
   - **CONSTITUTIONAL AMENDMENT BALLOT ONLY**

   **Applicant’s Name**

   **Residence Address**

   (If Mailing Address is different from above, please indicate on back in space provided.)

   **Registered to vote in Precinct**

   **Home Telephone**

   **Date of Birth**

   **Social Security No. (optional)**

   I understand that my name shall be stricken from the list of qualified electors when I apply and kept at my polling place and I shall not vote again in this election.

   **Applicant signature**

   **Witness signature**

   If signed by mark the name of the witness must be signed hereto.

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**PHYSICIAN’S REPORT**

Any registered elector who requires emergency treatment of a licensed physician within (5) five days of an election may apply for an emergency absentee ballot for the election and may vote by returning the absentee ballot no later than the close of the business day, one day prior to the election.

Physician shall describe and certify the circumstances as constituting an emergency.

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**Date**

**Physician’s Signature**

*This application may be handed by the **applicant himself** to the Election Manager or forwarded to him by U.S. Mail. 17-10-4 (Read Penalties on Back)*
MUNICIPAL AND MUNICIPAL RUN-OFF ELECTION
APPLICATION FOR ABSENTEE BALLOT

COUNTY, ALABAMA

To: Absentee Election Manager

Dear Absentee Election Manager:

1. I will be unable to vote at my regular polling place on election day because: (check one of the boxes)
   ◯ I am physically incapacitated and will not be able to vote in person on election day.
   ◯ I work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.
   ◯ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.
   ◯ I have been appointed as an election officer at a polling place which is not my regular polling place.
   ◯ Other reason: _________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________________

Physician's Report (if applicable) at the bottom of this form must be completed by a physician.

Name of Designee (print) __________________________ Signature of Designee __________________________

☐ Business Emergency — (Must be turned in within (5) five days prior to the election.)
   I, the undersigned do solemnly swear or affirm (1) that I was not aware of the out of county business requirement prior to (5) five days before the election (2) that I shall faithfully observe all the rules of law prescribed for the conduct of elections.

Applicant signature __________________________

2. I hereby make application for an absentee ballot(s) so that I may vote in the election:
   ◯ Municipal Election
   ◯ Municipal Run-Off Election

Applicant's Name __________________________

Residence Address __________________________________________________________________________________________________________________________________________________________

Registered to vote in Precinct __________________________

Home Telephone __________________________ Business Telephone __________________________ Social Security No. (optional) __________________________

Date of Birth __________________________

I understand that my name shall be stricken from the list of qualified electors when I apply and kept at my polling place and I shall not vote again in this election.

Applicant signature __________________________ Witness signature __________________________

I certify that the name of the witness must be signed hereon.

MEDICAL SUPPORT

Any registered elector who is a member of the armed forces of the United States of America, or any member of the armed forces of the United States within the meaning of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff, is entitled to an absentee ballot if the registrant is absent from the state due to service in the armed forces of the United States at the time the absentee ballot is required. Any absentee ballot not filled out and returned within the required time period is void, and the elector must apply for and receive a new absentee ballot in order to vote in the election.

Physician shall describe under oath any physical condition which constitutes an emergency.

Physician's Signature __________________________

Date __________________________

This application may be handed by the applicant himself to the Election Manager or forwarded to him by U.S. Mail, or placed in the Absentee Vote Box (Mark box(es) on back)

(Rev. 04/25/11)
PENALTIES

As amended, $17.10-17

Any person who willfully changes an absentee voter's ballot to the extent that it does not reflect the voter's true ballot, any person who willfully votes more than once by absentee in the same election, any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes illegal absentee voting, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than two years, or by a fine of not less than $500.00 nor more than $2,000.00, or by both fined and imprisoned. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and a regular ballot at any election shall be similarly punished.

Upon request by the local district attorney or the Secretary of State, the Attorney General shall provide investigating assistance in instances of absentee ballot or voting violations.

Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.

MAILING ADDRESS:

Street________________________________________________________

City, State, Zip_______________________________________________
March 15, 2002

Charles B. Campbell, Esq.
Assistant Attorney General
11 South Union Street
Montgomery, Alabama 36130

Dear Mr. Campbell:

This refers to Act No. 2001-1097, which abolishes on-site absentee voting and modifies the applications for absentee ballots for general, primary, and municipal elections to reflect this change for the State of Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on January 16, 2002.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

[Signature]

Joseph D. Rich
Chief, Voting Section
Memorandum of Telephonic Communication

Date: March 11, 2002  Attorney/Analyst: Rickie J. Dobson

File No.: 2002-0168

Other Party: [Redacted]  Race: B  Tel. No.: [Redacted]

Title/Organization: [Redacted]

Jurisdiction: State of Alabama

Subject: Abolishing on-site absentee voting

supports the abolishment of on-site absentee voting. On-site absentee voting was put in place by Republican legislatures during the 1990s. It has proven to be a very expensive disaster. The state has had to pay the expenses for on-site absentee voting while the voters have not utilized it. The act abolishing on-site absentee voting is supported by the Republicans, Democrats and [Redacted]. Voters voting absentee will just go back to voting absentee in the same manner as before. This will not be discriminatory because very few, if any, voters utilized the on-site absentee voting procedures.