

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Secretary of State
Rule No. 820-2-3-04
Rule Title: Forms For Overseas And Military Absentee Voting.
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Secretary of State J. A. Merrill
Date March 5, 2018

(DATE FILED)
(STAMP)

(Agency Name)
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME:

Secretary of State

RULE NO. & TITLE:

820-2-3-.04 Forms for Overseas and Military Absentee Voting

INTENDED ACTION:

Amend rule

SUBSTANCE OF PROPOSED ACTION:

Amends the absentee ballot application for UOCAVA Voters

TIME, PLACE, MANNER OF PRESENTING VIEWS:

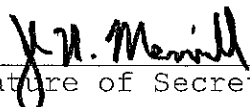
Views may be presented orally or in writing and should be addressed to Brent Beal, Office of the Secretary of State, PO Box 5616, Montgomery, AL 36130; (334) 353-7857

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 3, 2018

CONTACT PERSON AT AGENCY:

Brent Beal, Office of the Secretary of State, State Capitol Suite E-201, 600 Dexter Avenue, Montgomery, AL 36130; (334) 353-7857



Signature of Secretary of State

Forms For Overseas And Military Absentee

(1) This rule is intended to provide any form or ballot by which an absentee election manager or registrar shall administer the Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C. 1973fff~~ 52 U.S.C. § 20301. Any form or ballot described in this rule may be used in any primary or general election.

(2) The State of Alabama adopts any form or ballot issued or promulgated by the federal government to implement the Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C. 1973fff~~ 52 U.S.C. § 20301. Any form or ballot issued or promulgated by the federal government in the future to implement the Act is adopted prospectively. Any form or ballot described in this rule may be used by a voter covered by the Act in lieu of any form or ballot issued or promulgated by the State of Alabama for absentee voting, such as the Standard State Application Form for Absentee Voting described in Paragraph 4 of this rule. The scope of this paragraph shall include, but is not limited to, the Federal Write-In Absentee Ballot, FWAB SF-186.

(3) Absentee ballot material sent to a voter by an absentee election manager pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C. 1973fff~~ 52 U.S.C. § 20301, to vote in a primary election shall include a Federal Write-In Absentee Ballot, FWAB SF-186, to vote for any federal candidate in a second primary election. Absentee ballot material sent to a voter by an absentee election manager pursuant to this paragraph shall also be accompanied by an instruction provided by the Secretary of State explaining that the Federal Write-In Absentee Ballot, FWAB SF-186, may be used to vote in a second primary election.

(4) The State of Alabama adopts a Standard State Application Form for Absentee Voting; which may be used by a voter covered by the Uniformed and Overseas Citizens Absentee Voting Act, ~~42 U.S.C. 1973fff~~ 52 U.S.C. § 20301. The form may also be used by any other voter who applies to vote absentee. The form shall appear as follows:

Front Side of Application

APPLICATION FOR ABSENTEE BALLOT FORM AV-R1

COUNTY, ALABAMA

Return this application to:

If mailing this application to the Absentee Election Manager, include only one application per envelope.

General Voter Information - Please provide complete information so that we may verify your eligibility to vote.

Last Name (Please print)		First Name	Middle or Maiden Name	E-mail Address				
Street Address (address where you are registered to vote; do not use PO box)						City	State	ZIP
If requesting mail delivery of a ballot, provide a mailing address, if different from the street address provided above								
Precinct where you vote (name and/or location of your polling place)								
Date of Birth		Month	Day	Year	Driver's License Number		IF NO DRIVER'S LICENSE NUMBER	
Home Telephone Number		Work Telephone Number			STATE	NUMBER	Last 4 digits of Social Security number	

For all registered voters

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

- | | |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Primary Election or Presidential Preference Primary | <input type="checkbox"/> Primary Runoff Election |
| Select one: <input type="checkbox"/> Democratic Party | Select one: <input type="checkbox"/> Democratic Party |
| <input type="checkbox"/> Republican Party | <input type="checkbox"/> Republican Party |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Amendments Only | <input type="checkbox"/> Amendments Only |
| <input type="checkbox"/> General Election | <input type="checkbox"/> Special Election (specify) _____ |
| | If a primary or runoff, check one: <input type="checkbox"/> Democratic Party <input type="checkbox"/> Republican Party |

- Absentee ballots for elections more than 42 days apart must be requested on separate applications, unless you are a member of the armed forces, or a spouse or dependent of such person, or you are a United States citizen residing overseas.
- An application submitted by a member of the armed forces, or a spouse or dependent of such person, or a United States citizen residing overseas, is valid for all county, state and federal elections in the current calendar year.

I am applying for an absentee ballot because (check one box):

- I will be out of the county or the state on election day.
- I have a physical illness or infirmity which prevents my attendance at the polls.
- I have a physical illness or infirmity which prevents my attendance at the polls. I am unable to access my assigned polling place due to a neurological, musculoskeletal, respiratory (including speech organs), cardiovascular, or other life-altering disorder that affects my ability to perform manual tasks, stand for any length of time, walk unassisted, see, hear or speak and:
 - a) I am an elderly voter aged 65 or older; or
 - b) I am a voter with a disability.
- I work a shift which has at least ten (10) hours that coincide with the polling hours at my regular polling place.
- I am enrolled as a student at an educational institution located outside the county of my personal residence, attendance at which prevents my attendance at the polls.
- I am a member of, or a spouse or dependent of a member of, the Armed Forces of the United States or am otherwise similarly qualified to vote absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

This application for an absentee ballot will be valid for all county, state, and federal elections held during this calendar year unless you specify an earlier expiration date here: _____

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

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

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

The voter may hand this application to the Absentee Election Manager. The voter may also forward this application to the Absentee Election Manager by U.S. Mail [§17-11-3 and §17-11-4, Code of Alabama, 1975]. Do not include more than one application per envelope if mailing.

READ PENALTIES ON BACK

Revised 2018.01.30

Back Side of Application

PENALTIES

§17-17-24, Code of Alabama, 1975, as amended

(a) 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 ballot 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, shall be guilty, upon conviction, of a Class C felony. 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.

(b) 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.

(c) 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.

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Author: Adam L. Bourne, William Sutton, Jean Brown, Ed Packard, Brent Beal, and David Brewer.

Statutory Authority: Code of Ala. 1975, §§17-11-4, 17-11-5(d).

History: New Rule: Filed February 10, 2006; effective March 17, 2006. **Amended:** Filed February 5, 2008; effective March 11, 2008.