

CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 7th day of October, 2019, and filed with the agency secretary on the 7th day of October, 2019.

AGENCY NAME: Alabama Secretary of State

<sup>Amended</sup>~~New~~ Repeal (Mark appropriate space)

Rule No. 820-2-3-.04 (Amended section containing form)  
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Forms for Overseas and Military Absentee Voting

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Without Changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVIII,  
ISSUE NO. 11, AAM, DATED August 30, 2019.

Statutory Rulemaking Authority: Act 2019-507

LEGISLATIVE SVC AGENCY  
2019 OCT -7 PM 4:01  
REC'D & FILED

10/07/2019  
(For LSA Use Only)

J. H. Merrill  
Secretary of State

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

**Forms for Overseas and Military Absentee Voting.**

(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, 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, 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, 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, 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:

**UOCAVA APPLICATION FOR ABSENTEE BALLOT**  
**FOR USE ONLY BY INDIVIDUALS VOTING PURSUANT TO THE**  
**UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT**  
FORM AV-01

Return this application to:

\_\_\_\_\_ COUNTY, ALABAMA

Please note that only one application may be placed in the same 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                  | 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                 |
| Home Telephone Number   |       | Work Telephone Number |                       | IF NO DRIVER'S LICENSE NUMBER           |
| ( )   |       | ( )                   |                       | Last 4 digits of Social Security number |
|   |       |                       |                       | STATE NUMBER                            |

**Type of Ballot (select one)**

- Primary Election or Presidential Preference Primary  
 Select one:  Democratic Party  
 Republican Party  
 Other \_\_\_\_\_  
 Amendments Only
- Primary Runoff Election  
 Select one:  Democratic Party  
 Republican Party  
 Other \_\_\_\_\_  
 Amendments Only
- General Election
- Special Election (specify) \_\_\_\_\_  
 if a primary or runoff election:  Democratic Party  Republican Party

**Duration of Absentee Ballot Application**

By signing this application, I am attesting that I am a member of, or spouse or dependent of a member of, the United States Armed Forces or I am a United States citizen residing overseas.

I understand that this application will be valid for all county, state and Federal federal elections to be held during this calendar year. For election cycles that span multiple calendar years, this application will be valid for the entire election cycle.

If I wish to waive this right and have this application expire earlier, I am providing an expiration date below. For example, I might choose an earlier expiration date if I expect a change of duty station effective after the next election but before the end of the year.

This application should expire on \_\_\_\_\_  
 Month / Day / Year

**Delivery of Ballot (select one)**

- Deliver an absentee ballot to me by electronic transmission for all federal, state, and county offices and all state and county referenda. I have provided an e-mail address above.
- Deliver an absentee ballot to me by U.S. mail, or hand-delivery if requested in person, for all federal, state, and county offices and all state and county referenda.

**Reason for Requesting to Vote by Absentee Ballot**

I am applying for an absentee ballot because I am a member of, or a spouse or dependent of a member of, the Armed Forces of the U.S. or am a U.S. citizen residing overseas and am qualified to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302.

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 | <b>Complete this section if voter signs by mark</b> → | 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 or commercial carrier [§17-11-3 and §17-11-4, Code of Alabama, 1975].

**READ PENALTIES ON BACK**

## 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.

**Authors:** Adam L. Bourne, William Sutton, Jean Brown, Ed Packard, Brent Beal, David Brewer, Jeff Elrod.

**Statutory Authority:** Code of Ala. 1975, §§17-11-4, 17-11-5(d); Act 2019-507.

**History: New Rule:** Filed February 10, 2006; effective March 17, 2006. **Amended:** Filed February 5, 2008; effective March 11, 2008. **Amended:** Filed May 4, 2018; effective June 18, 2018. **Amended:** Filed August 1, 2019; effective November 21, 2019.