

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama 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? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

Does the proposed rule have an economic impact? YES

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 certifying officer J. H. Merrill
 Date August 1, 2019

REC'D & FILED
2019 AUG -1 AM 11:12
LEGISLATIVE SVC AGENCY
AUGUST 1, 2019
(STAMP)

Alabama Secretary of State
Elections Division

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama 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:

Updated language on the UOCAVA absentee ballot application.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

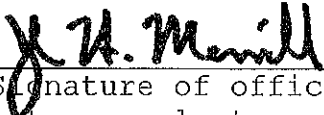
Views may be presented orally or in writing and should be addressed to Hugh Evans, Office of the Secretary of State, P.O. Box 5616, Montgomery, Al 36130; (334) 353-7857.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 4, 2019

CONTACT PERSON AT AGENCY:

Hugh Evans, Office of the secretary of State, State Capitol Suite E-201, 600 Dexter Avenue, Montgomery, AL 36130; (334) 353-7857.



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. ___ Department or Agency Alabama Secretary of State

Rule No: 820-2-3-.04

Rule Title: Forms for Overseas and Military Absentee Voting

___ New Amend ___ Repeal ___ Adopt by Reference

___ This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

N/A

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Depending on the quantity of forms ordered, the cost could range from \$0 to \$20,000.

3. EFFECT OF THIS RULE ON COMPETITION:

N/A

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

N/A

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

N/A

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

The source will be the Registration of Voters Fund from the General Fund budget.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

N/A

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

N/A

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

N/A

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

N/A

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		IF NO DRIVER'S LICENSE NUMBER
Home Telephone Number		Work Telephone Number		STATE	NUMBER	Last 4 digits of Social Security number	

Type of Ballot (select one) Duration of Absentee Ballot Application

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) _____
 Majority vote, check one: Democratic Party Republican Party

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	<p>Complete this section if voter signs by mark →</p>	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.