

ACT No. 2011 - 673

1 HB19
2 126440-6
3 By Representative Rich
4 RFD: Constitution, Campaigns and Elections
5 First Read: 01-MAR-11
6 PFD: 02/25/2011



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Section 17-9-30, Code of Alabama 1975, as amended by Act 2010-687, 2010 Regular Session (Acts 2010, p. 1660), relating to the identification of voters at elections; to provide that a voter must provide valid photo identification, as defined; to require the Secretary of State to issue photo identification cards at no cost to individuals who have no valid photo identification; to provide a penalty for making a fraudulent application for a photo identification card; to authorize the Secretary of State to produce the photo cards through a private vendor; to provide funding; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-9-30, Code of Alabama 1975, is amended to read as follows:

"§17-9-30.

~~"(a) As used in this section, the term "valid photo identification" may include in addition to governmentally produced photo identifications, identification cards~~

1 ~~containing the photo of the elector produced by employers for~~
 2 ~~employees and identification cards containing the photo of the~~
 3 ~~elector produced by a public or private college, university,~~
 4 ~~or postgraduate technical or professional school located~~
 5 ~~within the state.~~

6 "~~(b)~~(a) Each elector shall provide valid photo
 7 identification to an appropriate election official prior to
 8 voting. A voter required to show valid photo identification
 9 when voting in person shall present to the appropriate
 10 election official ~~either~~ one of the following forms of valid
 11 photo identification:

12 "(1) ~~A current valid photo identification. A valid~~
 13 Alabama driver's license or nondriver identification card
 14 which was properly issued by the appropriate state or county
 15 department or agency.

16 "~~(2) A copy of a current utility bill, bank~~
 17 ~~statement, government check, paycheck, or other government~~
 18 ~~document that shows the name and address of the voter. The~~
 19 ~~term "other government document" may include, but is not~~
 20 ~~limited to, any of the following:~~

21 "~~a. A valid identification card issued by a branch,~~
 22 ~~department, agency, or entity of the State of Alabama, any~~
 23 ~~other state, or the United States authorized by law to issue~~
 24 ~~personal identification.~~

25 "~~b. A valid United States passport.~~

1 ~~"c. A valid Alabama hunting or fishing license.~~

2 ~~"d. A valid Alabama permit to carry a pistol or~~
3 ~~revolver.~~

4 ~~"e. A valid pilot's license issued by the Federal~~
5 ~~Aviation Administration or other authorized agency of the~~
6 ~~United States.~~

7 ~~"f. A valid United States military identification~~
8 ~~card.~~

9 ~~"g. A certified copy of the elector's birth~~
10 ~~certificate.~~

11 ~~"h. A valid Social Security card.~~

12 ~~"i. Certified naturalization documentation.~~

13 ~~"j. A certified copy of court records showing~~
14 ~~adoption or name change.~~

15 ~~"k. A valid Medicaid card, Medicare card, or an~~
16 ~~Electronic Benefits Transfer Card (formerly referred to as a~~
17 ~~"food stamp card").~~

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

24 "(3) A valid United States passport.

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

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

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

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

16 ~~"(c)~~(b) Voters voting an absentee ballot shall
 17 submit with the ballot a copy of one of the forms of
 18 identification listed in subsection ~~(b)~~(a).

19 ~~"(d)~~(c) Notwithstanding subsection ~~(c)~~(b), a voter
 20 who is entitled to vote by absentee ballot pursuant to the
 21 Uniformed and Overseas Citizens Absentee Voting Act
 22 (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section
 23 3(b) (2) (B) (ii) of the Voting Accessibility for the Elderly and
 24 Handicapped Act (subchapter I-F of Chapter 20 of Title 42

1 U.S.C.); or any other federal law, shall not be required to
2 produce identification prior to voting.

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

8 ~~"(f)~~ (e) In addition, an individual who does not have
9 valid photo identification in his or her possession at the
10 polls shall be permitted to vote if the individual is
11 positively identified by two election officials as a voter on
12 the poll list who is eligible to vote and the election
13 ~~official signs the voters list by where the voter signs~~
14 officials sign a sworn affidavit so stating.

15 ~~"(g) Notwithstanding any provision of law to the~~
16 ~~contrary, the provisions of subsection (f) shall not apply to~~
17 ~~municipal elections.~~

18 "(f) The Secretary of State shall issue, upon
19 application, an Alabama photo voter identification card to
20 registered Alabama electors which shall under state law be
21 valid only for the purposes of voter identification under
22 subsection (a) and available only to registered electors of
23 this state. No fee shall be charged or collected for the
24 application for or issuance of an Alabama photo voter
25 identification card.

1 "(g) No person shall be eligible for an Alabama
2 photo voter identification card if such person has a valid
3 unexpired driver's license, nondriver identification card, or
4 any other photo identification described in subsection (a).

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

13 "(1) Full legal name.

14 "(2) Address as reflected in the person's voter
15 registration record.

16 "(3) Date of birth.

17 "(4) Eye color.

18 "(5) Gender.

19 "(6) Height.

20 "(7) Weight.

21 "(8) Date identification card was issued.

22 "(9) Other information as required by rule of the
23 Secretary of State.

24 "(i) The application for an Alabama photo voter
25 identification card shall elicit the information required

1 under subparagraphs, inclusive, of subsection (h) of 1 to 7.
2 The application shall be signed and sworn to by the applicant,
3 and any falsification or fraud in the making of the
4 application shall constitute a Class C felony.

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

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

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

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

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

18 "(k) An Alabama photo voter identification card
19 shall remain valid so long as the person resides at that same
20 address and remains qualified to vote. It shall be the duty of
21 a person who moves his or her residence within the State of
22 Alabama to surrender his or her card to the Secretary of
23 State, and such person may after such surrender apply for and
24 receive a new card if the person is otherwise eligible under
25 this section. It shall be the duty of a person who moves his

1 or her residence outside the State of Alabama or who ceases to
2 be qualified to vote to surrender his or her card to the
3 Secretary of State.

4 "(l) The Secretary of State is authorized to
5 contract with a private provider for the production of the
6 Alabama photo voter identification card pursuant to any
7 applicable state bid laws.

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

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

16 "(o) The Secretary of State is granted rule making
17 authority for the implementation of this section under the
18 Alabama Administrative Procedure Act."

19 Section 2. The photo identification requirements of
20 this act shall be operative in the first statewide primary for
21 2014. The voter identification requirements prior to the
22 effective date of this act shall continue to apply in any
23 election prior to that election.

24 Section 3. The provisions of this act are severable.
25 If any part of this act is declared invalid or

1 unconstitutional, that declaration shall not affect the part
2 which remains.

3 Section 4. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 5. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

~~_____~~
Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 22-MAR-11, as amended.

Greg Pappas
Clerk

Senate

09-JUN-11

Passed

APPROVED June 15, 2011
TIME 8:10 a.m.
Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num.....: 2011-673
Bill Num....: H-19