

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

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c) (2) a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 20th day of January, 2021.

AGENCY NAME: Alabama Secretary of State

RULE NO. AND TITLE: 820-2-3-.06-.11ER Absentee Voting During State of Emergency - State, County, or Municipal Elections During state of Emergency

EFFECTIVE DATE OF RULE: January 20, 2021

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY:

It was unforeseen that the governor's state of emergency would be extended and that the coronavirus pandemic would continue, thus necessitating a need for voters to vote absentee for any state, county, or municipal election scheduled during the public health emergency.

STATUTORY AUTHORITY: 17-11-3(e); 41-22-5

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS _____ YES X NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Hugh Evans
State Capitol Suite E-201
600 Dexter Avenue, Montgomery, AL 36130
(334) 353-7857

REC'D & FILED

JAN 20 2021

LEGISLATIVE SVC AGENCY

J. N. Merrill
Secretary of State

JANUARY 20, 2021
(For APA Use Only)

820-2-3-.06-.11ER Absentee Voting During State of Emergency – State, County, or Municipal Elections During State of Emergency.

(1) Pursuant to 17-11-3(e) of the *Code of Alabama*, and without limitation, due to the State of Emergency issued by the Governor of Alabama on March 13, 2020, as amended, any qualified voter who determines it is impossible or unreasonable to vote at their voting place for any elections held at the state, county, or municipal level during the COVID-19 public health emergency, shall be eligible to check the box on the absentee ballot application which reads as follows:

“I have a physical illness or infirmity which prevents my attendance at the polls. [ID REQUIRED]”

(2) Any qualified voter of this state who applies and successfully submits an application, with proper identification, for an absentee ballot pursuant to this Emergency Administrative Rule shall be eligible to vote an absentee ballot for any state, county, or municipal election held during the COVID-19 public health emergency.

(3) The Absentee Election Managers and any other election officials of the affected counties or municipalities are hereby directed and instructed to follow this Emergency Administrative Rule and accept all absentee ballot applications filed hereunder immediately.

Authors: David Brewer, Hugh Evans, Clay Helms, Jeff Elrod.

Statutory Authority: 17-11-3(e).

History: New Rule: Filed January 20, 2021