



JOHN H. MERRILL
SECRETARY OF STATE

ALABAMA ABSENTEE ELECTION MANAGER OFFICIAL GUIDE

TABLE OF CONTENTS

Qualifications for AEM2

Compensation2

Appointing a Replacement AEM2

Duties of an Absentee Election Manager3

Voter View Tracking System3

Federally Required Reporting3

Absentee Voting Process4

Electioneering ▪ Loitering ▪ Disturbances5

Photography While Casting a Ballot5

Poll Watchers5

Accepting and Receiving Applications6

Acceptable Forms of ID6

Absentee Application Requirements7

Regular Absentee8

Emergency Absentee9

Forms for Emergency Absentee Voting9

Permanent Disability Absentee10

Procedures for Applying for a Permanent Disability Absentee Ballot10

Application and Procedures for Issuance of Absentee Ballots10

Procedures for Sending Absentee Ballots10

Forms for Absentee Voting by Permanently Disabled Citizens10

Uniformed and Overseas Citizens Voting Act (UOCAVA)11

Federal Voting Assistance Program (FVAP) Applications11

Forms for UOCAVA Absentee Voting11

Sending Absentee Ballots12

Provisional Absentee and Related Materials12

Voting Assistance13

Spoiled Ballots13

Ballot Requirements14

Multiple Ballots14

Provisional Ballots15

Counting Ballots15

Absentee Polling Process16

QUALIFICATIONS FOR AEM

Each county has an absentee election manager (AEM). The circuit clerk of the county is, at his or her option, the AEM. § 17-11-2.

If the circuit clerk declines the duties of the AEM, the appointing board must appoint a person qualified by training and experience to be the AEM. § 17-11-2.

The AEM must be a qualified elector of the county. § 17-11-2.

Circuit clerks who are candidates for office and have opposition, shall be disqualified from performing the duties of AEM. § 17-11-13.

A member of the board of registrars cannot serve as an AEM due to the common law of incompatibility of offices. *Scott v. Strobach*, 49 Ala. 477 (1873) and AG AO 88-00156.

A circuit clerk may serve as the AEM if a family member is a candidate, even for instance, if the circuit clerk is retiring and a family member is running for the clerk’s office. AG AO 88-00156.

COMPENSATION

The county commission shall determine the amount of compensation to be paid to the absentee election manager or other absentee election manager for the performance of his or her duties with respect to absentee ballots for which his or her services are required during the 55-day period prior to the election, the day of the election, and the seven-day period following the election during which ballots under the Uniformed and Overseas Citizens Absentee Voting Act may be returned, but such compensation shall be at least fifty dollars (\$50) per day or the same pay as an inspector as authorized under Section 17-8-12, and the total number of days worked may not exceed 46 days. § 17-11-14.

APPOINTING A REPLACEMENT AEM

When the circuit clerk is opposed as a candidate for office, the clerk must certify to the appointing board that he or she is disqualified from serving as the AEM for that election at least 55 days prior to the election. § 17-11-13. The appointing board must then appoint a replacement in the manner provided for in Section 17-11-2.

The person appointed shall be:

- Qualified by training and experience
- A qualified elector of the county
- Must not be a candidate in the election. § 17-11-2.

Office:

The county commission must designate the place or office where the duties of the AEM are to be performed. This place or office shall be open on the days and during the hours as that of the circuit clerk prior to each election. § 17-11-2.

- Usually, the hours kept by the AEM are the same as the hours during which the courthouse is open.

DUTIES OF THE ABSENTEE ELECTION MANAGER

All duties of the AEM support the absentee ballot election process.

These duties include:

- Obtaining ballots,
- Processing applications for absentee ballots,
- Sending absentee ballots,
- Receiving absentee ballots,
- Noting the names of absentee voters on the list of qualified electors,
- Maintaining a list of absentee voters,
- Administering oaths,
- Delivering absentee ballots to the appropriate poll workers,
- Provide list of absentee voters to board of registrars the day after election; the list is confidential until the day after the election § 17-11-5(c)(1).

VOTER VIEW TRACKING SYSTEM

All absentee activity should be logged into the system in a timely manner in order for the voter to track the progress of their application and ballot.

This includes:

- Application Acceptance/Rejection
- Ballot Sent
- Ballot Received/Accepted

FEDERALLY REQUIRED REPORTING

- 45 Day UOCAVA Survey
- Election Administration & Voting Survey (EAVS)

Absentee Voting Process

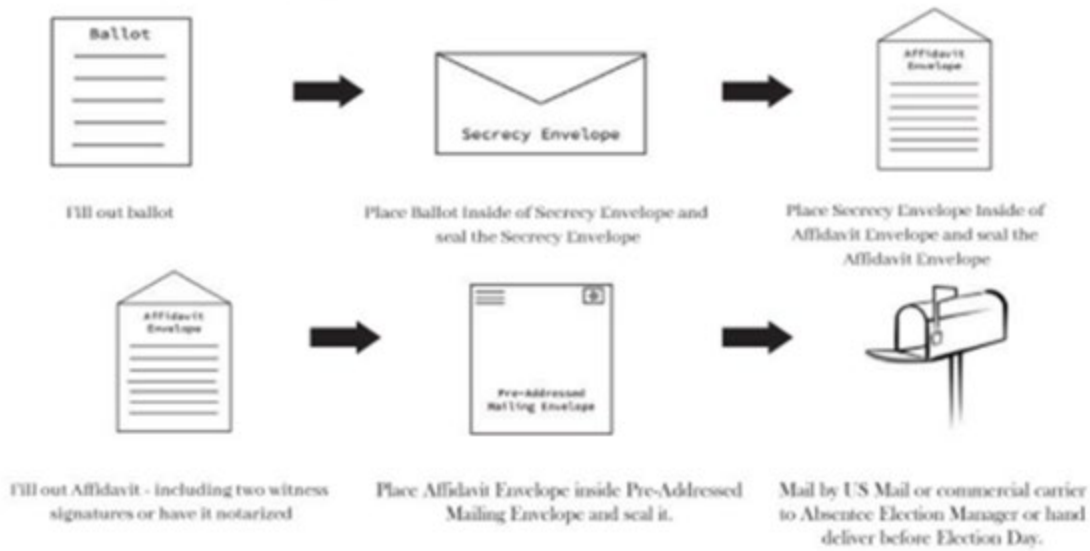
Application Process

1. Print application from Secretary of State's website or request application from Absentee Election Manager
2. Fill out application. Remember to include a copy of your valid photo ID with the application.
3. Return the application to the Absentee Election Manager either by hand (by the voter or by the voter's designee in case of medical emergency), US Mail, or commercial carrier.

Absentee Ballot Materials



Absentee Ballot Process



ELECTIONEERING • LOITERING • DISTURBANCES

1. ELECTIONEERING:

- Election officials must run the polling place in a strictly impartial manner. Elections officials must not attempt to influence voters. §§ 17-17-4 and 17-17-55.
- Election officials shall not disclose how any elector voted. §§ 17-17-18 and 17-17-55.
- **SAMPLE BALLOTS** – Voters may carry prepared sample ballots into the polling place for use in the voting booth or voting area. This is not electioneering, as long as the voter does not attempt to influence other voters within the polling place.
- Election officials may not wear campaign attire.

1. LOITERING:

- Loitering is not allowed around the polling place for purposes of discouraging qualified electors from entering the polling place or from voting. § 17-17-17.
- A person is not allowed to stand in line after they vote. § 17-17-17.
- A person is not permitted within 30 feet of the door of the polling place if they are not a voter admitted to vote, a person assisting the voter, the Probate Judge, the Sheriff or the Deputy Sheriff, the polling office, or a poll watcher. § 17-9-50.

2. DISTURBANCES:

- Intoxication or disorderly conduct is not permitted in the polling place. § 17-17-12.

In case of **ELECTIONEERING, LOITERING, or DISTURBANCES**, ask the person to stop or leave the polling place and/or absentee office. If the person refuses to leave, call the sheriff so that a deputy will be dispatched immediately. §§ 17-9-1 and 17-17-1.

PHOTOGRAPHY WHILE CASTING A BALLOT

Use of mobile phones or cameras should not disturb any other voters or disrupt the polling place in any way.

Voters are not allowed to take general photographs, such as photos of the room where voting takes place, or group photos.

The right to vote a secret ballot is essential. Photographing or otherwise revealing the contents of another voter’s ballot is not permissible and is a Class A Misdemeanor.

However, a voter may take a photograph of his or her own ballot without violating any existing law. § 17-9-50.1(a)(1).

POLL WATCHERS

Poll watchers have the right to observe and monitor all conduct and records of the election throughout election day. § 17-8-7(b) (1-6).

Absentee poll watchers shall be appointed in the same manner as watchers at the polling place. § 17-11-11(b). Absentee poll watchers may be sworn in by the absentee election manager during the regular absentee period prior to, and on Election Day.

ACCEPTING AND RECEIVING APPLICATIONS

Applications for absentee ballots must be filed by qualified electors with the AEM not less than five (5) days before the election. § 17-11-3(a).

In-Person Absentee may begin as soon as the Absentee Election Manager receives all of the Absentee Election materials, not less than 55 days prior to the election. In the case of a primary runoff election, not more than 14 days after the first primary election. § 17-11-2.

Absentee Applications can begin being accepted when they are received. The application status must be changed in Power Profile to “Accepted” in order for the voter to track the status of the application online.

The AEM may not accept multiple applications which are mailed in one envelope. AG AO 82-00551 (Hon. Don Siegelman, 1982).

The AEM may accept applications which have mistakenly been mailed to the board of registrars. 188 AG Op. 85 (Hon. Don Siegelman, 1982).

ACCEPTABLE FORMS OF ID

A voter can use any of the following forms of photo ID at the polls or to submit with an absentee application:

- Valid Driver's License (not expired or has been expired less than 60 days)
- Alabama Law Enforcement Agency Digital Driver's License
- Valid Non-driver ID (not expired or has been expired less than 60 days)
- Alabama Law Enforcement Agency Digital Non-driver ID
- Valid Alabama Photo Voter ID
- Valid State Issued ID (Alabama or any other state)
- Valid AL Department of Corrections Release- Temporary ID (Photo Required)
- Valid AL Movement/Booking Sheet from Prison/Jail System (Photo Required)
- Valid Pistol Permit (Photo Required)
- Valid Federal Issued ID
- Valid US Passport
- Valid Employee ID from Federal Government, State of Alabama, County Government, Municipality, Board, Authority, or other entity of this state
- Valid student or employee ID from a college or university in the State of Alabama (including postgraduate technical or professional schools)
- Valid Military ID
- Valid Tribal ID
- Valid student or employee ID issued by a state institution of higher learning in any other state

ABSENTEE APPLICATION REQUIREMENTS

Handwritten applications may also be submitted if they include sufficient information to identify the applicant. § 17-11-4. Other information necessary to identify the voter may be required; age or date of birth to help in differentiating between registrants having the same name and/or address.

A copy of the voter's valid photo identification must be submitted along with the voter's absentee application. § 17-9-30(c). A voter who is entitled to vote an absentee ballot pursuant to UOCAVA (military or overseas) or the Voting Accessibility for the Elderly and Handicapped Act shall not be required to produce identification. § 17-9-30(d). A voter 65 years of age or older is only exempt from the photo identification requirement if they meet the age requirement AND have a specific disability that falls under the Act.

Each applicant must sign the application form. If a signature is made by mark, a witness to the signature must also sign. Applicants may also receive assistance in filling out the form if they desire. § 17-11-4.

Completed absentee ballot application forms must be personally handed to the AEM by the applicant, received by the AEM by U.S. mail or by commercial carrier, or in the case of an emergency absentee ballot, by the applicant's designee. § 17-11-4.

The AEM may not accept multiple applications which are mailed in one envelope. 188 AG Op. 85 (Hon. Don Siegelman, 1982).

The AEM may accept applications which have been mistakenly mailed to the Board of Registrars. 188 AG Op. 85 (Hon. Don Siegelman, 1982).

The AEM must send a provisional ballot and related identification materials to an applicant whose name appears in a voting place within the state voter registration list but does not appear on the list for the voting place in which he or she seeks to vote. § 17-11-9.

An applicant for absentee whose name does not appear on the state voter registration list is not entitled to an absentee ballot. § 17-11-9. Nothing needs to be marked in Power Profile, as the applicant will not have a record to insert this information.

- If a voter is not on the list of registered voters in the county for which they apply for absentee voting, they are not entitled to an absentee ballot.

REGULAR ABSENTEE

Any qualified elector of this state may apply for and vote an absentee ballot by mail, by hand delivery, or by commercial carrier, as determined by rule by the Secretary of State, as provided in Sections 17-11-3, 17-11-5 and 17-11-9 of the Alabama Code, in any primary, general, special, or municipal election, if he or she makes application in writing therefor not less than five (5) days prior to the election in which he or she desires to vote and meets one or more of the following requirements:

- (a) The person expects to be out of the county or the state on Election Day.
- (b) The person has any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of election.
- (c) The person works a shift which has at least ten (10) hours which coincide with the hours the polls are open at his or her regular polling place.
- (d) The person is enrolled as a student at an educational institution located outside the county of his or her personal residence that prevents his or her attendance at the polls.
- (e) The person is a member of, or spouse or dependent of a member of the armed forces of the United States, or is similarly qualified to vote absentee pursuant to the federal Uniform and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302.
- (f) The person has been appointed as an election officer or named as a poll watcher at a polling place other than his or her regular voting place.
- (g) The person is a caregiver for a family member to the second degree of kinship by affinity or consanguinity and the family member is confined to his or her home.
- (h) The person is incarcerated in prison or jail and has not been convicted of a felony involving moral turpitude, as provided in Section 17-3-30.1 of the Alabama Code.

Applications for absentee ballots must be filed by qualified electors with the AEM not less than five (5) days before the election. § 17-11-3(a).

In-Person Absentee may begin as soon as the Absentee Election Manager receives all of the Absentee Election materials, not less than 55 days prior to the election. In the case of a primary runoff election, not more than 14 days after the first primary election. § 17-11-2.

EMERGENCY ABSENTEE

(1) § 17-11-3(d)(1) Any registered elector whose name appears on the poll list of qualified voters may apply for an emergency ballot for the election and vote by returning the emergency absentee ballot no later than noon on the day the election is held if any of the following situations arise:

- (a) The elector requires emergency medical treatment of a licensed physician within five (5) days of an election. The attendant physician shall describe and certify the circumstances as constituting an emergency in the Physician's Report section on the emergency absentee application or by attaching supporting documentation. The physician's report must be signed by a physician. The application may be delivered by a designee. If assigning a designee, the Assignment of Designee for Delivery Application section should be completed on the emergency absentee application. § 17-11-3(c).
- (b) The elector is required by his or her employer under unforeseen circumstances within five (5) days before an election to be unavailable to vote at the polls on Election Day.
- (c) The elector is a caregiver of a person who requires emergency treatment by a licensed physician within five (5) days before an election.
- (d) A family member to the second degree of kinship by affinity or consanguinity of an elector dies within five (5) days before an election.

(2) Under such circumstances, the elector shall apply for an emergency absentee ballot at the office of the absentee election manager no later than the close of the business day one (1) day prior to the election. The applicant shall complete and file an application form designed by the Secretary of State for emergency absentee voters. The form shall contain an affidavit which the applicant shall sign or swear acknowledging that he or she was not aware of the situation constituting the emergency prior to five (5) days before the election. An applicant who meets the requirements of this subsection may vote by an emergency absentee ballot. After voting the ballot, the voter shall hand the ballot to the absentee election manager.

(3) If the occurrence of a state of emergency as declared in this or any other state, or by the federal government, renders substantial compliance with this article impossible or unreasonable for a group of qualified voters who respond to the emergency, the Secretary of State, pursuant to Section 41-22-5, may adopt an emergency rule to allow those qualified voters to vote by absentee ballot. Notwithstanding any other laws to the contrary, all expenses and costs incurred by the state or any county in carrying out the responsibilities and duties included in an emergency rule adopted pursuant to this subsection shall be paid by the State of Alabama from any funds made available for election expenses under state and federal law.

FORMS FOR EMERGENCY ABSENTEE VOTING

Emergency absentee voting forms pursuant to § 17-11-3(d)(1) can be found using the links below.

[Application for Emergency Absentee Ballot](#)

[Application for Municipal Absentee Ballot](#)

PERMANENT DISABILITY ABSENTEE (Ala. Code 17-11-3.1)

(a) A qualified voter who has a permanent disability preventing his or her attendance at the polls may vote by absentee ballot in accordance with this section.

(b) A voter who has a permanent disability can be placed on an absentee voter list and have a ballot automatically mailed to him or her before each election.

The rules shall include, but not be limited to, all of the following:

(1) An application procedure for permanently disabled voters to vote by absentee ballot on an on-going basis. The procedure shall require that the application form be signed and notarized by the disabled voter's primary physician.

(2) A procedure for verifying the identity of a voter and determining that the voter has a permanent disability preventing his or her attendance at the polls.

(3) A procedure for the voter to apply to the absentee ballot manager on an annual basis.

(4) A procedure for automatically mailing absentee ballots before each election in a timely manner to permanently disabled voters who have been placed on the absentee voter list. § 17-11-3.1.

PROCEDURES FOR APPLYING FOR A PERMANENT DISABILITY ABSENTEE BALLOT (Ala. Admin. Code 820-2-12-.03)

(1) The absentee ballot application for a permanently disabled voter shall be valid for all elections in the calendar year in which the application is submitted. For election cycles that span multiple calendar years, the application shall be valid for the whole election cycle. Voters voting pursuant to § 17-11-3.1 must resubmit the absentee application on an annual basis.

(2) When applying to vote absentee in county, state and federal elections, the permanently disabled voter shall submit the application to the county absentee election manager. When applying to vote absentee in municipal elections, the permanently disabled voter shall submit the application to the municipal absentee election manager.

(3) When a voter submits a valid application to vote absentee pursuant to § 17-11-3., the absentee election manager shall add that voter's name to a list of permanently disabled absentee voters.

APPLICATION AND PROCEDURES FOR ISSUANCE OF ABSENTEE BALLOTS (Ala. Admin. Code 820-2-12-.04)

(1) Individuals voting by absentee ballot pursuant to § 17-11-3.1 may apply for an absentee ballot by utilizing an application adopted by the State of Alabama pursuant to § 17-11-4 and § 17-11-3.1. The application must be submitted by the voter by U.S. mail, commercial carrier, or hand-delivery to the absentee election manager in the county in which the prospective absentee voter is registered to vote.

(2) The application prescribed by the Secretary of State shall provide a space to be signed and notarized by the applicant's primary physician in order to verify the applicant's status as a permanently disabled citizen.

(3) The applicant must submit the application to the absentee election manager no later than five (5) days prior to the election.

PROCEDURES FOR SENDING ABSENTEE BALLOTS (Ala. Admin. Code 820-2-12-.05)

At the beginning of the absentee voting period, the absentee election manager shall issue an absentee ballot to any registered voter who has an up-to-date permanently disabled citizen absentee application. Any voter who submits an absentee application pursuant to § 17-11-3.1 during the absentee voting period shall be issued an absentee ballot upon verification that the voter is registered and eligible to vote in that election.

FORMS FOR ABSENTEE VOTING BY PERMANENTLY DISABLED CITIZENS

Permanent Disability absentee forms pursuant to [Alabama Administrative Code 820.2.12](#) can be found using the links below.

[Application for Permanent Disability Absentee Ballot](#)

[Application for Municipal Permanent Disability Absentee Ballot](#)

UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)

The Secretary of State, by rule, prescribes standardized military and overseas voter registration applications and applications for absentee ballots adopted by the U.S. government for use and also the application for absentee voting which permits voters to identify themselves as a military and an overseas voter. An application for absentee ballot is valid through the end of the calendar year in which the application is filed, provided that if an election cycle begins one year and continues into the subsequent year, the application shall be valid for the whole election cycle. § 17-11-5(d).

A voter who is entitled to vote an absentee ballot pursuant to UOCAVA (military or overseas) or the Voting Accessibility for the Elderly and Handicapped Act shall not be required to produce identification. § 17-9-30(d).

UOCAVA voters are given the opportunity to choose how they would like to return their ballot. Overseas citizens and military and/or military spouses stationed outside the continental United States are given the opportunity to receive and return their ballot electronically, by U.S. mail, or by commercial carrier. Military voters located within the U.S. are given the opportunity to receive their ballot electronically, but must return their ballot by mail.

If a UOCAVA voter chooses the electronic delivery method for their ballot, the AEM will need to include the voter's email address and then check the box designating "Email" as their preferred contact on their basic absentee record. Then the absentee basic record must be flagged as "Military" or "Foreign". If the voter is requesting to return the ballot electronically due to being outside of the country, the "Foreign" box must be checked.

Ballots submitted by mail by military or overseas voters are to be accepted if postmarked as of the day of the election and received by mail no later than 12 noon, 7 days after the election. § 17-11-18(b).

Ballots submitted electronically by military or overseas voters are to be accepted by noon the day of the election.

UOCAVA applications may be received with a Fixed Date Range. All selected elections, elections for that calendar year or date range specified can be entered on the Absentee Maintenance Record when the application is received.

UOCAVA voter's ballots are sent electronically through our secure system. Once the voter's ballot has been successfully sent to the email address provided, they will be listed on the Processed List that is sent to the AEM's. It is important to change the status in their Absentee Maintenance Records to "Sent". Do not mark these as "Accepted" until the downloading process is completed.

Mail returned UOCAVA absentee ballots must be witnessed by two (2) witnesses who are 18 years of age or older. UOCAVA voters are no longer required to have the affidavit envelope accompanying their ballot notarized.

FEDERAL VOTING ASSISTANCE PROGRAM (FVAP) APPLICATIONS

The Federal Post Card Application for Registration and Absentee Ballot (FPCA) may be treated as both an application for registration to vote and an application for an absentee ballot. The AEM does not have the authority to register people to vote. Therefore, if a person who applies on a federal post card is not included on the list of qualified electors, the post card should be sent to the board of registrars. If the board decides to register the applicant, the AEM can then process the absentee application.

The Federal Write-in Absentee Ballot (FWAB) is a back-up ballot that can be used by Uniformed Services members on active duty, members of the merchant marine, and their spouses or dependents under the Uniform and Overseas Citizens Absentee Voting Act, which applies to primary, primary runoff, general or special elections for county, state or federal offices and for proposed constitutional amendments or other referenda. The FWAB can be used whether the voter is located inside or outside the United States (including APO and FPO addresses), provided that they are away from their voting residence for service-related activities. The application for a regular ballot must be made early enough for the AEM to receive the request at least 5 DAYS before the election. If the voter does not receive their regular ballot in time, they may use the FWAB. The FWAB must be postmarked no later than Election Day and received by the AEM no later than noon on the seventh day after Election Day. § 17-11-18(b).

FORMS FOR UOCAVA ABSENTEE VOTING

[UOCAVA Application for Absentee Ballot](#)

[Federal Post Card Application for Registration and Absentee Ballot \(FPCA\)](#)

[Federal Write-In Absentee Ballot \(FWAB\)](#)

SENDING ABSENTEE BALLOTS

After an absentee application has been received, the AEM must furnish the absentee voter with an absentee ballot if the applicant's name appears on the official list of qualified electors, or if the applicant qualifies for a provisional ballot. § 17-11-5(a). However, a ballot should not be issued to an applicant whose name does not appear on the voter registration list as a qualified elector.

The AEM must send a provisional ballot and related identification materials to an applicant whose name appears on the county voter registration list but does not appear on the list for the voting place in which he or she seeks to vote. § 17-11-9. An applicant whose name does not appear on the voter registration list is not entitled to an absentee ballot. § 17-11-9.

An absentee ballot should only be sent to the applicant's or voter's residence address or, upon written request of the voter, to the address where the voter regularly receives mail, or by handing the absentee ballot to the voter. § 17-11-5.

An absentee ballot should not be sent to the voter via a third party except under the medical emergency provisions described in the Emergency Absentee Ballots section.

PROVISIONAL ABSENTEE AND RELATED MATERIALS

The AEM must send a provisional ballot and related identification materials (PB-3 Form) to an applicant whose name appears in a voting place within the voter registration list, but does not appear on the list for the voting place in which he or she seeks to vote. § 17-11-9. The voter's record needs to be marked as "Provisional" in Power Profile.

If the applicant is not listed on the voter registration list at all, neither a regular absentee ballot or a provisional absentee ballot is issued.

Upon receipt of an absentee ballot application, the absentee election manager shall determine whether identification has been properly provided.

If the identification has not been properly provided with the application prior to the eighth day before the election, no ballot shall be issued. If the identification has not been properly provided with the application on or after the eighth day before the election, the absentee election manager shall issue the absentee ballot as a provisional ballot.

Absentee managers shall perform all of the following when issuing a provisional absentee ballot:

- (1) Mark the word "provisional" on the second or affidavit envelope prior to transmittal of the absentee ballot.
- (2) Enclose the following information with the transmittal of the absentee ballot:
 - (a) A written explanation as to why the ballot is a provisional ballot; how to complete the voter reidentification form and affirmation of provisional voter form; and the procedure followed by the board of registrars in verifying and certifying provisional votes;
 - (b) A written explanation that photo identification must be provided by the Friday after the election at 5:00 p.m.;
 - (c) A written explanation that if photo identification is not provided by the deadline, the vote will not be counted;
 - (d) A voter reidentification form and an affirmation of provisional voter form;
 - (e) An explanation of how the voter can later determine if their ballot was counted, and if it was not counted, why, and;
 - (f) A third envelope for identification as specified by § 17-9-30, § 17-10-2 and 17-11-9.

VOTING ASSISTANCE

- **RIGHT** – Any voter who requests voting assistance may receive help from any person the voter chooses except the voter's employer, an agent of the employer, or an officer or agent of the voter's union. **THE VOTER DOES NOT NEED TO STATE A REASON FOR REQUESTING ASSISTANCE.** § 17-9-13(a).
- **PROCEDURE** – “To obtain assistance, the voter must specifically request assistance by naming the person from whom assistance is sought and by signing in the appropriate column of the voters poll list.” § 17-9-13(a).
- **DISABLED VOTERS and SENIOR CITIZENS** – The voting process must be accessible to persons with disabilities § 17-2-4(c)(1) and senior citizens. Polling officials shall make available voting aids, and poll workers shall extend courtesy and consideration to persons with disabilities and senior citizens and offer assistance when requested.
- A polling official shall allow a voter who is mobility disabled or over the age of 70 to move to the front of the line at a polling place upon request of the voter. § 17-9-13.

SPOILED BALLOTS

- If a voter accidentally or mistakenly spoils the ballot and he or she cannot conveniently or safely vote using the ballot, the voter may return the ballot to the inspector, and the voter will be given another ballot. § 17-9-14(a)
- Spoiled ballots shall be placed in the envelope provided for spoiled ballots. § 17-9-14(b).
- If a voter claims to have not yet received their ballot, and some time has passed since the ballot was mailed to the voter, they may request a new ballot. The AEM will spoil the originally issued ballot number, and after the voter completes an affidavit indicating that their ballot was never received, they may be issued a new ballot.

BALLOT REQUIREMENTS

- The affidavits to certify that each applicant has a place of residence, reason for voting absentee, and the affidavit is signed. *Williams v. Lide*, 628 So. 2d 531 (Ala. 1993).
- The affidavit must be either notarized or witnessed by two (2) witnesses or in the case of a military or overseas voter is witnessed by two (2) witnesses.
- Must be signed by the voter, have the voter's address, the reason for voting absentee and the ballot must be properly witnessed or notarized.
- The ballot and envelopes must be sealed in the correct order.
- If the voter is issued a provisional absentee ballot due to lack of identification (within 8 days before the election), a copy of the voter's identification must be included in the third envelope, but not sealed inside any of the other envelopes.

MULTIPLE BALLOTS

Notwithstanding any other provision of otherwise applicable law, in the event more than one absentee ballot is cast in the name of a single voter, whether any such multiple ballot is cast by mail or otherwise, none of the affidavit envelopes containing the multiple ballots should be opened, and none of the multiple ballots should be counted, except in the event of an election contest upon the order of the election contest tribunal. Upon the conclusion of an election contest or, in the event no such contest is filed, upon the expiration of time for filing such a contest, the multiple ballots shall be provided to the district attorney, with photocopies provided to the state Attorney General, for the investigation, prosecution, or other action as may be appropriate under applicable law. § 17-11-3(f).

PROVISIONAL BALLOTS

Returned provisional ballots are to be left sealed and placed into the Provisional Ballot box. Those that have been accepted by the boards of registrars will be counted at noon on the Tuesday following Election Day.

The PB-3 forms from these ballots should be turned over to the boards of registrars to update the voter registration records.

Where the absentee ballot becomes provisional as a result of an absentee precinct inspector having knowledge that the person is not entitled to vote, the same procedures as previously described are followed and the inspector shall provide two (2) copies of the challenge to the AEM. § 17-10-2. However, the AEM must also mail one (1) copy of the challenge statement to the voter no later than the day after the election along with the following: a written explanation of the procedure used by the board of registrars in verifying and certifying provisional ballots and an address and phone number by which the provisional voter may respond.

All individuals casting absentee provisional ballots are to be provided a written explanation of how they may ascertain whether or not the provisional ballot was counted, and if not counted, the reason. § 17-10-2.

COUNTING BALLOTS

§ 17-11-3(f), Notwithstanding any other provision of otherwise applicable law, in the event more than one absentee ballot is cast in the name of the single voter, whether any such multiple ballot is cast by mail or otherwise, none of the affidavit envelopes containing the multiple ballots shall be opened, and none of the multiple ballots shall be counted, except in the event of an election contest, upon the order of the election contest tribunal. Upon the conclusion of an election contest or, in the event no such contest is filed, upon the expiration of time for filing such a contest, the multiple ballots shall be provided to the district attorney, with photocopies provided to the state Attorney General, for the investigation, prosecution, or other action as may be appropriate under applicable law.

Provisional absentees that have been accepted by the board of registrars will be opened and counted the Tuesday following Election Day, at noon.

Totals will be added to certified election results the week following the election.

ABSENTEE POLLING PROCESS

Absentee poll workers are appointed by the appointing board as are other poll workers. For every election the number of absentee poll workers consists of one inspector and at least three (3) clerks. § 17-11-11(a).

Beginning at noon on Election Day, the AEM must deliver the sealed affidavit envelopes to the election officials. The election officials then follow this procedure:

- (a) The election officials call the name of each voter casting an absentee ballot with poll watchers present. § 17-11-10;
- (b) The election officials review the affidavits to certify that each applicant has a place of residence, reason for voting absentee and the affidavit is signed. *Williams v. Lide*, 628 So. 2d 531 (Ala. 1993).
 - In addition, the affidavit must be either notarized or witnessed by two (2) witnesses, or, in the case of a military or overseas voter is witnessed by two (2) witnesses.
 - No poll worker or election officials shall open an affidavit envelope if the affidavit printed thereon is unsigned by the voter, lacks the voters address, lacks the reason for voting absentee or the ballot is not properly witnessed or notarized. § 17-11-10(c).
 - An absentee ballot that is rejected because the affidavit is incomplete or not properly witnessed or notarized shall not be converted to a provisional ballot.
 - There is no statutory authority by which the board of registrars can approve the counting of an absentee ballot with a deficient affidavit envelope.
- (c) The election officials separate the ballot envelopes from affidavit envelopes. The plain envelope is deposited into the sealed ballot box.
- (d) Ballots identified as provisional absentee ballots are counted separately.
- (e) The election officials then remove the ballots from the blank ballot envelopes and count.
 - The procedure for counting the absentee ballots in electronic voting equipment is generally the same as for poll workers in precincts and may not be tabulated until the polls close. For absentee voting, ballots may be tabulated beginning at 12 p.m. on Election Day, but the final tape will not be run until the close of polls after 7 p.m.

All applications and affidavits for an absentee ballot should be preserved in case of contest or in the event that an investigation by the district attorney reveals evidence which would warrant some prosecutorial action. 180 AG Op. 90 (Hon. James E. Floyd, 1980).