

STATE OF ALABAMA OFFICE OF THE SECRETARY OF STATE ELECTIONS
DIVISION
ADMINISTRATIVE CODE

CHAPTER 820-2-3
ABSENTEE VOTING

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820-2-3-.01	<u>Contents Of The Absentee Ballot And Accompanying Affidavit Envelope.</u>

(1) Each ballot style shall have its own designation. A ballot style is a printed ballot showing a specific group of races, candidates and/or propositions. To the extent of any variation in the printed races, candidates and/or propositions among printed ballots, each variety shall be distinctly designated.

(2) Each ballot shall have a pre-printed serial number. Ballot serial numbers shall correspond to the number of ballots printed in a particular ballot style. While serial numbers may be duplicated between separate ballot styles, serial numbers may not be duplicated within a ballot style.

(3) Each affidavit envelope shall contain designated blanks for the purpose of permitting the absentee election manager to write in the ballot style designation and serial number of the associated ballot.

Author: Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §17-10-22.

History: New Rule: Filed January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-10-.01, as per certification filed January 10, 2001; effective February 14, 2001.

**820-2-3-.02 Completion Of The Ballot Style And Serial Number
Blanks On The Affidavit Envelope.**

The Absentee Election Manager shall identify on the affidavit envelope in writing both the ballot style designation and the ballot serial number for the associated ballot prior to providing the affidavit envelope and ballot to the voter. Where absentee envelopes and ballots are provided to election officials for on-site absentee voting, the election officials shall be responsible for writing-in the ballot style designation and the ballot serial number of the associated ballot on the affidavit envelope prior to providing the affidavit envelope and associated ballot to the voter.

Author: Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §17-10-22.

History: New Rule: Filed January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-10-.02, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-3-.03 List Of Qualified Voters.

The list of qualified voters shall identify the correct ballot style designations for each voter. In the case of a primary election, ballot style designations for each party participating in the primary and a non-partisan ballot style designation shall be printed on the list of qualified voters. The absentee election manager and on-site absentee election officials shall use the ballot style designations printed on the list of qualified voters to identify the correct ballot style to provide a voter in an election. A voter claiming to qualify for a ballot style in conflict with the ballot style designation printed on the list of qualified voters may vote by challenged ballot.

Author: Charles E. Grainger, Jr.

Statutory Authority: Code of Ala. 1975, §17-10-22.

History: New Rule: Filed January 10, 2001; effective February 14, 2001.

Ed. Note: Formerly Rule 820-X-10-.03, as per certification filed January 10, 2001; effective February 14, 2001.

820-2-3-.04 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:

Front Side of Application

UOCAVA APPLICATION FOR ABSENTEE BALLOT
FOR USE ONLY BY INDIVIDUALS VOTING PURSUANT TO THE
UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT
FORM AV-U1

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)

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 primary 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	Complete this section if voter signs by mark →	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

Back Side of Application

PENALTIES**§17-17-24, Code of Ala. 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 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.

Author: 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.

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Amended: Published October 31, 2019; effective December 15, 2019.

820-2-3-.05 Definition of Commercial Carrier.

A commercial carrier shall be defined as a business licensed and regulated (pursuant to §37-3-5) in the area(s) in which it operates that advertises to the public and is engaged in the business of trade or traffic and commerce.

Author: Jeff Elrod, Hugh Evans

Statutory Authority: Act 2019-507.

History: New Rule: Published October 31, 2019; effective December 15, 2019.