

STATE OF ALABAMA OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODECHAPTER 820-2-10
PROCEDURES FOR IMPLEMENTING THE UNIFORMED AND OVERSEAS CITIZENS
ABSENTEE VOTING ACT ("UOCAVA")820-2-10-.03 Application And Procedures For Issuance Of
Absentee Ballot.

(1) Individuals voting by absentee ballot pursuant to UOCAVA may apply for an absentee ballot by utilizing an application adopted by the State of Alabama pursuant to §§17-11-4 or 17-11-5(d) or by utilizing the Federal Postcard Application provided for by UOCAVA. The application must be submitted by the voter by U.S. mail or hand-delivery to the absentee election manager in the county in which the prospective absentee voter is registered to vote. The application prescribed by the Secretary of State pursuant to §17-11-5(d) shall provide the UOCAVA applicant the means to request delivery of the blank absentee ballot by U.S. mail, by hand-delivery or by electronic transmission.

(2) A voter who chooses to have the blank absentee ballot transmitted to him or her electronically must designate that choice on the Federal Postcard Application or on the state-prescribed absentee ballot application prescribed pursuant to §17-11-5(d). If the voter does not make such designation, the blank absentee ballot shall be delivered to the voter by U.S. mail or hand-delivery.

(3) If the voter requests to have the blank absentee ballot transmitted electronically, the absentee election manager shall:

(a) verify the voter registration status of the applicant;

(b) record in the Alabama Voter Registration and Election Management System the request for the absentee ballot;

(c) deliver to the voter the blank absentee ballot by electronic transmission utilizing the electronic blank ballot transmission developed by the Secretary of State;

(d) shall notify the voter that to be properly cast and counted, the voted absentee ballot must be returned to the appropriate absentee election manager by the date specified in state law and provide the voter said date;

(4) Each absentee ballot delivered to a voter pursuant to UOCAVA shall include a "UOCAVA Affidavit" which shall read as prescribed in §17-11-7, Code of Ala. 1975, except:

(a) the instructions to the voter regarding signing and witnessing of the affidavit shall not include any reference to notarization and shall read "IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF AGE OR OLDER, PRIOR TO BEING DELIVERED OR MAILED TO THE ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.", and

(b) the affidavit shall not include a section for completion by a notary public.

(c) item (5) in paragraph (b) of §17-11-7 shall read "(5) I am entitled to vote an absentee ballot because I am a member of or a spouse or dependent of a member of the Armed Forces of the United States or am otherwise entitled to vote pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff."

(5) For voters requesting electronic transmission of the absentee ballot, the "UOCAVA Affidavit" shall be provided in electronic format to the voter; otherwise the "UOCAVA Affidavit" shall be provided printed on the ballot return envelope.

(6) For purposes of the MOVE Act and Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act, the Federal Postcard Application (FPCA) for absentee balloting provided for by Section 101(b)(2), of the Uniformed and Overseas Citizens Absentee Voting Act shall be processed as follows:

(a) An FPCA marked to request delivery of the absentee ballot by e-mail shall be processed as a request for electronic delivery of the blank absentee ballot.

(b) An FPCA marked to request delivery of the absentee ballot by fax shall be processed as a request for delivery by U.S. mail of the blank absentee ballot.

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Statutory Authority: Code of Ala. 1975, §§17-11-40 et seq., 17-1-3(a), 17-11-4, 17-11-5(d), 17-11-9.

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