HB193

53661-5

By Representatives Carns, Guin, Hill, Payne, Morrison,
McClurkin, McClendon, Beason, Humphryes, Galliher, Morton,
Wood, Ball, Sanderford, McDaniel, Thigpen, Allen, Hubbard,
Thomas (E), Garner, Glover, Collier, Ison, Barton, Gaston,
Albritton, McMillan, Davis, Hammon, Grimes, Love, Oden,
Brewbaker, Clouse, Faust, Ward, Gipson, Bridges, Beck, Gaines,
Laird, Greeson and Johnson

RFD: Constitution and Elections

First Read: 04-MAR-03
ENROLLED, An Act,

To require individual voters to present certain identification at the polls; to exempt certain voters voting by absentee ballot pursuant to federal law; to provide for challenged or provisional balloting; to provide for criminal penalties for certain violations; 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this section, the term "valid photo identification" may include in addition to governmentally produced photo identifications, identification cards containing the photo of the elector produced by employers for employees and identification cards containing the photo of the elector produced by a public or private college, university, or postgraduate technical or professional school located within the state.

(b) Each elector shall provide identification to an appropriate election official prior to voting. A voter required to show identification when voting in person shall present to the appropriate election official either of the following forms of identification:

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

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

b. A valid United States passport.

c. A valid Alabama hunting or fishing license.

d. A valid Alabama permit to carry a pistol or revolver.

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

f. A valid United States military identification card.

g. A certified copy of the elector's birth certificate.

h. A valid Social Security card.

i. Certified naturalization documentation.

j. A certified copy of court records showing adoption or name change.
k. A valid Medicaid card, Medicare card, or an Electronic Benefits Transfer Card (formerly referred to as a "food stamp card").

(c) For voters required to show identification when voting by mail, the voter shall submit with the ballot a copy of one of the forms of identification listed in subsection (b).

(d) Notwithstanding the foregoing, a voter who is entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (subchapter I-G of Chapter 20 of Title 42 U.S.C.); Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (subchapter I-F of Chapter 20 of Title 42 U.S.C.); or any other Federal law, shall not be required to produce identification prior to voting.

(e) An individual required to present identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by a challenged or provisional ballot, as provided for by law.

In addition, an individual who does not have identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is
Section 2. Any polling official who knowingly fails to require proper identification to verify the name of the prospective voter on the list of qualified voters at the polling place in violation of this act, or who knowingly allows a person to vote who he or she knows is not the person he or she claims to be shall be guilty of a Class A misdemeanor for each violation.

Section 3. Any person who knowingly presents false identification in order to vote at a polling place where he or she otherwise would not be qualified to vote, or who knowingly votes at a polling place where he or she has not been authorized to vote, or who knowingly votes at more than one polling place in the same election on the same day shall be guilty of a Class C felony.

Section 4. Any election or polling official acting in the good faith exercise of his or her duties pursuant to this act, and any county officer, agent or employee of a county acting in the good faith exercise of his or her duties shall not be civilly or criminally liable as a result of acts or omissions in carrying out the duties required by this act. The immunity from liability granted under this section shall be cumulative and is in addition to the line and scope of employment immunity, discretionary function immunity, and any
other immunity from liability to which an individual may be entitled.

Section 5. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.
Speaker of the House of Representatives

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 08-MAY-03, as amended.

Greg Pappas
Clerk

Senate 16-JUN-03 Passed