

1 HB186  
2 182262-1  
3 By Representative Rich  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 14-FEB-17

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8 SYNOPSIS: Under existing law, an elector must present  
9 a photo identification when he or she votes.

10 This bill would exempt from the voter photo  
11 identification requirement an elector who has a  
12 religious objection to being photographed and  
13 executes an affidavit of identity.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to voting; to amend Section 17-9-30, Code  
20 of Alabama 1975; to exempt from the voter photo identification  
21 requirement an elector who has a religious objection to being  
22 photographed and has executed an affidavit of identity.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 17-9-30, Code of Alabama 1975, is  
25 amended to read as follows:

26 "§17-9-30.

1           "(a) Each elector shall provide valid photo  
2 identification to an appropriate election official prior to  
3 voting. ~~A voter~~ An elector required to show valid photo  
4 identification when voting in person shall present to the  
5 appropriate election official one of the following forms of  
6 valid photo identification:

7           "(1) A valid Alabama driver's license or nondriver  
8 identification card which was properly issued by the  
9 appropriate state or county department or agency.

10           "(2) A valid Alabama photo voter identification card  
11 issued under subsection (f) or other valid identification card  
12 issued by a branch, department, agency, or entity of the State  
13 of Alabama, any other state, or the United States authorized  
14 by law to issue personal identification, provided that such  
15 identification card contains a photograph of the elector.

16           "(3) A valid United States passport.

17           "(4) A valid employee identification card containing  
18 the photograph of the elector and issued by any branch,  
19 department, agency, or entity of the United States government,  
20 this state, or any county, municipality, board, authority, or  
21 other entity of this state.

22           "(5) A valid student or employee identification card  
23 issued by a public or private college, university, or  
24 postgraduate technical or professional school located within  
25 the state, provided that such identification card contains a  
26 photograph of the elector.

1           "(6) A valid United States military identification  
2 card, provided that such identification card contains a  
3 photograph of the elector.

4           "(7) A valid tribal identification card containing a  
5 photograph of the elector.

6           "(b) ~~Voters~~ Electors voting an absentee ballot shall  
7 submit with the ballot a copy of one of the forms of  
8 identification listed in subsection (a).

9           "(c) Notwithstanding subsection (b), ~~a voter~~ the  
10 following shall not be required to produce identification  
11 prior to voting:

12           "(1) An elector who has a religious objection to  
13 being photographed and executes an affidavit of identity under  
14 perjury of law on a form prescribed by the Secretary of State  
15 and provided by the county or municipal election official.

16           "(2) An elector who is entitled to vote by absentee  
17 ballot pursuant to the Uniformed and Overseas Citizens  
18 Absentee Voting Act (subchapter I-G of Chapter 20 of Title 42  
19 U.S.C.); Section 3(b) (2) (B) (ii) of the Voting Accessibility  
20 for the Elderly and Handicapped Act (subchapter I-F of Chapter  
21 20 of Title 42 U.S.C.); or any other federal law, ~~shall not be~~  
22 ~~required to produce identification prior to voting.~~

23           "(d) An individual required to present valid photo  
24 identification in accordance with this section who is unable  
25 to meet the identification requirements of this section shall  
26 be permitted to vote by a provisional ballot, as provided for  
27 by law.

1           "(e) In addition, an individual who does not have  
2 valid photo identification in his or her possession at the  
3 polls shall be permitted to vote if the individual is  
4 positively identified by two election officials as ~~a voter~~ an  
5 elector on the poll list who is eligible to vote and the  
6 election officials sign a sworn affidavit so stating.

7           "(f) The Secretary of State shall issue, upon  
8 application, an Alabama photo voter identification card to  
9 registered Alabama electors which shall under state law be  
10 valid only for the purposes of voter identification under  
11 subsection (a) and available only to registered electors of  
12 this state. No fee shall be charged or collected for the  
13 application for or issuance of an Alabama photo voter  
14 identification card.

15           "(g) No person shall be eligible for an Alabama  
16 photo voter identification card if such person has a valid  
17 unexpired driver's license, nondriver identification card, or  
18 any other photo identification described in subsection (a).

19           "(h) The Alabama photo voter identification card  
20 shall be captioned ALABAMA PHOTO VOTER IDENTIFICATION CARD and  
21 shall contain a prominent statement that under Alabama law the  
22 card is valid only as identification for voting purposes. The  
23 Alabama photo voter identification card shall be laminated,  
24 shall contain a digital color photograph of the applicant,  
25 shall have the signature of the Secretary of State, and shall  
26 include the following information:

27           "(1) Full legal name.

1           "(2) Address as reflected in the person's voter  
2 registration record.

3           "(3) Date of birth.

4           "(4) Eye color.

5           "(5) Gender.

6           "(6) Height.

7           "(7) Weight.

8           "(8) Date identification card was issued.

9           "(9) Other information as required by rule of the  
10 Secretary of State.

11           "(i) The application for an Alabama photo voter  
12 identification card shall elicit the information required  
13 under subdivisions (1) to (7), inclusive, of subsection (h).  
14 The application shall be signed and sworn to by the applicant,  
15 and any falsification or fraud in the making of the  
16 application shall constitute a Class C felony.

17           "(j) The Secretary of State shall require  
18 presentation and verification of the following information  
19 before issuing an Alabama photo voter identification card to a  
20 person:

21           "(1) A photo identity document, except that a  
22 non-photo identity document is acceptable if the document  
23 includes both the person's full legal name and date of birth.

24           "(2) Documentation showing the person's date of  
25 birth.

26           "(3) Documentation showing the person is registered  
27 to vote in this state.

1           "(4) Documentation showing the person's name and  
2 address as reflected in the voter registration record.

3           "(k) An Alabama photo voter identification card  
4 shall remain valid so long as the person resides at that same  
5 address and remains qualified to vote. It shall be the duty of  
6 a person who moves his or her residence within the State of  
7 Alabama to surrender his or her card to the Secretary of  
8 State, and such person may after such surrender apply for and  
9 receive a new card if the person is otherwise eligible under  
10 this section. It shall be the duty of a person who moves his  
11 or her residence outside the State of Alabama or who ceases to  
12 be qualified to vote to surrender his or her card to the  
13 Secretary of State.

14           "(l) The Secretary of State is authorized to  
15 contract with a private provider for the production of the  
16 Alabama photo voter identification card pursuant to any  
17 applicable state bid laws.

18           "(m) The expenses for the production of the Alabama  
19 photo voter identification card shall be paid from funds  
20 appropriated in the state General Fund for Registration of  
21 Voters.

22           "(n) The Secretary of State is directed to inform  
23 the public regarding the requirements of subsection (a)  
24 through whatever means deemed necessary by the Secretary of  
25 State.

1                   "(o) The Secretary of State is granted rule-making  
2 authority for the implementation of this section under the  
3 Alabama Administrative Procedure Act."

4                   Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.