

Election Statute Navigator: Alabama

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/alabama/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day **§ 17-3-50**
 - Deadlines: Fifteen days before an election.
- Online registration available NOTE: No enabling legislation
- Registration via mail available **§ 17-3-59**
- Preregistration allowed
 - See **Alabama Constitution art. VIII**
- Residency requirement **§ 17-3-30**
 - See **Article 8 of the Constitution of Alabama of 1901**, as modified by federal law
- Prior conviction eligibility – See state code for specifics: **§ 17-3-30.1, § 17-3-31**
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote **§ 17-4-3**
- Voter list maintenance guidelines **§ 17-4-39**

State Absentee, Early, and Mail Voting

- Early voting allowed **§ 17-11-3**
- Listed excuses to vote absentee **§ 17-11-3**
- Absentee ballot application is verified **§ 17-11-5**
- Copy of Voter ID required with absentee ballot **§ 17-9-30(b)**
- Notary or witness signatures required on return envelope **§ 17-11-7**
- Absentee ballot verification details **§ 17-11-10**



- Absentee ballot return envelopes have an affidavit that the voter must sign. Those voting an absentee ballot shall submit with the ballot a copy of one of the valid forms of identification. Signatures of two witnesses or a notary public or other official authorized to acknowledge oaths are also required. If the affidavit envelope is not signed by the voter and properly witnessed, it is not opened and not counted.
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 17-11-9**
- Deadline by which election official must receive absentee/mailed ballots **§ 17-11-18**
- Election Day (by noon) and postmarked by the day before the election.
- Absentee/Mail ballot processing and counting procedures **§ 17-11-10**

In-Person Voter ID

- Photo ID requirements **§ 17-9-30**
- Exceptions to Voter ID Requirements: **§ 17-9-30**
 - An individual who does not have valid photo 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 eligible to vote and the election officials sign a sworn affidavit so stating.
- Options for voters without ID **§ 17-9-30**
 - Vote a provisional ballot or vote a regular ballot if s/he is identified by two election officials as an eligible voter on the poll list, and both election workers sign a sworn affidavit so stating.
 - If voting a provisional ballot, the voter has until 5:00PM on the Friday after the election to bring the required ID

Provisional Voting

- Provisional ballot availability **§ 17-10-2**
 - (1) The name of the individual does not appear on the official list of eligible voters for the precinct or polling place in which the individual seeks to vote, and the individual's registration cannot be verified while at the polling place by the registrar or the judge of probate.
 - (2) An inspector has knowledge that the individual is not entitled to vote at that precinct and challenges the individual.



- (3) The individual is required to comply with the voter identification provisions of Section 17-10-1 but is unable to do so. If the voter's ballot becomes a provisional ballot due to lack of identification, the identification, including the address and telephone number of the voter, must be provided to the board of registrars no later than 5:00 p.m. on the Friday following the election. If the voter fails to provide identification to the board of registrars by 5:00 p.m. on the Friday following the election, the voter's ballot shall not be counted.
- (4) A federal or state court order extends the time for closing the polls beyond that established by state law and the individual votes during the extended period of time. Notwithstanding any other provision of state law, where provisional ballots are cast pursuant to a federal or state court order extending the time for closing the polls beyond that established by state law, the provisional ballots shall be segregated from other provisional ballots into a separate sealed container for such purpose and shall be counted, tabulated, and canvassed only pursuant to the order of a court having proper jurisdiction.
- (5) The person has requested, but not voted, an absentee ballot.
- Time allotted to determine the status of provisional ballot **§ 17-10-2(f)**
 - By noon, seven days after the election.
- Provisional ballot rejection reasons **§ 17-10-2**
 - The provisional ballot voter is not registered to vote
 - The provisional ballot voter cast the provisional ballot in a precinct where he/she does not reside
 - The provisional ballot voter is determined to be ineligible to vote based on a challenge
 - The provisional ballot voter fails to provide proper photo ID
 - It is determined that the provisional ballot voter requested and voted an absentee ballot despite the claim that the provisional ballot voter did not vote his/her absentee ballot

Polling Place

- Electioneering or campaigning must not be closer than 30 feet to the entrance of the polling place **§ 17-9-50**
- Rules governing poll observers **§ 11-46-35**
- Poll watcher qualifications **§ 17-8-7**



- Must be a registered voter (resident and qualified elector), one per party per polling place. Prohibits election officials, including returning officials, from serving as poll watchers.
- Police presence **§ 17-13-26**
 - The sheriff of each county on the day of such primary election shall be present in person or by deputy at each election precinct or voting district where such elections are held, and shall preserve good order. All duties imposed and powers conferred upon the sheriff in county and district elections by this section are imposed and conferred on the marshal or chief of police in all municipal primary elections.
- Photography restrictions **§ 17-9-50.1**

State Emergency Rules and How Elections are Affected

- Secretary of State has authority to set rules and procedures (after declaring “election emergency”) **§ 17-11-50**
- Listed triggers for Emergency Rules **§ 17-11-50**
 - If a national or local emergency or other situation arises that makes substantial compliance with this article impossible or unreasonable, such as a natural disaster or an armed conflict involving the Armed Forces of the United States, or mobilization of those forces including state National Guard and state reserve components
- Explicit remedies in election statute **§ 17-11-50**
- All can vote by absentee ballot in state of emergency **§ 17-11-50**

Counting Rules

- Voting system requirements **§ 17-2-4**

Contest/Protest, Recount Rules

- Challenging a voter **§ 17-10-2**
- Automatic recount **§ 17-16-20**
 - Triggers: Less than 0.5% of votes cast for the office or measure

