

1 HB239
2 208875-3
3 By Representative Faulkner
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-FEB-22

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8 SYNOPSIS: Under existing law, in municipal elections,
9 an individual may receive assistance with voting
10 from two inspectors of his or her choice or any
11 other individual the voter chooses, and may receive
12 assistance with voting for specified reasons but
13 must state the reason he or she needs assistance.

14 Under existing law, in nonmunicipal
15 elections, an individual may receive assistance
16 with voting from any individual the voter chooses
17 except the voter's employer, an agent of the
18 employer, or an officer or agent of the voter's
19 union, and may receive assistance with voting for
20 any reason and is not required to state the reason
21 he or she needs assistance.

22 This bill would prohibit a candidate or poll
23 watcher from assisting an individual with voting
24 and make municipal election laws regarding
25 assistance with voting consistent with nonmunicipal
26 election laws.

1 This bill would also make nonsubstantive,
2 technical revisions to update the existing code
3 language to current style.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to elections; to amend Sections 11-46-51
10 and 17-9-13, Code of Alabama 1975, to prohibit a candidate or
11 poll watcher from assisting an individual with voting; to make
12 municipal election laws regarding assistance with voting
13 consistent with nonmunicipal election laws; and to make
14 nonsubstantive, technical revisions to update the existing
15 code language to current style.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 11-46-51 and 17-9-13, Code of
18 Alabama 1975, are amended to read as follows:

19 "§11-46-51.

20 "(a) The election officers shall, with the aid of
21 the diagrams authorized by this article and the mechanically
22 operated model, instruct each voter before he or she enters
23 the voting machine booth regarding the operation of the
24 machine and shall give the voter opportunity personally to
25 operate the model. ~~No voter shall be permitted to receive any~~
26 ~~assistance in voting at any election, unless he shall first~~
27 ~~state in writing upon printed forms supplied for that purpose~~

1 and under oath or affirmation, which shall be administered to
2 him by the inspector, that he is blind or that he cannot read
3 the names on the voting machines or that, by reason of
4 physical disability, he is unable to see the machine or
5 prepare it for voting or to enter the voting machine booth
6 without assistance. The voter shall state the specific
7 physical disability which requires him to receive assistance.
8 Thereupon the voter may request assistance of two inspectors
9 of his choice or some other person of his own choice and he
10 shall be assisted by the two election officials of his choice
11 or by such other person who shall aid him in voting, and the
12 inspector shall forthwith enter in writing on the record of
13 assisted voters the voter's name, the fact that the voter
14 cannot read the names on the voting machine, if that shall be
15 the reason for requiring assistance and, otherwise, the
16 specific physical disability which requires him to receive
17 assistance and the name of the election officials or such
18 other person furnishing the assistance. Further, should an
19 illiterate voter desire the assistance of a federal observer
20 in casting his ballot, the election officials shall permit
21 such federal observer to assist such the illiterate voter in
22 casting his ballot.

23 "(b) Any individual voter who desires assistance in
24 voting may receive assistance from any individual the voter
25 chooses except the voter's employer, an agent of the employer,
26 a candidate, a poll watcher, or an officer or agent of the
27 voter's union. The voter is not required to state a reason for

1 requesting assistance. To obtain assistance, the voter must
2 specifically request assistance by naming the individual from
3 whom assistance is sought and by signing in the appropriate
4 column of the voters' poll list. The individual providing
5 assistance shall legibly sign in the adjacent column on the
6 same line as the assisted voter's name. By signing the poll
7 list, the assistant shall certify that he or she is not the
8 voter's employer, an agent of the employer, a candidate, a
9 poll watcher, or an officer or agent of the voter's union. If
10 the voter is unable to sign the poll list, the individual
11 providing assistance shall write the voter's name in the
12 appropriate column and then sign his or her own name in the
13 third column.

14 "(c) If any voter, after entering the voting machine
15 booth and before the closing of ~~such~~ the booth ~~shall ask~~ asks
16 for further instruction concerning the manner of voting, ~~he~~
17 the voter may choose an election officer or other ~~person~~
18 individual of his or her choice, except the voter's employer,
19 an agent of the employer, a candidate, a poll watcher, or an
20 officer or agent of the voter's union, who shall give ~~him~~ ~~such~~
21 the voter instructions, but no official or other ~~person~~
22 individual giving a voter ~~such~~ instructions shall in any
23 manner request, suggest, or seek to persuade or induce any
24 ~~such~~ voter to vote any particular ticket, ~~or~~ for any
25 particular candidate, or for or against any particular
26 question. After giving ~~such~~ instructions and before the
27 elector closes the booth or votes, the election officer or

1 other ~~person~~ individual shall ~~retire~~ exit the voting machine
2 booth, and the voter shall ~~forthwith~~ vote.

3 "~~(b)~~ (d) It shall be unlawful for ~~any official to~~
4 ~~assist a voter who has not made the oath required in~~
5 ~~subsection (a) of this section, or for an official or any~~
6 other ~~person~~ individual to do anything to enable ~~himself~~ the
7 individual to see how any voter votes other than in the course
8 of assisting a voter as provided in subsection (a) ~~of this~~
9 ~~section.~~

10 "§17-9-13.

11 "(a) Any ~~person~~ individual voter who wishes
12 assistance in voting may receive assistance from any ~~person~~
13 individual the voter chooses except the voter's employer, an
14 agent of the employer, a candidate, a poll watcher, or an
15 officer or agent of the voter's union. The voter is not
16 required to state a reason for requesting assistance. To
17 obtain assistance, the voter must specifically request
18 assistance by naming the ~~person~~ individual from whom
19 assistance is sought and by signing in the appropriate column
20 of the voters' poll list. The ~~person~~ individual providing
21 assistance shall legibly sign in the adjacent column on the
22 same line as the assisted voter's name. By signing the poll
23 list, the assistant shall certify that he or she is not the
24 voter's employer, an agent of the employer, a candidate, a
25 poll watcher, or an officer or agent of the voter's union. If
26 the voter is unable to sign the poll list, the ~~person~~
27 individual giving assistance shall write the voter's name in

1 the appropriate column and then sign his or her own name in
2 the third column.

3 "(b) Any voter remaining for four minutes or longer
4 in a voting station, including, but not limited to, a voting
5 machine, table, booth, or device that permits a voter to
6 complete a ballot in privacy, ~~for four minutes or longer~~ may
7 be asked by a poll official if he or she requires assistance.
8 At the same time, the voter shall be reminded that he or she
9 has the right to have the assistance of any other ~~person~~
10 individual as permitted ~~by law~~ in this section, and that the
11 poll officials may assist the voter if ~~he or she so~~ the voter
12 desires assistance. If the voter does not desire assistance,
13 the voter shall be permitted to remain in the voting station
14 for no less than one additional minute. At the end of this
15 additional minute, and if there exists a line of individuals
16 waiting to vote, the voter may be informed that time is up and
17 be asked to leave. If there is no line, the voter shall have
18 as much time as necessary to finish voting. If the voter does
19 request assistance, the voter may have the assistance of any
20 ~~person~~ individual of his or her choosing currently in the
21 voting place, as permitted ~~by law~~ in this section, and may
22 have no less than an additional five minutes to vote. At the
23 end of this additional five minutes, and if there exists a
24 line of individuals waiting to vote, the voter may be informed
25 that the time is up and be asked to leave the voting station.
26 If there is no line, the voter shall have as much time as
27 necessary to finish voting. Before an assigned voter exits the

1 voting place, the voters' poll list must be revised to reflect
2 that assistance was received.

3 "(c) An election official shall allow any voter who
4 is mobility disabled or over the age of 70, who so requests,
5 to move to the front of the line at the polling place.

6 "(d) This section applies to general, primary, and
7 special elections.

8 "(e) The Chief election official at each polling
9 place shall post a public notice at each polling place
10 explaining mobility disabled voters or voters over the age of
11 70 are allowed, upon their request, to move to the front of
12 the line at the polling place."

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.