

**HB209 ENGROSSED**



1 5CED33-2

2 By Representatives Kiel, Mooney, Stadthagen, Lipscomb, Sells,  
3 Butler, Shaw, Simpson, Kirkland, Shirey, Rigsby, Estes,  
4 DuBose, Garrett, Lamb, Moore (P), Stringer, Marques, Carns,  
5 Underwood, Lomax, Wood (D), Brown, Ledbetter, Cole,  
6 Standridge, Stubbs, Hulsey, Shedd, Colvin, Gidley, Wilcox,  
7 Collins, Kitchens, Whorton, Harrison, Yarbrough, Crawford,  
8 Woods, Bedsole, Fidler, Fincher

9 RFD: Judiciary

10 First Read: 23-Mar-23

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12 2023 Regular Session



## HB209 Engrossed

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to voting; to prohibit any person from distributing, ordering, requesting, collecting, prefilling, obtaining, or delivering an absentee ballot application or absentee ballot of another person in certain circumstances; to provide for exceptions; to prohibit a person from receiving a payment or providing a payment to another person for distributing, ordering, requesting, collecting, prefilling, completing, obtaining, or delivering an absentee ballot application or absentee ballot of another person in certain circumstance; 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 Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Except as provided in subsection (c), it shall be unlawful for any person to knowingly distribute, order, request, collect, prefill, obtain, or deliver an absentee ballot application or absentee ballot in addition to his or her own absentee ballot application or absentee ballot.

(b) Any person who violates this section shall be guilty of a Class D felony.



## HB209 Engrossed

29 (c) Any voter requiring assistance in ordering,  
30 requesting, obtaining, or delivering an absentee ballot  
31 application may gain assistance from any of the following:

32 (1) Any family member to the second degree of kinship,  
33 including, but not limited to, an aunt, uncle, grandparent,  
34 grandchild, niece, nephew, parent, full-sibling, half-sibling,  
35 or child.

36 (2) A resident of the household who has resided with  
37 the voter for more than six months immediately prior to the  
38 voter submitting his or her absentee ballot application.

39 (3) The Alabama Secretary of State or an employee of  
40 the Alabama Secretary of State designated in writing by the  
41 Alabama Secretary of State.

42 (4) The judge of probate or an employee designated in  
43 writing by the judge of probate for the county in which the  
44 elector resides.

45 (5) The absentee election manager for the county in  
46 which the elector resides for elections.

47 (6) The absentee election manager for the municipality  
48 in which the voter votes for municipal elections.

49 (7) A guardian, conservator, or other individual  
50 appointed by order of the probate court.

51 (e) Electors voting by absentee ballot through the  
52 Uniformed and Overseas Citizens Absentee Voting Act are not  
53 subject to this section.

54 Section 2. It shall be an affirmative defense under  
55 Section 1 if an individual, of the voter's choosing, provides  
56 assistance to a voter due to the voter being blind, disabled,



## HB209 Engrossed

57 or unable to read or write, pursuant to 52 U.S.C. § 10508.

58 Section 3. (a) It shall be unlawful for a third party  
59 to knowingly receive a payment for distributing, ordering,  
60 requesting, collecting, completing, prefilling, obtaining, or  
61 delivering another voter's absentee ballot application or  
62 absentee ballot.

63 (b) It shall be unlawful for a person to knowingly pay  
64 a third party to distribute, order, request, collect, prefill,  
65 complete, obtain, or deliver another voter's absentee ballot  
66 application or absentee ballot.

67 (c) (1) Any person who violates subsection(a) shall be  
68 guilty of a Class C felony.

69 (2) Any person who violates subsection (b) shall be  
70 guilty of a Class B felony.

71 Section 4. Although this bill would have as its purpose  
72 or effect the requirement of a new or increased expenditure of  
73 local funds, the bill is excluded from further requirements  
74 and application under Section 111.05 of the Constitution of  
75 Alabama of 2022, because the bill defines a new crime or  
76 amends the definition of an existing crime.

77 Section 5. This act shall become effective immediately  
78 following its passage and approval by the Governor, or its  
79 otherwise becoming law.



# HB209 Engrossed

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## House of Representatives

Read for the first time and referred .....23-Mar-23  
to the House of Representatives  
committee on Judiciary  
  
Read for the second time and placed .....19-Apr-23  
on the calendar:  
1 amendment  
  
Read for the third time and passed .....04-May-23  
as amended  
Yeas 76  
Nays 28  
Abstains 1

John Treadwell  
Clerk