

SB1 INTRODUCED



1 SB1
2 LFNVYY-1
3 By Senators Gudger, Roberts, Allen, Bell, Weaver, Elliott,
4 Barfoot, Shelnut, Stutts, Waggoner
5 RFD: State Governmental Affairs
6 First Read: 06-Feb-24
7 PFD: 09-Jun-23



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SYNOPSIS:

This bill would prohibit any person from ordering, requesting, collecting, prefilling, obtaining, or delivering an absentee ballot application or absentee ballot of a voter in certain circumstances and would provide for exceptions.

This bill would prohibit any 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 a voter in certain circumstances.

This bill would also establish criminal penalties for violations.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to



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29 require a new or increased expenditure of local funds
30 within the meaning of the amendment. However, the
31 bill does not require approval of a local
32 governmental entity or enactment by a 2/3 vote to
33 become effective because it comes within one of the
34 specified exceptions contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to voting; to prohibit any person from

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ordering, requesting, collecting, prefilling, obtaining, or

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delivering an absentee ballot application or absentee ballot

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of a voter in certain circumstances; to provide for

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exceptions; to prohibit a person from receiving a payment or

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providing a payment to another person for distributing,

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ordering, requesting, collecting, prefilling, completing,

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obtaining, or delivering an absentee ballot application or

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absentee ballot of a voter in certain circumstances; and in

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connection therewith would have as its purpose or effect the

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requirement of a new or increased expenditure of local funds

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within the meaning of Section 111.05 of the Constitution of

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Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. (a) Except as provided in subsection (c), it

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shall be unlawful for any person to knowingly order, request,



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57 collect, prefill, obtain, or deliver an absentee ballot
58 application or absentee ballot other than his or her own
59 absentee ballot application or absentee ballot.

60 (b) Any person who violates this section shall be
61 guilty of a Class A misdemeanor.

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

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

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

72 (3) The Alabama Secretary of State or an employee of
73 the Alabama Secretary of State designated in writing by the
74 Alabama Secretary of State.

75 (4) The judge of probate or an employee designated in
76 writing by the judge of probate for the county in which the
77 elector resides.

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

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

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

84 (d) Electors voting by absentee ballot through the



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85 Uniformed and Overseas Citizens Absentee Voting Act are not
86 subject to this section.

87 (e) It shall not be a violation of this section if an
88 individual, of the voter's choosing, provides assistance to a
89 voter due to the voter being blind, disabled, or unable to
90 read or write, pursuant to 52 U.S.C. § 10508.

91 Section 2. (a) It shall be unlawful for a third party
92 to knowingly receive a payment for distributing, ordering,
93 requesting, collecting, completing, prefilling, obtaining, or
94 delivering a voter's absentee ballot application or absentee
95 ballot.

96 (b) It shall be unlawful for a person to knowingly pay
97 a third party to distribute, order, request, collect, prefill,
98 complete, obtain, or deliver a voter's absentee ballot
99 application or absentee ballot.

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

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

104 Section 3. Although this bill would have as its purpose
105 or effect the requirement of a new or increased expenditure of
106 local funds, the bill is excluded from further requirements
107 and application under Section 111.05 of the Constitution of
108 Alabama of 2022, because the bill defines a new crime or
109 amends the definition of an existing crime.

110 Section 4. This act shall become effective immediately
111 following its passage and approval by the Governor, or its
112 otherwise becoming law.