

HB31 INTRODUCED



1 HB31
2 XAC9E7E-1
3 By Representative Clarke
4 RFD: Constitution, Campaigns and Elections
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SYNOPSIS:

Under existing law, an application for an absentee ballot may only be delivered to the absentee election manager by the applicant. Also under existing law, an absentee ballot may only be delivered to the absentee election manager by the voter of the absentee ballot.

This bill would allow a voter who is disabled, blind, or unable to read or write to designate an individual to deliver the voter's application for an absentee ballot to the absentee election manager.

This bill would allow a voter who is disabled, blind, or unable to read or write to designate an individual to deliver the voter's absentee ballot to the absentee election manager.

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

A BILL
TO BE ENTITLED
AN ACT

Relating to absentee voting; to amend Sections 17-11-4,



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29 as last amended by Act Number 2024-33 of the 2024 Regular
30 Session, and 17-11-9, Code of Alabama 1975, to allow a voter
31 who is disabled, blind, or unable to read or write to
32 designate an individual to deliver the voter's application for
33 an absentee ballot to the absentee election manager; to allow
34 a disabled voter to designate an individual to deliver the
35 voter's absentee ballot to the absentee election manager; and
36 to make nonsubstantive, technical revisions to update the
37 existing code language to current style.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. Sections 17-11-4, as last amended by Act
40 Number 2024-33 of the 2024 Regular Session, and 17-11-9, Code
41 of Alabama 1975, are amended to read as follows:

42 "§17-11-4

43 (a) The application required in Section 17-11-3 shall
44 be in a form prescribed and designed by the Secretary of State
45 and shall be used throughout the state. The application form
46 shall contain and require all of the following:

47 (1) That the applicant submit sufficient information to
48 identify the applicant.

49 (2) The applicant's name, residence address, and such
50 other information as necessary to verify that the applicant is
51 a registered voter.

52 (3) A list of all felonies of moral turpitude, as
53 provided in Section 17-3-30.1, and a requirement that the
54 applicant declare that he or she is not barred from voting
55 because of a disqualifying felony conviction or, if the
56 applicant was convicted of a disqualifying felony, that the



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57 applicant's right to vote has been restored.

58 (4) An explanation of penalties for violations of this
59 section.

60 (b) (1) Any applicant may receive assistance in filling
61 out the application as he or she desires, but each application
62 shall be manually signed by the applicant, under penalty of
63 perjury, and if he or she signs by mark, the application shall
64 also include the name of the witness and the witness's
65 signature.

66 (2) It shall be unlawful for any person to knowingly
67 distribute an absentee ballot application to a voter which is
68 prefilled with the voter's name or any other information
69 required on the application form.

70 (c) (1) Completed applications may be submitted to the
71 absentee election manager in any of the following ways, as
72 further provided by rule of the Secretary of State:

73 a. The applicant delivering the application in person.
74 b. The applicant mailing the application by U.S. mail.
75 c. The applicant sending the application by commercial
76 carrier.

77 d. The applicant's designee delivering the application
78 in person for any applicant who is disabled, blind, or unable
79 to read, or who requires emergency treatment by a licensed
80 physician within five days before an election pursuant to
81 Section 17-11-3. For purposes of this paragraph, a "disabled
82 voter" means an individual who is temporarily or permanently
83 physically incapacitated and unable to apply for an absentee
84 ballot application without assistance.



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85 (2) Except in situations governed by paragraph (1)d. or
86 Section 17-11-3(f), it shall be unlawful for an individual to
87 submit a completed absentee ballot application to the absentee
88 election manager other than his or her own application, ~~except~~
89 ~~that an application for a voter who requires emergency~~
90 ~~treatment by a licensed physician within five days before an~~
91 ~~election pursuant to Section 17-11-3 may be submitted to the~~
92 ~~absentee election manager by an individual designated by the~~
93 ~~applicant.~~

94 (d) (1) Except in situations governed by Section
95 17-11-3(f), it shall be unlawful for a third party to
96 knowingly receive a payment or gift for distributing,
97 ordering, requesting, collecting, completing, prefilling,
98 obtaining, or delivering a voter's absentee ballot
99 application. Any person who violates this subdivision shall be
100 guilty of a Class C felony.

101 (2) Except in situations governed by Section
102 17-11-3(f), it shall be unlawful for a person to knowingly pay
103 or provide a gift to a third party to distribute, order,
104 request, collect, ~~prefill~~, complete, prefill, obtain, or
105 deliver a voter's absentee ballot application. Any person who
106 violates this subdivision shall be guilty of a Class B felony.

107 (e) Any voter who requires assistance to vote by reason
108 of blindness, disability, or inability to read or write may be
109 given assistance by an individual of the voter's choice, other
110 than the voter's employer or agent of that employer or officer
111 or agent of the voter's union.

112 (f) Voters voting by absentee ballot through the



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113 Uniformed and Overseas Citizens Absentee Voting Act are not
114 subject to this section. The Secretary of State shall provide
115 applications for absentee voting to military and overseas
116 voters in accordance with Section 17-4-35."

117 "§17-11-9

118 (a) (1) Each prospective absentee voter who meets the
119 requirements of this article shall be furnished with the
120 absentee ballot ~~herein provided for~~, together with ~~two~~three
121 envelopes for returning his or her marked ballot and
122 instructions for completing and returning the absentee ballot
123 as well as instructions for correcting mistakes in completing
124 ballots or obtaining a replacement ballot.

125 ~~One~~ (2) The first envelope shall be a ~~plain~~secrecy
126 envelope in which the ballot shall be sealed by the voter
127 after he or she has marked it.

128 (3) The second envelope shall be an affidavit envelope.
129 The affidavit envelope shall have the voter's affidavit
130 printed on the back ~~and shall be large enough to seal the~~
131 ~~plain ballot envelope inside~~.

132 (4) The ~~second~~third envelope shall ~~also~~ be a return
133 mail envelope. The return mail envelope shall be addressed on
134 the front to the absentee election manager and shall be
135 endorsed on the left-hand upper corner thereof as follows:

136 "Absent Voter's Ballot. State, County, Municipal,
137 General, Primary, or Special Election (as the case may be) to
138 be held on the ___ day of ____, 2__ From _____ (name of
139 voter), precinct or districts _____, County of _____,
140 Alabama."



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141 (b) (1) After marking the ballot and subscribing the
142 oath ~~herein~~ required, the voter shall: (i) seal his or her
143 ballot in the ~~plain~~ secrecy envelope; (ii) place ~~that~~
144 ~~plain~~ the secrecy envelope inside the affidavit envelope; (iii)
145 complete the affidavit, and have a notary public (or
146 other officer authorized to acknowledge oaths) or two
147 ~~witnesses~~ individuals witness his or her signature to the
148 affidavit, ~~and forward it~~; (iv) place the affidavit envelope
149 inside the return mail envelope; and (v) hand deliver the
150 return mail envelope to the absentee election manager or send
151 the return mail envelope by United States mail or by
152 commercial carrier to the absentee election manager ~~or hand it~~
153 ~~to him or her in person~~.

154 (2) Notwithstanding subdivision (1), a voter who is
155 disabled, blind, or unable to read or write, may have his or
156 her designee, hand deliver the return mail envelope to the
157 absentee election manager or send the return mail envelope by
158 United States mail or by commercial carrier. For purposes of
159 this subdivision, a "disabled voter" means an individual who
160 is temporarily or permanently physically incapacitated and
161 unable to vote by absentee ballot without assistance.

162 (c) (1) Notwithstanding ~~the other provisions of~~ this
163 section, the absentee election manager shall determine whether
164 an applicant for an absentee ballot is obligated to produce
165 identification in accordance with Sections 17-9-30 and 17-10-1
166 or reidentify in accordance with Chapter 4. For absentee
167 applicants required to produce identification, ~~a third~~ an
168 additional envelope of different color and sufficient size to



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169 enclose the ~~first and second~~ secrecy and affidavit envelopes
170 shall be provided to the applicant along with instructions for
171 including a proper form of identification in accordance with
172 Sections 17-9-30 and 17-10-1.

173 (2) For absentee applicants required to reidentify
174 because they do not appear in the voting place for which they
175 seek to vote but do appear in another voting place within the
176 state voter registration list, the absentee election manager
177 shall provide to the voter ~~a third~~ an additional envelope of
178 different color and sufficient size to enclose the ~~first and~~
179 ~~second~~ secrecy and affidavit envelopes along with a voter
180 reidentification form, a provisional voter affirmation, and
181 instructions in accordance with Section 17-10-2. ~~Such~~ The
182 ballot shall be treated as a provisional ballot and the term
183 "Provisional" shall be marked on the ~~second or~~ affidavit
184 envelope prior to transmitting the ballot to the voter.

185 (3) Applicants for an absentee ballot who do not appear
186 on the state voter registration list shall not be entitled to
187 an absentee ballot."

188 Section 2. This act shall become effective on October
189 1, 2025.