

# HB77 INTRODUCED



1 HB77  
2 LJBLAYW-1  
3 By Representative Clarke  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 04-Feb-25  
6 PFD: 06-Jan-25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 disabled voter to designate an individual to deliver the voter's application for an absentee ballot to the absentee election manager.

This bill would allow a disabled voter to designate an individual to deliver the voter's absentee ballot to the absentee election manager.

This bill would define "disability."

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,



## HB77 INTRODUCED

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  
31 disabled voter to designate an individual to deliver the  
32 voter's application for an absentee ballot to the absentee  
33 election manager; to allow a disabled voter to designate an  
34 individual to deliver the voter's absentee ballot to the  
35 absentee election manager; and to make nonsubstantive,  
36 technical revisions to update the existing code language to  
37 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



## HB77 INTRODUCED

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 has a disability or who  
79 requires emergency treatment by a licensed physician within  
80 five days before an election pursuant to Section 17-11-3. For  
81 purposes of this paragraph, "disability" means a physical or  
82 mental impairment that substantially limits one or more major  
83 life activities of the applicant.

84 (2) Except in situations governed by paragraph (1)d. or



## HB77 INTRODUCED

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

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

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

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

111 (f) Voters voting by absentee ballot through the  
112 Uniformed and Overseas Citizens Absentee Voting Act are not



## HB77 INTRODUCED

113 subject to this section. The Secretary of State shall provide  
114 applications for absentee voting to military and overseas  
115 voters in accordance with Section 17-4-35."

116 "§17-11-9

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

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

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

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

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

140 (b) (1) After marking the ballot and subscribing the



## HB77 INTRODUCED

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

153 (2) Notwithstanding subdivision (1), a voter who has a  
154 disability may have his or her designee, hand deliver the  
155 return mail envelope to the absentee election manager or send  
156 the return mail envelope by U.S. mail or by commercial  
157 carrier. For purposes of this subdivision, "disability" means  
158 a physical or mental impairment that substantially limits one  
159 or more major life activities of the voter.

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



## HB77 INTRODUCED

169 including a proper form of identification in accordance with  
170 Sections 17-9-30 and 17-10-1.

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

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

186 Section 2. This act shall become effective on October  
187 1, 2025.