

HB45 INTRODUCED



1 HB45
2 RBHG7YY-1
3 By Representative Clarke
4 RFD: Constitution, Campaigns and Elections
5 First Read: 13-Jan-26
6 PFD: 05-Nov-25



4 SYNOPSIS:

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

11 This bill would allow a disabled voter to
12 designate an individual to deliver to the absentee
13 election manager the voter's application for an
14 absentee ballot.

15 This bill would define "disability."

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

21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 Relating to absentee voting; to amend Sections 17-11-4
26 and 17-11-9, Code of Alabama 1975; to allow a disabled voter
27 to designate an individual to deliver the voter's application
28 for an absentee ballot to the absentee election manager; and



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to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-11-4 and 17-11-9, Code of Alabama 1975, are amended to read as follows:

"§17-11-4

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

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

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

(3) A list of all felonies of moral turpitude, as provided in Section 17-3-30.1, and a ~~requirement that the applicant declare~~declaration that ~~he or she~~the applicant is not barred from voting because of a disqualifying felony conviction or, if the applicant was convicted of a disqualifying felony, that the applicant's right to vote has been restored.

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

(b) (1) Any applicant may receive assistance in filling out the application as he or she desires, but each application shall be manually signed by the applicant, under penalty of perjury, and if he or she signs by mark, the application shall



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also include the name of the witness and the witness's signature.

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

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

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

d. The applicant's designee delivering the application in person for any applicant who has a disability or who requires emergency treatment by a licensed physician within five days before an election pursuant to Section 17-11-3. For purposes of this paragraph, "disability" means a physical or mental impairment that substantially limits one or more major life activities of the applicant.

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



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applicant.

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

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

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

(f) Voters voting by absentee ballot through the Uniformed and Overseas Citizens Absentee Voting Act are not subject to this section. The Secretary of State shall provide applications for absentee voting to military and overseas voters in accordance with Section 17-4-35."

"§17-11-9

(a) (1) Each prospective absentee voter who meets the requirements of this article shall be furnished with the absentee ballot ~~herein provided for~~, together with ~~two~~ three



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envelopes for returning his or her marked ballot and instructions for completing and returning the absentee ballot as well as instructions for correcting mistakes in completing ballots or obtaining a replacement ballot.

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

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

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

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

(b) (1) After marking the ballot and subscribing the oath ~~herein~~ required, the voter shall: (i) seal his or her ballot in the ~~plain~~secrecy envelope; (ii) place ~~that plain~~the secrecy envelope inside the affidavit envelope; (iii) complete the affidavit, and have a notary public (or other officer authorized to acknowledge oaths) or two ~~witnesses~~individuals witness his or her signature to the affidavit, ~~and forward it by United States;~~ (iv) place the



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affidavit envelope inside the return mail envelope; and (v)
hand deliver the return mail envelope to the absentee election
manager or send the return mail envelope by U.S. mail or by
commercial carrier to the absentee election manager ~~or hand it~~
~~to him or her in person.~~

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

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

(2) For absentee applicants required to reidentify
because they do not appear in the voting place for which they
seek to vote but do appear in another voting place within the
state voter registration list, the absentee election manager
shall provide to the voter ~~a third~~ an additional envelope of



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different color and sufficient size to enclose the ~~first and~~
~~second~~secrecy and affidavit envelopes along with a voter
reidentification form, a provisional voter affirmation, and
instructions in accordance with Section 17-10-2. ~~Such~~The
ballot shall be treated as a provisional ballot and the term
"Provisional" shall be marked on the ~~second or~~ affidavit
envelope prior to transmitting the ballot to the voter.

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

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