



**House Constitution, Campaigns and Elections
Reported Substitute for HB209**

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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.



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

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

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

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

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

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

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

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

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

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

56 **Section 2. It shall be an affirmative defense under**



House Constitution, Campaigns and Elections
Reported Substitute for HB209

57 Section 1 if an individual, of the voter's choosing, provides
58 assistance to a voter due to the voter being blind, disabled,
59 or unable to read or write, pursuant to 52 U.S.C. § 10508.

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

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

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

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

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

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