



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 absentee ballot application must be filled out by the applicant, but the applicant may ask for assistance from another individual. Additionally, only the applicant himself or herself is allowed to return an absentee ballot application, whether in person or by mail or common carrier.

This bill would delete a provision allowing for handwritten absentee ballot applications.

This bill would prohibit any person other than the applicant from prefilling an application form.

This bill would prohibit any person from receiving or providing a payment or gift to another person for distributing, ordering, requesting, collecting, prefilling, completing, obtaining, or delivering an absentee ballot application of a voter in certain circumstances.

This bill would provide criminal penalties for violations of this act and for violations of the absentee voting laws generally.

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

Section 111.05 of the Constitution of Alabama of



29 2022, prohibits a general law whose purpose or effect
30 would be to require a new or increased expenditure of
31 local funds from becoming effective with regard to a
32 local governmental entity without enactment by a 2/3
33 vote unless: it comes within one of a number of
34 specified exceptions; it is approved by the affected
35 entity; or the Legislature appropriates funds, or
36 provides a local source of revenue, to the entity for
37 the purpose.

38 The purpose or effect of this bill would be to
39 require a new or increased expenditure of local funds
40 within the meaning of the amendment. However, the bill
41 does not require approval of a local governmental
42 entity or enactment by a 2/3 vote to become effective
43 because it comes within one of the specified exceptions
44 contained in the amendment.

45
46
47
48
49
50

A BILL
TO BE ENTITLED
AN ACT

51 Relating to absentee ballot applications; to amend
52 Section 17-11-4, Code of Alabama 1975; to delete a provision
53 allowing handwritten absentee ballot applications; to prohibit
54 prefilling of applications by another person; to prohibit a
55 person from receiving a payment or providing a payment or gift
56 to another person for distributing, ordering, requesting,



57 collecting, prefilling, completing, obtaining, or delivering
58 an absentee ballot application of a voter in certain
59 circumstances; to provide for criminal penalties; and to make
60 nonsubstantive, technical revisions to update the existing
61 code language to current style; and in connection therewith
62 would have as its purpose or effect the requirement of a new
63 or increased expenditure of local funds within the meaning of
64 Section 111.05 of the Constitution of Alabama of 2022.

65 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

66 Section 1. Section 17-11-4, Code of Alabama 1975, is
67 amended to read as follows:

68 "§17-11-4

69 (a) The application required in Section 17-11-3 shall
70 be ~~filed with the person designated to serve as the absentee~~
71 ~~election manager. The application shall be~~ in a form
72 prescribed and designed by the Secretary of State and shall be
73 used throughout the state. ~~Notwithstanding the foregoing,~~
74 ~~handwritten applications can also be accepted at any time~~
75 ~~prior to the five-day deadline to receive absentee ballot~~
76 ~~applications as provided in Section 17-11-3.~~ The application
77 form shall contain and require all of the following:

78 (1) That the applicant submit sufficient information to
79 identify the applicant. ~~and shall include the~~

80 (2) The applicant's name, residence address, ~~or~~ and
81 such other information as necessary to verify that the
82 applicant is a registered voter. ~~The application shall also~~

83 (3) A list of all felonies of moral turpitude, as
84 provided in Section 17-3-30.1, and a requirement that the



85 applicant certify that he or she has not been convicted of any
86 of these disqualifying felonies.

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

89 (b) (1) Any applicant may receive assistance in filling
90 out the application as he or she desires, but each application
91 shall be manually signed by the applicant and, if he or she
92 signs by mark, the application shall also include the name of
93 the witness ~~to his or her~~ and the witness's signature ~~shall be~~
94 ~~signed thereon.~~

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

99 (c) (1) ~~The application may be handed by the~~
100 ~~applicant~~ Completed applications may be submitted to the
101 absentee election manager ~~or forwarded to him or her by United~~
102 ~~States~~ in any of the following ways, as further provided by
103 rule of the Secretary of State:

104 a. The applicant delivering the application in person.

105 b. The applicant mailing the application by U.S. mail
106 ~~or.~~

107 c. The applicant sending the application by commercial
108 carrier, ~~as determined by rule by the Secretary of State. An~~

109 (2) It shall be unlawful for an individual to submit a
110 completed absentee ballot application to the absentee election
111 manager other than his or her own application, except that an
112 application for a voter who requires emergency treatment by a



113 licensed physician within five days before an election
114 pursuant to Section 17-11-3 may be ~~forwarded~~ submitted to the
115 absentee election manager by ~~the applicant or his or her~~
116 ~~designee. Application forms that are printed and made~~
117 ~~available to any applicant by the absentee election manager~~
118 ~~shall have printed thereon all penalties provided for any~~
119 ~~violation of this article~~ an individual designated by the
120 applicant.

121 (d) (1) It shall be unlawful for a third party to
122 knowingly receive a payment or gift for distributing,
123 ordering, requesting, collecting, completing, prefilling,
124 obtaining, or delivering a voter's absentee ballot
125 application. Any person who violates this subdivision shall be
126 guilty of a Class C felony.

127 (2) It shall be unlawful for a person to knowingly pay
128 or provide a gift to a third party to distribute, order,
129 request, collect, prefill, complete, obtain, or deliver a
130 voter's absentee ballot application. Any person who violates
131 this subdivision shall be guilty of a Class B felony.

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

137 (f) Voters voting by absentee ballot through the
138 Uniformed and Overseas Citizens Absentee Voting Act are not
139 subject to this section. The Secretary of State shall provide
140 applications for absentee voting to military and overseas



141 voters in accordance with Section 17-4-35."

142 Section 2. Unless a penalty is otherwise specified, a
143 knowing violation of Chapter 11 of Title 17, Code of Alabama
144 1975, is a Class A misdemeanor.

145 Section 3. Although this bill would have as its purpose
146 or effect the requirement of a new or increased expenditure of
147 local funds, the bill is excluded from further requirements
148 and application under Section 111.05 of the Constitution of
149 Alabama of 2022, because the bill defines a new crime or
150 amends the definition of an existing crime.

151 Section 4. This act shall become effective immediately,
152 following its passage and approval by the Governor, or its
153 otherwise becoming law.