

HB12 INTRODUCED



1 HB12
2 OHALMJ-1
3 By Representative Clarke
4 RFD: Constitution, Campaigns and Elections
5 First Read: 06-Feb-24
6 PFD: 01-Dec-23



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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 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 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 and 17-11-9, Code of Alabama 1975, to allow a disabled voter



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

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

38 "§17-11-4

39 (a) The application required in Section 17-11-3 shall
40 be filed with the ~~person~~ individual designated to serve as the
41 absentee election manager. The application shall be in a form
42 prescribed and designed by the Secretary of State and shall be
43 used throughout the state. Notwithstanding the foregoing,
44 handwritten applications ~~can~~ may also be accepted at any time
45 prior to the five-day deadline to receive absentee ballot
46 applications as provided in Section 17-11-3.

47 (b) The application shall contain sufficient
48 information to identify the applicant and shall include the
49 applicant's name, residence address, or such other information
50 necessary to verify that the applicant is a registered voter.
51 The application shall also list all felonies of moral
52 turpitude, as provided in Section 17-3-30.1.

53 (c) Any applicant may receive assistance in filling out
54 the application as he or she desires, but each application
55 shall be manually signed by the applicant and, if he or she
56 signs by mark, the name of the witness to his or her signature



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57 shall be signed ~~thereon~~ on the application.

58 (d) (1) The application may be handed by the applicant
59 to the absentee election manager or ~~forwarded~~ sent to ~~him or~~
60 ~~her~~ the absentee election manager by United States mail or by
61 commercial carrier, as determined by rule by the Secretary of
62 State. An application for a voter who requires emergency
63 treatment by a licensed physician within five days before an
64 election pursuant to Section 17-11-3 may be ~~forwarded~~ hand
65 delivered to the absentee election manager by the applicant or
66 his or her designee or sent by United States mail or by
67 commercial carrier.

68 (2) An application for a disabled voter may be hand
69 delivered by the applicant or his or her designee to the
70 absentee election manager or sent by the applicant or his or
71 her designee to the absentee election manager by United States
72 mail or by commercial carrier. For purposes of this
73 subdivision, a disabled voter means an individual who is
74 temporarily or permanently physically incapacitated and unable
75 to apply for an absentee ballot application without
76 assistance.

77 (e) Application forms that are printed and made
78 available to any applicant by the absentee election manager
79 shall have printed ~~thereon~~ on the application all penalties
80 provided for any violation of this chapter. The Secretary of
81 State shall provide applications for absentee voting to
82 military and overseas voters in accordance with Section
83 17-4-35."

84 "§17-11-9



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85 (a) (1) Each prospective absentee voter who meets the
86 requirements of this article shall be furnished with the
87 absentee ballot ~~herein provided for~~, together with two
88 envelopes for returning his or her marked ballot and
89 instructions for completing and returning the absentee ballot
90 as well as instructions for correcting mistakes in completing
91 ballots or obtaining a replacement ballot.

92 (2) One envelope shall be a plain envelope in which the
93 ballot shall be sealed by the voter after he or she has marked
94 it.

95 (3) The second envelope shall have the voter's
96 affidavit printed on the back and shall be large enough to
97 seal the plain ballot envelope inside. The second envelope
98 shall also be a return mail envelope. ~~Such~~ The return mail
99 envelope shall be addressed on the front to the absentee
100 election manager and shall be endorsed on the left-hand upper
101 corner thereof as follows:

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

107 (b) (1) After marking the ballot and subscribing the
108 oath ~~herein~~ required, the voter shall seal his or her ballot
109 in the plain envelope, place that plain envelope inside the
110 affidavit envelope, complete the affidavit, have a notary
111 public (or other officer authorized to acknowledge oaths) or
112 two ~~witnesses~~ individuals witness his or her signature to the



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113 affidavit, and ~~forward~~ send it by United States mail or by
114 commercial carrier to the absentee election manager or hand ~~it~~
115 ~~to him or her in person~~ deliver the sealed envelope to the
116 absentee election manager.

117 (2) A disabled voter or his or her designee may hand
118 deliver the sealed envelope to the absentee election manager
119 or send the sealed envelope by United States mail or by
120 commercial carrier. For purposes of this subdivision, a
121 disabled voter means an individual who is temporarily or
122 permanently physically incapacitated and unable to vote by
123 absentee ballot without assistance.

124 (c) (1) Notwithstanding ~~the other provisions of~~ this
125 section, the absentee election manager shall determine whether
126 an applicant for an absentee ballot is obligated to produce
127 identification in accordance with Sections 17-9-30 and 17-10-1
128 or reidentify in accordance with Chapter 4. For absentee
129 applicants required to produce identification, a third
130 envelope of different color and sufficient size to enclose the
131 first and second envelopes shall be provided to the applicant
132 along with instructions for including a proper form of
133 identification in accordance with Sections 17-9-30 and
134 17-10-1.

135 (2) For absentee applicants required to reidentify
136 because they do not appear in the voting place for which they
137 seek to vote but do appear in another voting place within the
138 state voter registration list, the absentee election manager
139 shall provide to the voter a third envelope of different color
140 and sufficient size to enclose the first and second envelopes



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141 along with a voter reidentification form, a provisional voter
142 affirmation, and instructions in accordance with Section
143 17-10-2. ~~Such~~ The ballot shall be treated as a provisional
144 ballot and the term "Provisional" shall be marked on the
145 second or affidavit envelope prior to transmitting the ballot
146 to the voter.

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

150 Section 2. This act shall become effective on October
151 1, 2024.