SB1

LFNVYY-1

By Senators Gudger, Roberts, Allen, Bell, Weaver, Elliott, Barfoot, Shelnutt, Stutts, Waggoner

RFD: State Governmental Affairs

First Read: 06-Feb-24

PFD: 09-Jun-23
SYNOPSIS:

This bill would prohibit any person from ordering, requesting, collecting, prefilling, obtaining, or delivering an absentee ballot application or absentee ballot of a voter in certain circumstances and would provide for exceptions.

This bill would prohibit any 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 a voter in certain circumstances.

This bill would also establish criminal penalties for violations.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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

A BILL TO BE ENTITLED
AN ACT

Relating to voting; to prohibit any person from ordering, requesting, collecting, prefilling, obtaining, or delivering an absentee ballot application or absentee ballot of a voter 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 a voter in certain circumstances; 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 order, request,
collect, prefill, obtain, or deliver an absentee ballot application or absentee ballot other than his or her own absentee ballot application or absentee ballot.

(b) Any person who violates this section shall be guilty of a Class A misdemeanor.

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

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

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

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

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

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

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

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

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

(e) It shall not be a violation of this section if an individual, of the voter's choosing, provides assistance to a voter due to the voter being blind, disabled, or unable to read or write, pursuant to 52 U.S.C. § 10508.

Section 2. (a) It shall be unlawful for a third party to knowingly receive a payment for distributing, ordering, requesting, collecting, completing, prefilling, obtaining, or delivering a voter's absentee ballot application or absentee ballot.

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

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

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

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

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