

1 SB268  
2 212239-1  
3 By Senator Shelnutt  
4 RFD: Governmental Affairs  
5 First Read: 01-MAR-22

8 SYNOPSIS: There is no explicit prohibition on  
9 prefilling any field on a voter registration  
10 application or absentee ballot application.

11 This bill would prohibit any individual or  
12 entity, other than certain public officials, from  
13 prefilling any field on a voter registration  
14 application or absentee ballot application without  
15 the voter's consent.

16 This bill would make a violation a Class C  
17 felony.

18 Amendment 621 of the Constitution of Alabama  
19 of 1901, as amended by Amendment 890, now appearing  
20 as Section 111.05 of the Official Recompilation of  
21 the Constitution of Alabama of 1901, prohibits a  
22 general law whose purpose or effect would be to  
23 require a new or increased expenditure of local  
24 funds from becoming effective with regard to a  
25 local governmental entity without enactment by a  
26 2/3 vote unless: it comes within one of a number of  
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates  
2 funds, or provides a local source of revenue, to  
3 the entity for the purpose.

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

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT  
15

16 Relating to elections; to amend Sections 17-3-54 and  
17 17-11-4, Code of Alabama 1975, to prohibit an individual or  
18 entity from prefilling any field on a voter registration or  
19 absentee ballot application, with exceptions; to provide for  
20 criminal penalties for violations; and in connection therewith  
21 would have as its purpose or effect the requirement of a new  
22 or increased expenditure of local funds within the meaning of  
23 Amendment 621 of the Constitution of Alabama of 1901, as  
24 amended by Amendment 890, now appearing as Section 111.05 of  
25 the Official Recompilation of the Constitution of Alabama of  
26 1901 as amended; and in connection therewith would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds within the meaning of Amendment 621  
2 of the Constitution of Alabama of 1901, as amended by  
3 Amendment 890, now appearing as Section 111.05 of the Official  
4 Recompilation of the Constitution of Alabama of 1901, as  
5 amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 17-3-54 and 17-11-4, Code of  
8 Alabama 1975, are amended to read as follows:

9 "§17-3-54.

10 "(a) Any person individual making application to the  
11 board of registrars for registration who fails to establish by  
12 evidence to the reasonable satisfaction of the board of  
13 registrars that he or she is qualified to register, may be  
14 refused registration. The board shall give written notice to  
15 each applicant deemed unqualified, within 10 days of its  
16 refusal to register, stating the specific reason for ~~such~~ the  
17 refusal.

18 "(b) (1) Except for the Secretary of State, a board  
19 of registrars, or a voter registration agency designated  
20 pursuant to 52 U.S.C. § 20506, an individual, organization, or  
21 other entity may not provide an individual with a voter  
22 registration application on which any field is prefilled  
23 without the voter's consent. A board of registrars shall  
24 refuse registration to any individual who uses a prefilled  
25 application for registration and within 10 days of the  
26 refusal, give written notice to the applicant stating the  
27 specific reason for the refusal.

1                   "(2) A violation of this subsection is a Class C  
2 felony.

3                   "§17-11-4.

4                   "(a) The An absentee ballot application required in  
5 under Section 17-11-3 shall be filed with the ~~person~~  
6 ~~designated to serve as the~~ absentee election manager. The  
7 application shall be in a form prescribed and designed by the  
8 Secretary of State and shall be used throughout the state.  
9 Notwithstanding the foregoing, handwritten absentee ballot  
10 applications ~~can~~ may also be accepted at any time prior to the  
11 five-day deadline to receive absentee ballot applications as  
12 provided in Section 17-11-3.

13                   "(b) (1) Except for the Secretary of State or an  
14 absentee election manager, an individual, organization, or  
15 other entity may not provide a registered voter with an  
16 absentee ballot application on which any field is prefilled  
17 without the voter's consent, other than the return address.

18                   "(2) A violation of this subsection is a Class C  
19 felony.

20                   "(c) The application shall contain sufficient  
21 information to identify the applicant and shall include the  
22 applicant's name, residence address, or ~~such~~ other information  
23 necessary to verify that the applicant is a registered voter.  
24 The application shall also list all felonies of moral  
25 turpitude, as provided in Section 17-3-30.1.

26                   "(d) Any applicant may receive assistance in filling  
27 out the application as he or she desires, ~~but~~ provided that no

1 field, other than the return address, may be prefilled without  
2 the voter's consent before the applicant receives the  
3 application. Notwithstanding the foregoing, each application  
4 shall be manually signed by the applicant and, if he or she  
5 signs by mark, the name of the witness to his or her signature  
6 shall be signed thereon.

7 "(e) The application may be handed by the applicant  
8 to the absentee election manager or forwarded to him or her by  
9 United States mail or by commercial carrier, as determined by  
10 rule by the Secretary of State.

11 "(f) An application for a voter who requires  
12 emergency treatment by a licensed physician within five days  
13 before an election pursuant to Section 17-11-3 may be  
14 forwarded to the absentee election manager by the applicant or  
15 his or her designee.

16 "(g) Application forms that are printed and made  
17 available to any applicant by the absentee election manager  
18 shall have printed thereon all penalties provided for any  
19 violation of this chapter.

20 "(h) The Secretary of State shall provide  
21 applications for absentee voting to military and overseas  
22 voters in accordance with Section 17-4-35."

23 Section 2. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621, as amended  
27 by Amendment 890, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of Alabama of 1901,  
2 as amended, because the bill defines a new crime or amends the  
3 definition of an existing crime.

4 Section 3. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.