

HB117 INTRODUCED



1 HB117
2 QYJD555-1
3 By Representatives Jackson, Travis, Hendrix, Boyd, Sellers,
4 Hassell, Ensler, Forte, Warren, Rafferty, Hollis, McClammy,
5 Lawrence, Clarke, Morris, Gray, Drummond, Jones
6 RFD: Constitution, Campaigns and Elections
7 First Read: 06-Feb-24



SYNOPSIS:

Under existing law, a registered voter may only vote by absentee ballot if he or she meets one of the criteria prescribed by law for voting absentee.

This bill would allow a registered voter to vote by absentee ballot without an excuse.

A BILL
TO BE ENTITLED
AN ACT

Relating to voting; to amend Sections 17-11-3 and 17-11-7, Code of Alabama 1975; to authorize absentee voting without an excuse.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-11-3

(a) Any qualified elector of this state may ~~apply for~~ ~~and~~ vote an absentee ballot by mail, ~~by hand delivery~~ in person, or by commercial carrier, as determined by rule by the Secretary of State, as further provided in ~~Sections 17-11-5 and 17-11-9~~ this chapter, in any primary, general, special, or municipal election, if he or she ~~makes application in writing~~



HB117 INTRODUCED

submits an absentee ballot application. ~~and meets one or more~~
~~of the following requirements:~~

~~(1) The person expects to be out of the county or the~~
~~state, or the municipality for municipal elections, on~~
~~election day.~~

~~(2) The person has any physical illness or infirmity~~
~~which prevents his or her attendance at the polls, whether he~~
~~or she is within or without the county on the day of the~~
~~election.~~

~~(3) The person expects to work a shift which has at~~
~~least 10 hours which coincide with the hours the polls are~~
~~open at his or her regular polling place.~~

~~(4) The person is enrolled as a student at an~~
~~educational institution located outside the county of his or~~
~~her personal residence, attendance at which prevents his or~~
~~her attendance at the polls.~~

~~(5) The person is a member of, or spouse or dependent~~
~~of a member of, the Armed Forces of the United States or is~~
~~similarly qualified to vote absentee pursuant to the federal~~
~~Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.~~
~~§§ 20301-20311.~~

~~(6) The person has been appointed as an election~~
~~officer or named as a poll watcher at a polling place other~~
~~than his or her regular polling place.~~

~~(7) The person is a caregiver for a family member to~~
~~the second degree of kinship by affinity or consanguinity and~~
~~the family member is confined to his or her home.~~

~~(8) The person is incarcerated in prison or jail and~~



HB117 INTRODUCED

~~has not been convicted of a felony involving moral turpitude,
as provided in Section 17-3-30.1.~~

(b) Applications returned by mail must be received not less than seven days prior to the election. Applications returned by hand must be received not less than five days prior to the election.

(c) An applicant for an absentee ballot who is a member of the Armed Forces of the United States, including the Alabama National Guard, the United States Naval Reserves, the United States Air Force Reserves, and the United States Army Reserve on active duty or active duty for training or an applicant who is the spouse of any member of the armed forces or any other applicant qualified to vote absentee pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301-20311, may make application for an absentee ballot by filling out the federal postcard application form, authorized and provided for under the provisions of The Federal Voting Assistance Act of 1955, Public Law 296, Chapter 656, H.R. 4048, approved August 9, 1955, 84th Congress 1st Session.

(d) Any registered elector who requires emergency treatment of a licensed physician within five days of an election may apply for an emergency absentee ballot for the election and may vote by returning the absentee ballot no later than noon on the day the election is held. The attendant physician shall describe and certify the circumstances as constituting an emergency on a special form designed by the Secretary of State and provided by his or her office to local



HB117 INTRODUCED

absentee election managers. The special form shall be attached to the application.

(e)(1) Any registered elector whose name appears on the poll list of qualified voters may vote by an emergency absentee ballot if any of the following situations arise:

a. The elector is required by his or her employer under unforeseen circumstances within five days before an election to be unavailable to vote at the polls on election day.

b. The elector is a caregiver of a person who requires emergency treatment by a licensed physician within five days before an election.

c. A family member to the second degree of kinship by affinity or consanguinity of an elector dies within five days before an election.

(2) Under such circumstances, the elector shall apply for an emergency absentee ballot at the office of the absentee election manager no later than the close of the business day one day prior to the election. The applicant shall complete and file an application form designed by the Secretary of State for emergency absentee voters. The form shall contain an affidavit which the applicant shall sign or swear acknowledging that he or she was not aware of the situation constituting the emergency prior to five days before the election. An applicant who meets the requirements of this subsection may vote by an emergency absentee ballot. After voting the ballot, the voter shall hand the ballot to the absentee election manager.

(f) If the occurrence of a state of emergency as



HB117 INTRODUCED

declared in this or any other state, or by the federal government, renders substantial compliance with this article impossible or unreasonable for a group of qualified voters who respond to the emergency, the Secretary of State, pursuant to Section 41-22-5, may adopt an emergency rule to allow those qualified voters to vote by absentee ballot. Notwithstanding any other laws to the contrary, all expenses and costs incurred by the state or any county in carrying out the responsibilities and duties included in an emergency rule adopted pursuant to this subsection shall be paid by the State of Alabama from any funds made available for election expenses under state and federal law.

(g) Notwithstanding any other provision of otherwise applicable law, in the event more than one absentee ballot is cast in the name of the single voter, whether any multiple ballot is cast by mail or otherwise, none of the affidavit envelopes containing the multiple ballots shall be opened, and none of the multiple ballots shall be counted, except in the event of an election contest, upon the order of the election contest tribunal. Upon the conclusion of an election contest or, in the event no contest is filed, upon the expiration of time for filing a contest, the multiple ballots shall be provided to the district attorney, with photocopies provided to the state Attorney General, for the investigation, prosecution, or other action as may be appropriate under applicable law."

"§17-11-7

(a) Each absentee ballot shall be accompanied by an



HB117 INTRODUCED

envelope upon which shall be printed an affidavit.

(b) With respect to an absentee ballot cast pursuant to Section 17-11-3, the affidavit shall read as follows:

"State of Alabama

County of _____

I, the undersigned, do swear (or affirm) that:

My place of residence in Alabama is: _____

(street) _____, Alabama _____ (city or town) (zip code)

My date of birth is: _____ month day year

~~I am entitled to vote an absentee ballot because:~~

~~Check at least one:~~

~~____ I expect to be out of the county or the state on election day.~~

~~____ I am physically incapacitated and will not be able to vote in person on election day.~~

~~____ I expect to work a required workplace shift which has at least 10 hours which coincide with the polling hours at my regular polling place.~~

~~____ I am a student at an educational institution located outside the county of my permanent residence and am therefore unable to vote at my usual polling place on election day.~~

~~____ I am a member of or a spouse or dependent of a member of the Armed Forces of the United States or am otherwise entitled to vote pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.~~

~~____ I have been appointed as an election officer at a~~



HB117 INTRODUCED

~~polling place which is not my regular polling place.~~

~~____ I will be out of the county on election day
responding to a state of emergency as declared by this state
or any other state, or by the federal government.~~

~~____ I am a caregiver for a family member to the second
degree of kinship by affinity or consanguinity and the family
member is confined to his or her home.~~

~~____ I am currently incarcerated in prison or jail and I
have not been convicted of a felony involving moral turpitude.~~

I further swear (or affirm) that I have not voted nor
will I vote in person in the election to which this ballot
pertains.

I have marked the enclosed absentee ballot voluntarily
and I have read or had read to me and understand the
instructions accompanying this ballot and I have carefully
complied with such instructions.

Moreover, I further swear (or affirm) that all of the
information given above is true and correct to the best of my
knowledge and that I understand that by knowingly giving false
information so as to vote illegally by absentee ballot that I
shall be guilty of a misdemeanor which is punishable by a fine
not to exceed one thousand dollars (\$1,000) or confinement in
the county jail for not more than six months, or both.

_____(Signature or mark of
voter.) _____(Printed name of voter.)

IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF
YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF
AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO



HB117 INTRODUCED

197 ACKNOWLEDGE OATHS, PRIOR TO BEING DELIVERED OR MAILED TO THE
198 ABSENTEE ELECTION MANAGER, YOUR BALLOT WILL NOT BE COUNTED.

199 Sworn to and subscribed before me this _____ day of
200 _____, 2__.

201 I certify that the affiant is known (or made known) to
202 me to be the identical party he or she claims to be.

203 _____ (Signature of official) (Title of
204 official) _____ (Address of official) OR 1st

205 Witness _____ Signature _____ Print name

206 _____ Address _____ City Zip Code

207 2nd Witness _____ Signature _____ Print
208 name _____ Address _____ City Zip Code"

209 (c) Unless running unopposed, a candidate may not
210 witness or notarize any absentee ballot."

211 Section 2. This act shall become effective on October
212 1, 2024.