

## 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

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## 4     SYNOPSIS:

5                 Under existing law, a registered voter may only  
6         vote by absentee ballot if he or she meets one of the  
7         criteria prescribed by law for voting absentee.8                 This bill would allow a registered voter to vote  
9         by absentee ballot without an excuse.

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A BILL

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TO BE ENTITLED

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AN ACT

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

19         BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22                 "§17-11-3

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



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

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

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

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

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

45 ~~(5) The person is a member of, or spouse or dependent~~  
46 ~~of a member of, the Armed Forces of the United States or is~~  
47 ~~similarly qualified to vote absentee pursuant to the federal~~  
48 ~~Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C.~~  
49 ~~§§ 20301-20311.~~

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

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

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



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

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

63 (c) An applicant for an absentee ballot who is a member  
64 of the Armed Forces of the United States, including the  
65 Alabama National Guard, the United States Naval Reserves, the  
66 United States Air Force Reserves, and the United States Army  
67 Reserve on active duty or active duty for training or an  
68 applicant who is the spouse of any member of the armed forces  
69 or any other applicant qualified to vote absentee pursuant to  
70 the federal Uniformed and Overseas Citizens Absentee Voting  
71 Act, 52 U.S.C. §§ 20301-20311, may make application for an  
72 absentee ballot by filling out the federal postcard  
73 application form, authorized and provided for under the  
74 provisions of The Federal Voting Assistance Act of 1955,  
75 Public Law 296, Chapter 656, H.R. 4048, approved August 9,  
76 1955, 84th Congress 1st Session.

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



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

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

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

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

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

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

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



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

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

139 "§17-11-7

140 (a) Each absentee ballot shall be accompanied by an

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141 envelope upon which shall be printed an affidavit.

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

144 "State of Alabama

145 County of \_\_\_\_\_

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

147 My place of residence in Alabama is: \_\_\_\_\_

148 (street) \_\_\_\_\_, Alabama \_\_\_\_\_ (city or  
149 town) (zip code)

150 My date of birth is: \_\_\_\_\_ month day year

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

152 ~~Check at least one:~~

153 ~~\_\_\_ I expect to be out of the county or the state on  
154 election day.~~

155 ~~\_\_\_ I am physically incapacitated and will not be able  
156 to vote in person on election day.~~

157 ~~\_\_\_ I expect to work a required workplace shift which  
158 has at least 10 hours which coincide with the polling hours at  
159 my regular polling place.~~

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

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

168 ~~\_\_\_ I have been appointed as an election officer at a~~



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

170 ~~\_\_\_\_ I will be out of the county on election day~~

171 ~~responding to a state of emergency as declared by this state~~

172 ~~or any other state, or by the federal government.~~

173 ~~\_\_\_\_ I am a caregiver for a family member to the second~~

174 ~~degree of kinship by affinity or consanguinity and the family~~

175 ~~member is confined to his or her home.~~

176 ~~\_\_\_\_ I am currently incarcerated in prison or jail and I~~

177 ~~have not been convicted of a felony involving moral turpitude.~~

178 I further swear (or affirm) that I have not voted nor

179 will I vote in person in the election to which this ballot

180 pertains.

181 I have marked the enclosed absentee ballot voluntarily

182 and I have read or had read to me and understand the

183 instructions accompanying this ballot and I have carefully

184 complied with such instructions.

185 Moreover, I further swear (or affirm) that all of the

186 information given above is true and correct to the best of my

187 knowledge and that I understand that by knowingly giving false

188 information so as to vote illegally by absentee ballot that I

189 shall be guilty of a misdemeanor which is punishable by a fine

190 not to exceed one thousand dollars (\$1,000) or confinement in

191 the county jail for not more than six months, or both.

192 \_\_\_\_\_ (Signature or mark of

193 voter.) \_\_\_\_\_ (Printed name of voter.)

194 IF YOUR AFFIDAVIT IS NOT SIGNED (OR MARKED), AND IF

195 YOUR AFFIDAVIT IS NOT WITNESSED BY TWO WITNESSES 18 YEARS OF

196 AGE OR OLDER OR A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO

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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.