

HB207 INTRODUCED



1 HB207
2 PPU9GGR-1
3 By Representatives Clarke, Rafferty, Morris, Jones, Sellers,
4 McCampbell, Drummond, Ensler
5 RFD: Constitution, Campaigns and Elections
6 First Read: 21-Feb-24



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 voter who is disabled, blind, or unable to read or write to designate an individual to deliver the voter's application for an absentee ballot to the absentee election manager.

This bill would allow a voter who is disabled, blind, or unable to read or write 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



HB207 INTRODUCED

and 17-11-9, Code of Alabama 1975, to allow a voter who is disabled, blind, or unable to read or write to designate an individual to deliver the voter's application for an absentee ballot to the absentee election manager; to allow a disabled voter to designate an individual to deliver the voter's absentee ballot to the absentee election manager; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-11-4

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

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

(c) Any applicant may receive assistance in filling out the application as he or she desires, but each application



HB207 INTRODUCED

shall be manually signed by the applicant and, if he or she signs by mark, the name of the witness to his or her signature shall be signed ~~thereon~~on the application.

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

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

(e) Application forms that are printed and made available to any applicant by the absentee election manager shall have printed ~~thereon~~on the application all penalties provided for any violation of this chapter. The Secretary of State shall provide applications for absentee voting to military and overseas voters in accordance with Section



HB207 INTRODUCED

17-4-35."

"§17-11-9

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

~~One~~ (2) The first envelope shall be a ~~plain~~ secrecy envelope in which the ballot shall be sealed by the voter after he or she has marked it.

(3) The second envelope shall be an affidavit envelope. The affidavit envelope shall have the voter's affidavit printed on the back ~~and shall be large enough to seal the plain ballot envelope inside.~~

(4) The ~~second~~ third envelope shall ~~also~~ be a return mail envelope. ~~Such~~ The return mail envelope shall be addressed on the front to the absentee election manager and shall be endorsed on the left-hand upper corner thereof as follows:

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

(b) (1) After marking the ballot and subscribing the oath ~~herein~~ required, the voter shall: (i) seal his or her



HB207 INTRODUCED

ballot in the ~~plain~~ secrecy envelope, (ii) place ~~that plain~~
the secrecy envelope inside the affidavit envelope, (iii)
complete the affidavit, ~~and~~ and have a notary public (or other
officer authorized to acknowledge oaths) or two ~~witnesses~~
individuals witness his or her signature to the affidavit, ~~and~~
~~forward it~~ (iv) place the affidavit envelope inside the return
mail envelope, and (v) hand deliver the return mail envelope
to the absentee election manager or send the return mail
envelope by United States mail or by commercial carrier to the
absentee election manager ~~or hand it to him or her in person.~~

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

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



HB207 INTRODUCED

Sections 17-9-30 and 17-10-1.

(2) For absentee applicants required to reidentify because they do not appear in the voting place for which they seek to vote but do appear in another voting place within the state voter registration list, the absentee election manager shall provide to the voter ~~a third~~an additional envelope of different color and sufficient size to enclose the ~~first and second~~secrecy and affidavit envelopes along with a voter reidentification form, a provisional voter affirmation, and instructions in accordance with Section 17-10-2. ~~Such~~The ballot shall be treated as a provisional ballot and the term "Provisional" shall be marked on the ~~second or~~ affidavit envelope prior to transmitting the ballot to the voter.

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

Section 2. This act shall become effective June 1, 2024.