

HB77 INTRODUCED



1 HB77
2 LJBLAYW-1
3 By Representative Clarke
4 RFD: Constitution, Campaigns and Elections
5 First Read: 04-Feb-25
6 PFD: 06-Jan-25



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4 SYNOPSIS:

5 Under existing law, an application for an
6 absentee ballot may only be delivered to the absentee
7 election manager by the applicant. Also under existing
8 law, an absentee ballot may only be delivered to the
9 absentee election manager by the voter of the absentee
10 ballot.

11 This bill would allow a disabled voter to
12 designate an individual to deliver the voter's
13 application for an absentee ballot to the absentee
14 election manager.

15 This bill would allow a disabled voter to
16 designate an individual to deliver the voter's absentee
17 ballot to the absentee election manager.

18 This bill would define "disability."

19 This bill would also make nonsubstantive,
20 technical revisions to update the existing code
21 language to current style.

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24 A BILL

25 TO BE ENTITLED

26 AN ACT

27

28 Relating to absentee voting; to amend Sections 17-11-4,

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29 as last amended by Act Number 2024-33 of the 2024 Regular
30 Session, and 17-11-9, Code of Alabama 1975, to allow a
31 disabled voter to designate an individual to deliver the
32 voter's application for an absentee ballot to the absentee
33 election manager; to allow a disabled voter to designate an
34 individual to deliver the voter's absentee ballot to the
35 absentee election manager; and to make nonsubstantive,
36 technical revisions to update the existing code language to
37 current style.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. Sections 17-11-4, as last amended by Act
40 Number 2024-33 of the 2024 Regular Session, and 17-11-9, Code
41 of Alabama 1975, are amended to read as follows:

42 "§17-11-4

43 (a) The application required in Section 17-11-3 shall
44 be in a form prescribed and designed by the Secretary of State
45 and shall be used throughout the state. The application form
46 shall contain and require all of the following:

47 (1) That the applicant submit sufficient information to
48 identify the applicant.

49 (2) The applicant's name, residence address, and such
50 other information as necessary to verify that the applicant is
51 a registered voter.

52 (3) A list of all felonies of moral turpitude, as
53 provided in Section 17-3-30.1, and a requirement that the
54 applicant declare that he or she is not barred from voting
55 because of a disqualifying felony conviction or, if the
56 applicant was convicted of a disqualifying felony, that the



57 applicant's right to vote has been restored.

58 (4) An explanation of penalties for violations of this
59 section.

60 (b) (1) Any applicant may receive assistance in filling
61 out the application as he or she desires, but each application
62 shall be manually signed by the applicant, under penalty of
63 perjury, and if he or she signs by mark, the application shall
64 also include the name of the witness and the witness's
65 signature.

66 (2) It shall be unlawful for any person to knowingly
67 distribute an absentee ballot application to a voter which is
68 prefilled with the voter's name or any other information
69 required on the application form.

70 (c) (1) Completed applications may be submitted to the
71 absentee election manager in any of the following ways, as
72 further provided by rule of the Secretary of State:

73 a. The applicant delivering the application in person.
74 b. The applicant mailing the application by U.S. mail.
75 c. The applicant sending the application by commercial
76 carrier.

77 d. The applicant's designee delivering the application
78 in person for any applicant who has a disability or who
79 requires emergency treatment by a licensed physician within
80 five days before an election pursuant to Section 17-11-3. For
81 purposes of this paragraph, "disability" means a physical or
82 mental impairment that substantially limits one or more major
83 life activities of the applicant.

84 (2) Except in situations governed by paragraph (1)d. or



85 Section 17-11-3(f), it shall be unlawful for an individual to
86 submit a completed absentee ballot application to the absentee
87 election manager other than his or her own application, ~~except~~
88 ~~that an application for a voter who requires emergency~~
89 ~~treatment by a licensed physician within five days before an~~
90 ~~election pursuant to Section 17-11-3 may be submitted to the~~
91 ~~absentee election manager by an individual designated by the~~
92 ~~applicant.~~

93 (d) (1) Except in situations governed by Section
94 17-11-3(f), it shall be unlawful for a third party to
95 knowingly receive a payment or gift for distributing,
96 ordering, requesting, collecting, completing, prefilling,
97 obtaining, or delivering a voter's absentee ballot
98 application. Any person who violates this subdivision shall be
99 guilty of a Class C felony.

100 (2) Except in situations governed by Section
101 17-11-3(f), it shall be unlawful for a person to knowingly pay
102 or provide a gift to a third party to distribute, order,
103 request, collect, prefill, complete, obtain, or deliver a
104 voter's absentee ballot application. Any person who violates
105 this subdivision shall be guilty of a Class B felony.

106 (e) Any voter who requires assistance to vote by reason
107 of blindness, disability, or inability to read or write may be
108 given assistance by an individual of the voter's choice, other
109 than the voter's employer or agent of that employer or officer
110 or agent of the voter's union.

111 (f) Voters voting by absentee ballot through the
112 Uniformed and Overseas Citizens Absentee Voting Act are not

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113 subject to this section. The Secretary of State shall provide
114 applications for absentee voting to military and overseas
115 voters in accordance with Section 17-4-35."

116 "§17-11-9

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

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

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

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

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

140 (b) (1) After marking the ballot and subscribing the



141 oath ~~herein~~ required, the voter shall: (i) seal his or her
142 ballot in the ~~plain~~secrecy envelope; (ii) place ~~that plain~~the
143 secrecy envelope inside the affidavit envelope; (iii)
144 complete the affidavit ~~and~~ have a notary public (or other
145 officer authorized to acknowledge oaths) or two
146 ~~witnesses~~individuals witness his or her signature to the
147 affidavit, ~~and forward it by United States~~; (iv) place the
148 affidavit envelope inside the return mail envelope; and (v)
149 hand deliver the return mail envelope to the absentee election
150 manager or send the return mail envelope by U.S. mail or by
151 commercial carrier to the absentee election manager ~~or hand it~~
152 ~~to him or her in person.~~

153 (2) Notwithstanding subdivision (1), a voter who has a
154 disability may have his or her designee, hand deliver the
155 return mail envelope to the absentee election manager or send
156 the return mail envelope by U.S. mail or by commercial
157 carrier. For purposes of this subdivision, "disability" means
158 a physical or mental impairment that substantially limits one
159 or more major life activities of the voter.

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

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169 including a proper form of identification in accordance with
170 Sections 17-9-30 and 17-10-1.

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

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

186 Section 2. This act shall become effective on October
187 1, 2025.