

HB100 INTRODUCED



1 SL4U78-1

2 By Representative Clarke

3 RFD: Constitution, Campaigns and Elections

4 First Read: 07-Mar-23

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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 disabled voter to designate an individual to deliver the voter's application for an absentee ballot to the absentee election manager.

This bill would allow a disabled voter 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 and 17-11-9, Code of Alabama 1975, to allow a disabled voter



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29 to designate an individual to deliver the voter's application
30 for an absentee ballot to the absentee election manager; to
31 allow a disabled voter to designate an individual to deliver
32 the voter's absentee ballot to the absentee election manager;
33 and to make nonsubstantive, technical revisions to update the
34 existing code language to current style.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

38 "§17-11-4

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

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

53 (c) Any applicant may receive assistance in filling out
54 the application as he or she desires, but each application
55 shall be manually signed by the applicant and, if he or she
56 signs by mark, the name of the witness to his or her signature



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57 shall be signed ~~thereon~~ on the application.

58 (d) The application may be handed by the applicant to
59 the absentee election manager or ~~forwarded sent~~ to ~~him or her~~
60 the absentee election manager by United States mail or by
61 commercial carrier, as determined by rule by the Secretary of
62 State. An application for a voter who requires emergency
63 treatment by a licensed physician within five days before an
64 election pursuant to Section 17-11-3 may be ~~forwarded hand~~
65 delivered to the absentee election manager by the applicant or
66 his or her designee or sent by United States mail or
67 commercial carrier. An application for a disabled voter may be
68 hand delivered by the applicant or his or her designee to the
69 absentee election manager or sent by the applicant or his or
70 her designee to the absentee election manager by United States
71 mail or by commercial carrier.

72 (e) Application forms that are printed and made
73 available to any applicant by the absentee election manager
74 shall have printed ~~thereon~~ on the application all penalties
75 provided for any violation of this chapter. The Secretary of
76 State shall provide applications for absentee voting to
77 military and overseas voters in accordance with Section
78 17-4-35."

79 "§17-11-9

80 (a) (1) Each prospective absentee voter who meets the
81 requirements of this chapter shall be furnished with the
82 absentee ballot ~~herein provided for~~, together with two
83 envelopes for returning his or her marked ballot and
84 instructions for completing and returning the absentee ballot



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85 as well as instructions for correcting mistakes in completing
86 ballots or obtaining a replacement ballot.

87 (2) One envelope shall be a plain envelope in which the
88 ballot shall be sealed by the voter after he or she has marked
89 it.

90 (3) The second envelope shall have the voter's
91 affidavit printed on the back and shall be large enough to
92 seal the plain ballot envelope inside. The second envelope
93 shall also be a return mail envelope. ~~Such~~ The return mail
94 envelope shall be addressed on the front to the absentee
95 election manager and shall be endorsed on the left-hand upper
96 corner thereof as follows:

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

102 (b) After marking the ballot and subscribing the oath
103 ~~herein~~ required, the voter shall seal his or her ballot in the
104 plain envelope, place that plain envelope inside the affidavit
105 envelope, complete the affidavit, have a notary public (or
106 other officer authorized to acknowledge oaths) or two
107 ~~witnesses~~ individuals witness his or her signature to the
108 affidavit, and ~~forward~~ send it by United States mail or by
109 commercial carrier to the absentee election manager or hand ~~it~~
110 ~~to him or her in person~~ deliver the sealed envelope to the
111 absentee election manager. A disabled voter or his or her
112 designee may hand deliver the sealed envelope to the absentee



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113 election manager or send it by United States mail or by
114 commercial carrier.

115 (c) (1) Notwithstanding ~~the other provisions of~~ this
116 section, the absentee election manager shall determine whether
117 an applicant for an absentee ballot is obligated to produce
118 identification in accordance with Sections 17-9-30 and 17-10-1
119 or reidentify in accordance with Chapter 4. For absentee
120 applicants required to produce identification, a third
121 envelope of different color and sufficient size to enclose the
122 first and second envelopes shall be provided to the applicant
123 along with instructions for including a proper form of
124 identification in accordance with Sections 17-9-30 and
125 17-10-1.

126 (2) For absentee applicants required to reidentify
127 because they do not appear in the voting place for which they
128 seek to vote but do appear in another voting place within the
129 state voter registration list, the absentee election manager
130 shall provide to the voter a third envelope of different color
131 and sufficient size to enclose the first and second envelopes
132 along with a voter reidentification form, a provisional voter
133 affirmation, and instructions in accordance with Section
134 17-10-2. ~~Such~~ The ballot shall be treated as a provisional
135 ballot and the term "Provisional" shall be marked on the
136 second or affidavit envelope prior to transmitting the ballot
137 to the voter.

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



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141 Section 2. This act shall become effective on the first
142 day of the third month following its passage and approval by
143 the Governor, or its otherwise becoming law.