

SB1 ENROLLED



1 SB1
2 6864ZZ1-2
3 By Senators Gudger, Roberts, Allen, Bell, Weaver, Elliott,
4 Barfoot, Shelnut, Stutts, Waggoner
5 RFD: State Governmental Affairs
6 First Read: 06-Feb-24
7 PFD: 09-Jun-23



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1 Enrolled, An Act,

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4 Relating to absentee ballot applications; to amend
5 Section 17-11-4, Code of Alabama 1975; to delete a provision
6 allowing a handwritten request for an absentee ballot in lieu
7 of completing an absentee ballot application form; to prohibit
8 prefilling of applications by another person; to prohibit a
9 person from receiving a payment or providing a payment or gift
10 to another person for distributing, ordering, requesting,
11 collecting, prefilling, completing, obtaining, or delivering
12 an absentee ballot application of a voter in certain
13 circumstances; to provide for criminal penalties; and to make
14 nonsubstantive, technical revisions to update the existing
15 code language to current style; and in connection therewith
16 would have as its purpose or effect the requirement of a new
17 or increased expenditure of local funds within the meaning of
18 Section 111.05 of the Constitution of Alabama of 2022.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 17-11-4, Code of Alabama 1975, is
21 amended to read as follows:

22 "§17-11-4

23 (a) The application required in Section 17-11-3 shall
24 be ~~filed with the person designated to serve as the absentee~~
25 ~~election manager. The application shall be~~ in a form
26 prescribed and designed by the Secretary of State and shall be
27 used throughout the state. ~~Notwithstanding the foregoing,~~
28 ~~handwritten applications can also be accepted at any time~~



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29 ~~prior to the five-day deadline to receive absentee ballot~~
30 ~~applications as provided in Section 17-11-3.~~ The application
31 form shall contain and require all of the following:

32 (1) That the applicant submit sufficient information to
33 identify the applicant. ~~and shall include the~~

34 (2) The applicant's name, residence address, ~~or~~ and
35 such other information as necessary to verify that the
36 applicant is a registered voter. ~~The application shall also~~

37 (3) A list of all felonies of moral turpitude, as
38 provided in Section 17-3-30.1, and a requirement that the
39 applicant declare that he or she is not barred from voting
40 because of a disqualifying felony conviction or, if the
41 applicant was convicted of a disqualifying felony, that the
42 applicant's right to vote has been restored.

43 (4) An explanation of penalties for violations of this
44 section.

45 (b) (1) Any applicant may receive assistance in filling
46 out the application as he or she desires, but each application
47 shall be manually signed by the applicant, under penalty of
48 perjury, and, if he or she signs by mark, the application
49 shall also include the name of the witness ~~to his or her~~ and
50 the witness's signature ~~shall be signed thereon.~~

51 (2) It shall be unlawful for any person to knowingly
52 distribute an absentee ballot application to a voter that is
53 prefilled with the voter's name or any other information
54 required on the application form.

55 (c) (1) The application may be handed by the
56 ~~applicant~~ Completed applications may be submitted to the



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57 absentee election manager ~~or forwarded to him or her by United~~
58 ~~States~~ in any of the following ways, as further provided by
59 rule of the Secretary of State:

60 a. The applicant delivering the application in person.

61 b. The applicant mailing the application by U.S. mail
62 ~~or.~~

63 c. The applicant sending the application by commercial
64 carrier, ~~as determined by rule by the Secretary of State. An~~

65 (2) Except in situations governed by Section
66 17-11-3(f), it shall be unlawful for an individual to submit a
67 completed absentee ballot application to the absentee election
68 manager other than his or her own application, except that an
69 application for a voter who requires emergency treatment by a
70 licensed physician within five days before an election
71 pursuant to Section 17-11-3 may be ~~forwarded~~ submitted to the
72 absentee election manager by ~~the applicant or his or her~~
73 ~~designee. Application forms that are printed and made~~
74 ~~available to any applicant by the absentee election manager~~
75 ~~shall have printed thereon all penalties provided for any~~
76 ~~violation of this article~~ an individual designated by the
77 applicant.

78 (d) (1) Except in situations governed by Section
79 17-11-3(f), it shall be unlawful for a third party to
80 knowingly receive a payment or gift for distributing,
81 ordering, requesting, collecting, completing, prefilling,
82 obtaining, or delivering a voter's absentee ballot
83 application. Any person who violates this subdivision shall be
84 guilty of a Class C felony.



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85 (2) Except in situations governed by Section
86 17-11-3(f), it shall be unlawful for a person to knowingly pay
87 or provide a gift to a third party to distribute, order,
88 request, collect, prefill, complete, obtain, or deliver a
89 voter's absentee ballot application. Any person who violates
90 this subdivision shall be guilty of a Class B felony.

91 (e) Any voter who requires assistance to vote by reason
92 of blindness, disability, or inability to read or write may be
93 given assistance by an individual of the voter's choice, other
94 than the voter's employer or agent of that employer or officer
95 or agent of the voter's union.

96 (f) Voters voting by absentee ballot through the
97 Uniformed and Overseas Citizens Absentee Voting Act are not
98 subject to this section. The Secretary of State shall provide
99 applications for absentee voting to military and overseas
100 voters in accordance with Section 17-4-35."

101 Section 2. Unless a penalty is otherwise specified, a
102 knowing violation of Chapter 11 of Title 17, Code of Alabama
103 1975, is a Class A misdemeanor.

104 Section 3. Although this bill would have as its purpose
105 or effect the requirement of a new or increased expenditure of
106 local funds, the bill is excluded from further requirements
107 and application under Section 111.05 of the Constitution of
108 Alabama of 2022, because the bill defines a new crime or
109 amends the definition of an existing crime.

110 Section 4. This act shall become effective immediately,
111 following its passage and approval by the Governor, or its
112 otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB1

Senate 13-Feb-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 07-Mar-24

Senate concurred in House amendment 19-Mar-24

By: Senator Gudger