

SB1 ENGROSSED



1 SB1
2 6RVBZ13-2
3 By Senators Gudger, Roberts, Allen, Bell, Weaver, Elliott,
4 Barfoot, Shelnutt, Stutts, Waggoner
5 RFD: State Governmental Affairs
6 First Read: 06-Feb-24
7 PFD: 09-Jun-23



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-11-4

(a) The application required in Section 17-11-3 shall



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29 be ~~filed with the person designated to serve as the absentee~~
30 ~~election manager. The application shall be~~ in a form
31 prescribed and designed by the Secretary of State and shall be
32 used throughout the state. ~~Notwithstanding the foregoing,~~
33 ~~handwritten applications can also be accepted at any time~~
34 ~~prior to the five-day deadline to receive absentee ballot~~
35 ~~applications as provided in Section 17-11-3.~~ The application
36 form shall contain and require all of the following:

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

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

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

48 (4) An explanation of penalties for violations of this
49 section.

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

56 (2) It shall be unlawful for any person to knowingly

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57 distribute an absentee ballot application to a voter that is
58 prefilled with the voter's name or any other information
59 required on the application form, other than marking the
60 specific election to which the application applies.

61 ~~(c) (1) The application may be handed by the~~
62 ~~applicant~~ Completed applications may be submitted to the
63 absentee election manager ~~or forwarded to him or her by United~~
64 ~~States~~ in any of the following ways, as further provided by
65 rule of the Secretary of State:

66 a. The applicant delivering the application in person.

67 b. The applicant mailing the application by U.S. mail
68 ~~or.~~

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

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

84 (d) (1) Except in situations governed by Section

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85 17-11-3(f), it shall be unlawful for a third party to
86 knowingly receive a payment or gift for distributing,
87 ordering, requesting, collecting, completing, prefilling,
88 obtaining, or delivering a voter's absentee ballot
89 application. Any person who violates this subdivision shall be
90 guilty of a Class C felony.

91 (2) Except in situations governed by Section
92 17-11-3(f), it shall be unlawful for a person to knowingly pay
93 or provide a gift to a third party to distribute, order,
94 request, collect, prefill, complete, obtain, or deliver a
95 voter's absentee ballot application. Any person who violates
96 this subdivision shall be guilty of a Class B felony.

97 (e) Any voter who requires assistance to vote by reason
98 of blindness, disability, or inability to read or write may be
99 given assistance by an individual of the voter's choice, other
100 than the voter's employer or agent of that employer or officer
101 or agent of the voter's union.

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

107 Section 2. Unless a penalty is otherwise specified, a
108 knowing violation of Chapter 11 of Title 17, Code of Alabama
109 1975, is a Class A misdemeanor.

110 Section 3. Although this bill would have as its purpose
111 or effect the requirement of a new or increased expenditure of
112 local funds, the bill is excluded from further requirements



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113 and application under Section 111.05 of the Constitution of
114 Alabama of 2022, because the bill defines a new crime or
115 amends the definition of an existing crime.

116 Section 4. This act shall become effective immediately,
117 following its passage and approval by the Governor, or its
118 otherwise becoming law.



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121 Senate

122 Read for the first time and referred06-Feb-24
123 to the Senate committee on State
124 Governmental Affairs
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126 Read for the second time and placed07-Feb-24
127 on the calendar:
128 0 amendments
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130 Read for the third time and passed13-Feb-24
131 as amended
132 Yeas 27
133 Nays 8
134 Abstains 0
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Patrick Harris,
Secretary.

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