

# 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



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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 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



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

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

40 "§17-11-4

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

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

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



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

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

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

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



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85 17-4-35."

86 "§17-11-9

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

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

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

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

106 "Absent Voter's Ballot. State, County, Municipal,  
107 General, Primary, or Special Election (as the case may be) to  
108 be held on the \_\_\_ day of \_\_\_\_, 2\_\_ From \_\_\_\_\_ (name of  
109 voter), precinct or districts \_\_\_\_\_, County of \_\_\_\_\_,  
110 Alabama."

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



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

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

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



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

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

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

157 Section 2. This act shall become effective June 1,  
158 2024.