

HB209 INTRODUCED



1 5CED33-1

2 By Representatives Kiel, Mooney, Stadthagen, Lipscomb, Sells,
3 Butler, Shaw, Simpson, Kirkland, Shirey, Rigsby, Estes,
4 DuBose, Garrett, Lamb, Moore (P), Stringer, Marques, Carns,
5 Underwood, Lomax, Wood (D), Brown, Ledbetter, Cole,
6 Standridge, Stubbs, Hulsey, Shedd, Colvin, Gidley, Wilcox,
7 Collins, Kitchens, Whorton, Harrison, Yarbrough, Crawford,
8 Woods, Bedsole, Fidler, Fincher

9 RFD: Judiciary

10 First Read: 23-Mar-23

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SYNOPSIS:

This bill would prohibit any person from distributing, ordering, requesting, collecting, completing, obtaining, or delivering an absentee ballot application or absentee ballot of another person in certain circumstances and would provide for exceptions.

This bill would prohibit any person from receiving a payment or providing a payment to another person for distributing, ordering, requesting, collecting, completing, obtaining, or delivering an absentee ballot application or absentee ballot of another person in certain circumstances.

This bill would also establish criminal penalties for violations.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to



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29 require a new or increased expenditure of local funds
30 within the meaning of the amendment. However, the bill
31 does not require approval of a local governmental
32 entity or enactment by a 2/3 vote to become effective
33 because it comes within one of the specified exceptions
34 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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41 Relating to voting; to prohibit any person from
42 distributing, ordering, requesting, collecting, completing,
43 obtaining, or delivering an absentee ballot application or
44 absentee ballot of another person in certain circumstances; to
45 provide for exceptions; to prohibit a person from receiving a
46 payment or providing a payment to another person for
47 distributing, ordering, requesting, collecting, completing,
48 obtaining, or delivering an absentee ballot application or
49 absentee ballot of another person in certain circumstance; and
50 in connection therewith would have as its purpose or effect
51 the requirement of a new or increased expenditure of local
52 funds within the meaning of Section 111.05 of the Constitution
53 of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. (a) Except as provided in subsection (c), it
56 shall be unlawful for any person to knowingly distribute,



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57 order, request, collect, complete, obtain, or deliver an
58 absentee ballot application or absentee ballot in addition to
59 his or her own absentee ballot application or absentee ballot.

60 (b) Any person who violates this section shall be
61 guilty of a Class D felony.

62 (c) Any voter requiring assistance in ordering,
63 requesting, completing, obtaining, or delivering an absentee
64 ballot application may gain assistance from any of the
65 following:

66 (1) Any family member to the second degree of kinship,
67 including, but not limited to, an aunt, uncle, grandparent,
68 grandchild, niece, nephew, parent, full-sibling, half-sibling,
69 or child.

70 (2) A resident of the household who has resided with
71 the voter for more than six months immediately prior to the
72 voter submitting his or her absentee ballot application or
73 absentee ballot.

74 (3) The Alabama Secretary of State or an employee of
75 the Alabama Secretary of State designated in writing by the
76 Alabama Secretary of State.

77 (4) The judge of probate or an employee designated in
78 writing by the judge of probate for the county in which the
79 elector resides.

80 (5) The absentee election manager for the county in
81 which the elector resides for statewide elections.

82 (6) The absentee election manager for the municipality
83 in which the voter votes for municipal elections.

84 (7) A guardian, conservator, or other individual



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85 appointed by order of the probate court.

86 (e) Electors voting by absentee ballot through the
87 Uniformed and Overseas Citizens Absentee Voting Act are not
88 subject to this section.

89 Section 2. (a) It shall be unlawful for a third party
90 to knowingly receive a payment for distributing, ordering,
91 requesting, collecting, completing, obtaining, or delivering
92 another voter's absentee ballot application or absentee
93 ballot.

94 (b) It shall be unlawful for a person to knowingly pay
95 a third party to distribute, order, request, collect,
96 complete, obtain, or deliver another voter's absentee ballot
97 application or absentee ballot.

98 (c) (1) Any person who violates subsection(a) shall be
99 guilty of a Class C felony.

100 (2) Any person who violates subsection (b) shall be
101 guilty of a Class B felony.

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

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