1   HB145

2   116069-1

3   By Representative Newton (C)

4   RFD: Constitution and Elections

5   First Read: 12-JAN-10

6   PFD: 01/07/2010

1   116069-1:n:01/07/2010:JRC/tan LRS2010-98

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8   SYNOPSIS: Under existing law, write-in votes are

9   permitted only in non-municipal general elections.

10   This bill would require that in order to have a

11   write-in vote counted, the voter must write the

12   name on the ballot and register the vote by a mark

13   in the space designated for that particular office.

14   This bill would require that a write-in

15   candidate be registered with the Secretary of State

16   or the judge of probate as an official write-in

17   candidate and comply with the provisions of the

18   Fair Campaign Practices Act and the State Ethics

19   Law in order to have his or her vote counted and

20   would provide for a procedure for counting write-in

21   votes.

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23   A BILL

24   TO BE ENTITLED

25   AN ACT

26

1   To amend Section 17-6-28, Code of Alabama 1975,

2   relating to write-in votes, to require that a write-in

3   candidate be registered with the Secretary of State or the

4   judge of probate as an official candidate and comply with the

5   provisions of the Fair Campaign Practices Act and the State

6   Ethics Law in order for his or her vote to be counted and to

7   provide for a procedure for counting write-in votes.

8   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9   Section 1. Section 17-6-28, Code of Alabama 1975, is

10   amended to read as follows:

11   "§17-6-28.

12   "Write-in votes shall be permitted only in

13   non-municipal general elections. A write-in candidate must

14   register with the Secretary of State or the judge of probate,

15   as applicable, at least 90 days prior to the election as an

16   official write-in candidate and must comply with the Fair

17   Campaign Practices Act and the State Ethics Law in order to

18   have votes cast for him or her counted. If the write-in votes

19   are deemed to be counted, they shall be delivered to the

20   courthouse in the same manner as provisional ballots and shall

21   be counted within two days of the election. All votes cast on

22   the ballot with the exception of the write-in votes shall be

23   counted at the precinct level. The ballot must be constructed

24   so that the voter can mark a write-in vote for each office in

25   the same manner that votes are registered for regular

26   candidates. In order to cast a valid write-in vote, the voter

27   must (1) write the name on the ballot and (2) register the

1 vote by a mark in the space designated for that office. A

2 write-in vote shall not be counted if the vote is not

3 registered as provided above. If a voter registers a vote for

4 a name on the ballot and then writes in another name for the

5 same office but fails to register the write-in vote, the

6 ballot shall be treated as if no write-in vote had occurred

7 and the regular vote shall be counted. If a properly

8 registered write-in vote causes an over-vote, it shall be

9 treated as any other over-vote and none of the votes for the

10 over-voted office shall be counted. However, the remainder of

11 the ballot shall be counted. When counting write-in votes,

12 poll officials must check for over-votes if the electronic

13 ballot counter does not perform the function."

14 Section 2. This act shall become effective on the

15 first day of the third month following its passage and

16 approval by the Governor, or its otherwise becoming law.