

1 HB32
2 125473-1
3 By Representatives Clouse, Barton, Wren, Newton (C), Laird,
4 Greer, Long, Johnson (K), Millican, Thomas, Gaston and
5 McCutcheon
6 RFD: Constitution, Campaigns and Elections
7 First Read: 01-MAR-11
8 PFD: 02/25/2011

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the presidential
9 preference primary election is held on the first
10 Tuesday in February each year a President is to be
11 elected.

12 This bill would change the presidential
13 preference primary election to the first Tuesday in
14 June beginning in the year 2012.

15 This bill would also delete certain
16 provisions applicable when the date of the election
17 is on the same day as Mardi Gras.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 17-13-100, Code of Alabama 1975,
24 relating to presidential preference primary elections; to
25 change the date of the presidential primary election to the
26 first Tuesday in June beginning in the year 2012; and to

1 delete certain provisions applicable when the date of the
2 election is on the same day as Mardi Gras.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-13-100, Code of Alabama 1975,
5 is amended to read as follows:

6 "§17-13-100.

7 "(a) Primary elections for the purpose of
8 determining the preferred candidates for President of the
9 United States shall be held the first Tuesday in ~~February~~ June
10 each year in which a President is to be elected beginning in
11 the year ~~2008~~ 2012.

12 "(b) Subject to rules and procedures of the
13 political party of any ~~such~~ presidential candidate, the names
14 of any candidates for delegate to the national conventions
15 pledged to a presidential candidate shall be placed under his
16 or her name and ~~such~~ the delegates shall be elected in the
17 primary election ~~on the first Tuesday in February of each year~~
18 as provided herein.

19 "~~(c) In any year in which the presidential~~
20 ~~preference primary is on the same day as Mardi Gras, the~~
21 ~~following additional provisions apply:~~

22 "~~(1) Qualified electors in Mobile County, Baldwin~~
23 ~~County, and any county that recognizes Mardi Gras as a county~~
24 ~~holiday may vote an absentee ballot without regard as to~~
25 ~~whether the elector will be out of the municipality, county,~~
26 ~~or state on election day.~~

1 ~~"(2) Qualified electors in Mobile County, Baldwin~~
2 ~~County, and any county that recognizes Mardi Gras as a county~~
3 ~~holiday may vote in the presidential preference primary on the~~
4 ~~Wednesday preceding the first Tuesday in February. This early~~
5 ~~voting day shall be conducted by the respective judges of~~
6 ~~probate in the same manner as provided for the day of the~~
7 ~~presidential preference primary, except as otherwise provided~~
8 ~~in this subsection.~~

9 ~~"(3) When early voting is provided on the Wednesday~~
10 ~~preceding the first Tuesday in February and when the day of~~
11 ~~the presidential preference primary is Mardi Gras, the Judges~~
12 ~~of Probate in Mobile County, Baldwin County, and any county~~
13 ~~that recognizes Mardi Gras as a county holiday may establish~~
14 ~~for both days special voting centers, rather than standard~~
15 ~~precincts and voting locations. These voting centers shall be~~
16 ~~established at locations accessible to electors and that will~~
17 ~~allow participation.~~

18 ~~"(4) When early voting is provided, votes on that~~
19 ~~day shall be counted by poll workers at the voting centers or~~
20 ~~other appropriate locations and the results shall be sealed~~
21 ~~without disclosure and forwarded to the judge of probate; and~~
22 ~~such results shall remain sealed until the first Tuesday in~~
23 ~~February, when the final tabulation and canvassing shall be~~
24 ~~conducted, after which all results shall be announced at the~~
25 ~~same time.~~

26 ~~"(5) Except as specifically provided in subdivision~~
27 ~~(6), if any time requirement specified in this title is made~~

1 ~~unreasonable by this subsection, the judge of probate of the~~
2 ~~applicable county may adjust the time requirements to comply~~
3 ~~with this subsection. Such adjustments to the election~~
4 ~~administration procedures and practices shall be as consistent~~
5 ~~as possible with the state election~~
6 ~~organizational-administration plan, but it is the intent of~~
7 ~~this subdivision to grant the judge of probate necessary~~
8 ~~flexibility to implement this subsection.~~

9 ~~"(6) a. The voter registration deadline date for the~~
10 ~~elections provided in this subsection shall be 10 days prior~~
11 ~~to the early election date.~~

12 ~~"b. The absentee ballot request deadline date for~~
13 ~~the elections provided in this subsection shall be the~~
14 ~~Thursday before the early election date.~~

15 ~~"c. The emergency absentee ballot process shall~~
16 ~~apply from the Friday before the early election date to the~~
17 ~~day before the first Tuesday in February.~~

18 ~~"(7) The appointing board, for purposes of this~~
19 ~~subsection only, may appoint sufficient poll workers for the~~
20 ~~voting centers who reside anywhere in the county.~~

21 ~~"(8) The county commission of each county subject to~~
22 ~~this subsection may take any of the following actions~~
23 ~~regarding implementing this subsection:~~

24 ~~"a. Designate one place within the county for use on~~
25 ~~the first Tuesday in February as a countywide voting center.~~

1 ~~"b. Designate an alternative place for the~~
2 ~~tabulation and canvassing of election returns besides the~~
3 ~~county seat of government on the first Tuesday in February.~~

4 ~~"c. Designate an alternative place for the operation~~
5 ~~of the Board of Registrars' office and Absentee Election~~
6 ~~Manager's office besides the county seat of government on the~~
7 ~~first Tuesday in February.~~

8 ~~"d. Pay expenses associated with: Telephone,~~
9 ~~computer, and communication operations, including, but not~~
10 ~~limited to, installation, service, and discontinuation,~~
11 ~~associated with obtaining these services on the first Tuesday~~
12 ~~in February at the countywide voting center; and the locations~~
13 ~~for tabulation and canvassing; Board of Registrars' functions;~~
14 ~~and Election Manager's office functions; as such expenses are~~
15 ~~considered appropriate by the judge of probate and the county~~
16 ~~commission, not to exceed twenty-five thousand dollars~~
17 ~~(\$25,000) per county.~~

18 ~~"e. Pay advertising and media expenses incurred in~~
19 ~~attempting to inform the citizens of the county of early~~
20 ~~voting, absentee voting, and voting on the first Tuesday in~~
21 ~~February as provided in this subsection, as considered~~
22 ~~appropriate by the judge of probate, not to exceed one hundred~~
23 ~~thousand dollars (\$100,000) per county.~~

24 ~~"f. Pay holiday compensation amounts, as otherwise~~
25 ~~provided, to county employees for services rendered on the~~
26 ~~first Tuesday in February or other affected dates.~~

1 "~~(9) Municipalities in any county subject to this~~
2 ~~subsection shall ensure that no parade permit is issued that~~
3 ~~would hinder or disrupt the early voting process provided in~~
4 ~~this subsection.~~

5 "~~(10) All expenses necessary to provide for absentee~~
6 ~~balloting or early voting in any county subject to this~~
7 ~~subsection shall be reimbursed by the state as provided in~~
8 ~~subsection (d).~~

9 "~~(d)~~ (c) The State of Alabama shall reimburse a
10 county for all sums expended in holding and conducting the
11 presidential preference primary as provided in Section
12 17-16-4. The provisions of Section 17-4-1 shall not apply to
13 the election held under this section, and no payments shall be
14 made to the judge of probate under the provisions of Section
15 17-3-60."

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.