

1 HB425  
2 128506-2  
3 By Representative Clouse  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 31-MAR-11

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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 and the regular primary is the first  
12 Tuesday in June.

13 This bill would change the presidential  
14 preference primary election to the first Tuesday in  
15 March beginning in the year 2012 and would provide  
16 that in presidential primary years, the regular  
17 primary election would also be the first Tuesday in  
18 March.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Sections 17-13-3 and 17-13-100, Code of  
25 Alabama 1975, relating to primary elections, to change the  
26 date of the presidential primary election to the first Tuesday  
27 in March beginning in the year 2012 and provide the regular

1 primary would also be the first Tuesday in March in  
2 presidential primary years.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 17-13-3 and 17-13-100, Code of  
5 Alabama 1975, are amended to read as follows:

6 "§17-13-3.

7 "Primary (a) Except as otherwise provided in  
8 subsection (b), primary elections, except special primary  
9 elections and presidential preference primaries, held at the  
10 expense of the state or counties, shall be held on the first  
11 Tuesday in June. When necessary, as provided in this chapter,  
12 a second or runoff primary election shall be held on the sixth  
13 Tuesday following the primary election. Any second primary  
14 shall be held by the same election officers who held the first  
15 primary, and be held at the same places as the first primary  
16 election. No primary shall be held by any political party  
17 except as herein provided. Primary elections herein provided  
18 for shall be held at the regular polling places established  
19 for the purpose of holding general elections.

20 "(b) In years in which a presidential primary is  
21 conducted, the primary election shall be the first Tuesday in  
22 March.

23 "§17-13-100.

24 "(a) Primary elections for the purpose of  
25 determining the preferred candidates for President of the  
26 United States shall be held the first Tuesday in ~~February~~

1 March each year in which a President is to be elected  
2 beginning in the year ~~2008~~ 2012.

3 "(b) Subject to rules and procedures of the  
4 political party of any ~~such~~ presidential candidate, the names  
5 of any candidates for delegate to the national conventions  
6 pledged to a presidential candidate shall be placed under his  
7 or her name and ~~such~~ the delegates shall be elected in the  
8 primary election ~~on the first Tuesday in February of each year~~  
9 as provided herein.

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

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

18 "~~(2) Qualified electors in Mobile County, Baldwin~~  
19 ~~County, and any county that recognizes Mardi Gras as a county~~  
20 ~~holiday may vote in the presidential preference primary on the~~  
21 ~~Wednesday preceding the first Tuesday in February. This early~~  
22 ~~voting day shall be conducted by the respective judges of~~  
23 ~~probate in the same manner as provided for the day of the~~  
24 ~~presidential preference primary, except as otherwise provided~~  
25 ~~in this subsection.~~

26 "~~(3) When early voting is provided on the Wednesday~~  
27 ~~preceding the first Tuesday in February and when the day of~~

1 ~~the presidential preference primary is Mardi Gras, the Judges~~  
2 ~~of Probate in Mobile County, Baldwin County, and any county~~  
3 ~~that recognizes Mardi Gras as a county holiday may establish~~  
4 ~~for both days special voting centers, rather than standard~~  
5 ~~precincts and voting locations. These voting centers shall be~~  
6 ~~established at locations accessible to electors and that will~~  
7 ~~allow participation.~~

8 ~~"(4) When early voting is provided, votes on that~~  
9 ~~day shall be counted by poll workers at the voting centers or~~  
10 ~~other appropriate locations and the results shall be sealed~~  
11 ~~without disclosure and forwarded to the judge of probate; and~~  
12 ~~such results shall remain sealed until the first Tuesday in~~  
13 ~~February, when the final tabulation and canvassing shall be~~  
14 ~~conducted, after which all results shall be announced at the~~  
15 ~~same time.~~

16 ~~"(5) Except as specifically provided in subdivision~~  
17 ~~(6), if any time requirement specified in this title is made~~  
18 ~~unreasonable by this subsection, the judge of probate of the~~  
19 ~~applicable county may adjust the time requirements to comply~~  
20 ~~with this subsection. Such adjustments to the election~~  
21 ~~administration procedures and practices shall be as consistent~~  
22 ~~as possible with the state election~~  
23 ~~organizational-administration plan, but it is the intent of~~  
24 ~~this subdivision to grant the judge of probate necessary~~  
25 ~~flexibility to implement this subsection.~~

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

4           ~~"b. The absentee ballot request deadline date for~~  
5 ~~the elections provided in this subsection shall be the~~  
6 ~~Thursday before the early election date.~~

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

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

13           ~~"(8) The county commission of each county subject to~~  
14 ~~this subsection may take any of the following actions~~  
15 ~~regarding implementing this subsection:~~

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

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

21           ~~"c. Designate an alternative place for the operation~~  
22 ~~of the Board of Registrars' office and Absentee Election~~  
23 ~~Manager's office besides the county seat of government on the~~  
24 ~~first Tuesday in February.~~

25           ~~"d. Pay expenses associated with: Telephone,~~  
26 ~~computer, and communication operations, including, but not~~  
27 ~~limited to, installation, service, and discontinuation,~~

1 associated with obtaining these services on the first Tuesday  
2 in February at the countywide voting center; and the locations  
3 for tabulation and canvassing; Board of Registrars' functions;  
4 and Election Manager's office functions; as such expenses are  
5 considered appropriate by the judge of probate and the county  
6 commission, not to exceed twenty-five thousand dollars  
7 (\$25,000) per county.

8 "e. Pay advertising and media expenses incurred in  
9 attempting to inform the citizens of the county of early  
10 voting, absentee voting, and voting on the first Tuesday in  
11 February as provided in this subsection, as considered  
12 appropriate by the judge of probate, not to exceed one hundred  
13 thousand dollars (\$100,000) per county.

14 "f. Pay holiday compensation amounts, as otherwise  
15 provided, to county employees for services rendered on the  
16 first Tuesday in February or other affected dates.

17 "(9) Municipalities in any county subject to this  
18 subsection shall ensure that no parade permit is issued that  
19 would hinder or disrupt the early voting process provided in  
20 this subsection.

21 "(10) All expenses necessary to provide for absentee  
22 balloting or early voting in any county subject to this  
23 subsection shall be reimbursed by the state as provided in  
24 subsection (d).

25 "~~(d)~~ (c) The State of Alabama shall reimburse a  
26 county for all sums expended in holding and conducting the  
27 presidential preference primary as provided in Section

1 17-16-4. The provisions of Section 17-4-1 shall not apply to  
2 the election held under this section, and no payments shall be  
3 made to the judge of probate under the provisions of Section  
4 17-3-60."

5 Section 2. This act shall become effective  
6 immediately following its passage and approval by the  
7 Governor, or its otherwise becoming law.