

1 SB15
2 133150-1
3 By Senator Ward
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 07-FEB-12
6 PFD: 06/24/2011

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, to gain ballot access,
9 an independent candidate for office must file a
10 written petition signed by at least three percent
11 of the qualified electors who cast ballots for the
12 office of Governor in the last general election.

13 This bill would reduce the number of names
14 of qualified electors required for political
15 parties and independent candidates for statewide
16 office to gain ballot access.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Sections 17-6-22 and 17-9-3, Code of
23 Alabama 1975, relating to political parties and persons
24 entitled to have their names printed on ballots, to reduce the
25 number of names of qualified electors required for political
26 parties and independent candidates for statewide office to
27 gain ballot access.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 17-6-22 and 17-9-3, Code of
3 Alabama 1975, are amended to read as follows:

4 "§17-6-22.

5 "(a) No political party, except those qualified as a
6 political party under Chapter 13, shall be included on any
7 general election ballot unless:

8 "(1) The party shall have filed with the Secretary
9 of State or other appropriate official ~~on the date of the~~
10 ~~first primary election~~ not later than noon on the third
11 Wednesday following the date prescribed for a second primary
12 election a list of the signatures of at least ~~three~~ one and
13 one-half percent, or five thousand signatures, whichever is
14 less, of the qualified electors who cast ballots for the
15 office of Governor in the last general election for the state,
16 ~~county, city,~~ district, or other political subdivision in
17 which the political party seeks to qualify candidates for
18 office; and unless

19 "(2) The party shall have fulfilled all other
20 applicable requirements of federal, state, or local laws.

21 "(b) The provisions of this section are supplemental
22 to the provisions of Chapter 13, and other laws regarding the
23 conduct of elections in Alabama, and shall repeal only those
24 laws or parts of laws in direct conflict herewith.

25 "§17-9-3.

26 "(a) The following persons shall be entitled to have
27 their names printed on the appropriate ballot for the general

1 election, provided they are otherwise qualified for the office
2 they seek:

3 "(1) All candidates who have been put in nomination
4 by primary election and certified in writing by the chair and
5 secretary of the canvassing board of the party holding the
6 primary and filed with the judge of probate of the county, in
7 the case of a candidate for county office, and the Secretary
8 of State in all other cases, on the day next following the
9 last day for contesting the primary election for that office
10 if no contest is filed. If a contest is filed, then the
11 certificate for the contested office must be filed on the day
12 next following the date of settlement or decision of the
13 contest.

14 "(2) All candidates who have been put in nomination
15 by any caucus, convention, mass meeting, or other assembly of
16 any political party or faction and certified in writing by the
17 chair and secretary of the nominating caucus, convention, mass
18 meeting, or assembly and filed with the judge of probate, in
19 the case of a candidate for county office, and the Secretary
20 of State in all other cases, on or before 5:00 P.M. on the
21 date of the first primary election as provided for in Section
22 17-13-3.

23 "(3) Each candidate who has been requested to be an
24 independent candidate for a specified local office by written
25 petition signed by electors qualified to vote in the election
26 to fill the office when the petition has been filed with the
27 judge of probate, in the case of a county office ~~and with the~~

1 ~~Secretary of State in all other cases,~~ on or before 5:00 P.M.
2 on the date of the first primary election as provided for in
3 Section 17-13-3. The number of qualified electors signing the
4 petition shall equal or exceed three percent of the qualified
5 electors who cast ballots for the office of Governor in the
6 last general election for the state, county, district, or
7 other political subdivision in which the candidate seeks to
8 qualify.

9 "(4) Each candidate who has been requested to be an
10 independent candidate for a specified statewide office by
11 written petition signed by electors qualified to vote in the
12 election to fill the office when the petition has been filed
13 with the Secretary of State on or before 5:00 P.M. on the date
14 of the first primary election as provided for in Section
15 17-13-3. The number of qualified electors signing the petition
16 shall equal or exceed one and one-half percent of the
17 qualified electors who cast ballots for the office of Governor
18 in the last general election for the state office for which
19 the candidate seeks to qualify.

20 "(b) The Secretary of State, not later than 45 days
21 after the second primary, shall certify to the judge of
22 probate of each county in the state, in the case of an officer
23 to be voted for by the electors of the whole state, and to the
24 judges of probate of the counties composing the circuit or
25 district in the case of an officer to be voted for by the
26 electors of a circuit or district, upon suitable blanks to be
27 prepared by him or her for that purpose, the fact of

1 nomination or independent candidacy of each nominee or
2 independent candidate or candidate of a party who did not
3 receive more than 20 percent of the entire vote cast in the
4 last general election preceding the primary who has qualified
5 to appear on the general election ballot. The judge of probate
6 shall then prepare the ballot with the names of each candidate
7 qualified under the provisions of this section printed on the
8 ballot. The judge of probate may not print on the ballot the
9 name of any independent candidate who was a candidate in the
10 primary election of that year and the name of any nominee of a
11 political party who was a candidate for the nomination of a
12 different political party in the primary election of that
13 year."

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