

1 HB282
2 147449-2
3 By Representatives Newton (C) and Standridge
4 RFD: Constitution, Campaigns and Elections
5 First Read: 14-FEB-13

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8 SYNOPSIS: Under existing law, write-in votes are
9 permitted only in non-municipal general elections.
10 In order to have a write-in vote counted, the voter
11 must write the name on the ballot and register the
12 vote by a mark in the space designated for that
13 particular office.

14 This bill would provide for the procedure
15 for counting write-in votes at a central location
16 in the county.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 17-6-28, Code of Alabama 1975,
23 relating to write-in votes, to provide for the procedure for
24 counting write-in votes.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 17-6-28, Code of Alabama 1975, is
27 amended to read as follows:

1 "§17-6-28.

2 "(a) Write-in votes shall be permitted only in
3 non-municipal general elections. The ballot must be
4 constructed so that the voter can mark a write-in vote for
5 each office in the same manner that votes are registered for
6 regular candidates. In order to cast a valid write-in vote,
7 the voter must (1) write the name on the ballot and (2)
8 register the vote by a mark in the space designated for that
9 office. A write-in vote shall not be counted if the vote is
10 not registered as provided above. If a voter registers a vote
11 for a name on the ballot and then writes in another name for
12 the same office but fails to register the write-in vote, the
13 ballot shall be treated as if no write-in vote had occurred
14 and the regular vote shall be counted. If a properly
15 registered write-in vote causes an over-vote, it shall be
16 treated as any other over-vote and none of the votes for the
17 over-voted office shall be counted. However, the remainder of
18 the ballot shall be counted. When counting write-in votes,
19 poll officials must check for over-votes if the electronic
20 ballot counter does not perform the function.

21 "(b) All write-in ballots shall be returned on
22 election night to a central location in the county as
23 determined by the judge of probate. If it is determined that
24 total write-in ballots for any office cannot affect the
25 outcome of the election for that office, all write-in votes
26 for that office shall not be counted except as provided in
27 subdivision (4).

1 "(1) Except for elections subject to subdivision
2 (2), the canvassing board for the county shall make a
3 determination of whether the write-in votes for an office can
4 affect the outcome of the election. If the canvassing board
5 determines that the write-in votes can affect the outcome of
6 the election, the write-in votes shall be counted. If the
7 canvassing board determines that the number of write-in votes
8 cannot affect the outcome of the election for the office, the
9 write-in votes for that office shall not be counted, except as
10 provided in subdivision (4).

11 "(2) For write-in votes for elections involving
12 voters of more than one county, the judge of probate for each
13 county where ballots are cast for the office shall forward to
14 the Secretary of State the number of write-in votes for the
15 office. The Secretary of State shall then make a determination
16 of whether the write-in votes for the office can affect the
17 outcome of the election for that office. If the Secretary of
18 State determines that the number of write-in votes can affect
19 the outcome of the election, the write-in votes shall be
20 counted. If the Secretary of State determines that the number
21 of write-in votes cannot affect the outcome of the election,
22 the write-in votes for the office shall not be counted, except
23 as provided in subdivision (4).

24 "(3) If write-in votes are required to be counted,
25 all write-in votes for office shall be counted by duly
26 appointed election officials on or before noon on the Tuesday
27 that is seven days after the election.

1 "(4) Any qualified elector who voted in an election
2 may request within two business days of the election that the
3 write-in votes for any office be counted. The elector
4 requesting that the write-in votes for an office be counted
5 shall pay the actual costs of the counting."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.