

1 HB488
2 148319-1
3 By Representative Ball
4 RFD: Constitution, Campaigns and Elections
5 First Read: 20-MAR-13

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, if no candidate receives
9 a majority of all of the votes cast in such primary
10 election for any one office or offices for the
11 nomination to which there were more than two
12 candidates, a second primary election is held.

13 This bill would provide that if no candidate
14 receives at least 35 percent of all of the votes
15 cast in a primary election for any one office or
16 offices for the nomination to which there were more
17 than two candidates, a second primary election
18 would be held.

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

24 To amend Section 17-13-18, Code of Alabama 1975,
25 relating to primary elections; to provide that if no candidate
26 receives at least 35 percent of all of the votes case in a
27 primary election for any one office or offices for the

1 nomination to which there were more than two candidates, then
2 a second primary election would be held.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-13-18 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§17-13-18.

7 "(a) At the respective meetings of the respective
8 executive committees, the county executive committee, as to
9 candidates in the primary election for office, except
10 candidates for county office, shall publicly ascertain,
11 determine, and declare whether any candidate for office in the
12 primary election has received a majority of the votes cast for
13 the office, and, if so, declare the candidate the nominee of
14 the party for the office for which he or she was a candidate
15 and for which he or she received a majority of the votes cast
16 for that office in the primary election.

17 "(b) If no candidate receives ~~a majority~~ at least 35
18 percent of all of the votes cast in such primary election for
19 any one office or offices for the nomination to which there
20 were more than two candidates, then there shall be held a
21 second primary election on the sixth Tuesday following the
22 primary election, and the chair of the state executive
23 committee shall certify to the Secretary of State, immediately
24 upon the completion of such canvass, the names of the two
25 candidates of the party to receive the highest number of votes
26 in the first primary election for such office or offices,
27 except county officers, and who are to be voted for in the

1 second primary election. The chair of each county executive
2 committee shall, immediately upon the completion of such
3 canvass, certify to the judge of probate of the county the
4 names of the two candidates who received the highest number of
5 votes in the first primary for nomination to any county
6 office. The Secretary of State shall, within not more than six
7 days from the date the certificate is received from the chair
8 of the state executive committee, certify to the judge of
9 probate of any county where a second primary election is to be
10 held the name or names of the candidates certified as herein
11 provided by the chair of the state executive committee. The
12 judge of probate of each county in Alabama shall in the manner
13 and form as required by this chapter and the general laws of
14 Alabama, have prepared and printed all election supplies and
15 all ballots to be voted in the second primary election, which
16 ballots shall contain, under appropriate headings or titles of
17 the offices to be filled, the names of the two candidates for
18 each office so certified by the Secretary of State and the
19 chair of the county executive committee, as herein required,
20 as well as such other matters as are required by this chapter
21 and the general laws of Alabama, on ballots for the first
22 primary election. If a candidate receives at least 35 percent
23 of all of the votes cast in such primary election for any one
24 office or offices for the nomination to which there were more
25 than two candidates, then no second primary election shall be
26 held.

1 "(c) At the second primary election, no person can
2 be a candidate except the two persons who receive the highest
3 number of votes for the offices for which they were candidates
4 in the first primary election.

5 "(d) The returns from the second primary election
6 shall be made and the votes canvassed, tabulated, and
7 certified and the results declared in the same manner provided
8 in this chapter for making, canvassing, tabulating,
9 certifying, and declaring the results of the first primary
10 election. The county executive committee of the parties
11 participating in the primary election shall meet at the
12 courthouse of their respective counties not later than the
13 second Friday following the second primary election and
14 receive the returns, canvass and tabulate the same by
15 precinct, and publicly declare the results thereof. The chair
16 of each county executive committee shall forthwith, and not
17 later than noon on the second Monday following the primary
18 election, certify and return to the chair of the state
19 executive committee a statement and tabulation by precincts of
20 the results of the second primary election and of the number
21 of votes received by each candidate for office therein voted
22 for, except candidates for county office. Not later than noon
23 on the third Wednesday following the second primary election,
24 the state executive committee, or such subcommittee thereof as
25 may have been appointed by the chair thereof for such purpose,
26 shall meet at the State Capitol in Montgomery and receive the
27 returns and canvass and tabulate the same by counties, and

1 publicly declare on that day the result thereof as to all
2 candidates voted for, except as to candidates for county
3 office, which results shall be final. At such respective
4 meetings of the respective executive committees, the county
5 executive committee, as to candidates for county office voted
6 for in the second primary election, and the state executive
7 committee, as to candidates for office in the second primary
8 election voted for therein, except candidates for county
9 office, shall publicly ascertain and determine the candidates
10 receiving a majority of all of the votes cast in such second
11 primary election for any one office, and the candidates so
12 ascertained and determined to have received a majority of all
13 of the votes cast in such second primary election for the
14 office shall be declared the nominee of the party for such
15 office by the respective county and state executive
16 committees. Thereupon and immediately upon the completion of
17 such canvass, the chair thereof shall certify to and file with
18 the judge of probate of the county the names of those who have
19 been nominated in the first or the second primary election or
20 as otherwise authorized or provided by this chapter, as
21 candidates of the party for county offices; and in like
22 manner, and immediately upon the completion of such canvass,
23 by the state executive committee, or subcommittee thereof, the
24 chair of the state executive committee shall certify to and
25 file with the Secretary of State the names of those who have
26 been nominated in the first or second primary election or as
27 otherwise authorized or provided by this chapter as candidates

1 of the party for office, except candidates for county office,
2 and the names of the persons so certified shall be placed upon
3 the official ballot of the general election to be held in
4 November next thereafter as the candidates of the party for
5 the offices for which they, respectively, have been so
6 nominated.

7 "(e) The state executive committee or such
8 subcommittee as provided in this section shall also provide
9 the Secretary of State with the second primary election
10 returns by precincts according to county on a form authorized
11 by the Secretary of State on the third Wednesday following the
12 secondary primary, county and municipal returns excepted."

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