

1 HB516
2 149853-2
3 By Representative Johnson (R)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-APR-13

1 acknowledgments, that he or she will not accept the nomination
2 specified in the certificate of nomination or petition of
3 electors. The name of each candidate shall appear but one time
4 on the ballot and under only one emblem.

5 "(b) A nomination for a candidate in a primary or
6 general election shall be finalized by the respective state
7 executive committees not later than 76 days prior to the
8 primary or general election. Any amendment to a certification
9 of a candidate by a state executive committee shall be filed
10 with the judge of probate, in the case of a county office, or
11 the Secretary of State, in the case of a state or federal
12 office. Any such amendment filed after the 76th day before a
13 primary or general election shall be accepted by the judge of
14 probate or Secretary of State; however, the candidate's name
15 shall remain on the ballot but the appropriate canvassing
16 board may not certify any votes for the candidate.

17 ~~"(b) (c)~~ The notification deadline for persons who do
18 not wish to accept nomination in a primary ~~or second primary~~
19 ~~election is 20 days before the date of the election~~ is 76 days
20 ~~before the date of the election. A person who does not wish to~~
21 ~~accept nomination in a second primary election shall submit~~
22 ~~the notification set forth in subsection (a) prior to the~~
23 ~~printing of absentee ballots. The notification deadline for~~
24 persons who do not wish to accept nomination in a general
25 election is ~~45~~ 76 days before the date of the election. In the
26 ~~event that a candidate submits a notification of withdrawal~~
27 ~~after the applicable deadline, the candidate's name shall~~

1 remain on the ballot but any votes cast for the candidate
2 shall not be certified by the appropriate canvassing board.

3 "§17-9-3.

4 "(a) The following persons shall be entitled to have
5 their names printed on the appropriate ballot for the general
6 election, provided they are otherwise qualified for the office
7 they seek:

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

19 "(2) All candidates who have been put in nomination
20 by any caucus, convention, mass meeting, or other assembly of
21 any political party or faction and certified in writing by the
22 chair and secretary of the nominating caucus, convention, mass
23 meeting, or assembly and filed with the judge of probate, in
24 the case of a candidate for county office, and the Secretary
25 of State in all other cases, on or before 5:00 P.M. on the
26 date of the first primary election as provided for in Section
27 17-13-3.

1 "(3) Each candidate who has been requested to be an
2 independent candidate for a specified office by written
3 petition signed by electors qualified to vote in the election
4 to fill the office when the petition has been filed with the
5 judge of probate, in the case of a county office and with the
6 Secretary of State in all other cases, on or before 5:00 P.M.
7 on the date of the first primary election as provided for in
8 Section 17-13-3. The number of qualified electors signing the
9 petition shall equal or exceed three percent of the qualified
10 electors who cast ballots for the office of Governor in the
11 last general election for the state, county, district, or
12 other political subdivision in which the candidate seeks to
13 qualify.

14 "(b) The Secretary of State, not later than ~~45~~ 74
15 days ~~after the second primary~~ before the general election,
16 shall certify to the judge of probate of each county in the
17 state, in the case of an officer to be voted for by the
18 electors of the whole state, and to the judges of probate of
19 the counties composing the circuit or district in the case of
20 an officer to be voted for by the electors of a circuit or
21 district, upon suitable blanks to be prepared by him or her
22 for that purpose, the fact of nomination or independent
23 candidacy of each nominee or independent candidate or
24 candidate of a party who did not receive more than 20 percent
25 of the entire vote cast in the last general election preceding
26 the primary who has qualified to appear on the general
27 election ballot. The judge of probate shall then prepare the

1 ballot with the names of each candidate qualified under the
2 provisions of this section printed on the ballot. The judge of
3 probate may not print on the ballot the name of any
4 independent candidate who was a candidate in the primary
5 election of that year and the name of any nominee of a
6 political party who was a candidate for the nomination of a
7 different political party in the primary election of that
8 year.

9 "§17-11-5.

10 "(a) Upon receipt of an application for an absentee
11 ballot as provided in Section 17-11-3, if the applicant's name
12 appears on the list of qualified voters produced from the
13 state voter registration list in the election to be held, or
14 if the voter makes an affidavit for a challenged vote or
15 provisional ballot, the absentee election manager shall
16 furnish the absentee ballot to the applicant by: (1)
17 Forwarding it by United States mail to the applicant's or
18 voter's residence address, or upon written request of the
19 voter, to the address where the voter regularly receives mail
20 or (2) by handing the absentee ballot to the voter in person
21 or, in the case of emergency voting, his or her designee in
22 person. If the absentee election manager has reasonable cause
23 to believe that the applicant has given a fraudulent address
24 on the application for the absentee ballot, the absentee
25 election manager shall turn over the ballot application to the
26 district attorney for any action which may be necessary under
27 this chapter. The absentee election manager may require

1 additional proof of a voter's eligibility to vote absentee
2 when there is evidence of continuous absentee voting. The
3 absentee election manager shall mail any absentee ballot
4 requested to be mailed as provided in Section 17-11-3 no later
5 than the next business day after an application has been
6 received unless the absentee ballots have not been delivered
7 to the absentee election manager. If the absentee ballots have
8 not been so delivered, the absentee election manager shall
9 hold all requests until the ballots are delivered and shall
10 then respond by placing ballots in the mail no later than the
11 next business day.

12 "(b) The official list of qualified voters shall be
13 furnished to the absentee election manager by the judge of
14 probate using a printout from the state voter registration
15 list of registered voters for that county containing ~~vote~~
16 voter registration information useful in the identification of
17 absentee voters. The information provided in this report shall
18 be established by rules adopted by the Secretary of State with
19 the advice of the Alabama Circuit Court Clerks Association or
20 its members and shall indicate whether the individual is
21 obligated to produce identification in accordance with
22 Sections 17-9-30 and 17-10-1. The Secretary of State may
23 further provide by administrative rule for electronic access
24 to this list for optional use by the absentee election
25 manager. This list shall be made available beginning at least
26 45 days before the election. In municipal elections, the
27 official list of qualified voters shall be furnished to the

1 absentee election manager at least 35 days before the
2 election. Any supplemental list of qualified electors shall
3 also be provided to the absentee election manager as soon as
4 the list becomes available. The absentee election manager
5 shall underscore on the list the name of each voter who has
6 applied for an absentee ballot and shall write immediately
7 beside his or her name the word "absentee." The Secretary of
8 State by rule may provide for electronic access to the
9 absentee election manager's county list of registered voters
10 and for the method of identifying applicants for absentee
11 ballots in conjunction with the state voter registration list.

12 "(c) The absentee election manager shall enroll the
13 name, residence, and voting place of the applicant, and the
14 date the application was received on a list of absentee
15 voters. Each day the absentee election manager shall enter on
16 the list the names, addresses, and voting places of each voter
17 who has that day applied for an absentee ballot and shall, for
18 all elections other than municipal elections, post a copy of
19 the list of applications received each day on the regular
20 bulletin board or other public place in the county courthouse.
21 In municipal elections, the absentee election manager shall
22 post a copy of the list of applications received each day on
23 the regular bulletin board or other public place in the city
24 hall. The absentee election manager in all elections shall
25 deliver to the board of registrars the day following the
26 election, a copy of the list of all absentee voters. The list
27 shall be maintained in the office of the circuit clerk for 60

1 days after the election, at which time it shall be delivered
2 to the judge of probate. Before the polls open at any election
3 on election day, the absentee election manager shall
4 effectuate the delivery to the election officers of each
5 voting place a list showing the name and address of every
6 person whose name appears on the official list of qualified
7 electors for the voting place who applied for an absentee
8 ballot in the election. The name of the person who applied for
9 an absentee ballot shall be identified as an absentee voter on
10 the list of qualified electors kept at the voting place, and
11 the person shall not vote again, except that in county, state,
12 and federal elections the person may vote a provisional
13 ballot. Applications for absentee ballots are required for
14 elections which are more than 30 days apart, except as to
15 individuals voting pursuant to the federal Uniformed and
16 Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

17 "(d) For individuals voting pursuant to the federal
18 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
19 the Secretary of State shall by rule prescribe use of
20 standardized military and overseas voter registration
21 applications and applications for absentee ballots adopted by
22 the United States government for such use. The Secretary of
23 State shall also prescribe by rule provisions within the
24 standard state application form for absentee voting which
25 permit the voter to identify himself or herself as a military
26 or overseas voter. Unless otherwise indicated by the military
27 or overseas voter, an application for an absentee ballot by

1 such a voter shall remain valid ~~through the next two regularly~~
2 ~~scheduled general election cycles for federal office. The~~
3 ~~circuit clerk shall confirm by January 1 of each election year~~
4 ~~the address of the military and overseas voters prior to~~
5 ~~mailing the ballots during each election cycle, and the for~~
6 ~~any election for a federal, state, or county office or for any~~
7 ~~proposed constitutional amendment or a state or county~~
8 ~~referendum held through the end of the calendar year in which~~
9 ~~the application is filed.~~ The absentee election manager shall
10 provide an absentee ballot to the military and overseas voters
11 for each such subsequent election. The absentee election
12 manager, within seven days after each regularly scheduled
13 general election for federal office, shall report the number
14 of military and overseas ballots mailed out and the number of
15 ballots received to the Secretary of State who shall report
16 this information to the Federal Election Assistance Commission
17 within 90 days of each regularly scheduled general election
18 for federal office.

19 "§17-11-12.

20 "Not less than ~~40~~ 55 days prior to the holding of
21 any election, except a municipal election, to which this
22 chapter pertains, or in the case of a runoff primary election,
23 not more than seven days after the first primary election, the
24 officer charged with the printing and distribution of the
25 official ballots and election supplies shall deliver to the
26 absentee election manager of each county in which the election
27 is held or to the person designated to serve in his or her

1 place a sufficient number of absentee ballots, envelopes, and
2 other necessary supplies. Not more than seven days after the
3 last day to qualify as a candidate in a municipal election, or
4 in the case of a runoff municipal election, not more than 14
5 days after the first election, or in the case of a municipal
6 election held for a purpose other than the election of
7 municipal officers, not more than seven days after the giving
8 of notice of the election, the officer charged with the
9 printing and distribution of the official ballots and election
10 supplies shall deliver to the absentee election manager of the
11 municipality in which the election is held, or to the person
12 designated to serve in his or her place, a sufficient number
13 of absentee ballots, envelopes, and other necessary supplies.
14 If the absentee election manager is a candidate with
15 opposition in the election, he or she shall immediately, upon
16 receipt of the ballots, envelopes, and supplies, deliver them
17 to the person authorized to act in his or her place, as
18 provided in Section 17-11-13.

19 "§17-13-5.

20 "(a) All candidates for nomination to public office
21 or for election to party office in the primary election
22 provided for in this chapter shall file their declaration of
23 candidacy with the state party chair if they seek any federal,
24 state, circuit, or district office, or the state Senate, House
25 of Representatives, or any other office that is not a county
26 office not later than 5:00 P.M. ~~60~~ 116 days before the date of
27 the primary election. All candidates for nomination or

1 election to a county office shall file their declaration with
2 the county party chair not later than 5:00 P.M. ~~60~~ 116 days
3 before the date of the primary election.

4 "(b) The state party chair shall, no later than 5:00
5 P.M. ~~55~~ 82 days before the primary election, certify the names
6 of all primary election candidates, except candidates for
7 county offices, to the Secretary of State. The county party
8 chair shall, not later than 5:00 P.M. ~~55~~ 82 days prior to the
9 date of the primary election, certify to the judge of probate
10 the names of all candidates for nomination to county offices
11 or election to county party offices. The Secretary of State
12 shall, not less than ~~50~~ 74 days prior to the date of the
13 primary election, ~~and not less than 25 days prior to the~~
14 ~~primary election in the 1992 election cycle only,~~ certify to
15 the judge of probate of every county in which the election is
16 to be held the names of the opposed candidates for nomination
17 to federal, state, circuit, or district offices, the state
18 Senate, House of Representatives, and all other opposed
19 candidates to public or party office, except candidates for
20 county offices.

21 "(c) The judge of probate of each county shall have
22 the ballots prepared for the primary election. If a legally
23 qualified candidate for nomination to an office is unopposed
24 when the last date for filing declarations of candidacy has
25 passed, his or her name shall not appear on the ballots to be
26 used in the primary election, and he or she shall be the
27 nominee of the party with which he or she has qualified for

1 the office. If a legally qualified candidate for election to a
2 party office is unopposed when the last date for filing
3 declarations of candidacy has passed, his or her name shall
4 not appear on the ballots to be used in the primary election,
5 and he or she shall be declared elected to the party office
6 for which he or she qualified.

7 "§17-13-18.

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

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

1 and who are to be voted for in the second primary election.
2 The chair of each county executive committee shall,
3 immediately upon the completion of such canvass, certify to
4 the judge of probate of the county the names of the two
5 candidates who received the highest number of votes in the
6 first primary for nomination to any county office. The
7 Secretary of State shall, within ~~not more than six~~ two
8 business days from the date the certificate is received from
9 the chair of the state executive committee, certify to the
10 judge of probate of any county where a second primary election
11 is to be held the name or names of the candidates certified as
12 herein provided by the chair of the state executive committee.
13 The judge of probate of each county in Alabama shall in the
14 manner and form as required by this chapter and the general
15 laws of Alabama, have prepared and printed all election
16 supplies and all ballots to be voted in the second primary
17 election, which ballots shall contain, under appropriate
18 headings or titles of the offices to be filled, the names of
19 the two candidates for each office so certified by the
20 Secretary of State and the chair of the county executive
21 committee, as herein required, as well as such other matters
22 as are required by this chapter and the general laws of
23 Alabama, on ballots for the first primary election.

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

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

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

1 the offices for which they, respectively, have been so
2 nominated.

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

9 "§17-13-22.

10 "The Secretary of State shall, within ~~45~~ 74 days
11 ~~after the second primary~~ before the general election, certify
12 to the judge of probate of each county in the state a separate
13 list of nominees of each party for office and for each
14 candidate who has requested to be an independent candidate and
15 has filed a written petition in accordance with Section
16 17-9-3, except nominees for county offices, to be voted for by
17 the voters of such county.

18 "§17-13-23.

19 "The state executive committee, in cases where the
20 office to be filled is not a county office, and the county
21 executive committee, in cases where the office to be filled is
22 a county office, but subject to the approval of and in
23 accordance with the method prescribed by the state executive
24 committee, where a vacancy may occur in any nomination, either
25 by death, resignation, revocation, or otherwise, or in case of
26 any special election, may fill such vacancy, either by action
27 of the committee itself or by such other method as such

1 committee may see fit to pursue. The respective state or
2 county executive committee shall file with the Secretary of
3 State, for a state or federal office, or with the judge of
4 probate, for a county office, the name of the candidate to
5 fill such vacancy not later than 76 days before the election.

6 "§17-13-81.

7 "The chair of the county executive committee, upon
8 the filing with him or her of any contest as provided in this
9 article, shall, ~~within five days,~~ call the committee together
10 at the county seat ~~at a time not less than five days nor more~~
11 ~~than 10 days after~~ and the committee shall meet not more than
12 five calendar days from the filing of such contest to hear and
13 determine the same.

14 "§17-13-82.

15 "(a) Either party to a contest under this article
16 shall have the right of an appeal to the state executive
17 committee from the final decision of the county executive
18 committee upon the same. Notice of such appeal shall be filed
19 with the chair of the state executive committee within ~~five~~
20 two business days after determination of such contest by the
21 county executive committee. At the time of filing with the
22 chair of the state executive committee the notice of appeal,
23 such appellant shall deposit with the chair of the state
24 executive committee the sum of one hundred dollars (\$100) to
25 cover such cost and expenses as may be incurred by the state
26 executive committee to hear and determine the appeal. Upon the
27 filing of any such appeal, the chair of the county executive

1 committee from whose decision the appeal is taken shall
2 certify to the chair of the state executive committee,
3 forthwith upon receiving notice of such appeal, a transcript
4 showing a complete record of the proceedings before the county
5 executive committee in such contests, and also a statement of
6 the substance of the testimony of each witness taken on the
7 trial of the contest before the county committee. Such
8 statement may be offered in evidence upon the hearing of the
9 appeal by either party to the appeal.

10 " (b) The chair of the state executive committee
11 shall, upon the filing of any such appeal, call the committee
12 to meet ~~at a time not less than five days nor more than 10~~
13 and the committee shall meet not more than five calendar days
14 from the time of the filing of any such appeal for the purpose
15 of hearing and determining the same. Upon a final
16 determination of the appeal, the chair of the state executive
17 committee shall issue to the county executive committee from
18 which the appeal was taken the order of judgment of such state
19 executive committee upon the appeal, and the county executive
20 committee shall immediately act thereon in accordance with the
21 terms of such order of judgment. Upon the failure or refusal
22 of such county executive committee to comply with the terms of
23 such order or judgment within the time named in such order or
24 judgment, such state executive committee, if it is then in
25 session, otherwise, the chair of such state executive
26 committee, is hereby vested with full and complete authority
27 to take such measures or adopt such steps as it may deem

1 necessary to carry out such order or judgment, and is invested
2 with all the powers of such county executive committee or its
3 chair insofar as such powers may be necessary or convenient in
4 carrying out such order or judgment.

5 "(c) The chair of the state executive committee may
6 appoint a subcommittee of not less than three to hear and
7 decide any contest, and the subcommittee so appointed shall,
8 if so authorized by the chair of the state executive
9 committee, have all of the power and authority given to or
10 possessed by the state executive committee to hear such
11 contest. The subcommittee may be appointed to hear evidence
12 and report their recommendations to the full state executive
13 committee.

14 "§17-13-85.

15 "The chair of the state executive committee shall,
16 upon the filing of a contest with ~~the chair, be called by such~~
17 ~~chair to meet at a time not less than five days nor more than~~
18 ~~10~~ him or her, as provided in this article, call the committee
19 to meet and the committee shall meet not more than five
20 calendar days from the time of filing such contest for the
21 purpose of hearing and determining the same, or, without
22 calling the committee to meet, the chair may appoint a
23 subcommittee as herein provided for and the subcommittee shall
24 meet not more than five calendar days from the time of filing
25 such context for the purpose of hearing and determining the
26 same.

27 "§17-13-86.

1 "Upon the hearing of any contest, if the state or
2 county executive committee finally determines who is the legal
3 nominee for any office, it shall make a declaration of its
4 judgment upon the question, ~~but a failure or refusal by the~~
5 ~~committee in which the contest is brought to hear and~~
6 ~~determine the same as much as 40 days before the general~~
7 ~~election in November~~ not later than 90 days before the general
8 election for a county office or not later than 83 days before
9 the general election for a state office. If, however, the
10 committee fails or refuses to hear or determine the outcome of
11 a contest by the 90th day before the general election for a
12 county office or the 83rd day before the general election for
13 a state office, the failure or refusal shall be treated as a
14 dismissal or the rendition of judgment against the contestant,
15 and a certificate thereof shall be forwarded, not later than
16 76 days before the general election so as to get the nominee
17 on the ballots for the general election in November, by the
18 ~~chair to the proper destination: The~~ either the county chair
19 to the judge of probate ~~within five days, or by~~ the state
20 chair to the Secretary of State ~~within five days, and the~~
21 ~~Secretary of State to the judge of probate within six days~~
22 ~~after the result, but all certificates shall be made so as to~~
23 ~~get the nominee on the ballots for the general election in~~
24 ~~November."~~

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 02-APR-13

Read for the second time and placed
on the calendar 1 amendment 10-APR-13

Read for the third time and passed
as amended..... 25-APR-13

Yeas 98, Nays 0, Abstains 0

Jeff Woodard
Clerk