

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

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8 SYNOPSIS: This bill would change certain absentee
9 voting deadlines concerning the qualification and
10 certification of candidates running for office,
11 printing and distribution of ballots, and
12 contesting nominations in order to facilitate
13 compliance with state and federal law pertaining to
14 individuals voting by absentee ballot pursuant to
15 the Uniformed and Overseas Citizens Absentee Voting
16 Act, 42 U.S.C. 1973ff.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to absentee voting laws; to amend Sections
23 17-6-21, 17-9-3, 17-11-5, 17-11-12, 17-13-5, 17-13-18,
24 17-13-22, 17-13-23, 17-13-81, 17-13-82, 17-13-85, and
25 17-13-86, Code of Alabama 1975, to change certain election
26 deadlines to facilitate compliance with the federal Uniformed
27 and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 17-6-21, 17-9-3, 17-11-5,
3 17-11-12, 17-13-5, 17-13-18, 17-13-22, 17-13-23, 17-13-81,
4 17-13-82, 17-13-85, and 17-13-86, Code of Alabama 1975, are
5 amended to read as follows:

6 "§17-6-21.

7 "(a) The official ballots shall contain the names of
8 all candidates nominated by caucus, convention, mass meeting,
9 primary election, or other assembly of any political party or
10 faction, or by petition of electors and certified as provided
11 in Section 17-9-3, but no person's name shall be printed upon
12 the ballots who, within the time period set forth in
13 subsection ~~(b)~~ (c), notifies the judge of probate in writing,
14 acknowledged before an officer authorized by law to take
15 acknowledgments, that he or she will not accept the nomination
16 specified in the certificate of nomination or petition of
17 electors. The name of each candidate shall appear but one time
18 on the ballot and under only one emblem.

19 "(b) A nomination for a candidate in a primary or
20 general election shall be finalized by the respective state
21 executive committees not later than 76 days prior to the
22 primary or general election. Any amendment to a certification
23 of a candidate by a state executive committee shall be filed
24 with the judge of probate, in the case of a county office, or
25 the Secretary of State, in the case of a state or federal
26 office. Any such amendment filed after the 76th day before a
27 primary or general election shall be accepted by the judge of

1 probate or Secretary of State; however, the candidate's name
2 shall remain on the ballot but the appropriate canvassing
3 board may not certify any votes for the candidate.

4 ~~"(b)(c)~~ The notification deadline for persons who do
5 not wish to accept nomination in a primary ~~or second primary~~
6 ~~election is 20 days before the date of the election is 76 days~~
7 before the date of the election. A person who does not wish to
8 accept nomination in a second primary election shall submit
9 the notification set forth in subsection (a) prior to the
10 printing of absentee ballots. The notification deadline for
11 persons who do not wish to accept nomination in a general
12 election is ~~45~~ 76 days before the date of the election. In the
13 event that a candidate submits a notification of withdrawal
14 after the applicable deadline, the candidate's name shall
15 remain on the ballot but any votes cast for the candidate
16 shall not be certified by the appropriate canvassing board.

17 "§17-9-3.

18 "(a) The following persons shall be entitled to have
19 their names printed on the appropriate ballot for the general
20 election, provided they are otherwise qualified for the office
21 they seek:

22 "(1) All candidates who have been put in nomination
23 by primary election and certified in writing by the chair and
24 secretary of the canvassing board of the party holding the
25 primary and filed with the judge of probate of the county, in
26 the case of a candidate for county office, and the Secretary
27 of State in all other cases, on the day next following the

1 last day for contesting the primary election for that office
2 if no contest is filed. If a contest is filed, then the
3 certificate for the contested office must be filed on the day
4 next following the date of settlement or decision of the
5 contest.

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

15 "(3) Each candidate who has been requested to be an
16 independent candidate for a specified office by written
17 petition signed by electors qualified to vote in the election
18 to fill the office when the petition has been filed with the
19 judge of probate, in the case of a county office and with the
20 Secretary of State in all other cases, on or before 5:00 P.M.
21 on the date of the first primary election as provided for in
22 Section 17-13-3. The number of qualified electors signing the
23 petition shall equal or exceed three percent of the qualified
24 electors who cast ballots for the office of Governor in the
25 last general election for the state, county, district, or
26 other political subdivision in which the candidate seeks to
27 qualify.

1 "(b) The Secretary of State, not later than ~~45~~ 74
2 days after the second primary, shall certify to the judge of
3 probate of each county in the state, in the case of an officer
4 to be voted for by the electors of the whole state, and to the
5 judges of probate of the counties composing the circuit or
6 district in the case of an officer to be voted for by the
7 electors of a circuit or district, upon suitable blanks to be
8 prepared by him or her for that purpose, the fact of
9 nomination or independent candidacy of each nominee or
10 independent candidate or candidate of a party who did not
11 receive more than 20 percent of the entire vote cast in the
12 last general election preceding the primary who has qualified
13 to appear on the general election ballot. The judge of probate
14 shall then prepare the ballot with the names of each candidate
15 qualified under the provisions of this section printed on the
16 ballot. The judge of probate may not print on the ballot the
17 name of any independent candidate who was a candidate in the
18 primary election of that year and the name of any nominee of a
19 political party who was a candidate for the nomination of a
20 different political party in the primary election of that
21 year.

22 "§17-11-5.

23 "(a) Upon receipt of an application for an absentee
24 ballot as provided in Section 17-11-3, if the applicant's name
25 appears on the list of qualified voters produced from the
26 state voter registration list in the election to be held, or
27 if the voter makes an affidavit for a challenged vote or

1 provisional ballot, the absentee election manager shall
2 furnish the absentee ballot to the applicant by: (1)
3 Forwarding it by United States mail to the applicant's or
4 voter's residence address, or upon written request of the
5 voter, to the address where the voter regularly receives mail
6 or (2) by handing the absentee ballot to the voter in person
7 or, in the case of emergency voting, his or her designee in
8 person. If the absentee election manager has reasonable cause
9 to believe that the applicant has given a fraudulent address
10 on the application for the absentee ballot, the absentee
11 election manager shall turn over the ballot application to the
12 district attorney for any action which may be necessary under
13 this chapter. The absentee election manager may require
14 additional proof of a voter's eligibility to vote absentee
15 when there is evidence of continuous absentee voting. The
16 absentee election manager shall mail any absentee ballot
17 requested to be mailed as provided in Section 17-11-3 no later
18 than the next business day after an application has been
19 received unless the absentee ballots have not been delivered
20 to the absentee election manager. If the absentee ballots have
21 not been so delivered, the absentee election manager shall
22 hold all requests until the ballots are delivered and shall
23 then respond by placing ballots in the mail no later than the
24 next business day.

25 "(b) The official list of qualified voters shall be
26 furnished to the absentee election manager by the judge of
27 probate using a printout from the state voter registration

1 list of registered voters for that county containing ~~vote~~
2 voter registration information useful in the identification of
3 absentee voters. The information provided in this report shall
4 be established by rules adopted by the Secretary of State with
5 the advice of the Alabama Circuit Court Clerks Association or
6 its members and shall indicate whether the individual is
7 obligated to produce identification in accordance with
8 Sections 17-9-30 and 17-10-1. The Secretary of State may
9 further provide by administrative rule for electronic access
10 to this list for optional use by the absentee election
11 manager. This list shall be made available beginning at least
12 45 days before the election. In municipal elections, the
13 official list of qualified voters shall be furnished to the
14 absentee election manager at least 35 days before the
15 election. Any supplemental list of qualified electors shall
16 also be provided to the absentee election manager as soon as
17 the list becomes available. The absentee election manager
18 shall underscore on the list the name of each voter who has
19 applied for an absentee ballot and shall write immediately
20 beside his or her name the word "absentee." The Secretary of
21 State by rule may provide for electronic access to the
22 absentee election manager's county list of registered voters
23 and for the method of identifying applicants for absentee
24 ballots in conjunction with the state voter registration list.

25 "(c) The absentee election manager shall enroll the
26 name, residence, and voting place of the applicant, and the
27 date the application was received on a list of absentee

1 voters. Each day the absentee election manager shall enter on
2 the list the names, addresses, and voting places of each voter
3 who has that day applied for an absentee ballot and shall, for
4 all elections other than municipal elections, post a copy of
5 the list of applications received each day on the regular
6 bulletin board or other public place in the county courthouse.
7 In municipal elections, the absentee election manager shall
8 post a copy of the list of applications received each day on
9 the regular bulletin board or other public place in the city
10 hall. The absentee election manager in all elections shall
11 deliver to the board of registrars the day following the
12 election, a copy of the list of all absentee voters. The list
13 shall be maintained in the office of the circuit clerk for 60
14 days after the election, at which time it shall be delivered
15 to the judge of probate. Before the polls open at any election
16 on election day, the absentee election manager shall
17 effectuate the delivery to the election officers of each
18 voting place a list showing the name and address of every
19 person whose name appears on the official list of qualified
20 electors for the voting place who applied for an absentee
21 ballot in the election. The name of the person who applied for
22 an absentee ballot shall be identified as an absentee voter on
23 the list of qualified electors kept at the voting place, and
24 the person shall not vote again, except that in county, state,
25 and federal elections the person may vote a provisional
26 ballot. Applications for absentee ballots are required for
27 elections which are more than 30 days apart, except as to

1 individuals voting pursuant to the federal Uniformed and
2 Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

3 "(d) For individuals voting pursuant to the federal
4 Uniformed and Overseas Absentee Voting Act, 42 U.S.C. 1973ff,
5 the Secretary of State shall by rule prescribe use of
6 standardized military and overseas voter registration
7 applications and applications for absentee ballots adopted by
8 the United States government for such use. The Secretary of
9 State shall also prescribe by rule provisions within the
10 standard state application form for absentee voting which
11 permit the voter to identify himself or herself as a military
12 or overseas voter. Unless otherwise indicated by the military
13 or overseas voter, an application for an absentee ballot by
14 such a voter shall remain valid ~~through the next two regularly~~
15 ~~scheduled general election cycles for federal office. The~~
16 ~~circuit clerk shall confirm by January 1 of each election year~~
17 ~~the address of the military and overseas voters prior to~~
18 ~~mailing the ballots during each election cycle, and the for~~
19 ~~any election for a federal, state, or county office or for any~~
20 ~~proposed constitutional amendment or a state or county~~
21 ~~referendum held through the end of the calendar year in which~~
22 ~~the application is filed.~~ The absentee election manager shall
23 provide an absentee ballot to the military and overseas voters
24 for each such subsequent election. The absentee election
25 manager, within seven days after each regularly scheduled
26 general election for federal office, shall report the number
27 of military and overseas ballots mailed out and the number of

1 ballots received to the Secretary of State who shall report
2 this information to the Federal Election Assistance Commission
3 within 90 days of each regularly scheduled general election
4 for federal office.

5 "§17-11-12.

6 "Not less than ~~40~~ 55 days prior to the holding of
7 any election, except a municipal election, to which this
8 chapter pertains, or in the case of a runoff primary election,
9 not more than seven days after the first primary election, the
10 officer charged with the printing and distribution of the
11 official ballots and election supplies shall deliver to the
12 absentee election manager of each county in which the election
13 is held or to the person designated to serve in his or her
14 place a sufficient number of absentee ballots, envelopes, and
15 other necessary supplies. Not more than seven days after the
16 last day to qualify as a candidate in a municipal election, or
17 in the case of a runoff municipal election, not more than 14
18 days after the first election, or in the case of a municipal
19 election held for a purpose other than the election of
20 municipal officers, not more than seven days after the giving
21 of notice of the election, the officer charged with the
22 printing and distribution of the official ballots and election
23 supplies shall deliver to the absentee election manager of the
24 municipality in which the election is held, or to the person
25 designated to serve in his or her place, a sufficient number
26 of absentee ballots, envelopes, and other necessary supplies.
27 If the absentee election manager is a candidate with

1 opposition in the election, he or she shall immediately, upon
2 receipt of the ballots, envelopes, and supplies, deliver them
3 to the person authorized to act in his or her place, as
4 provided in Section 17-11-13.

5 "§17-13-5.

6 "(a) All candidates for nomination to public office
7 or for election to party office in the primary election
8 provided for in this chapter shall file their declaration of
9 candidacy with the state party chair if they seek any federal,
10 state, circuit, or district office, or the state Senate, House
11 of Representatives, or any other office that is not a county
12 office not later than 5:00 P.M. ~~60~~ 116 days before the date of
13 the primary election. All candidates for nomination or
14 election to a county office shall file their declaration with
15 the county party chair not later than 5:00 P.M. ~~60~~ 116 days
16 before the date of the primary election.

17 "(b) The state party chair shall, no later than 5:00
18 P.M. ~~55~~ 82 days before the primary election, certify the names
19 of all primary election candidates, except candidates for
20 county offices, to the Secretary of State. The county party
21 chair shall, not later than 5:00 P.M. ~~55~~ 82 days prior to the
22 date of the primary election, certify to the judge of probate
23 the names of all candidates for nomination to county offices
24 or election to county party offices. The Secretary of State
25 shall, not less than ~~50~~ 74 days prior to the date of the
26 primary election, ~~and not less than 25 days prior to the~~
27 ~~primary election in the 1992 election cycle only,~~ certify to

1 the judge of probate of every county in which the election is
2 to be held the names of the opposed candidates for nomination
3 to federal, state, circuit, or district offices, the state
4 Senate, House of Representatives, and all other opposed
5 candidates to public or party office, except candidates for
6 county offices.

7 "(c) The judge of probate of each county shall have
8 the ballots prepared for the primary election. If a legally
9 qualified candidate for nomination to an office is unopposed
10 when the last date for filing declarations of candidacy has
11 passed, his or her name shall not appear on the ballots to be
12 used in the primary election, and he or she shall be the
13 nominee of the party with which he or she has qualified for
14 the office. If a legally qualified candidate for election to a
15 party office is unopposed when the last date for filing
16 declarations of candidacy has passed, his or her name shall
17 not appear on the ballots to be used in the primary election,
18 and he or she shall be declared elected to the party office
19 for which he or she qualified.

20 "§17-13-18.

21 "(a) At the respective meetings of the respective
22 executive committees, the county executive committee, as to
23 candidates in the primary election for office, except
24 candidates for county office, shall publicly ascertain,
25 determine, and declare whether any candidate for office in the
26 primary election has received a majority of the votes cast for
27 the office, and, if so, declare the candidate the nominee of

1 the party for the office for which he or she was a candidate
2 and for which he or she received a majority of the votes cast
3 for that office in the primary election.

4 "(b) If no candidate receives a majority of all of
5 the votes cast in such primary election for any one office or
6 offices for the nomination to which there were more than two
7 candidates, then there shall be held a second primary election
8 on the sixth Tuesday following the primary election, and the
9 chair of the state executive committee shall certify to the
10 Secretary of State, immediately upon the completion of such
11 canvass, the names of the two candidates of the party to
12 receive the highest number of votes in the first primary
13 election for such office or offices, except county officers,
14 and who are to be voted for in the second primary election.
15 The chair of each county executive committee shall,
16 immediately upon the completion of such canvass, certify to
17 the judge of probate of the county the names of the two
18 candidates who received the highest number of votes in the
19 first primary for nomination to any county office. The
20 Secretary of State shall, within ~~not more than six~~ two
21 business days from the date the certificate is received from
22 the chair of the state executive committee, certify to the
23 judge of probate of any county where a second primary election
24 is to be held the name or names of the candidates certified as
25 herein provided by the chair of the state executive committee.
26 The judge of probate of each county in Alabama shall in the
27 manner and form as required by this chapter and the general

1 laws of Alabama, have prepared and printed all election
2 supplies and all ballots to be voted in the second primary
3 election, which ballots shall contain, under appropriate
4 headings or titles of the offices to be filled, the names of
5 the two candidates for each office so certified by the
6 Secretary of State and the chair of the county executive
7 committee, as herein required, as well as such other matters
8 as are required by this chapter and the general laws of
9 Alabama, on ballots for the first primary election.

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

14 "(d) The returns from the second primary election
15 shall be made and the votes canvassed, tabulated, and
16 certified and the results declared in the same manner provided
17 in this chapter for making, canvassing, tabulating,
18 certifying, and declaring the results of the first primary
19 election. The county executive committee of the parties
20 participating in the primary election shall meet at the
21 courthouse of their respective counties not later than the
22 second Friday following the second primary election and
23 receive the returns, canvass and tabulate the same by
24 precinct, and publicly declare the results thereof. The chair
25 of each county executive committee shall forthwith, and not
26 later than noon on the second Monday following the primary
27 election, certify and return to the chair of the state

1 executive committee a statement and tabulation by precincts of
2 the results of the second primary election and of the number
3 of votes received by each candidate for office therein voted
4 for, except candidates for county office. Not later than noon
5 on the third Wednesday following the second primary election,
6 the state executive committee, or such subcommittee thereof as
7 may have been appointed by the chair thereof for such purpose,
8 shall meet at the State Capitol in Montgomery and receive the
9 returns and canvass and tabulate the same by counties, and
10 publicly declare on that day the result thereof as to all
11 candidates voted for, except as to candidates for county
12 office, which results shall be final. At such respective
13 meetings of the respective executive committees, the county
14 executive committee, as to candidates for county office voted
15 for in the second primary election, and the state executive
16 committee, as to candidates for office in the second primary
17 election voted for therein, except candidates for county
18 office, shall publicly ascertain and determine the candidates
19 receiving a majority of all of the votes cast in such second
20 primary election for any one office, and the candidates so
21 ascertained and determined to have received a majority of all
22 of the votes cast in such second primary election for the
23 office shall be declared the nominee of the party for such
24 office by the respective county and state executive
25 committees. Thereupon and immediately upon the completion of
26 such canvass, the chair thereof shall certify to and file with
27 the judge of probate of the county the names of those who have

1 been nominated in the first or the second primary election or
2 as otherwise authorized or provided by this chapter, as
3 candidates of the party for county offices; and in like
4 manner, and immediately upon the completion of such canvass,
5 by the state executive committee, or subcommittee thereof, the
6 chair of the state executive committee shall certify to and
7 file with the Secretary of State the names of those who have
8 been nominated in the first or second primary election or as
9 otherwise authorized or provided by this chapter as candidates
10 of the party for office, except candidates for county office,
11 and the names of the persons so certified shall be placed upon
12 the official ballot of the general election to be held in
13 November next thereafter as the candidates of the party for
14 the offices for which they, respectively, have been so
15 nominated.

16 "(e) The state executive committee or such
17 subcommittee as provided in this section shall also provide
18 the Secretary of State with the second primary election
19 returns by precincts according to county on a form authorized
20 by the Secretary of State on the third Wednesday following the
21 secondary primary, county and municipal returns excepted.

22 "§17-13-22.

23 "The Secretary of State shall, within ~~45~~ 74 days
24 after the second primary election, certify to the judge of
25 probate of each county in the state a separate list of
26 nominees of each party for office and for each candidate who
27 has requested to be an independent candidate and has filed a

1 written petition in accordance with Section 17-9-3, except
2 nominees for county offices, to be voted for by the voters of
3 such county.

4 "§17-13-23.

5 "The state executive committee, in cases where the
6 office to be filled is not a county office, and the county
7 executive committee, in cases where the office to be filled is
8 a county office, but subject to the approval of and in
9 accordance with the method prescribed by the state executive
10 committee, where a vacancy may occur in any nomination, either
11 by death, resignation, revocation, or otherwise, or in case of
12 any special election, may fill such vacancy, either by action
13 of the committee itself or by such other method as such
14 committee may see fit to pursue. The respective state or
15 county executive committee shall file with the Secretary of
16 State, for a state or federal office, or with the judge of
17 probate, for a county office, the name of the candidate to
18 fill such vacancy not later than 76 days before the election.

19 "§17-13-81.

20 "The chair of the county executive committee, upon
21 the filing with him or her of any contest as provided in this
22 article, shall, ~~within five days,~~ call the committee together
23 at the county seat ~~at a time not less than five days nor more~~
24 ~~than 10 days after~~ and the committee shall meet not more than
25 five calendar days from the filing of such contest to hear and
26 determine the same.

27 "§17-13-82.

1 "(a) Either party to a contest under this article
2 shall have the right of an appeal to the state executive
3 committee from the final decision of the county executive
4 committee upon the same. Notice of such appeal shall be filed
5 with the chair of the state executive committee within ~~five~~
6 two business days after determination of such contest by the
7 county executive committee. At the time of filing with the
8 chair of the state executive committee the notice of appeal,
9 such appellant shall deposit with the chair of the state
10 executive committee the sum of one hundred dollars (\$100) to
11 cover such cost and expenses as may be incurred by the state
12 executive committee to hear and determine the appeal. Upon the
13 filing of any such appeal, the chair of the county executive
14 committee from whose decision the appeal is taken shall
15 certify to the chair of the state executive committee,
16 forthwith upon receiving notice of such appeal, a transcript
17 showing a complete record of the proceedings before the county
18 executive committee in such contests, and also a statement of
19 the substance of the testimony of each witness taken on the
20 trial of the contest before the county committee. Such
21 statement may be offered in evidence upon the hearing of the
22 appeal by either party to the appeal.

23 "(b) The chair of the state executive committee
24 shall, upon the filing of any such appeal, call the committee
25 to meet ~~at a time not less than five days nor more than 10~~
26 and the committee shall meet not more than five calendar days
27 from the time of the filing of any such appeal for the purpose

1 of hearing and determining the same. Upon a final
2 determination of the appeal, the chair of the state executive
3 committee shall issue to the county executive committee from
4 which the appeal was taken the order of judgment of such state
5 executive committee upon the appeal, and the county executive
6 committee shall immediately act thereon in accordance with the
7 terms of such order of judgment. Upon the failure or refusal
8 of such county executive committee to comply with the terms of
9 such order or judgment within the time named in such order or
10 judgment, such state executive committee, if it is then in
11 session, otherwise, the chair of such state executive
12 committee, is hereby vested with full and complete authority
13 to take such measures or adopt such steps as it may deem
14 necessary to carry out such order or judgment, and is invested
15 with all the powers of such county executive committee or its
16 chair insofar as such powers may be necessary or convenient in
17 carrying out such order or judgment.

18 "(c) The chair of the state executive committee may
19 appoint a subcommittee of not less than three to hear and
20 decide any contest, and the subcommittee so appointed shall,
21 if so authorized by the chair of the state executive
22 committee, have all of the power and authority given to or
23 possessed by the state executive committee to hear such
24 contest. The subcommittee may be appointed to hear evidence
25 and report their recommendations to the full state executive
26 committee.

27 "§17-13-85.

1 "The chair of the state executive committee shall,
2 upon the filing of a contest with ~~the chair, be called by such~~
3 ~~chair to meet at a time not less than five days nor more than~~
4 ~~10~~ him or her, as provided in this article, call the committee
5 to meet and the committee shall meet not more than five
6 calendar days from the time of filing such contest for the
7 purpose of hearing and determining the same, or, without
8 calling the committee to meet, the chair may appoint a
9 subcommittee as herein provided for and the subcommittee shall
10 meet not more than five calendar days from the time of filing
11 such context for the purpose of hearing and determining the
12 same.

13 "§17-13-86.

14 "Upon the hearing of any contest, if the state or
15 county executive committee finally determines who is the legal
16 nominee for any office, it shall make a declaration of its
17 judgment upon the question, ~~but a failure or refusal by the~~
18 ~~committee in which the contest is brought to hear and~~
19 ~~determine the same as much as 40 days before the general~~
20 ~~election in November~~ not later than 90 days before the general
21 election for a county office or not later than 83 days before
22 the general election for a state office. If, however, the
23 committee fails or refuses to hear or determine the outcome of
24 a contest by the 90th day before the general election for a
25 county office or the 83rd day before the general election for
26 a state office, the failure or refusal shall be treated as a
27 dismissal or the rendition of judgment against the contestant,

1 and a certificate thereof shall be forwarded, not later than
2 76 days before the general election so as to get the nominee
3 on the ballots for the general election in November, by ~~the~~
4 ~~chair to the proper destination: The~~ either the county chair
5 to the judge of probate ~~within five days,~~ or by the state
6 chair to the Secretary of State ~~within five days,~~ and the
7 ~~Secretary of State to the judge of probate within six days~~
8 ~~after the result, but all certificates shall be made so as to~~
9 ~~get the nominee on the ballots for the general election in~~
10 ~~November."~~

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