

1 HB62
2 155501-4
3 By Representative Johnson (R)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 14-JAN-14
6 PFD: 12/04/2013

1
2 ENROLLED, An Act,

3 Relating to absentee voting laws; to amend Sections
4 17-6-21, 17-9-3, 17-9-51, 17-11-5, 17-11-12, 17-11-18,
5 17-13-5, 17-13-18, 17-13-22, 17-13-23, 17-13-81, 17-13-82,
6 17-13-85, and 17-13-86, Code of Alabama 1975, to change
7 certain election deadlines to facilitate compliance with the
8 federal Uniformed and Overseas Citizens Absentee Voting Act,
9 42 U.S.C. 1973ff; and to add Section 17-11-43.1 to the Code of
10 Alabama 1975, to allow the use of federal write-in absentee
11 ballots by overseas voters under certain circumstances.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 17-6-21, 17-9-3, 17-9-51,
14 17-11-5, 17-11-12, 17-11-18, 17-13-5, 17-13-18, 17-13-22,
15 17-13-23, 17-13-81, 17-13-82, 17-13-85, and 17-13-86 of the
16 Code of Alabama 1975, are amended to read as follows:

17 "§17-6-21.

18 "(a) The official ballots shall contain the names of
19 all candidates nominated by caucus, convention, mass meeting,
20 primary election, or other assembly of any political party or
21 faction, or by petition of electors and certified as provided
22 in Section 17-9-3, but no person's name shall be printed upon
23 the ballots who, within the time period set forth in
24 subsection ~~(b)~~ (c), notifies the judge of probate in writing,
25 acknowledged before an officer authorized by law to take

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 before the primary
8 or general election. Any amendment to a certification of a
9 candidate by a state executive committee shall be filed with
10 the judge of probate in the case of a county office, or the
11 Secretary of State in the case of a state or federal office.
12 Any amendment filed after the 76th day before a primary or a
13 general election shall be accepted by the judge of probate or
14 the Secretary of State but shall not be cause for reprinting
15 of the ballots. The name of a candidate who is the subject of
16 the amendment and who is disqualified by a political party or
17 who has withdrawn as a candidate shall remain on the ballot,
18 not be replaced by the name of another candidate, and the
19 appropriate canvassing board shall not certify any votes for
20 the candidate. Any amendment to a certification to correct the
21 spelling of the name of a candidate that is filed after the
22 76th day before a primary or general election, or after the
23 printing of absentee ballots for a primary runoff election has
24 commenced, shall not be cause for reprinting of the ballots

1 and shall not affect the counting or certification of any
2 votes cast for the candidate.

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

16 "§17-9-3.

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

21 "(1) All candidates who have been put in nomination
22 by primary election and certified in writing by the chair and
23 secretary of the canvassing board of the party holding the
24 primary and filed with the judge of probate of the county, in
25 the case of a candidate for county office, and the Secretary

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

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

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

1 last general election for the state, county, district, or
2 other political subdivision in which the candidate seeks to
3 qualify.

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

1 "§17-9-51.

2 "(a) No absentee ballot shall be opened or counted
3 if received by the absentee election manager by mail, unless
4 postmarked as of the date prior to the day of the election and
5 received by mail no later than noon on the day of election,
6 or, if received by the absentee election manager by hand
7 delivery, unless so delivered by the voter or medical
8 emergency designee to the absentee election manager not later
9 than the close of the last business day next preceding the
10 election or, if delivered by the medical emergency designee,
11 by noon on the day of the election.

12 "(b) The above provision does not apply in the case
13 of individuals voting absentee pursuant to the Uniformed and
14 Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C.
15 1973ff et seq., when those individuals are voting in a
16 primary, second primary, general, or special election for a
17 federal, state, or county office or proposed constitutional
18 amendment or other referenda. In the case of UOCAVA voters
19 voting absentee in a primary, second primary, general, or
20 special election for a federal, state, or county office or
21 proposed constitutional amendment or other referenda, no
22 absentee ballot shall be opened or counted, if received by the
23 absentee election manager by mail, unless postmarked as of the
24 day of the primary, second primary, general, or special
25 election and received by mail no later than noon seven days

1 after the primary, second primary, general, or special
2 election.

3 "§17-11-5.

4 "(a) Upon receipt of an application for an absentee
5 ballot as provided in Section 17-11-3, if the applicant's name
6 appears on the list of qualified voters produced from the
7 state voter registration list in the election to be held, or
8 if the voter makes an affidavit for a challenged vote or
9 provisional ballot, the absentee election manager shall
10 furnish the absentee ballot to the applicant by: (1)
11 Forwarding it by United States mail to the applicant's or
12 voter's residence address, or upon written request of the
13 voter, to the address where the voter regularly receives mail
14 or (2) by handing the absentee ballot to the voter in person
15 or, in the case of emergency voting, his or her designee in
16 person. If the absentee election manager has reasonable cause
17 to believe that the applicant has given a fraudulent address
18 on the application for the absentee ballot, the absentee
19 election manager shall turn over the ballot application to the
20 district attorney for any action which may be necessary under
21 this chapter. The absentee election manager may require
22 additional proof of a voter's eligibility to vote absentee
23 when there is evidence of continuous absentee voting. The
24 absentee election manager shall mail any absentee ballot
25 requested to be mailed as provided in Section 17-11-3 no later

1 than the next business day after an application has been
2 received unless the absentee ballots have not been delivered
3 to the absentee election manager. If the absentee ballots have
4 not been so delivered, the absentee election manager shall
5 hold all requests until the ballots are delivered and shall
6 then respond by placing ballots in the mail no later than the
7 next business day.

8 "(b) The official list of qualified voters shall be
9 furnished to the absentee election manager by the judge of
10 probate using a printout from the state voter registration
11 list of registered voters for that county containing ~~vote~~
12 voter registration information useful in the identification of
13 absentee voters. The information provided in this report shall
14 be established by rules adopted by the Secretary of State with
15 the advice of the Alabama Circuit Court Clerks Association or
16 its members and shall indicate whether the individual is
17 obligated to produce identification in accordance with
18 Sections 17-9-30 and 17-10-1. The Secretary of State may
19 further provide by administrative rule for electronic access
20 to this list for optional use by the absentee election
21 manager. This list shall be made available beginning at least
22 ~~45~~ 55 days before the election. In municipal elections, the
23 official list of qualified voters shall be furnished to the
24 absentee election manager at least 35 days before the
25 election. Any supplemental list of qualified electors shall

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

10 "(c) The absentee election manager shall enroll the
11 name, residence, and voting place of the applicant, and the
12 date the application was received on a list of absentee
13 voters. Each day the absentee election manager shall enter on
14 the list the names, addresses, and voting places of each voter
15 who has that day applied for an absentee ballot and shall, for
16 all elections other than municipal elections, post a copy of
17 the list of applications received each day on the regular
18 bulletin board or other public place in the county courthouse.
19 In municipal elections, the absentee election manager shall
20 post a copy of the list of applications received each day on
21 the regular bulletin board or other public place in the city
22 hall. The absentee election manager in all elections shall
23 deliver to the board of registrars the day following the
24 election, a copy of the list of all absentee voters. The list
25 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~~ 42 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

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

21 "§17-11-12.

22 "Not less than ~~40~~ 55 days prior to the holding of
23 any election, except a municipal election, to which this
24 chapter pertains, or in the case of a runoff primary election,
25 not more than seven days after the first primary election, the

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

23 "§17-11-18.

24 "(a) No absentee ballot shall be opened or counted
25 if received by the absentee election manager by mail, unless

1 postmarked as of the date prior to the day of the election and
2 received by mail no later than noon on the day of election,
3 or, if received by the absentee election manager by hand
4 delivery, unless so delivered by the voter or medical
5 emergency designee to the absentee election manager not later
6 than the close of the last business day next preceding the
7 election or, if delivered by the medical emergency designee,
8 by noon on the day of the election.

9 "(b) The above provision does not apply in the case
10 of individuals voting absentee pursuant to the federal
11 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),
12 42 U.S.C. 1973ff, when those individuals are voting in a
13 primary, second primary, general, or special election for a
14 federal, state, or county office or proposed constitutional
15 amendment or other referenda. In the case of UOCAVA voters
16 voting absentee in a primary, second primary, general, or
17 special election for a federal, state, or county office or
18 proposed constitutional amendment or other referenda, no
19 absentee ballot shall be opened or counted, if received by the
20 absentee election manager by mail, unless postmarked as of the
21 day of the primary, second primary, general, or special
22 election and received by mail no later than noon seven days
23 after the primary, second primary, general, or special
24 election.

25 "§17-13-5.

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

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

1 Senate, House of Representatives, and all other opposed
2 candidates to public or party office, except candidates for
3 county offices.

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

17 "§17-13-18.

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

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

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

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

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

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

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

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

21 "(e) The state executive committee or such
22 subcommittee as provided in this section shall also provide
23 the Secretary of State with the second primary election
24 returns by precincts according to county on a form authorized

1 by the Secretary of State on the third Wednesday following the
2 secondary primary, county and municipal returns excepted.

3 "§17-13-22.

4 "The Secretary of State shall, ~~within 45~~ not later
5 than 74 days ~~after the second primary~~ before the general
6 election, certify to the judge of probate of each county in
7 the state a separate list of nominees of each party for office
8 and for each candidate who has requested to be an independent
9 candidate and has filed a written petition in accordance with
10 Section 17-9-3, except nominees for county offices, to be
11 voted for by the voters of such county.

12 "§17-13-23.

13 "The state executive committee, in cases where the
14 office to be filled is not a county office, and the county
15 executive committee, in cases where the office to be filled is
16 a county office, but subject to the approval of and in
17 accordance with the method prescribed by the state executive
18 committee, where a vacancy may occur in any nomination, either
19 by death, resignation, revocation, or otherwise, or in case of
20 any special election, may fill such vacancy, either by action
21 of the committee itself or by such other method as such
22 committee may see fit to pursue. The respective state or
23 county executive committee shall file with the Secretary of
24 State, for a state or federal office, or with the judge of

1 probate, for a county office, the name of the candidate to
2 fill such vacancy not later than 76 days before the election.

3 "§17-13-81.

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

11 "§17-13-82.

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

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

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

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

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

15 "§17-13-85.

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

1 meet not more than five calendar days after a contest is filed
2 for the purpose of hearing and determining the same.

3 "§17-13-86.

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

1 Section 2. Section 17-11-43.1 is added to the Code
2 of Alabama 1975, to read as follows:

3 §17-11-43.1.

4 A person who votes by absentee ballot pursuant to
5 the Uniformed and Overseas Citizens Absentee Voting Act, 42
6 U.S.C. 1973ff, may use a federal write-in absentee ballot as
7 provided in 42 U.S.C. 1973ff-2 for casting his or her vote in
8 any primary, primary runoff, general, or special election for
9 federal, state, or county office or proposed constitutional
10 amendment or other referenda. The Secretary of State may
11 promulgate rules in accordance with the Alabama Administrative
12 Procedure Act to implement this section.

13 Section 3. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.

