

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

2
3
4
5
6
7
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 This bill would also allow the use of
18 federal write-in absentee ballots by overseas
19 voters under certain circumstances.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to absentee voting laws; to amend Sections
26 17-6-21, 17-9-3, 17-9-51, 17-11-5, 17-11-12, 17-11-18,
27 17-13-5, 17-13-18, 17-13-22, 17-13-23, 17-13-81, 17-13-82,

1 17-13-85, and 17-13-86, Code of Alabama 1975, to change
2 certain election deadlines to facilitate compliance with the
3 federal Uniformed and Overseas Citizens Absentee Voting Act,
4 42 U.S.C. 1973ff; and to add Section 17-11-43.1 to the Code of
5 Alabama 1975, to allow the use of federal write-in absentee
6 ballots by overseas voters under certain circumstances.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 17-6-21, 17-9-3, 17-9-51,
9 17-11-5, 17-11-12, 17-11-18, 17-13-5, 17-13-18, 17-13-22,
10 17-13-23, 17-13-81, 17-13-82, 17-13-85, and 17-13-86 of the
11 Code of Alabama 1975, are amended to read as follows:

12 "§17-6-21.

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

25 "(b) A nomination for a candidate in a primary or
26 general election shall be finalized by the respective state
27 executive committees not later than 76 days before the primary

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

20 "(c) ~~(b)~~ The notification deadline for persons who
21 do not wish to accept nomination in a primary ~~or second~~
22 ~~primary election is 20 days before the date of the election is~~
23 ~~76 days before the date of the election. A person who does not~~
24 ~~wish to accept nomination in a second primary election shall~~
25 ~~submit the notification set forth in subsection (a) before the~~
26 ~~printing of absentee ballots. The notification deadline for~~
27 persons who do not wish to accept nomination in a general

1 election is ~~45~~ 76 days before the date of the election. In the
2 event that a candidate submits a notification of withdrawal
3 after the applicable deadline, the name of the candidate shall
4 remain on the ballot and the appropriate canvassing board may
5 not certify any votes for the candidate.

6 "§17-9-3.

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

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

22 "(2) All candidates who have been put in nomination
23 by any caucus, convention, mass meeting, or other assembly of
24 any political party or faction and certified in writing by the
25 chair and secretary of the nominating caucus, convention, mass
26 meeting, or assembly and filed with the judge of probate, in
27 the case of a candidate for county office, and the Secretary

1 of State in all other cases, on or before 5:00 P.M. on the
2 date of the first primary election as provided for in Section
3 17-13-3.

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

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

1 of the entire vote cast in the last general election preceding
2 the primary who has qualified to appear on the general
3 election ballot. The judge of probate shall then prepare the
4 ballot with the names of each candidate qualified under the
5 provisions of this section printed on the ballot. The judge of
6 probate may not print on the ballot the name of any
7 independent candidate who was a candidate in the primary
8 election of that year and the name of any nominee of a
9 political party who was a candidate for the nomination of a
10 different political party in the primary election of that
11 year.

12 "§17-9-51.

13 "(a) No absentee ballot shall be opened or counted
14 if received by the absentee election manager by mail, unless
15 postmarked as of the date prior to the day of the election and
16 received by mail no later than noon on the day of election,
17 or, if received by the absentee election manager by hand
18 delivery, unless so delivered by the voter or medical
19 emergency designee to the absentee election manager not later
20 than the close of the last business day next preceding the
21 election or, if delivered by the medical emergency designee,
22 by noon on the day of the election.

23 "(b) The above provision does not apply in the case
24 of individuals voting absentee pursuant to the Uniformed and
25 Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C.
26 1973ff et seq., when those individuals are voting in a
27 primary, second primary, general, or special election for a

1 federal, state, or county office or proposed constitutional
2 amendment or other referenda. In the case of UOCAVA voters
3 voting absentee in a primary, second primary, general, or
4 special election for a federal, state, or county office or
5 proposed constitutional amendment or other referenda, no
6 absentee ballot shall be opened or counted, if received by the
7 absentee election manager by mail, unless postmarked as of the
8 day of the primary, second primary, general, or special
9 election and received by mail no later than noon seven days
10 after the primary, second primary, general, or special
11 election.

12 "§17-11-5.

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

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

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

1 manager. This list shall be made available beginning at least
2 ~~45~~ 55 days before the election. In municipal elections, the
3 official list of qualified voters shall be furnished to the
4 absentee election manager at least 35 days before the
5 election. Any supplemental list of qualified electors shall
6 also be provided to the absentee election manager as soon as
7 the list becomes available. The absentee election manager
8 shall underscore on the list the name of each voter who has
9 applied for an absentee ballot and shall write immediately
10 beside his or her name the word "absentee." The Secretary of
11 State by rule may provide for electronic access to the
12 absentee election manager's county list of registered voters
13 and for the method of identifying applicants for absentee
14 ballots in conjunction with the state voter registration list.

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

1 deliver to the board of registrars the day following the
2 election, a copy of the list of all absentee voters. The list
3 shall be maintained in the office of the circuit clerk for 60
4 days after the election, at which time it shall be delivered
5 to the judge of probate. Before the polls open at any election
6 on election day, the absentee election manager shall
7 effectuate the delivery to the election officers of each
8 voting place a list showing the name and address of every
9 person whose name appears on the official list of qualified
10 electors for the voting place who applied for an absentee
11 ballot in the election. The name of the person who applied for
12 an absentee ballot shall be identified as an absentee voter on
13 the list of qualified electors kept at the voting place, and
14 the person shall not vote again, except that in county, state,
15 and federal elections the person may vote a provisional
16 ballot. Applications for absentee ballots are required for
17 elections which are more than ~~30~~ 42 days apart, except as to
18 individuals voting pursuant to the federal Uniformed and
19 Overseas Absentee Voting Act, 42 U.S.C. 1973ff.

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

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

22 "§17-11-12.

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

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

22 "§17-11-18.

23 "(a) No absentee ballot shall be opened or counted
24 if received by the absentee election manager by mail, unless
25 postmarked as of the date prior to the day of the election and
26 received by mail no later than noon on the day of election,
27 or, if received by the absentee election manager by hand

1 delivery, unless so delivered by the voter or medical
2 emergency designee to the absentee election manager not later
3 than the close of the last business day next preceding the
4 election or, if delivered by the medical emergency designee,
5 by noon on the day of the election.

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

22 "§17-13-5.

23 "(a) All candidates for nomination to public office
24 or for election to party office in the primary election
25 provided for in this chapter shall file their declaration of
26 candidacy with the state party chair if they seek any federal,
27 state, circuit, or district office, or the state Senate, House

1 of Representatives, or any other office that is not a county
2 office not later than 5:00 P.M. ~~60~~ 116 days before the date of
3 the primary election. All candidates for nomination or
4 election to a county office shall file their declaration with
5 the county party chair not later than 5:00 P.M. ~~60~~ 116 days
6 before the date of the primary election.

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

24 "(c) The judge of probate of each county shall have
25 the ballots prepared for the primary election. If a legally
26 qualified candidate for nomination to an office is unopposed
27 when the last date for filing declarations of candidacy has

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

10 "§17-13-18.

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

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

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

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

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

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

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

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

13 "§17-13-22.

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

22 "§17-13-23.

23 "The state executive committee, in cases where the
24 office to be filled is not a county office, and the county
25 executive committee, in cases where the office to be filled is
26 a county office, but subject to the approval of and in
27 accordance with the method prescribed by the state executive

1 committee, where a vacancy may occur in any nomination, either
2 by death, resignation, revocation, or otherwise, or in case of
3 any special election, may fill such vacancy, either by action
4 of the committee itself or by such other method as such
5 committee may see fit to pursue. The respective state or
6 county executive committee shall file with the Secretary of
7 State, for a state or federal office, or with the judge of
8 probate, for a county office, the name of the candidate to
9 fill such vacancy not later than 76 days before the election.

10 "§17-13-81.

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

18 "§17-13-82.

19 "(a) Either party to a contest under this article
20 shall have the right of an appeal to the state executive
21 committee from the final decision of the county executive
22 committee upon the same. Notice of such appeal shall be filed
23 with the chair of the state executive committee within ~~five~~
24 two business days after determination of such contest by the
25 county executive committee. At the time of filing with the
26 chair of the state executive committee the notice of appeal,
27 such appellant shall deposit with the chair of the state

1 executive committee the sum of one hundred dollars (\$100) to
2 cover such cost and expenses as may be incurred by the state
3 executive committee to hear and determine the appeal. Upon the
4 filing of any such appeal, the chair of the county executive
5 committee from whose decision the appeal is taken shall
6 certify to the chair of the state executive committee,
7 forthwith upon receiving notice of such appeal, a transcript
8 showing a complete record of the proceedings before the county
9 executive committee in such contests, and also a statement of
10 the substance of the testimony of each witness taken on the
11 trial of the contest before the county committee. Such
12 statement may be offered in evidence upon the hearing of the
13 appeal by either party to the appeal.

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

1 judgment, such state executive committee, if it is then in
2 session, otherwise, the chair of such state executive
3 committee, is hereby vested with full and complete authority
4 to take such measures or adopt such steps as it may deem
5 necessary to carry out such order or judgment, and is invested
6 with all the powers of such county executive committee or its
7 chair insofar as such powers may be necessary or convenient in
8 carrying out such order or judgment.

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

18 "§17-13-85.

19 "The chair of the state executive committee shall,
20 upon the filing of a contest with ~~the chair, be called by such~~
21 ~~chair to meet at a time not less than five days nor more than~~
22 10 him or her, as provided in this article, call the committee
23 to meet and the committee shall meet not more than five
24 calendar days from the time of filing such contest for the
25 purpose of hearing and determining the same, or, without
26 calling the committee to meet, the chair may appoint a
27 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."~~

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

27 §17-11-43.1.

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

10 Section 3. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.