1   HB451

2   165177-2

3   By Representative Hill (M)

4   RFD: Constitution, Campaigns and Elections

5   First Read: 09-APR-15

1   165177-2:n:04/08/2015:PMG/cj LRS2015-857R1

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8   SYNOPSIS: Under existing law, write-in votes are

9   permitted in non-municipal general elections, and

10   election officials are required to count all

11   write-in votes after an election.

12   This bill would require a person who wants

13   to be a candidate for a county, state, or federal

14   office through write-in votes to register with the

15   Secretary of State or judge of probate no later

16   than 60 days before an election.

17   This bill would require a write-in candidate

18   to comply with the provisions of the Fair Campaign

19   Practices Act and the State Ethics Law in order to

20   have his or her vote counted.

21   This bill would require poll officials to

22   count write-in votes only if a candidate is

23   properly registered.

24   This bill would also require the Secretary

25   of State to promulgate rules.

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A BILL

TO BE ENTITLED

AN ACT

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5   Relating to elections; to amend Section 17-6-28,

6 Code of Alabama 1975; to require a person who wants to be a

7 candidate for a county, state, or federal office through

8 write-in votes to file a written request with the Secretary of

9 State or judge of probate no later than 60 days before an

10 election; to require a write-in candidate to comply with the

11 provisions of the Fair Campaign Practices Act and the State

12 Ethics Law in order to have his or her vote counted; to

13 require poll officials to count write-in votes only if a

14 candidate is properly qualified to have write-in votes cast on

15 his or her behalf counted; and to require the Secretary of

16 State to promulgate rules.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18   Section 1. Section 17-6-28, Code of Alabama 1975, is

19 amended to read as follows:

20   "§17-6-28.

21   "Write-in votes shall be permitted only in

22 non-municipal general elections and shall be counted only if a

23 write-in candidate is properly registered as provided in

24 Section 2 of this act. The ballot must be constructed so that

25 the voter can mark a write-in vote for each office, along with

26 writing the name of the properly registered write-in

1   candidate, in the same manner that votes are ~~registered~~ marked

2   for regular candidates. ~~In order to cast a valid write-in~~

3   ~~vote, the voter must (1) write the name on the ballot and (2)~~

4   ~~register the vote by a mark in the space designated for that~~

5   ~~office. A write-in vote shall not be counted if the vote is~~

6   ~~not registered as provided above. If a voter registers a vote~~

7   ~~for a name on the ballot and then writes in another name for~~

8   ~~the same office but fails to register the write-in vote, the~~

9   ~~ballot shall be treated as if no write-in vote had occurred~~

10   ~~and the regular vote shall be counted.~~ If a properly

11   ~~registered~~ marked write-in vote causes an over-vote, it shall

12   be treated as any other over-vote and none of the votes for

13   the over-voted office shall be counted. However, the remainder

14   of the ballot shall be counted. When counting write-in votes,

15   poll officials must check for over-votes if the electronic

16   ballot counter does not perform the function."

17   Section 2. (a) Any person who wants to be a

18   candidate for a county, state, or federal office through

19   write-in votes shall register with the Secretary of State, or,

20   if a local election, the judge of probate, at least 60 days

21   before the election, as an official write-in candidate. A

22   write-in candidate shall comply with the Fair Campaign

23   Practices Act and the State Ethics Law in order to have votes

24   cast for him or her counted.

25   (b) The Secretary of State shall promulgate rules in

26   accordance with the Administrative Procedure Act to develop a

1   process for persons to register as write-in candidates, and to

2   develop procedures to ensure that judges of probate, election

3   officials, and poll officials are properly notified in a

4   timely manner whether write-in votes must be counted for

5   write-in candidates. The Secretary of State may require,

6   through rules, that poll officials post the official names of

7   write-in candidates at polling places.

8   Section 3. This act shall become effective on the

9   first day of the third month following its passage and

10 approval by the Governor, or its otherwise becoming law.