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3 HOUSE CC&E SUBSTITUTE FOR HB247
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8 SYNOPSIS: Under existing law, a judge of probate is
9 required to give at least 30 days' notice before
10 each election by publication in a newspaper of
11 general circulation in the county.

12 This bill would reduce the required notice
13 from 30 days to 14 days.

14 Under existing law, certain time frames are
15 established for the delivery of ballots in runoff
16 elections, the time and place for holding primary
17 runoff elections, and the canvassing, tabulation,
18 and declaration of results in primary and runoff
19 elections.

20 This bill would revise those time frames for
21 primary and runoff elections.
22

23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to elections; to amend Sections 17-9-5,
2 17-11-12, 17-13-3, 17-13-17, and 17-13-18 of the Code of
3 Alabama 1975, to reduce the required notice the judge of
4 probate is required to give prior to each election; to revise
5 certain time frames for the delivery of ballots in runoff
6 elections; to revise certain time frames for the time and
7 place for holding primary runoff elections; and to revise
8 certain time frames for the canvassing, tabulation, and
9 declaration of results in primary and runoff elections.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 17-9-5, 17-11-12, 17-13-3,
12 17-13-17, and 17-13-18 of the Code of Alabama 1975, are
13 amended to read as follows:

14 "§17-9-5.

15 "The judge of probate must give notice at least ~~30~~
16 14 days before each election by publication in a newspaper of
17 general circulation in the county, if any is published therein
18 and, if not, by writings posted at the courthouse door and at
19 three other public places in the county, of the time of
20 holding and the offices to be filled by such election. Such
21 notice shall consist only of the date of the election and the
22 officers to be voted for or subjects to be voted on.

23 "§17-11-12.

24 "Not less than 55 days prior to the holding of any
25 election, except a municipal election, to which this chapter
26 pertains, or in the case of a runoff primary election, not
27 more than ~~seven~~ 14 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 "§17-13-3.

24 "(a) Except as otherwise provided in subsection (b),
25 primary elections, except special primary elections and
26 presidential preference primaries, held at the expense of the
27 state or counties, shall be held on the ~~first Tuesday in June~~

1 fourth Tuesday in May. When necessary, as provided in this
2 chapter, a second or runoff primary election shall be held on
3 the ~~sixth~~ fourth Tuesday following the primary election. Any
4 second primary shall be held by the same election officers who
5 held the first primary, and be held at the same places as the
6 first primary election. No primary shall be held by any
7 political party except as herein provided. Primary elections
8 herein provided for shall be held at the regular polling
9 places established for the purpose of holding general
10 elections.

11 " (b) In years in which a presidential primary is
12 conducted, the primary election shall be the first Tuesday in
13 March.

14 " (c) Notwithstanding any other provision of law, in
15 any year in which the primary election is held in March and
16 the primary election is held in conjunction with the
17 presidential preference primary election, as provided in this
18 section and Section 17-13-100, any reference in any existing
19 statutes to a primary election being held in June or May shall
20 be construed to refer to the primary election in March.

21 "§17-13-17.

22 "The county executive committee of the party or
23 parties participating in the primary election shall meet at
24 the courthouse of its county, not later than noon on Tuesday
25 next following the primary election, and receive the returns,
26 canvass and tabulate the same, by precincts, and publicly
27 declare the results thereof. The chair of each county

1 executive committee shall forthwith, ~~and not later than noon~~
2 ~~on the Wednesday eight days following the primary election,~~
3 and no later than the close of business on the seventh day
4 following the primary election certify and return to the chair
5 of the state executive committee a statement and tabulation,
6 by precincts, of the result of the primary election and of the
7 number of votes received by each candidate therein for office,
8 except candidates for county office. Not later than noon on
9 the ~~Friday 10~~ Wednesday eight days following such primary
10 election, the state executive committee, or such subcommittee
11 thereof as may have been appointed by the chair thereof for
12 such purpose, shall meet ~~at the State Capitol in Montgomery~~
13 and receive the returns, canvass and tabulate the same by
14 counties, and publicly declare on that day the results thereof
15 as to all candidates for office therein, except candidates for
16 county office, which results shall be final. The state
17 executive committee or such subcommittee as provided in this
18 section shall also provide the Secretary of State with the
19 primary election returns by precincts according to county on a
20 form authorized by the Secretary of State on the ~~Friday 10~~
21 Wednesday eight days following the primary election, county
22 and municipal returns excepted.

23 "§17-13-18.

24 "(a) At the respective meetings of the respective
25 executive committees, the county executive committee, as to
26 candidates in the primary election for office, except
27 candidates for county office, shall publicly ascertain,

1 determine, and declare whether any candidate for office in the
2 primary election has received a majority of the votes cast for
3 the office, and, if so, declare the candidate the nominee of
4 the party for the office for which he or she was a candidate
5 and for which he or she received a majority of the votes cast
6 for that office in the primary election.

7 "(b) If no candidate receives a majority of all of
8 the votes cast in such primary election for any one office or
9 offices for the nomination to which there were more than two
10 candidates, then there shall be held a second primary election
11 on the ~~sixth~~ fourth Tuesday following the primary election,
12 and the chair of the state executive committee shall certify
13 to the Secretary of State, immediately upon the completion of
14 such canvass, the names of the two candidates of the party to
15 receive the highest number of votes in the first primary
16 election for such office or offices, except county officers,
17 and who are to be voted for in the second primary election.
18 The chair of each county executive committee shall,
19 immediately upon the completion of such canvass, certify to
20 the judge of probate of the county the names of the two
21 candidates who received the highest number of votes in the
22 first primary for nomination to any county office. The
23 Secretary of State shall, within two business days from the
24 date the certificate is received from the chair of the state
25 executive committee, certify to the judge of probate of any
26 county where a second primary election is to be held the name
27 or names of the candidates certified as herein provided by the

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

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

17 "(d) The returns from the second primary election
18 shall be made and the votes canvassed, tabulated, and
19 certified and the results declared in the same manner provided
20 in this chapter for making, canvassing, tabulating,
21 certifying, and declaring the results of the first primary
22 election. The county executive committee of the parties
23 participating in the primary election shall meet at the
24 courthouse of their respective counties not later than the
25 second Friday following the second primary election and
26 receive the returns, canvass and tabulate the same by
27 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
26 office shall be declared the nominee of the party for such
27 office by the respective county and state executive

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

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

25 Section 2. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

