

1 HB247
2 198510-3
3 By Representatives Marques, Brown (C), Oliver, Sorrells,
4 Stringer, Gaston, Lee, Clouse and Fridy
5 RFD: Constitution, Campaigns and Elections
6 First Read: 20-MAR-19

1 notice shall consist only of the date of the election and the
2 officers to be voted for or subjects to be voted on.

3 "§17-11-12.

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

1 to the person authorized to act in his or her place, as
2 provided in Section 17-11-13.

3 "§17-13-3.

4 "(a) Except as otherwise provided in subsection (b),
5 primary elections, except special primary elections and
6 presidential preference primaries, held at the expense of the
7 state or counties, shall be held on the ~~first Tuesday in June~~
8 fourth Tuesday in May. When necessary, as provided in this
9 chapter, a second or runoff primary election shall be held on
10 the ~~sixth~~ fourth Tuesday following the primary election. Any
11 second primary shall be held by the same election officers who
12 held the first primary, and be held at the same places as the
13 first primary election. No primary shall be held by any
14 political party except as herein provided. Primary elections
15 herein provided for shall be held at the regular polling
16 places established for the purpose of holding general
17 elections.

18 "(b) In years in which a presidential primary is
19 conducted, the primary election shall be the first Tuesday in
20 March.

21 "(c) Notwithstanding any other provision of law, in
22 any year in which the primary election is held in March and
23 the primary election is held in conjunction with the
24 presidential preference primary election, as provided in this
25 section and Section 17-13-100, any reference in any existing
26 statutes to a primary election being held in June or May shall
27 be construed to refer to the primary election in March.

1 "§17-13-17.

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

1 Wednesday eight days following the primary election, county
2 and municipal returns excepted.

3 "§17-13-18.

4 "(a) At the respective meetings of the respective
5 executive committees, the county executive committee, as to
6 candidates in the primary election for office, except
7 candidates for county office, shall publicly ascertain,
8 determine, and declare whether any candidate for office in the
9 primary election has received a majority of the votes cast for
10 the office, and, if so, declare the candidate the nominee of
11 the party for the office for which he or she was a candidate
12 and for which he or she received a majority of the votes cast
13 for that office in the primary election.

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

1 candidates who received the highest number of votes in the
2 first primary for nomination to any county office. The
3 Secretary of State shall, within two business days from the
4 date the certificate is received from the chair of the state
5 executive committee, certify to the judge of probate of any
6 county where a second primary election is to be held the name
7 or names of the candidates certified as herein provided by the
8 chair of the state executive committee. The judge of probate
9 of each county in Alabama shall in the manner and form as
10 required by this chapter and the general laws of Alabama, have
11 prepared and printed all election supplies and all ballots to
12 be voted in the second primary election, which ballots shall
13 contain, under appropriate headings or titles of the offices
14 to be filled, the names of the two candidates for each office
15 so certified by the Secretary of State and the chair of the
16 county executive committee, as herein required, as well as
17 such other matters as are required by this chapter and the
18 general laws of Alabama, on ballots for the first primary
19 election.

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

24 "(d) The returns from the second primary election
25 shall be made and the votes canvassed, tabulated, and
26 certified and the results declared in the same manner provided
27 in this chapter for making, canvassing, tabulating,

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

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

26 "(e) The state executive committee or such
27 subcommittee as provided in this section shall also provide

1 the Secretary of State with the second primary election
2 returns by precincts according to county on a form authorized
3 by the Secretary of State on the third Wednesday following the
4 secondary primary, county and municipal returns excepted."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 20-MAR-19

Read for the second time and placed
on the calendar with 1 substitute
and..... 11-APR-19

Read for the third time and passed
as amended..... 23-APR-19

Yeas 99, Nays 0, Abstains 0

Jeff Woodard
Clerk