

1 HB312
2 209060-1
3 By Representative Wheeler
4 RFD: Constitution, Campaigns and Elections
5 First Read: 03-FEB-21

SYNOPSIS: Under existing law, precinct election officials are required to reside in the precinct in which they serve.

This bill would allow precinct election officials who are registered to vote in a given county to serve in any precinct in that county.

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to amend Sections 17-8-1, 17-8-5, 17-8-6, 17-8-12, and 17-8-14, Code of Alabama 1975; to allow precinct election officials who are registered to vote in a given county to serve in any precinct in that county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-8-1, 17-8-5, 17-8-6, 17-8-12, and 17-8-14, Code of Alabama 1975, are amended to read as follows:

"§17-8-1.

1 "(a) The appointing board, or a majority of them
2 acting as an appointing board, not more than 20 nor less than
3 15 days before the holding of any election in their county,
4 shall appoint from the qualified electors of the respective
5 ~~precinct~~ county, necessary precinct election officials, which
6 shall include at least one inspector, to act at each voting
7 place in each precinct. Precinct election officials shall be
8 registered voters in the county in which they serve, but are
9 not required to be registered at the precinct in which they
10 serve. The appointing board may appoint the number of precinct
11 election officials necessary for each precinct, provided that,
12 absent consent of the county commission, the total number of
13 precinct election officials appointed in a county shall not
14 exceed the total number of precinct election officials who
15 were paid by the county for the general election held November
16 2004. In the event that the number of precincts or voting
17 places utilized in an election within a county is increased or
18 decreased, the total number of officials who may be appointed
19 without consent of the county commission shall be increased or
20 decreased proportionately based upon the average number of
21 workers utilized in each precinct or polling place within the
22 county. In the event that the county changes voting equipment
23 from that used in the November 2004 election, the total number
24 of precinct election officials the appointing board may
25 appoint shall be the average number of precinct election
26 officials per precinct or polling place utilized statewide for
27 the general election held in November 2004, multiplied by the

1 number of precincts or polling places in the county changing
2 voting equipment; provided, however, that the number of
3 precinct election officials appointed for any precinct in the
4 county may be increased with the consent of the county
5 commission. Members of a candidate's immediate family to the
6 second degree of kinship by affinity or consanguinity and any
7 member of a candidate's principal campaign committee are not
8 eligible for appointment.

9 "(b) The precinct election officials shall have the
10 following duties:

11 "(1) The inspector shall be in charge of the voting
12 place and shall serve as returning officer for the voting
13 place.

14 "(2) The registration list clerk shall check the
15 name of voters against the list of registered voters and mark
16 off the names of those who vote in order to prevent double
17 voting. If any ~~person~~ individual whose name does not appear on
18 the list of registered voters is permitted to vote by means of
19 a certificate as provided in Section 17-10-3, or by means of a
20 provisional ballot as provided in Sections 17-10-1 and
21 17-10-2, the registration list clerk shall legibly print the
22 name and address on the list of registered voters, mark
23 through the name to indicate that the ~~person~~ individual has
24 voted, and record by the name whether the ~~person~~ individual
25 voted by certificate, with source and date, or by provisional
26 ballot.

1 "(3) The poll list clerk shall ensure that each
2 voter signs the poll list as provided in Sections 17-9-15 and
3 17-13-7. A clerk shall print the voter's name on the poll list
4 or a duplicate list so that the signature can be identified.
5 The poll list clerk shall give a ballot to the voter with the
6 stub attached to the ballot pad. Ballots shall be given out in
7 sequence beginning with the lowest numbered ballot.

8 "(4) The ballot clerk, upon the request of a voter,
9 shall assist the voter as necessary to deposit the ballot in
10 the precinct ballot counter.

11 "(c) Any ~~person~~ individual who is compensated for
12 working at the polls during any returning, other than an
13 inspector appointed under subsection (a), may work on a split
14 shift schedule if determined necessary by the judge of
15 probate. Each portion of a split shift shall consist of not
16 less than six consecutive hours of work and the worker shall
17 be paid one-half of the per day compensation provided for by
18 general or local law in the county.

19 "(d) (1) ~~Notwithstanding the provisions of~~ subsection
20 (a), the judge of probate or other appropriate election
21 officials in a county, may provide for the appointment of
22 additional inspectors and clerks from within the county
23 ~~at-large~~ to serve as alternates in the event an appointed
24 inspector or clerk is unable to perform his or her duties.
25 ~~First priority shall be given for the appointment of~~
26 ~~alternates who are registered voters at the precinct where a~~
27 ~~vacancy exists.~~ The number of alternates shall be limited as

1 provided ~~herein~~ in the following manner and no payment shall
2 be provided for alternates in excess of the number authorized
3 in this subsection~~;~~:

4 "a. In a county with a population of less than
5 100,000 inhabitants, the judge of probate or other appropriate
6 election officials in the county may provide for the
7 appointment and payment of up to four alternate inspectors,
8 clerks, or returning officers~~;~~in.

9 "b. In a county with a population of 100,000 to
10 250,000 inhabitants, the judge of probate or other appropriate
11 election officials in the county may provide for the
12 appointment and payment of up to 12 alternate inspectors,
13 clerks, or returning officers~~;~~and in.

14 "c. In a county with a population of more than
15 250,000 inhabitants, the judge of probate or other appropriate
16 election officials in the county may provide for the
17 appointment and payment of up to 24 alternate inspectors,
18 clerks, or returning officers.

19 "(2) The appointment and payment of alternates shall
20 be election expenses eligible for reimbursement by the state
21 Comptroller pursuant to general law.

22 "§17-8-5.

23 "Each political party or organization having made
24 nominations, by the chair of its state or county executive
25 committee or nominees for office, may furnish the appointing
26 board a list of names of recommended ~~poll workers~~ precinct
27 election officials from qualified electors for each ~~voting~~

1 ~~place~~ county not later than 45 days before the election. From
2 the lists provided, one inspector and at least three clerks
3 shall be appointed for each ~~voting place~~ county from members
4 of opposing political parties, if practicable. If there are
5 more than two lists filed, the appointments shall be made from
6 the lists presented by the two political parties having
7 received the highest number of votes in the state in the next
8 preceding regular election, if each of the parties presents a
9 list.

10 "If no lists are furnished, the appointing board
11 shall appoint an inspector and at least three clerks for each
12 voting place from the qualified electors of the ~~precinct~~
13 county from members of opposing political parties, if
14 practicable.

15 "§17-8-6.

16 "On the failure of any precinct election official to
17 attend at the hour of 7:00 ~~A.M.~~ a.m., ~~such~~ the precinct
18 election officials as may be present may complete the number.
19 If the inspector appointed is not present, the other precinct
20 election officials present shall choose one of their number to
21 serve as inspector and shall appoint from the qualified
22 electors, who are entitled by law to vote ~~at that polling~~
23 ~~place~~ in that county at the election then to be held, such
24 clerks as may be necessary to complete the requisite number of
25 precinct election officials. If there ~~should be~~ are no
26 precinct election officials present at the polling place by
27 the hour of 7:00 ~~A.M.~~ a.m., then any four qualified electors

1 who are entitled by law to vote ~~at that polling place~~ in that
2 county at the election then to be held may open the polls and
3 act as precinct election officials for the voting place during
4 the absence of an appointed precinct election official.

5 "§17-8-12.

6 "(a) The inspector and clerks shall each be entitled
7 to base compensation of fifty dollars (\$50). The compensation
8 of the election officials shall be paid as preferred claims,
9 out of ~~moneys~~ monies in the county treasury not appropriated,
10 on proper proof of service rendered. In all counties in which
11 the compensation of precinct election officials is prescribed
12 by local law or general law of local application at an amount
13 in excess of the amount prescribed, the compensation of the
14 precinct election officials shall not be decreased under this
15 section and the county commission may increase the
16 compensation so prescribed. In those counties in which
17 compensation of precinct election officials is set at an
18 amount in excess of five dollars (\$5) per day, but less than
19 fifty dollars (\$50) per day, the provision of the local law or
20 general law of local application relative thereto is
21 superseded and the compensation prescribed herein shall be the
22 total compensation of precinct election officials in the
23 counties.

24 "(b) In addition to the compensation provided in
25 subsection (a), each clerk shall be entitled to supplemental
26 compensation paid by the state to ensure that the total
27 compensation paid to each shall be in an amount of at least

1 seventy-five dollars (\$75) per day, and each inspector shall
2 be entitled to supplemental compensation paid by the state in
3 an amount that ensures that the total compensation of an
4 inspector is at least one hundred dollars (\$100) per day. Upon
5 completion of a local election school or being certified as a
6 qualified ~~poll worker~~ precinct election official by the
7 ~~probate judge~~ judge of probate, or both, each clerk and
8 inspector shall be entitled to receive an additional
9 twenty-five dollars (\$25) per day in compensation from the
10 state. The increase provided for in this subsection shall not
11 increase or decrease any salary supplement paid under a local
12 law which is in effect on October 1, 2005. ~~The provisions of~~
13 ~~this~~ This subsection shall only apply to those statewide
14 elections for which county expenses are reimbursed by the
15 state as defined in Chapter 16. ~~The provisions of this~~ This
16 subsection shall not apply to special county or other
17 elections held at any time other than at the time of holding
18 statewide elections.

19 "§17-8-14.

20 "(a) The judge of probate in each county may appoint
21 not more than two students for each precinct to serve
22 as unpaid student interns during elections. To be appointed
23 a student intern, a student must meet all of the following
24 qualifications:

25 "(1) Be recommended by a principal or other school
26 official, or by the individual responsible for the student's
27 home instruction program.

1 "(2) Be at least 16 years of age at the time of
2 the election for which the appointment is made.

3 "(3) Be a resident of the county or municipality for
4 which the appointment is made.

5 "(4) Be enrolled in a public high school, an
6 accredited private high school, or a home instruction program
7 and be classified as a junior or senior or the equivalent, or
8 be enrolled in a two-year or four-year institution of higher
9 education.

10 "(b) The duties of the student interns appointed
11 pursuant to this section shall be determined by the officials
12 in charge of the election in the county or municipality;
13 provided, however, the duties may not include either of the
14 following:

15 "(1) Determining the qualifications of a voter in
16 the event a voter is challenged.

17 "(2) The operation and maintenance of any voting
18 equipment.

19 "(c) Student interns shall at all times be under the
20 supervision of the poll managers of the election while
21 performing their duties at precincts.

22 "(d) Before performing any duties, student interns
23 shall attend all required training for ~~poll-workers~~ precinct
24 election officials of the county or municipality and any
25 additional training considered necessary by the officials in
26 charge of the election in the county or municipality.

1 "(e) A student intern who works four or more hours
2 in a day during school hours on the day of an election or any
3 day of training shall be entitled to an excused absence from
4 school for purposes of Chapter 28 of Title 16."

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.