

1 HB103
2 214810-1
3 By Representative Clarke
4 RFD: Constitution, Campaigns and Elections
5 First Read: 11-JAN-22

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8 SYNOPSIS: Under existing law, the only way for an
9 elector to vote before election day in this state
10 is to vote by absentee ballot, provided the elector
11 meets one of the excuses that allows for absentee
12 voting.

13 This bill would provide a process for early
14 voting in general and special elections, other than
15 municipal elections.

16 This bill would prescribe minimum days and
17 hours of operation of early voting centers.

18 This bill would allow an elector, without
19 excuse, to cast his or her vote using a voting
20 machine at an early voting center.

21 This bill would require each county
22 commission to establish early voting center
23 locations in the county and establish a
24 communications plan to publish notice of early
25 voting in the respective county.

1 This bill would provide that staffing,
2 reimbursement of election expenses, and election
3 day conduct would apply to early voting.

4 This bill would also require the Secretary
5 of State to adopt rules to ensure the process does
6 not permit electors to vote more than once in any
7 election.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to elections; to provide a process for
14 early voting in certain elections; to prescribe the number,
15 location, and hours of operation of early voting centers in
16 each county; to authorize electors to cast a vote, without
17 excuse, by voting machine at an early voting center; to
18 provide for the conduct of early voting; and to require the
19 Secretary of State to adopt rules.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) This section shall apply to all
22 general and special elections other than municipal elections.

23 (b) Beginning in the election cycle for the November
24 2022 General Election, qualified electors of this state may
25 obtain and cast an in-person ballot in advance of election
26 day, without excuse, at an early voting center for all general

1 and special elections other than municipal elections, in
2 accordance with this section.

3 (c) The early voting period shall begin the Saturday
4 17 days before election day and extend through the Saturday
5 three days before election day. Polls shall be open for early
6 voting for at least four continuous hours between 7:00 a.m.
7 and 8:00 p.m. on each weekday with at least two days during
8 the weekday open until 8:00 p.m., and between the hours of
9 10:00 a.m. and 7:00 p.m. on each Saturday during the early
10 voting period. The early voting election officials shall
11 establish hours of operation of each early voting center,
12 provided nothing in this subsection shall be construed to
13 prohibit a county commission from establishing a greater
14 number of hours for voting during the early voting period
15 beyond the number of hours required by this subsection.

16 (d) (1) Notwithstanding Section 17-8-1, Code of
17 Alabama 1975, not more than 20 nor less than 15 days before
18 the date that early voting begins pursuant to this section,
19 the appointing board of each county shall appoint necessary
20 early voting election officials, including at least one
21 inspector and three clerks at each center. During the early
22 voting period, election officials shall carry out the roles,
23 duties, and functions prescribed by law to election officials
24 on election day, as further provided by rules adopted by the
25 Secretary of State. Election officials shall be compensated
26 for their services as provided in Section 17-8-12, Code of
27 Alabama 1975.

1 (2) Poll watchers shall be allowed at each early
2 voting center as provided in Section 17-8-7, Code of Alabama
3 1975, or as otherwise provided by law.

4 (e) (1) Each county shall operate at least one early
5 voting center for every 100,000 residents, according to the
6 most recent federal decennial census. The county commission
7 shall determine the location of each early voting center and
8 the geographical area the center serves using the most recent
9 federal decennial census tract and block map. The boundaries
10 shall coincide with existing precinct boundaries. An early
11 voting center may be located in any branch of the county
12 courthouse or courthouse annex, a government building
13 generally accessible to the public, or a location that is used
14 as an election day polling place.

15 (2) Notwithstanding subdivision (1), for any special
16 election, the county commission, by majority vote, may reduce
17 the number of early voting centers when the commission
18 determines a lesser number of centers is sufficient to meet
19 the needs of early voters.

20 (f) The process for voting at an early voting center
21 shall be conducted in the same manner as set forth in state
22 law for voting in person on election day. Each early voting
23 center shall be equipped with at least two voting machines
24 with which electors may cast their ballot. Upon the daily
25 closing of an early voting center, the election officers shall
26 tabulate the ballots cast that day and secure all ballots
27 cast, the poll lists maintained at the location, and all other

1 voting materials, whether used or unused, as provided by rules
2 adopted by the Secretary of State as necessary to comply with
3 state law.

4 (g) Each county commission shall create a
5 communication plan to inform eligible electors of the
6 opportunity to vote early. The plan may use any media outlet,
7 including social media and the official county website, and
8 shall publicize the designation of voting precincts to
9 assigned early voting centers, along with the location, date,
10 and hours of operation of each early voting center.

11 (h) Nothing in this section shall prohibit an
12 elector who received an absentee ballot by mail from bringing
13 his or her ballot to his or her early voting center and
14 casting his or her ballot pursuant to this section.

15 (i) All expenses and costs incurred to comply with
16 this section shall be reimbursed in accordance with Article 1
17 of Chapter 16 of Title 17, Code of Alabama 1975.

18 (j) The Secretary of State shall adopt rules to
19 implement this section. The rules shall include, but not be
20 limited to, provisions that do all of the following:

21 (1) Ensure that ballots cast early, by any method
22 allowed under state law, are counted and canvassed as if cast
23 on election day.

24 (2) Ensure an efficient and fair early voting
25 process that respects the privacy of the voter.

1 (3) Ensure that electors who vote during the early
2 voting period are not permitted to vote more than once in the
3 same election.

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