

HB435 INTRODUCED



1 ODYZJJ-1
2 By Representative Lomax
3 RFD: Ways and Means General Fund
4 First Read: 04-May-23
5
6 2023 Regular Session



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, election inspectors and clerks are entitled to a base compensation of \$50 dollars.

Also under existing law, election inspectors are entitled to supplemental compensation in an amount to ensure that each inspector is compensated in an amount of at least \$100 per day and election clerks are entitled to supplemental compensation in an amount to ensure that each clerk is compensated in an amount of at least \$75 per day.

This bill would increase the supplemental compensation paid to election inspectors and clerks.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds



HB435 INTRODUCED

29 within the meaning of the amendment. If this bill is
30 not enacted by a 2/3 vote, it will not become effective
31 with regard to a local entity unless approved by the
32 local entity or until, and only as long as, the
33 Legislature appropriates funds or provides for a local
34 source of revenue.

35

36

37

A BILL

38

TO BE ENTITLED

39

AN ACT

40

41

Relating to elections; to amend Section 17-8-12, Code
42 of Alabama 1975, to increase the supplemental compensation
43 paid to election inspectors and clerks; and in connection
44 therewith would have as its purpose or effect the requirement
45 of a new or increased expenditure of local funds within the
46 meaning of Section 111.05 of the Constitution of Alabama of
47 2022.

48

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

49

Section 1. Section 17-8-12, Code of Alabama 1975, is
50 amended to read as follows:

51

"§17-8-12

52

(a) The inspector and clerks shall each be entitled to
53 base compensation of fifty dollars (\$50). The compensation of
54 the election officials shall be paid as preferred claims, out
55 of monies in the county treasury not appropriated, on proper
56 proof of service rendered. In all counties in which the



HB435 INTRODUCED

57 compensation of precinct election officials is prescribed by
58 local law or general law of local application at an amount in
59 excess of the amount prescribed, the compensation of the
60 precinct election officials shall not be decreased under this
61 section and the county commission may increase the
62 compensation so prescribed. In those counties in which
63 compensation of precinct election officials is set at an
64 amount in excess of five dollars (\$5) per day, but less than
65 fifty dollars (\$50) per day, the provision of the local law or
66 general law of local application relative thereto is
67 superseded and the compensation prescribed herein shall be the
68 total compensation of precinct election officials in the
69 counties.

70 (b) In addition to the compensation provided in
71 subsection (a), each clerk shall be entitled to supplemental
72 compensation paid by the state to ensure that the total
73 compensation paid to each shall be in an amount of at least
74 ~~seventy-five dollars (\$75)~~ one hundred twenty-five dollars
75 (\$125) per day, and each inspector shall be entitled to
76 supplemental compensation paid by the state in an amount that
77 ensures that the total compensation of an inspector is at
78 least one hundred fifty dollars ~~(\$100)~~ (\$150) per day. Upon
79 completion of a local election school or being certified as a
80 qualified precinct election official by the judge of probate,
81 or both, each clerk and inspector shall be entitled to receive
82 an additional twenty-five dollars (\$25) per day in
83 compensation from the state. The increase provided for in this
84 subsection shall not increase or decrease any salary



HB435 INTRODUCED

85 supplement paid under a local law which is in effect on
86 ~~October 1, 2005~~October 1, 2022. This subsection shall only
87 apply to those statewide elections for which county expenses
88 are reimbursed by the state as defined in Chapter 16. This
89 subsection shall not apply to special county or other
90 elections held at any time other than at the time of holding
91 statewide elections."

92 Section 2. The purpose or effect of this bill would be
93 to require a new or increased expenditure of local funds
94 within the meaning of Section 111.05 of the Constitution of
95 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it
96 will not become effective with regard to a local entity unless
97 approved by the local entity or until, and only as long as,
98 the Legislature appropriates funds or provides for a local
99 source of revenue.

100 Section 3. This act shall become effective on the first
101 day of the third month following its passage and approval by
102 the Governor, or its otherwise becoming law.