

SB318 INTRODUCED



1 SB318
2 Y7A36NN-1
3 By Senator Coleman
4 RFD: Judiciary
5 First Read: 11-Apr-24



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SYNOPSIS:

Existing election laws set filing deadlines with the Secretary of State and judges of probate for political parties and independent candidates to ensure sufficient time is allowed for names to be placed on the ballot for candidates running for office.

On some occasions during years of a U.S. President and Vice President election cycle, a national political party convention has been set on a date that falls after state election filing deadlines for the general election. On these occasions, the Legislature has passed legislation for a one-time fix.

For the November 5, 2024, general election, certificates of nomination must be filed by August 15, 2024. The Democratic National Committee is scheduled to hold its national convention after the August 15, 2024 deadline.

This bill would require political parties to certify candidates 74 days, rather than 82 days, before an election.

This bill would also revise other deadlines before an election to conform to this timeline shift.

A BILL



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29 TO BE ENTITLED

30 AN ACT

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32 Relating to elections; to amend Sections 17-6-21,
33 17-9-3, 17-13-22, and 17-14-31, Code of Alabama 1975; to
34 revise deadlines to qualify for a general election to
35 accommodate national political party conventions.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 17-6-21, 17-9-3, 17-13-22, and
38 17-14-31, Code of Alabama 1975, are amended to read as
39 follows:

40 "§17-6-21

41 (a) The official ballots shall contain the names of all
42 candidates nominated by caucus, convention, mass meeting,
43 primary election, or other assembly of any political party or
44 faction, or by petition of electors and certified as provided
45 in Section 17-9-3, but no person's name shall be printed upon
46 the ballots who, within the time period set forth in
47 subsection (c), notifies the judge of probate in writing,
48 acknowledged before an officer authorized by law to take
49 acknowledgments, that he or she will not accept the nomination
50 specified in the certificate of nomination or petition of
51 electors. The name of each candidate shall appear but one time
52 on the ballot and under only one emblem.

53 (b) A nomination for a candidate in a primary or
54 general election shall be finalized by the respective state
55 executive committees not later than ~~76~~71 days before the
56 primary or general election. Any amendment to a certification



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57 of a candidate by a state executive committee shall be filed
58 with the judge of probate in the case of a county office, or
59 the Secretary of State in the case of a state or federal
60 office. Any amendment filed after the ~~76th~~71st day before a
61 primary or a general election shall be accepted by the judge
62 of probate or the Secretary of State but shall not be cause
63 for reprinting of the ballots. The name of a candidate who is
64 the subject of the amendment and who is disqualified by a
65 political party or who has withdrawn as a candidate shall
66 remain on the ballot, not be replaced by the name of another
67 candidate, and the appropriate canvassing board shall not
68 certify any votes for the candidate. Any amendment to a
69 certification to correct the spelling of the name of a
70 candidate that is filed after the ~~76th~~71st day before a
71 primary or general election, or after the printing of absentee
72 ballots for a primary runoff election has commenced, shall not
73 be cause for reprinting of the ballots and shall not affect
74 the counting or certification of any votes cast for the
75 candidate.

76 (c) The notification deadline for persons who do not
77 wish to accept nomination in a primary election is ~~76~~71 days
78 before the date of the election. A person who does not wish to
79 accept nomination in a second primary election shall submit
80 the notification set forth in subsection (a) before the
81 printing of absentee ballots. The notification deadline for
82 persons who do not wish to accept nomination in a general
83 election is ~~76~~71 days before the date of the election. In the
84 event that a candidate submits a notification of withdrawal



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85 after the applicable deadline, the name of the candidate shall
86 remain on the ballot and the appropriate canvassing board may
87 not certify any votes for the candidate."

88 "§17-9-3

89 (a) The following persons shall be entitled to have
90 their names printed on the appropriate ballot for the general
91 election, provided they are otherwise qualified for the office
92 they seek:

93 (1) All candidates who have been put in nomination by
94 primary election and certified in writing by the chair and
95 secretary of the canvassing board of the party holding the
96 primary and filed with the judge of probate of the county, in
97 the case of a candidate for county office, and the Secretary
98 of State in all other cases, on the day next following the
99 last day for contesting the primary election for that office
100 if no contest is filed. If a contest is filed, then the
101 certificate for the contested office must be filed on the day
102 next following the date of settlement or decision of the
103 contest.

104 (2) All candidates who have been put in nomination by
105 any caucus, convention, mass meeting, or other assembly of any
106 political party or faction and certified in writing by the
107 chair and secretary of the nominating caucus, convention, mass
108 meeting, or assembly and filed with the judge of probate, in
109 the case of a candidate for county office, and the Secretary
110 of State in all other cases, on or before 5:00 ~~P.M.~~p.m. on the
111 date of the first primary election as provided for in Section
112 17-13-3.



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113 (3) Each candidate who has been requested to be an
114 independent candidate for a specified office by written
115 petition signed by electors qualified to vote in the election
116 to fill the office when the petition has been filed with the
117 judge of probate, in the case of a county office and with the
118 Secretary of State in all other cases, on or before 5:00
119 ~~P.M.~~p.m. on the date of the first primary election as provided
120 for in Section 17-13-3. The number of qualified electors
121 signing the petition shall equal or exceed three percent of
122 the qualified electors who cast ballots for the ~~office~~Office
123 of Governor in the last general election for the state,
124 county, district, or other political subdivision in which the
125 candidate seeks to qualify.

126 (b) The Secretary of State, not later than ~~74~~69 days
127 before the general election, shall certify to the judge of
128 probate of each county in the state, in the case of an officer
129 to be voted for by the electors of the whole state, and to the
130 judges of probate of the counties composing the circuit or
131 district in the case of an officer to be voted for by the
132 electors of a circuit or district, upon suitable blanks to be
133 prepared by him or her for that purpose, the fact of
134 nomination or independent candidacy of each nominee or
135 independent candidate or candidate of a party who did not
136 receive more than 20 percent of the entire vote cast in the
137 last general election preceding the primary who has qualified
138 to appear on the general election ballot. The judge of probate
139 shall then prepare the ballot with the names of each candidate
140 qualified under the provisions of this section printed on the



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141 ballot. The judge of probate may not print on the ballot the
142 name of any independent candidate who was a candidate in the
143 primary election of that year and the name of any nominee of a
144 political party who was a candidate for the nomination of a
145 different political party in the primary election of that
146 year."

147 "§17-13-22

148 The Secretary of State shall, not later than ~~74~~69 days
149 before the general election, certify to the judge of probate
150 of each county in the state a separate list of nominees of
151 each party for office and for each candidate who has requested
152 to be an independent candidate and has filed a written
153 petition in accordance with Section 17-9-3, except nominees
154 for county offices, to be voted for by the voters of such
155 county."

156 "§17-14-31

157 (a) When presidential electors are to be chosen, the
158 Secretary of State of Alabama shall certify to the judges of
159 probate of the several counties the names of all candidates
160 for President and Vice President who are nominated by any
161 national convention or other like assembly of any political
162 party or by written petition signed by at least 5,000
163 qualified voters of this state.

164 (b) The certificate of nomination by a political party
165 convention must be signed by the presiding officer and
166 secretary of the convention and by the chair of the state
167 executive or central committee of the political party making
168 the nomination. Any nominating petition, to be valid, must



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169 contain the signatures as well as the addresses of the
170 petitioners. Such certificates and petitions must be filed in
171 the ~~office~~Office of the Secretary of State no later than ~~the~~
172 ~~82nd day next preceding the day fixed for~~74 days before the
173 date of the election.

174 (c) Each certificate of nomination and nominating
175 petition must be accompanied by a list of the names and
176 addresses of persons, who shall be qualified voters of this
177 state, equal in number to the number of presidential electors
178 to be chosen. Each person so listed shall execute the
179 following statement which shall be attached to the certificate
180 or petition when the same is filed with the Secretary of
181 State: "I do hereby consent and do hereby agree to serve as
182 elector for President and Vice President of the United States,
183 if elected to that position, and do hereby agree that, if so
184 elected, I shall cast my ballot as such elector for _____ for
185 President and _____ for Vice President of the United States"
186 (inserting in the blank spaces the respective names of the
187 persons named as nominees for the respective offices in the
188 certificate to which this statement is attached)."

189 Section 2. This act shall become effective immediately.