

SB11 INTRODUCED



1 SB11
2 PSTB5RG-1
3 By Senator Givhan
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 09-Jul-25



SYNOPSIS:

Existing election law sets forth procedures for state electors to cast votes for the President and Vice President of the United States in accordance with the intention of the voters of the state.

This bill would establish procedures in the event a presidential elector fails to vote in accordance with the voters of the state.

A BILL
TO BE ENTITLED
AN ACT

Relating to electoral voting; to establish the Alabama Uniform Faithful Presidential Electors Act; to establish procedures in the event a presidential elector fails to vote in accordance with the voters of the state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-14-30 through 17-14-37 of Article 2 of Chapter 14 of Title 17, Code of Alabama 1975, are designated as Division 1 of Article 2.

Section 2. Division 2, commencing with Section 17-14-40, is added to Article 2 of Chapter 14 of Title 17, Code of Alabama 1975, to read as follows:



SB11 INTRODUCED

§17-14-40

This division may be cited as the Alabama Uniform Faithful Presidential Electors Act.

§17-14-41

As used in this division, the following words have the following meanings:

(1) CAST. Accepted by the Secretary of State in accordance with Section 17-14-46(b).

(2) ELECTOR. An individual selected as a presidential elector under Division 1.

(3) PRESIDENT. The President of the United States.

(4) VICE PRESIDENT. The Vice President of the United States.

§17-14-42

For each elector position in the state, a political party contesting the position shall submit to the Secretary of State the names of two qualified individuals. One of the individuals shall be designated "elector nominee" and the other "alternate elector nominee." Except as otherwise provided in Sections 17-14-44 through 17-14-47, the state's electors are the winning elector nominees as provided in Section 17-14-31.

§17-14-43

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for President and Vice President for the nominees for those offices of the party that nominated me."



SB11 INTRODUCED

Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice presidential running mate." The executed pledges must accompany the submission of the corresponding names to the Secretary of State.

§17-14-44

In submitting the state's certificate of ascertainment as required by 3 U.S.C. § 5, the Governor shall certify the state's electors and affirm in the certificate that:

(1) The electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy; and

(2) If a substitute elector is appointed to fill a vacancy, the Governor will submit an amended certificate of ascertainment stating the names on the final list of the state's electors.

§17-14-45

(a) The Secretary of State shall preside at the meeting of electors described in Section §17-14-46.

(b) The position of an elector not present to vote is considered vacant. The Secretary of State shall appoint an individual as a substitute elector to fill a vacancy as follows:

(1) If the alternate elector is present to vote, by



SB11 INTRODUCED

85 appointing the alternate elector for the vacant position;

86 (2) If the alternate elector for the vacant position is
87 not present to vote, by appointing an elector chosen by lot
88 from among the alternate electors present to vote who were
89 nominated by the same political party;

90 (3) If the number of alternate electors present to vote
91 is insufficient to fill any vacant position pursuant to
92 subdivisions (1) and (2), by appointing any immediately
93 available individual who is qualified to serve as an elector
94 and chosen through nomination and plurality vote of the
95 remaining electors, including nomination and vote by a single
96 elector if only one remains;

97 (4) If there is a tie between at least two nominees for
98 substitute elector in a vote conducted under subdivision (3),
99 by appointing an elector chosen by lot from among those
100 nominees; or

101 (5) If all elector positions are vacant and cannot be
102 filled pursuant to subdivisions (1) to (4), inclusive, by
103 appointing a single presidential elector, with remaining
104 vacant positions to be filled under subdivision (3) and, if
105 necessary, subdivision (4).

106 (c) To qualify as a substitute elector under subsection
107 (b), an individual who has not executed the pledge required
108 under Section 17-14-43 shall execute the following pledge: "I
109 agree to serve and to mark my ballots for President and Vice
110 President consistent with the pledge of the individual to
111 whose elector position I have succeeded."

112 §17-14-46



SB11 INTRODUCED

(a) At the time designated for elector voting and after all vacant positions have been filled under Section 17-14-45, the Secretary of State shall provide each elector with a presidential and vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of President and Vice President, respectively, along with the elector's signature and the elector's legibly printed name.

(b) Except as otherwise provided by state law, each elector shall present both completed ballots to the Secretary of State, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under Section 17-14-43 or Section 17-14-45(c). Except as otherwise provided by state law, the Secretary of State may not accept and may not count either an elector's presidential or vice presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under Section 17-14-43 or Section 17-14-45(c) vacates the office of elector, creating a vacant position to be filled in accordance with Section 17-14-45.

(d) The Secretary of State shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording



SB11 INTRODUCED

appropriately completed ballots from the substituted electors, until all of the state's electoral votes have been cast and recorded.

§17-14-47

(a) After the vote of the state's electors is completed, if the final list of electors differs from any list that the Governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. § 5, the Secretary of State shall immediately prepare an amended certificate of ascertainment and transmit the certificate to the Governor for the Governor's signature.

(b) The Governor shall immediately deliver the signed amended certificate of ascertainment to the Secretary of State and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive the state's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

(c) The Secretary of State shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The Secretary of State shall process and transmit the signed certificate with the amended certificate of ascertainment pursuant to 3 U.S.C. §§ 9, 10, and 11.

§17-14-48

In applying and construing this division, consideration shall be given to the need to promote uniformity of law with respect to its subject matter among states that enact the Uniform Faithful Presidential Electors Act.



SB11 INTRODUCED

169 Section 3. This act shall become effective on October
170 1, 2026.