

1 HB131
2 125497-1
3 By Representative Vance
4 RFD: Constitution, Campaigns and Elections
5 First Read: 03-MAR-11

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8 SYNOPSIS: Under existing law, no person, other than
9 certain officials or persons casting a vote, are
10 allowed within 30 feet of a polling place.

11 This bill would extend the distance to 150
12 feet.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Sections 11-46-28 and 17-9-50 of the Code
19 of Alabama 1975, relating to elections, including municipal
20 elections; to extend the distance from a polling place a
21 person, other than certain officials or persons casting a
22 vote, is permitted to remain.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 11-46-28 and 17-9-50 of the Code
25 of Alabama 1975, are amended to read as follows:

26 "§11-46-28.

1 "(a) Every polling place shall open for voting at
2 7:00 A.M. and shall close at 7:00 P.M. and shall remain open
3 for voting for not less than 12 consecutive hours. All polling
4 places in areas operating on eastern time may open and close
5 under this section pursuant to eastern time.

6 "The election officers at voting places shall meet
7 at the respective places of holding elections for which they
8 have been appointed 30 minutes before the hour established by
9 the municipal governing body to open the polls and shall at
10 the designated hour open the several polling places as
11 designated and keep them open without adjournment or recess
12 until the hour established by the municipal governing body to
13 close the polls and no longer.

14 "(b) Any qualified elector entitled to vote at a
15 polling place who has identified himself or herself with the
16 election officials at the polling place by closing time shall
17 be permitted to cast his or her ballot.

18 "(c) Before entering upon their duties, the election
19 officers must take an oath to perform their duties at the
20 election according to law, and the oath may be administered
21 either by any person authorized by law to administer oaths or
22 by an election inspector.

23 "(d) When paper ballots are used, the inspectors
24 shall select one of their number, on opening the polls, to act
25 as challenger, and the challenger shall ascertain if each
26 person presenting himself or herself to vote is registered,
27 the finding to be from an examination of the official list of

1 the voters furnished by the mayor or other chief executive
2 officer.

3 "(e) Upon receipt of the list showing the names of
4 every person whose name appears on the official list of
5 qualified electors for that particular polling place who have
6 applied for absentee ballots in the election, the election
7 officials shall strike from the list of qualified electors
8 kept at the polling place the name of every person who has
9 applied for an absentee ballot, and no person who has applied
10 for an absentee ballot shall vote again.

11 "(f) Before the election officials commence
12 receiving ballots, the election inspectors must cause it to be
13 proclaimed aloud at the places of voting that the election is
14 opened.

15 "(g) After the polls have been opened, no
16 adjournment or recess shall be taken until the certificate of
17 the result of the election is signed.

18 "(h) When voting machines are used, the election
19 officials shall also comply with Section 11-46-47, and upon
20 completing the duties thereby imposed shall formally declare
21 the polls opened.

22 "(i) The marshal, chief of police, or other chief
23 law enforcement officer of the city or town shall preserve
24 good order at all municipal elections held in the city or
25 town, but not more than one officer shall at the same time be
26 allowed to enter the polling place. Except as electors are
27 admitted to vote and persons to assist them as provided in

1 this article and except the above-mentioned law enforcement
2 officers, the election officials, and the watchers, no person
3 shall be permitted within ~~30~~ 150 feet of the polling place.

4 "§17-9-50.

5 "Except as electors are admitted to vote and persons
6 to assist them as herein provided, and except for the judge of
7 probate, the sheriff, or his or her deputy, the precinct
8 election officials, and watchers, no person shall be permitted
9 within ~~30~~ 150 feet of the door of the building of the polling
10 place."

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