

1 HB247
2 197940-1
3 By Representatives Marques, Brown (C), Oliver, Sorrells,
4 Stringer, Gaston, Lee, Clouse and Fridy
5 RFD: Constitution, Campaigns and Elections
6 First Read: 20-MAR-19

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8 SYNOPSIS: Under existing law, a judge of probate is
9 required to give at least 30 days' notice before
10 each election by publication in a newspaper of
11 general circulation in the county.

12 This bill would reduce the required notice
13 from 30 days to 14 days.

14 Under existing law, certain time frames are
15 established for the delivery of ballots in runoff
16 elections, the time and place for holding primary
17 runoff elections, and the canvassing, tabulation,
18 and declaration of results in primary and runoff
19 elections.

20 This bill would revise those time frames for
21 primary and runoff elections.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to elections; to amend Sections 17-9-5,
2 17-11-12, 17-13-3, 17-13-17, and 17-13-18 of the Code of
3 Alabama 1975, to reduce the required notice the judge of
4 probate is required to give prior to each election; to revise
5 certain time frames for the delivery of ballots in runoff
6 elections; to revise certain time frames for the time and
7 place for holding primary runoff elections; and to revise
8 certain time frames for the canvassing, tabulation, and
9 declaration of results in primary and runoff elections.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 17-9-5, 17-11-12, 17-13-3,
12 17-13-17, and 17-13-18 of the Code of Alabama 1975, are
13 amended to read as follows:

14 "§17-9-5.

15 "The judge of probate must give notice at least ~~30~~
16 14 days before each election by publication in a newspaper of
17 general circulation in the county, if any is published therein
18 and, if not, by writings posted at the courthouse door and at
19 three other public places in the county, of the time of
20 holding and the offices to be filled by such election. Such
21 notice shall consist only of the date of the election and the
22 officers to be voted for or subjects to be voted on.

23 "§17-11-12.

24 "Not less than 55 days prior to the holding of any
25 election, except a municipal election, to which this chapter
26 pertains, or in the case of a runoff primary election, not
27 more than seven days after the first primary election, the

1 officer charged with the printing and distribution of the
2 official ballots and election supplies shall deliver to the
3 absentee election manager of each county in which the election
4 is held or to the person designated to serve in his or her
5 place a sufficient number of absentee ballots, envelopes, and
6 other necessary supplies. Not more than ~~seven~~ 14 days after
7 the last day to qualify as a candidate in a municipal
8 election, or in the case of a runoff municipal election, not
9 more than 14 days after the first election, or in the case of
10 a municipal election held for a purpose other than the
11 election of municipal officers, not more than seven days after
12 the giving of notice of the election, the officer charged with
13 the printing and distribution of the official ballots and
14 election supplies shall deliver to the absentee election
15 manager of the municipality in which the election is held, or
16 to the person designated to serve in his or her place, a
17 sufficient number of absentee ballots, envelopes, and other
18 necessary supplies. If the absentee election manager is a
19 candidate with opposition in the election, he or she shall
20 immediately, upon receipt of the ballots, envelopes, and
21 supplies, deliver them to the person authorized to act in his
22 or her place, as provided in Section 17-11-13.

23 "§17-13-3.

24 "(a) Except as otherwise provided in subsection (b),
25 primary elections, except special primary elections and
26 presidential preference primaries, held at the expense of the
27 state or counties, shall be held on the first Tuesday in June.

1 When necessary, as provided in this chapter, a second or
2 runoff primary election shall be held on the ~~sixth~~ fourth
3 Tuesday following the primary election. Any second primary
4 shall be held by the same election officers who held the first
5 primary, and be held at the same places as the first primary
6 election. No primary shall be held by any political party
7 except as herein provided. Primary elections herein provided
8 for shall be held at the regular polling places established
9 for the purpose of holding general elections.

10 "(b) In years in which a presidential primary is
11 conducted, the primary election shall be the first Tuesday in
12 March.

13 "(c) Notwithstanding any other provision of law, in
14 any year in which the primary election is held in March and
15 the primary election is held in conjunction with the
16 presidential preference primary election, as provided in this
17 section and Section 17-13-100, any reference in any existing
18 statutes to a primary election being held in June shall be
19 construed to refer to the primary election in March.

20 "§17-13-17.

21 "The county executive committee of the party or
22 parties participating in the primary election shall meet at
23 the courthouse of its county, not later than noon on Tuesday
24 next following the primary election, and receive the returns,
25 canvass and tabulate the same, by precincts, and publicly
26 declare the results thereof. The chair of each county
27 executive committee shall forthwith, ~~and not later than noon~~

1 ~~on the Wednesday eight days following the primary election,~~
2 and no later than the close of business on the seventh day
3 following the primary election certify and return to the chair
4 of the state executive committee a statement and tabulation,
5 by precincts, of the result of the primary election and of the
6 number of votes received by each candidate therein for office,
7 except candidates for county office. Not later than noon on
8 the ~~Friday 10~~ Wednesday eight days following such primary
9 election, the state executive committee, or such subcommittee
10 thereof as may have been appointed by the chair thereof for
11 such purpose, shall meet ~~at the State Capitol in Montgomery~~
12 and receive the returns, canvass and tabulate the same by
13 counties, and publicly declare on that day the results thereof
14 as to all candidates for office therein, except candidates for
15 county office, which results shall be final. The state
16 executive committee or such subcommittee as provided in this
17 section shall also provide the Secretary of State with the
18 primary election returns by precincts according to county on a
19 form authorized by the Secretary of State on the ~~Friday 10~~
20 Wednesday eight days following the primary election, county
21 and municipal returns excepted.

22 "§17-13-18.

23 "(a) At the respective meetings of the respective
24 executive committees, the county executive committee, as to
25 candidates in the primary election for office, except
26 candidates for county office, shall publicly ascertain,
27 determine, and declare whether any candidate for office in the

1 primary election has received a majority of the votes cast for
2 the office, and, if so, declare the candidate the nominee of
3 the party for the office for which he or she was a candidate
4 and for which he or she received a majority of the votes cast
5 for that office in the primary election.

6 " (b) If no candidate receives a majority of all of
7 the votes cast in such primary election for any one office or
8 offices for the nomination to which there were more than two
9 candidates, then there shall be held a second primary election
10 on the ~~sixth~~ fourth Tuesday following the primary election,
11 and the chair of the state executive committee shall certify
12 to the Secretary of State, immediately upon the completion of
13 such canvass, the names of the two candidates of the party to
14 receive the highest number of votes in the first primary
15 election for such office or offices, except county officers,
16 and who are to be voted for in the second primary election.
17 The chair of each county executive committee shall,
18 immediately upon the completion of such canvass, certify to
19 the judge of probate of the county the names of the two
20 candidates who received the highest number of votes in the
21 first primary for nomination to any county office. The
22 Secretary of State shall, within two business days from the
23 date the certificate is received from the chair of the state
24 executive committee, certify to the judge of probate of any
25 county where a second primary election is to be held the name
26 or names of the candidates certified as herein provided by the
27 chair of the state executive committee. The judge of probate

1 of each county in Alabama shall in the manner and form as
2 required by this chapter and the general laws of Alabama, have
3 prepared and printed all election supplies and all ballots to
4 be voted in the second primary election, which ballots shall
5 contain, under appropriate headings or titles of the offices
6 to be filled, the names of the two candidates for each office
7 so certified by the Secretary of State and the chair of the
8 county executive committee, as herein required, as well as
9 such other matters as are required by this chapter and the
10 general laws of Alabama, on ballots for the first primary
11 election.

12 "(c) At the second primary election, no person can
13 be a candidate except the two persons who receive the highest
14 number of votes for the offices for which they were candidates
15 in the first primary election.

16 "(d) The returns from the second primary election
17 shall be made and the votes canvassed, tabulated, and
18 certified and the results declared in the same manner provided
19 in this chapter for making, canvassing, tabulating,
20 certifying, and declaring the results of the first primary
21 election. The county executive committee of the parties
22 participating in the primary election shall meet at the
23 courthouse of their respective counties not later than the
24 second Friday following the second primary election and
25 receive the returns, canvass and tabulate the same by
26 precinct, and publicly declare the results thereof. The chair
27 of each county executive committee shall forthwith, and not

1 later than noon on the second Monday following the primary
2 election, certify and return to the chair of the state
3 executive committee a statement and tabulation by precincts of
4 the results of the second primary election and of the number
5 of votes received by each candidate for office therein voted
6 for, except candidates for county office. Not later than noon
7 on the third Wednesday following the second primary election,
8 the state executive committee, or such subcommittee thereof as
9 may have been appointed by the chair thereof for such purpose,
10 shall meet at the State Capitol in Montgomery and receive the
11 returns and canvass and tabulate the same by counties, and
12 publicly declare on that day the result thereof as to all
13 candidates voted for, except as to candidates for county
14 office, which results shall be final. At such respective
15 meetings of the respective executive committees, the county
16 executive committee, as to candidates for county office voted
17 for in the second primary election, and the state executive
18 committee, as to candidates for office in the second primary
19 election voted for therein, except candidates for county
20 office, shall publicly ascertain and determine the candidates
21 receiving a majority of all of the votes cast in such second
22 primary election for any one office, and the candidates so
23 ascertained and determined to have received a majority of all
24 of the votes cast in such second primary election for the
25 office shall be declared the nominee of the party for such
26 office by the respective county and state executive
27 committees. Thereupon and immediately upon the completion of

1 such canvass, the chair thereof shall certify to and file with
2 the judge of probate of the county the names of those who have
3 been nominated in the first or the second primary election or
4 as otherwise authorized or provided by this chapter, as
5 candidates of the party for county offices; and in like
6 manner, and immediately upon the completion of such canvass,
7 by the state executive committee, or subcommittee thereof, the
8 chair of the state executive committee shall certify to and
9 file with the Secretary of State the names of those who have
10 been nominated in the first or second primary election or as
11 otherwise authorized or provided by this chapter as candidates
12 of the party for office, except candidates for county office,
13 and the names of the persons so certified shall be placed upon
14 the official ballot of the general election to be held in
15 November next thereafter as the candidates of the party for
16 the offices for which they, respectively, have been so
17 nominated.

18 "(e) The state executive committee or such
19 subcommittee as provided in this section shall also provide
20 the Secretary of State with the second primary election
21 returns by precincts according to county on a form authorized
22 by the Secretary of State on the third Wednesday following the
23 secondary primary, county and municipal returns excepted."

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