

1 HB275
2 147758-1
3 By Representatives Farley, Sanderford, Patterson and
4 Johnson (W)
5 RFD: Constitution, Campaigns and Elections
6 First Read: 14-FEB-13

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8 SYNOPSIS: Under existing law, a list of registered
9 voters is required to be published in a newspaper
10 of general circulation in the county prior to each
11 regular primary election. Additionally, a list of
12 the registered voters to be removed from the voters
13 list is required to be published when statewide
14 voter file maintenance is conducted. Also under
15 existing law, notice of all elections and a list of
16 inspectors and clerks for an election are required
17 to be published in a newspaper of general
18 circulation in the county.

19 This bill would eliminate the requirement to
20 publish these lists and notices and have this
21 information posted on the county website, or if
22 there is no website maintained by the county, on
23 the website of the Association of County
24 Commissions of Alabama. This bill would also
25 require that this information would be available
26 upon request at no cost and that the county place a
27 display advertisement at least one-quarter page in

1 size in some newspaper of general circulation in
2 the county providing information about where the
3 lists and notices are available.

4 Under existing law, the judge of probate
5 receives five cents a name for providing the
6 election inspector with a list of the qualified
7 electors in the county on election day.

8 This bill would repeal this payment.

9 Under existing law, the circuit clerk, at
10 his or her option, serves as the absentee election
11 manager unless the circuit clerk is a candidate for
12 election. Existing law provides for the appointing
13 board of the county to appoint another person when
14 the circuit clerk does not serve as absentee
15 election manager. The circuit clerk receives
16 compensation for performing duties as absentee
17 election manager for 45 days prior to and on the
18 day of the election.

19 This bill would eliminate compensation for
20 any elected official or public employee performing
21 these duties as a regular assigned duty, but would
22 authorize compensation for an absentee election
23 manager who is not a public employee who is
24 appointed to serve in the event the circuit clerk
25 is a candidate for election.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Sections 17-4-1, 17-4-10, 17-8-2, 17-9-5,
5 17-11-2, and 17-11-14, Code of Alabama 1975, to remove the
6 requirement to publish lists of registered voters and
7 inspectors and clerks and election notices in a newspaper of
8 general circulation in the county; to require the information
9 to be posted on a county website and made available upon
10 request at no cost to the person making this request; to
11 require the county to place a display advertisement in a
12 newspaper of general circulation in the county identifying
13 where voter list and election notice information is available;
14 to eliminate payment to the probate judge for providing copies
15 of the voter list to the election inspector; to eliminate
16 compensation to election officials and public employees for
17 performing absentee election duties; and to repeal Sections
18 17-3-60 and 17-11-13, Code of Alabama 1975.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 17-4-1, 17-4-10, 17-8-2, 17-9-5,
21 17-11-2, and 17-11-14, Code of Alabama 1975, are amended to
22 read as follows:

23 "§17-4-1.

24 "The (a) On or before the twentieth day preceding
25 the regularly scheduled primary election, the judge of probate
26 shall publish from the state voter registration list post on
27 the website of the county a correct alphabetical list of

1 qualified electors from the state voter registration list
2 either by county, precinct, district, or subdivision wherein
3 each elector is registered to vote, ~~in some newspaper with~~
4 ~~general circulation in the county, on or before the twentieth~~
5 ~~day preceding the regularly scheduled primary election. If the~~
6 county does not maintain a website, the list shall be posted
7 on the website of the Association of County Commissions of
8 Alabama. The list shall also be available upon request at no
9 cost from the office of the judge of probate. In addition to
10 the posting, the county shall give notice by placing a display
11 advertisement at least one-quarter page in size in a newspaper
12 with general circulation in the county. The advertisement
13 shall include the website address where the list can be
14 obtained and state that the list will be available at no cost
15 from the office of the judge of probate.

16 "(b) The list of qualified electors prepared by the
17 judge of probate shall be accompanied by a printed
18 certification generated by the state voter registration system
19 verifying that the list contains the names of all qualified
20 electors registered as of the specified time and date when it
21 was printed. The list shall further state that any elector
22 whose name was inadvertently omitted from the list shall have
23 10 days in which to have his or her name entered upon the list
24 of qualified voters.

25 "(c) If within 10 days after the list of qualified
26 electors is made available, any voter shall reasonably satisfy
27 the board of registrars by proper proof that any name should

1 be added to the list, the board shall add ~~such~~ the name of the
2 voter to the list. The supplemental list of registered voters
3 inadvertently omitted from the original list shall be
4 ~~published once in a newspaper of general circulation in the~~
5 county posted on the county's website or, if the county does
6 not maintain a website, on the website of the Association of
7 County Commissions of Alabama, on or before the seventh day
8 preceding the date of the primary election. ~~The lists required~~
9 ~~to be published pursuant to this section may be published, at~~
10 ~~the discretion of the county commission, as a preprinted or~~
11 ~~inserted advertising supplement at a cost no greater than the~~
12 ~~selected newspaper's lowest applicable national insertion~~
13 ~~rates. If the list is published as a preprinted supplement in~~
14 ~~the selected newspaper, the supplement size shall conform to~~
15 ~~the size requirements set by the selected newspaper and shall~~
16 ~~be printed on standard newsprint paper. The type size shall be~~
17 ~~no smaller than nine point standard type. The list shall also~~
18 ~~be delivered to the newspaper for insertion in a manner~~
19 ~~required for other advertising supplements. The supplement may~~
20 ~~not contain any other advertising. Any newspaper accepting a~~
21 ~~preprinted insertion that is not prepared by the newspaper~~
22 ~~shall not be responsible for the content of such insertion.~~
23 The list shall also be made available upon request at no cost
24 from the office of the judge of probate. In addition, the
25 county shall give notice of the availability of the list by
26 placing a display advertisement of at least one-quarter page
27 in size in a newspaper with general circulation in the county.

1 The advertisement shall include the website address where the
2 list can be obtained and state that the list will be available
3 upon request at no cost from the office of the judge of
4 probate. Nothing in this section shall prohibit a county
5 commission from publishing the list of ~~voters~~ qualified
6 electors in ~~more than one~~ any newspaper within the county at
7 the county commission's discretion.

8 "§17-4-10.

9 "The names of persons in the county to be struck
10 from the list of registered voters shall be listed by precinct
11 and in alphabetical order and ~~published in a newspaper of~~
12 ~~general circulation in the county once a week~~ posted on the
13 county's website for at least two consecutive weeks in
14 November or December of each year in which the statewide voter
15 file maintenance is conducted. If the county does not maintain
16 a website, the list shall be posted on the website of the
17 Association of County Commissions of Alabama. The list shall
18 also be available upon request at no cost from the office of
19 the judge of probate. In addition, the county shall give
20 notice concerning the availability of the list by placing a
21 display advertisement of at least one-quarter page in size in
22 a newspaper with general circulation in the county. The
23 advertisement shall include the website address where the list
24 can be obtained and state that the list will be available upon
25 request at no cost from the office of the judge of probate.

26 "§17-4-31.

1 "The state shall reimburse each county commission
2 for all the postage costs associated with voter lists
3 maintenance activities provided for in Section 17-4-30 and
4 one-fourth of the cost ~~of the publication of the names of~~
5 ~~persons to be removed from the list of registered voters as of~~
6 the display advertisement required in Section 17-4-10. The
7 reimbursement shall be made from the Election Expenses Account
8 in the State Treasury upon approval by the Secretary of State
9 on warrants drawn by the state Comptroller.

10 "§17-8-2.

11 "The judge of probate shall notify ~~such~~ each
12 inspector and clerk of ~~their~~ his or her appointment by mail
13 and ~~publish~~ post a list of ~~them~~ all inspectors and clerks
14 circulation published in the county on the county's website. If the county does not maintain a
15 website, the list shall be posted on the website of the
16 Association of County Commissions of Alabama. The list shall
17 also be made available upon request at no cost from the judge
18 of probate's office. In addition to the posting, the county
19 shall give notice by placing a display advertisement at least
20 one-quarter page in size in a newspaper with general
21 circulation in the county. The advertisement shall include the
22 website address where the list can be obtained and state that
23 the list will be available upon request at no cost from the
24 office of the judge of probate.

25 "§17-9-5.

1 "The judge of probate must give notice of each
2 election at least 30 days before ~~each~~ the election by
3 ~~publication in a newspaper of general circulation in the~~
4 ~~county, if any is published therein and, if not, by writings~~
5 ~~posted~~ posting notice on the county's website, at the
6 courthouse door, and at three other public places in the
7 county,~~of~~ . If the county does not maintain a website, the
8 notice shall be posted on the website of the Association of
9 County Commissions of Alabama. In addition, the county shall
10 place a display advertisement of at least one-quarter page in
11 size in a newspaper with general circulation in the county
12 which includes the website address where the notice of
13 election may be obtained. The notice of election available on
14 the website and at the courthouse and other public places
15 shall include the time of holding the election and the offices
16 to be filled by ~~such~~ the election. ~~Such~~ The notice shall
17 consist only of the date of the election and the officers to
18 be voted for or subjects to be voted on.

19 "§17-11-2.

20 "(a) In each county there shall be an "absentee
21 election manager," who shall fulfill the absentee election
22 duties assigned by this chapter. ~~The~~ Except as provided in
23 subsection (b), the circuit clerk of the county shall,~~at his~~
24 ~~or her option, be~~ serve as the absentee election manager. The
25 circuit clerk may assign the duties relating to absentee
26 elections as regular assigned duties to one or more clerks in

1 his or her office who shall work under the supervision and
2 direction of the circuit clerk.

3 "(b) When the circuit clerk is a candidate for any
4 office and has opposition, he or she shall be disqualified
5 from serving as the absentee election manager. In that case,
6 at least 55 days prior to the election, the circuit clerk
7 shall certify to the appointing board of the county that he or
8 she is disqualified to serve as absentee election manager. If
9 the circuit clerk of the county declines the duties of
10 absentee election manager, the The appointing board shall
11 thereupon appoint an absentee election manager, who shall be a
12 person qualified by training and experience, who is a
13 qualified elector of the county and who is not a candidate in
14 the election to perform the duties assigned by this chapter.
15 The When an absentee election manager is appointed by the
16 appointing board, the county commission shall designate the
17 place or office where such the absentee election duties shall
18 be performed. Such, which place or office shall be open on the
19 days and during the hours as that of the office of circuit
20 clerk prior to each election. Any person so appointed absentee
21 election manager under this subsection shall have all the
22 powers, duties, and responsibilities of the circuit clerk for
23 the purposes of this chapter related to absentee election
24 duties, including the power to administer oaths. Such powers,
25 duties, and responsibilities shall terminate when the election
26 results are certified. The An absentee election manager or
27 circuit clerk appointed pursuant to this subsection who is not

1 an elected official or a public employee performing absentee
2 election duties as one of his or her regular assigned duties,
3 shall be entitled to ~~the same~~ compensation for the performance
4 of his or her duties as is provided in Section 17-11-14.

5 "§17-11-14.

6 "(a) The county commission shall determine the
7 amount of compensation to be paid to In the event the absentee
8 election manager ~~or other absentee election manager for the~~
9 performance of his or her is not an elected official or a
10 public employee performing absentee election duties as one of
11 his or her regular assigned duties, the absentee election
12 manager shall receive one hundred twenty-five dollars (\$125) a
13 day for each day that he or she actually performs any duties
14 with respect to the absentee ballots during the 45-day period
15 prior to and including the day of the election, unless the
16 election is only a local election where there are no state or
17 federal races or issues, in which case this compensation shall
18 be fifty dollars (\$50) a day. on the day of the election for
19 which his or her services are required, but such compensation
20 shall be at least fifty dollars (\$50) per day or the same pay
21 as an inspector as authorized under Section 17-8-12. In all
22 counties in which the compensation of absentee election
23 managers is prescribed by Any local law or general law of
24 local application at an amount in excess of the amount
25 prescribed, the compensation of the absentee election manager
26 shall not be increased or decreased. The amount in effect on
27 the effective date of the act adding this amendatory language

1 which provides for absentee election manager compensation or
2 expense allowance is hereby repealed, and the compensation
3 paid during this 45-day period shall be the total compensation
4 allowed the absentee election manager for duties relating to
5 absentee ballots in all elections held on the same day. The
6 absentee election manager shall submit documentation to the
7 county commission verifying the days on which absentee
8 election duties were performed prior to any payment for
9 compensation. Compensation and shall be paid from the county
10 treasury upon submission of the documentation. Any
11 reimbursement to the county shall be as provided in Chapter
12 16.

13 "(b) No public official or public employee
14 performing absentee election manager duties as one of his or
15 her regular assigned duties shall be entitled to compensation
16 pursuant to this section."

17 Section 2. Sections 17-3-60 and 17-11-13, Code of
18 Alabama 1975, are repealed.

19 Section 3. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law and shall apply to any
22 election cycle commencing after the effective date of the act.