

1 HB33
2 119615-2
3 By Representatives Davis, McMillan, Buskey, Kennedy, Ison,
4 Fincher, Faust, Baker (A), Shiver and Hubbard
5 RFD: Government Appropriations
6 First Read: 12-JAN-10
7 PFD: 09/23/2009

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Regarding election expenses; to make legislative
9 findings; to amend Section 17-16-2, Code of Alabama 1975, to
10 clarify that certain expenses incurred by counties that
11 recognize Mardi Gras as a county holiday when the date of the
12 presidential preference primary is also Mardi Gras are
13 reimbursable by the State; and to provide for a retroactive
14 effective date.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) The Legislature finds that:

17 (1) Section 17-13-100, Code of Alabama 1975, as
18 amended by Act 2007-461, established additional provisions for
19 holding presidential preference primary elections when the
20 date of the election is also Mardi Gras. These additional
21 provisions include allowing qualified electors in Mobile
22 County, Baldwin County, and any other county that recognizes
23 Mardi Gras as a county holiday to vote an absentee ballot
24 without regard as to whether the elector will be out of the
25 municipality, county, or state on election day, and to vote on
26 the Wednesday preceding the election day.

1 (2) In order to implement the additional provisions,
2 the act authorized the county commission of each county that
3 would be subject to its provisions to, among other things: pay
4 expenses associated with telephone, computer, and
5 communications operations as considered appropriate by the
6 judge of probate and the county commission, not to exceed
7 twenty-five thousand dollars (\$25,000) per county; pay holiday
8 compensation amounts, as otherwise provided, to county
9 employees; and pay advertising and media expenses incurred in
10 attempting to inform the citizens of the county of early
11 voting and absentee voting, as considered appropriate by the
12 judge of probate, not to exceed one hundred thousand dollars
13 (\$100,000) per county.

14 (3) The act further provides that "all expenses
15 necessary to provide for absentee balloting or early voting in
16 any county subject to this subsection shall be reimbursed by
17 the state."

18 (4) The presidential preference primary held in
19 Alabama on the first Tuesday in February of 2008 was also
20 Mardi Gras and, as such, the additional provisions of Act
21 2007-461 were utilized for the first time by the affected
22 counties for this election. Following the authorization
23 contained in the act, Mobile County and Baldwin County each
24 expended funds for advertising, telephone, computer, and
25 communication operations to implement the provisions for
26 absentee voting and early voting.

1 (5) The State Comptroller has not reimbursed Mobile
2 County ~~and Baldwin County~~ for their advertising and other
3 allowable expenses under the provisions of Act 2007-461
4 because these expenses are not included in the list of
5 reimbursable expenses as contained in Section 17-16-2, Code of
6 Alabama 1975.

7 (b) The purpose of this act is to clarify the
8 original intent of Act 2007-461 by including the allowable
9 expenses for advertising, telephone, computer, and
10 communications operations expenses into the list of expenses
11 that may be reimbursed to the counties by the State for
12 elections in which only candidates for state or federal office
13 are nominated or elected retroactive to the 2008 presidential
14 preference primary.

15 Section 2. Section 17-16-2, Code of Alabama 1975, is
16 amended to read as follows:

17 "§17-16-2.

18 As used in this chapter, the term "expenses" shall
19 include the following items, and no other:

20 (1) The per diem and mileage provided by law for
21 election officials.

22 (2) The per diem provided by law for the clerk or
23 other official acting in his or her stead for handling
24 absentee ballots.

25 (3) The costs of ballots, supplies, and other
26 materials required by law to be furnished to election

1 officials and certified by the judge of probate as chief
2 election official of the county. In those counties where
3 electronic voting machines are used, such voting equipment
4 shall not be considered as ballots, supplies, or materials, as
5 herein used.

6 (4) The costs of absentee ballots, supplies, and
7 other materials required by law to be furnished to the
8 official handling absentee ballots.

9 (5) The cost of preparing and furnishing the lists
10 of qualified electors to the election officials as required by
11 law.

12 (6) The cost of advertising and media, telephone,
13 computer, communications operations and other related expenses
14 as authorized pursuant to Section 17-13-100(c) to be expended
15 by counties that recognize Mardi Gras as a county holiday to
16 implement additional election provisions when the date of the
17 presidential preference primary election is also Mardi Gras."

18 Section 3. All laws or parts of laws which conflict
19 with this act are repealed.

20 Section 4. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law and shall have
23 retroactive application to the February 5, 2008, presidential
24 preference primary election.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Government Ap-
propriations 12-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 03-MAR-10

Read for the third time and passed
as amended 08-APR-10

Yeas 95, Nays 0, Abstains 0

Greg Pappas
Clerk