

1 SB107  
2 156419-1  
3 By Senator Ward  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 14-JAN-14  
6 PFD: 01/13/2014

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8 SYNOPSIS: Existing law sets forth procedures for state  
9 electors to cast votes for the President and Vice  
10 President of the United States in accordance with  
11 the voters of the state.

12 This bill would set forth procedures in the  
13 event a presidential elector fails to vote in  
14 accordance with the voters of the state.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to electoral voting; to set forth  
21 procedures in the event a presidential elector fails to vote  
22 in accordance with the voters of the state.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act may be cited as the Alabama  
25 Uniform Faithful Presidential Electors Act.

26 Section 2. As used in this act, the following words  
27 shall have the following meanings:

1 (1) CAST. Accepted by the Secretary of State in  
2 accordance with subsection (b) of Section 7.

3 (2) ELECTOR. An individual selected as a  
4 presidential elector under Article 2, Chapter 14, Title 17,  
5 Code of Alabama 1975.

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

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

9 Section 3. For each elector position in the state, a  
10 political party contesting the position shall submit to the  
11 Secretary of State the names of two qualified individuals. One  
12 of the individuals shall be designated "elector nominee" and  
13 the other "alternate elector nominee." Except as otherwise  
14 provided in Sections 5 to 8, inclusive, the state's electors  
15 are the winning elector nominees as provided in Section  
16 17-14-31, Code of Alabama 1975.

17 Section 4. Each elector nominee and alternate  
18 elector nominee of a political party shall execute the  
19 following pledge: "If selected for the position of elector, I  
20 agree to serve and to mark my ballots for President and Vice  
21 President for the nominees for those offices of the party that  
22 nominated me." Each elector nominee and alternate elector  
23 nominee of an unaffiliated presidential candidate shall  
24 execute the following pledge: "If selected for the position of  
25 elector as a nominee of an unaffiliated presidential  
26 candidate, I agree to serve and to mark my ballots for that  
27 candidate and for that candidate's vice presidential running

1 mate." The executed pledges must accompany the submission of  
2 the corresponding names to the Secretary of State.

3 Section 5. In submitting the state's certificate of  
4 ascertainment as required by 3 U.S.C. §6, the Governor shall  
5 certify the state's electors and affirm in the certificate  
6 that:

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

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

15 Section 6. (a) The Secretary of State shall preside  
16 at the meeting of electors described in Section 7.

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

21 (1) If the alternate elector is present to vote, by  
22 appointing the alternate elector for the vacant position;

23 (2) If the alternate elector for the vacant position  
24 is not present to vote, by appointing an elector chosen by lot  
25 from among the alternate electors present to vote who were  
26 nominated by the same political party;

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

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

12           (5) If all elector positions are vacant and cannot  
13 be filled pursuant to subdivisions (1) to (4), inclusive, by  
14 appointing a single presidential elector, with remaining  
15 vacant positions to be filled under subdivision (3) and, if  
16 necessary, subdivision (4).

17           (c) To qualify as a substitute elector under  
18 subsection (b), an individual who has not executed the pledge  
19 required under Section 4 shall execute the following pledge:  
20 "I agree to serve and to mark my ballots for President and  
21 Vice President consistent with the pledge of the individual to  
22 whose elector position I have succeeded."

23           Section 7. (a) At the time designated for elector  
24 voting and after all vacant positions have been filled under  
25 Section 6, the Secretary of State shall provide each elector  
26 with a presidential and vice presidential ballot. The elector  
27 shall mark the elector's presidential and vice presidential

1 ballots with the elector's votes for the offices of President  
2 and Vice President, respectively, along with the elector's  
3 signature and the elector's legibly printed name.

4 (b) Except as otherwise provided by state law, each  
5 elector shall present both completed ballots to the Secretary  
6 of State, who shall examine the ballots and accept as cast all  
7 ballots of electors whose votes are consistent with their  
8 pledges executed under Section 4 or subsection (c) of Section  
9 6. Except as otherwise provided by state law, the Secretary of  
10 State may not accept and may not count either an elector's  
11 presidential or vice presidential ballot if the elector has  
12 not marked both ballots or has marked a ballot in violation of  
13 the elector's pledge.

14 (c) An elector who refuses to present a ballot,  
15 presents an unmarked ballot, or presents a ballot marked in  
16 violation of the elector's pledge executed under Section 4 or  
17 subsection (c) of Section 6 vacates the office of elector,  
18 creating a vacant position to be filled in accordance with  
19 Section 6.

20 (d) The Secretary of State shall distribute ballots  
21 to and collect ballots from a substitute elector and repeat  
22 the process under this section of examining ballots, declaring  
23 and filling vacant positions as required, and recording  
24 appropriately completed ballots from the substituted electors,  
25 until all of the state's electoral votes have been cast and  
26 recorded.

1           Section 8. (a) After the vote of the state's  
2 electors is completed, if the final list of electors differs  
3 from any list that the Governor previously included on a  
4 certificate of ascertainment prepared and transmitted under 3  
5 U.S.C. §6, the Secretary of State shall immediately prepare an  
6 amended certificate of ascertainment and transmit it to the  
7 Governor for the Governor's signature.

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

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

21           Section 9. In applying and construing this act,  
22 consideration shall be given to the need to promote uniformity  
23 of law with respect to its subject matter among states that  
24 enact it.

25           Section 10. This act shall become effective on  
26 January 1, 2015.