

1 SB17  
2 115961-1  
3 By Senator Ward  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 01-MAR-11  
6 PFD: 01/19/2011

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, to gain ballot access,  
9 an independent candidate for office must file a  
10 written petition signed by at least three percent  
11 of the qualified electors who cast ballots for the  
12 office of Governor in the last general election.

13 This bill would reduce the number of names  
14 of qualified electors required for independent  
15 candidates for statewide office to gain ballot  
16 access.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 To amend Section 17-9-3, Code of Alabama 1975,  
23 relating to persons entitled to have their names printed on  
24 ballots, to reduce the number of names of qualified electors  
25 required for independent candidates for statewide office to  
26 gain ballot access.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 17-9-3, Code of Alabama 1975, is  
2 amended to read as follows:

3           "§17-9-3.

4           "(a) The following persons shall be entitled to have  
5 their names printed on the appropriate ballot for the general  
6 election, provided they are otherwise qualified for the office  
7 they seek:

8           "(1) All candidates who have been put in nomination  
9 by primary election and certified in writing by the chair and  
10 secretary of the canvassing board of the party holding the  
11 primary and filed with the judge of probate of the county, in  
12 the case of a candidate for county office, and the Secretary  
13 of State in all other cases, on the day next following the  
14 last day for contesting the primary election for that office  
15 if no contest is filed. If a contest is filed, then the  
16 certificate for the contested office must be filed on the day  
17 next following the date of settlement or decision of the  
18 contest.

19           "(2) All candidates who have been put in nomination  
20 by any caucus, convention, mass meeting, or other assembly of  
21 any political party or faction and certified in writing by the  
22 chair and secretary of the nominating caucus, convention, mass  
23 meeting, or assembly and filed with the judge of probate, in  
24 the case of a candidate for county office, and the Secretary  
25 of State in all other cases, on or before 5:00 P.M. on the  
26 date of the first primary election as provided for in Section  
27 17-13-3.

1           "(3) Each candidate who has been requested to be an  
2 independent candidate for a specified local office by written  
3 petition signed by electors qualified to vote in the election  
4 to fill the office when the petition has been filed with the  
5 judge of probate, in the case of a county office ~~and with the~~  
6 ~~Secretary of State in all other cases,~~ on or before 5:00 P.M.  
7 on the date of the first primary election as provided for in  
8 Section 17-13-3. The number of qualified electors signing the  
9 petition shall equal or exceed three percent of the qualified  
10 electors who cast ballots for the office of Governor in the  
11 last general election for the state, county, district, or  
12 other political subdivision in which the candidate seeks to  
13 qualify. Each candidate who has been requested to be an  
14 independent candidate for a specified statewide office by  
15 written petition signed by electors qualified to vote in the  
16 election to fill the office when the petition has been filed  
17 with the Secretary of State on or before 5:00 P.M. on the date  
18 of the first primary election as provided for in Section  
19 17-13-3. The number of qualified electors signing the petition  
20 shall equal or exceed one and one-half percent of the  
21 qualified electors who cast ballots for the office of Governor  
22 in the last general election for the state office for which  
23 the candidate seeks to qualify.

24           "(b) The Secretary of State, not later than 45 days  
25 after the second primary, shall certify to the judge of  
26 probate of each county in the state, in the case of an officer  
27 to be voted for by the electors of the whole state, and to the

1 judges of probate of the counties composing the circuit or  
2 district in the case of an officer to be voted for by the  
3 electors of a circuit or district, upon suitable blanks to be  
4 prepared by him or her for that purpose, the fact of  
5 nomination or independent candidacy of each nominee or  
6 independent candidate or candidate of a party who did not  
7 receive more than 20 percent of the entire vote cast in the  
8 last general election preceding the primary who has qualified  
9 to appear on the general election ballot. The judge of probate  
10 shall then prepare the ballot with the names of each candidate  
11 qualified under the provisions of this section printed on the  
12 ballot. The judge of probate may not print on the ballot the  
13 name of any independent candidate who was a candidate in the  
14 primary election of that year and the name of any nominee of a  
15 political party who was a candidate for the nomination of a  
16 different political party in the primary election of that  
17 year."

18 Section 2. This act shall become effective  
19 immediately following its passage and approval by the  
20 Governor, or its otherwise becoming law.