

1 SB265
2 149567-1
3 By Senator Ward
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 28-FEB-13

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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
14 signatures of qualified electors required for
15 political parties and independent candidates for
16 statewide office to gain ballot access.

17 This bill would alter the time frame in
18 which a political party may submit signatures in
19 order for a candidate for statewide office to gain
20 ballot access.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 To amend Sections 17-6-22 and 17-9-3, Code of
27 Alabama 1975, relating to political parties and persons

1 entitled to have their names printed on ballots, to reduce the
2 number of names of qualified electors required for political
3 parties and independent candidates for statewide office to
4 gain ballot access; and to alter the time frame in which a
5 political party may submit signatures for a candidate for
6 statewide office to gain ballot access.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 17-6-22 and 17-9-3, Code of
9 Alabama 1975, are amended to read as follows:

10 "§17-6-22.

11 "(a) No political party, except those qualified as a
12 political party under Chapter 13, shall be included on any
13 general election ballot unless:

14 "(1) The party shall have filed with the Secretary
15 of State or other appropriate official ~~on the date of the~~
16 ~~first primary election~~ not later than noon on the third
17 Wednesday following the date prescribed for a second primary
18 election a list of the signatures of at least ~~three~~ one and
19 one-half percent of the qualified electors who cast ballots
20 for the office of Governor in the last general election for
21 the state, ~~county, city,~~ district, or other political
22 subdivision in which the political party seeks to qualify
23 candidates for office; and unless

24 "(2) The party shall have fulfilled all other
25 applicable requirements of federal, state, or local laws.

26 "(b) The provisions of this section are supplemental
27 to the provisions of Chapter 13, and other laws regarding the

1 conduct of elections in Alabama, and shall repeal only those
2 laws or parts of laws in direct conflict herewith.

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.

14 "(4) Each candidate who has been requested to be an
15 independent candidate for a specified statewide office by
16 written petition signed by electors qualified to vote in the
17 election to fill the office when the petition has been filed
18 with the Secretary of State on or before 5:00 P.M. on the date
19 of the first primary election as provided for in Section
20 17-13-3. The number of qualified electors signing the petition
21 shall equal or exceed one and one-half percent of the
22 qualified electors who cast ballots for the office of Governor
23 in the last general election for the state office for which
24 the candidate seeks to qualify.

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

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

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