

1 HB206
2 156457-1
3 By Representative Merrill
4 RFD: Constitution, Campaigns and Elections
5 First Read: 14-JAN-14

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SYNOPSIS: Under existing law, any registered voter may cast a vote in a primary election, regardless of his or her party affiliation.

This bill would allow a voter to register with a political party.

This bill would require a registered voter, as a condition to vote in a primary election, to be registered with a political party and only cast a ballot for candidates of that political party.

A BILL
TO BE ENTITLED
AN ACT

Relating to primary elections; to amend Sections 17-3-52, 17-13-7, and 17-13-8, Code of Alabama 1975, by allowing a voter to register with a political party and requiring a registered voter, as a condition to vote in a primary election, to be registered with a political party and only cast a ballot for candidates of that political party.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 17-3-52, 17-13-7, and 17-13-8,
3 Code of Alabama 1975, are amended to read as follows:

4 "§17-3-52.

5 "The board of registrars shall have power to
6 examine, under oath or affirmation, all applicants for
7 registration, and to take testimony touching the
8 qualifications of such applicants, but no applicant shall be
9 required to answer any question, written or oral, not related
10 to his or her qualifications to register. In order to aid the
11 registrars to judicially determine if applicants to register
12 have the qualifications to register to vote, each applicant
13 shall be furnished by the board a written application, which
14 shall be uniform in all cases with no discrimination as
15 between applicants, the form and contents of which application
16 shall be promulgated by rule by the Secretary of State of the
17 State of Alabama. The application shall be so worded that
18 there will be placed before the registrars information
19 necessary or proper to aid them to pass upon the
20 qualifications of each applicant. The application shall
21 include a provision that allows an applicant, on a voluntary
22 basis, to register with a political party. The application
23 shall be completed in writing. There shall be incorporated in
24 such application an oath to support and defend the
25 Constitution of the United States and the Constitution of the
26 State of Alabama of 1901 and a statement in such oath by the
27 applicant disavowing belief in or affiliation with any group

1 or party which advocates the overthrow of the government of
2 the United States or the State of Alabama by unlawful means.
3 The application and oath shall be duly signed by the
4 applicant. If the applicant is unable to read or write, then
5 the applicant shall be exempt from the above stated
6 requirements which the applicant is unable to meet and in such
7 cases a witness shall read to the applicant the application
8 and oath herein provided for and the applicant's answers
9 thereto shall be written down by the witness, and the
10 applicant shall be registered as a voter if he or she meets
11 all other requirements herein set out. Each member of the
12 board is authorized to administer the oaths to be taken by
13 applicants and witnesses. Except as provided in Section
14 17-3-53, the applications of persons applying for registration
15 shall not become public records as public records are defined
16 under the laws of the State of Alabama, nor shall the board
17 disclose the information contained in such applications and
18 written answers, except with the written consent of the person
19 who filed the answer or pursuant to the order of a court of
20 competent jurisdiction in a proper proceeding.

21 "§17-13-7.

22 "~~(a)~~ All persons who are qualified electors under
23 the general laws of the State of Alabama and who are also
24 registered members of a political party ~~and entitled to~~
25 ~~participate in such primary election under the rules of the~~
26 ~~party~~ shall be entitled to vote therein and shall receive the
27 official primary ballot of that political party, and no other.

1 ~~;~~ ~~but every~~ Every governing body of a party shall have the
2 right, power, and authority to ~~fix and prescribe the political~~
3 ~~or other qualifications of its own members and shall, in its~~
4 ~~own way,~~ declare and determine who shall be entitled and
5 qualified to ~~vote in such primary election or to be candidates~~
6 ~~therein or to otherwise participate in such political parties~~
7 ~~and primaries. The qualifications of electors entitled to vote~~
8 ~~in such primary election shall not necessarily be the same as~~
9 ~~the qualifications for electors entitled to become candidates~~
10 ~~therein~~ in such primary election. Nothing herein contained
11 shall be so construed as to prohibit any state executive
12 committee of a party from fixing such qualifications as it may
13 deem necessary for persons desiring to become candidates for
14 nomination to offices at a primary election.

15 ~~"(b) A political party may require all poll lists~~
16 ~~for primary elections to state at the top thereof that by~~
17 ~~participating in the primary election a voter shall indicate a~~
18 ~~preference for the party holding the primary, and will support~~
19 ~~the nominees of that party in the general election, and that~~
20 ~~he or she is qualified under the rules of such party to vote~~
21 ~~in its primary election. No person shall be eligible to~~
22 ~~participate in the primary unless he or she signs the poll~~
23 ~~list and thereby certifies to the truth of the statement.~~

24 "§17-13-8.

25 "Separate official ballots and other election
26 stationery and supplies for each political party shall be
27 printed and furnished for use at each election district or

1 precinct and shall be of a different color for each of the
2 political parties participating in such primary election. All
3 ballots for the same political party shall be alike, except as
4 herein otherwise provided, printed in plain type and upon
5 paper so thick that the printing cannot be distinguished from
6 the back. Across the top of the ballot shall be printed the
7 party's emblem, if any, and the words, "Official Primary
8 Election Ballot." Beneath this heading shall be printed the
9 year in which the election is held and the words "Democratic
10 Party" or "Republican Party" or other proper party
11 designation. Each group of candidates to be voted on shall be
12 preceded by the designation of the office for which the
13 candidates seek nomination, and in the proper place shall be
14 printed the words "Vote for one" or "Vote for two" (or more)
15 according to the number to be elected to such office at the
16 ensuing election.

17 ~~"At the option of a political party at the bottom of~~
18 ~~the ballot and after the name of the last candidate shall be~~
19 ~~printed the following: "By casting this ballot I do pledge~~
20 ~~myself to abide by the result of this primary election and to~~
21 ~~aid and support all the nominees thereof in the ensuing~~
22 ~~general election."~~

23 ~~"Should any voter scratch out, deface, or in any way~~
24 ~~mutilate or change the pledge printed on the ballot, the voter~~
25 ~~shall not be considered or held to have repudiated or to have~~
26 ~~refused to take the pledge, but shall, conclusively, be~~
27 ~~presumed and held to have scratched out, defaced, or mutilated~~

1 ~~or changed the same for the sole purpose of identifying the~~
2 ~~ballot; and, accordingly, such ballot shall be marked "spoiled~~
3 ~~ballot" and shall not be counted."~~

4 Section 2. The Secretary of State, by rule, shall
5 prescribe a method to allow all persons who are qualified
6 electors before the effective date of this act to register
7 with a political party and to allow qualified electors to
8 change political party affiliation.

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.