

1 HB214
2 188546-1
3 By Representative Ball
4 RFD: Constitution, Campaigns and Elections
5 First Read: 16-JAN-18

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, there is a separate
9 ballot for each party for which there are
10 candidates in primary elections, and an elector may
11 only vote for candidates of one political party.

12 This bill would create a primary election
13 system for all offices other than the office of
14 President where all qualified candidates, including
15 party candidates and independent candidates, would
16 have their names on the primary election ballot and
17 all qualified electors would vote the same ballot.

18 This bill would provide that the two
19 candidates that receive the highest number of votes
20 in a primary election, regardless of their party
21 affiliation or lack thereof, would be placed on the
22 ballot in the general election.

23 This bill would also authorize the Secretary
24 of State to adopt rules to carry out the provisions
25 of this act.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Relating to primary elections, to amend Sections
5 17-5-2, 17-5-7, 17-5-8, 17-6-21, 17-6-22, 17-9-3, 17-11-12,
6 17-13-1, 17-13-2, 17-13-3, 17-13-5, 17-13-6, 17-13-7, 17-13-8,
7 17-13-16, 17-13-18, 17-13-22, 17-13-50, 17-16-45, 17-16-46,
8 and 21-4-21, Code of Alabama 1975; to add Section 17-13-8.2 to
9 the Code of Alabama 1975; to repeal Sections 17-13-7.1,
10 17-13-19, 17-13-20, 17-13-21, 17-13-23, 17-13-41, and
11 17-13-101, Code of Alabama 1975; to create a primary election
12 system for all offices other than the office of President
13 whereby all qualified candidates, including party candidates
14 and independent candidates, would have their names on the
15 primary election ballot and all qualified electors would vote
16 the same ballot; to provide that the two candidates that
17 receive the highest number of votes in a primary election,
18 regardless of their party affiliation or lack thereof, would
19 be placed on the ballot in the general election; and to
20 authorize the Secretary of State to adopt rules to carry out
21 the provisions of this act.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 17-5-2, 17-5-7, 17-5-8, 17-6-21,
24 17-6-22, 17-9-3, 17-11-12, 17-13-1, 17-13-2, 17-13-3, 17-13-5,
25 17-13-6, 17-13-7, 17-13-8, 17-13-16, 17-13-18, 17-13-22,
26 17-13-50, 17-16-45, 17-16-46, and 21-4-21, Code of Alabama
27 1975, are amended to read as follows:

1 "§17-5-2.

2 "(a) For purposes of this chapter, the following
3 terms shall have the following meanings:

4 "(1) CANDIDATE. An individual who has done any of
5 the following:

6 "a. Taken the action necessary under the laws of the
7 state to qualify himself or herself for nomination or for
8 election to any state office or local office or in the case of
9 an independent seeking ballot access, on the date when he or
10 she files a petition with the judge of probate in the case of
11 county offices, with the appropriate qualifying municipal
12 official in the case of municipal offices, or the Secretary of
13 State in all other cases.

14 "b. Received contributions or made expenditures in
15 excess of one thousand dollars (\$1,000), or given his or her
16 consent for any other person or persons to receive
17 contributions or make expenditures in excess of one thousand
18 dollars (\$1,000), with a view to bringing about his or her
19 nomination or election to any state office or local office.

20 "(2) COMMISSION. The State Ethics Commission created
21 pursuant to Section 36-25-3.

22 "(3) CONTRIBUTION.

23 "a. Any of the following shall be considered a
24 contribution:

25 "1. A gift, subscription, loan, advance, deposit of
26 money or anything of value, a payment, a forgiveness of a

1 loan, or payment of a third party, made for the purpose of
2 influencing the result of an election.

3 "2. A contract or agreement to make a gift,
4 subscription, loan, advance, or deposit of money or anything
5 of value for the purpose of influencing the result of an
6 election.

7 "3. Any transfer of anything of value received by a
8 political committee from another political committee,
9 political party, or other source.

10 "4. The payment of compensation by any person for
11 the personal services or expenses of any other person if the
12 services are rendered or expenses incurred on behalf of a
13 candidate, political committee, or political party without
14 payment of full and adequate compensation by the candidate,
15 political committee, or political party. Provided, however,
16 that the payment of compensation by a corporation for the
17 purpose of establishing, administering, or soliciting
18 voluntary contributions to a separate, segregated fund as
19 permitted in this chapter, shall not constitute a
20 contribution.

21 "b. The term "contribution" does not include:

22 "1. The value of services provided without
23 compensation by individuals who volunteer a portion or all of
24 their time on behalf of a candidate or political committee.

25 "2. The use of real or personal property and the
26 cost of invitations, food, or beverages, voluntarily provided
27 by an individual to a candidate or political committee in

1 rendering voluntary personal services on the individual's
2 residential or business premises for election-related
3 activities.

4 "3. The sale of any food or beverage by a vendor for
5 use in an election campaign at a charge to a candidate or
6 political committee less than the normal comparable charge, if
7 the charge to the political committee for use in an election
8 campaign is at least equal to the cost of the food or beverage
9 to the vendor.

10 "4. Any unreimbursed payment for travel expenses
11 made by an individual who, on his or her own behalf,
12 volunteers personal services to a candidate or political
13 committee.

14 "5. The payment by a state or local committee of a
15 political party of the cost of preparation, display, or
16 mailing or other distribution incurred by the committee with
17 respect to a printed slate card or sample ballot, or other
18 printed listing of two or more candidates for any public
19 office for which an election is held in the state, except that
20 this subparagraph shall not apply in the case of costs
21 incurred by the committee with respect to a display of the
22 listing made on broadcasting stations, or in newspapers,
23 magazines, or other similar types of general public political
24 advertising.

25 "6. The value or cost of polling data and voter
26 preference data and information if provided to a candidate or
27 political committee, unless the information was compiled with

1 the advance knowledge of and approval of the candidate or the
2 political committee.

3 "c. For purposes of reporting contributions as
4 required by this chapter, the date of receipt of a
5 contribution shall be the first date the recipient of the
6 contribution is able to make use of the contribution. In the
7 case of a contribution in the form of a check, the date of
8 receipt is the earlier of either of the following:

9 "1. Ten days from the date that the check came
10 within the recipient's control.

11 "2. The date that the check was deposited into the
12 recipient's account.

13 "(4) DESIGNATED FILING AGENT. An individual
14 appointed and authorized as attorney in fact to electronically
15 submit any report or other filing required by this chapter on
16 behalf of a candidate, his or her principal campaign
17 committee, or a political action committee.

18 "(5) ELECTION. Unless otherwise specified, any
19 general, special, or primary, ~~or runoff~~ election, or any
20 convention or caucus of a political party held to nominate a
21 candidate, or any election at which a constitutional amendment
22 or other proposition is submitted to the popular vote.

23 "(6) ELECTIONEERING COMMUNICATION. Any communication
24 disseminated through any federally regulated broadcast media,
25 any mailing, or other distribution, electronic communication,
26 phone bank, or publication which (i) contains the name or
27 image of a candidate; (ii) is made within 120 days of an

1 election in which the candidate will appear on the ballot;
2 (iii) the only reasonable conclusion to be drawn from the
3 presentation and content of the communication is that it is
4 intended to influence the outcome of an election; and (iv)
5 entails an expenditure in excess of one thousand dollars
6 (\$1,000).

7 "(7) EXPENDITURE.

8 "a. The following shall be considered expenditures:

9 "1. A purchase, payment, distribution, loan,
10 advance, deposit, or gift of money or anything of value made
11 for the purpose of influencing the result of an election.

12 "2. A contract or agreement to make any purchase,
13 payment, distribution, loan, advance, deposit, or gift of
14 money or anything of value, for the purpose of influencing the
15 result of an election.

16 "3. The transfer, gift, or contribution of funds of
17 a political committee to another political committee.

18 "4. The payment of any qualifying fee or other cost
19 associated with qualifying to run for office.

20 "b. The term "expenditure" does not include:

21 "1. Any news story, commentary, or editorial
22 prepared by and distributed through the facilities of any
23 broadcasting station, newspaper, magazine, or other periodical
24 publication, unless the facilities are owned or controlled by
25 any political party or political committee.

26 "2. Nonpartisan activity designed to encourage
27 individuals to register to vote, or to vote.

1 "3. Any communication by any membership organization
2 to its members or by a corporation to its stockholders and
3 employees if the membership organization or corporation is not
4 organized primarily for the purpose of influencing the result
5 of an election.

6 "4. The use of real or personal property and the
7 cost of invitations, food, or beverages, voluntarily provided
8 by an individual in rendering voluntary personal services on
9 the individual's residential or business premises for
10 election-related activities.

11 "5. Any unreimbursed payment for travel expenses
12 made by an individual who, on his or her own behalf,
13 volunteers personal services to a candidate or political
14 committee.

15 "6. Any communication by any person which is not
16 made for the purposes of influencing the result of an
17 election.

18 "7. The payment by a state or local committee of a
19 political party of the cost of preparation, display, or
20 mailing or other distribution incurred by the committee with
21 respect to a printed slate card or sample ballot, or other
22 printed listing of two or more candidates for any public
23 office for which an election is held in the state, except that
24 this subparagraph shall not apply in the case of costs
25 incurred by the committee with respect to a display of the
26 listing made on broadcasting stations, or in newspapers,

1 magazines, or other similar types of general public political
2 advertising.

3 "c. For purposes of reporting expenditures as
4 required by this chapter, the date an expenditure is made is
5 the date the instrument authorizes the expenditure. In the
6 case of an expenditure made by check or electronic payment,
7 the date of expenditure is the date of the check or electronic
8 payment.

9 "(8) IDENTIFICATION. The full name and complete
10 address.

11 "(9) LOAN. A transfer of money, property, or
12 anything of value in consideration of a promise or obligation,
13 conditional or not, to repay in whole or part.

14 "(10) LOCAL OFFICE. Any office under the
15 constitution and laws of the state, except circuit, district,
16 or legislative offices, filled by election of the registered
17 voters of a single county or municipality, or by the voters of
18 a division contained within a county or municipality.

19 "(11) PERSON. An individual, partnership, committee,
20 association, corporation, labor organization, or any other
21 organization or group of persons.

22 "(12) PERSONAL AND LEGISLATIVE LIVING EXPENSES.
23 Household supplies, personal clothing, tuition payments,
24 mortgage, rent, or utility payments for a personal residence;
25 admission to an entertainment event or fees for a country club
26 or social club, unless tied to a specific campaign event or
27 functions involving constituents; and any other expense,

1 excluding food and beverages, that would exist irrespective of
2 the candidate's campaign or duties as a legislator. Personal
3 and legislative living expenses shall not include expenses for
4 food, beverages, travel, or communications incurred by the
5 legislator in the performance of the office held.

6 "(13) POLITICAL ACTION COMMITTEE. Any committee,
7 club, association, political party, or other group of one or
8 more persons, whether in-state or out-of-state, which receives
9 or anticipates receiving contributions and makes or
10 anticipates making expenditures to or on behalf of any Alabama
11 state or local elected official, proposition, candidate,
12 principal campaign committee or other political action
13 committee. For the purposes of this chapter, a person who
14 makes a political contribution shall not be considered a
15 political action committee by virtue of making such
16 contribution.

17 "(14) POLITICAL PARTY. A political party as defined
18 in Section 17-13-40.

19 "(15) PRINCIPAL CAMPAIGN COMMITTEE. The principal
20 campaign committee designated by a candidate under Section
21 17-5-4. A political action committee established primarily to
22 benefit an individual candidate or an individual elected
23 official shall be considered a principal campaign committee
24 for purposes of this chapter.

25 "(16) PROPOSITION. Any proposal for submission to
26 the general public for its approval or rejection, including
27 proposed as well as qualified ballot questions.

1 "(17) PUBLIC OFFICIAL. Any person elected to public
2 office, whether or not that person has taken office, by the
3 vote of the people at the state, county, or municipal level of
4 government or their instrumentalities, including governmental
5 corporations, and any person appointed to a position at the
6 state, county, or municipal level of government or their
7 instrumentalities, including governmental corporations. For
8 purposes of this chapter, a public official includes the
9 chairs and vice chairs or the equivalent offices of each state
10 political party as defined in Section 17-13-40.

11 "(18) STATE. The State of Alabama.

12 "(19) STATE OFFICE. All offices under the
13 constitution and laws of the state filled by election of the
14 registered voters of the state or of any circuit or district
15 and shall include legislative offices.

16 "(b) The words and terms used in this chapter shall
17 have the same meanings respectively ascribed to them in
18 Section 36-25-1.

19 "§17-5-7.

20 "(a) Except as provided in subsection (d) and in
21 Section 17-5-7.1, a candidate, public official, or treasurer
22 of a principal campaign committee as defined in this chapter,
23 may only use campaign contributions, and any proceeds from
24 investing the contributions that are in excess of any amount
25 necessary to defray expenditures of the candidate, public
26 official, or principal campaign committee, for the following
27 purposes:

1 "(1) Necessary and ordinary expenditures of the
2 campaign.

3 "(2) Expenditures that are reasonably related to
4 performing the duties of the office held. For purposes of this
5 section, expenditures that are reasonably related to
6 performing the duties of the office held do not include
7 personal and legislative living expenses, as defined in this
8 chapter.

9 "(3) Donations to the State General Fund, the
10 Education Trust Fund, or equivalent county or municipal funds.

11 "(4) Donations to an organization to which a federal
12 income tax deduction is permitted under subparagraph (A) of
13 paragraph (1) of subsection (b) of Section 170 of the Internal
14 Revenue Code of 1986, as amended, or any other charitable,
15 educational, or eleemosynary cause of Section 501 of Title 26
16 of the U. S. Code.

17 "(5) Inaugural or transitional expenses.

18 "(6) Donations to a legislative caucus organization
19 registered under this chapter which does not operate as a
20 political action committee.

21 "(7) Legal fees and costs associated with any civil
22 action, criminal prosecution, or investigation related to
23 conduct reasonably related to performing the duties of the
24 office held.

25 "(b) Notwithstanding any other provision of law,
26 including, but not limited to, Section 13A-10-61, a candidate,

1 public official, or principal campaign committee may only
2 accept, solicit, or receive contributions:

3 "(1) To influence the outcome of an election.

4 "(2) For a period of 12 months before an election in
5 which the person intends to be a candidate. Provided, however,
6 candidates for legislative and statewide office and their
7 principal campaign committees may not accept, solicit, or
8 receive contributions during the period when the Legislature
9 is convened in session. For purposes of this section, the
10 Legislature is convened in session at any time from the
11 opening day of the special or regular session and continued
12 through the day of adjournment sine die for that session.
13 However, this subdivision shall not apply within 120 days of
14 any primary, ~~runoff~~, or general election, and shall not apply
15 to the candidates or their principal campaign committees
16 participating in any special election as called by the
17 Governor. This subdivision shall not apply to a loan from a
18 candidate to his or her own principal campaign committee.

19 "(3) For a period of 120 days after the election in
20 which the person was a candidate, but only to the extent of
21 any campaign debt of the candidate or principal campaign
22 committee of the candidate as indicated on the campaign
23 financial disclosure form or to the extent of reaching the
24 threshold that is required for qualification as a candidate
25 for the office which he or she currently holds, or both.

1 "(4) For the purpose of paying all expenses
2 associated with an election challenge including, but not
3 limited to, quo warranto challenges.

4 "(c) Notwithstanding any other provision of law,
5 including, but not limited to, Section 13A-10-61, a candidate,
6 public official, or principal campaign committee shall not
7 accept, solicit, or receive contributions for any of the
8 following reasons:

9 "(1) As a bribe, as defined by Sections 13A-10-60 to
10 13A-10-63, inclusive.

11 "(2) For the intention of corruptly influencing the
12 official actions of the public official or candidate for
13 public office.

14 "(d) Notwithstanding any other provision of law, a
15 principal campaign committee, during a two-year period
16 commencing on the day after each regularly scheduled general
17 election and ending on the day of the next regularly scheduled
18 general election, may pay qualifying fees to a political party
19 and in addition thereto, during that period, may expend up to
20 a cumulative total of five thousand dollars (\$5,000) of
21 campaign contributions, and any proceeds from investing the
22 contributions, for the following purposes:

23 "(1) Tickets for political party dinners or
24 functions.

25 "(2) State or local political party dues or similar
26 expenses incurred by independent or write-in candidates.

27 "§17-5-8.

1 "(a) The treasurer, designated filing agent, or
2 candidate, shall file with the Secretary of State or judge of
3 probate, as designated in Section 17-5-9, periodic reports of
4 contributions and expenditures at the following times once a
5 principal campaign committee files its statement under Section
6 17-5-4 or a political action committee files its statement of
7 organization under Section 17-5-5:

8 "~~(1) Beginning after the 2012 election cycle,~~
9 ~~regardless~~ Regardless of whether a candidate has opposition in
10 any election, monthly reports not later than the second
11 business day of the subsequent month, beginning 12 months
12 before the date of any primary, special, ~~runoff,~~ or general
13 election for which a political action committee or principal
14 campaign committee receives contributions or makes
15 expenditures with a view toward influencing such election's
16 result. A monthly report shall include all reportable
17 transactions for the previous full month period. Reports shall
18 be required as provided in subdivisions (2) and (3).

19 "(2) With regard to a primary, special, ~~runoff,~~ or
20 general election, a report shall be required weekly on the
21 Monday of the succeeding week for each of the four weeks
22 before the election that includes all reportable activities
23 for the previous week.

24 "(3)a. In addition to the reporting dates specified
25 in subdivisions (1) and (2), reports required to be filed with
26 the Secretary of State shall be filed with the Secretary of
27 State on the eighth, seventh, sixth, fifth, fourth, third, and

1 second day preceding a legislative, state school board, or
2 other statewide primary, special, ~~runoff~~, or general election,
3 and by 12:01 p.m. on the day preceding a legislative, state
4 school board, or statewide, primary, special, ~~runoff~~, or
5 general election if any principal campaign committee or
6 political action committee receives or spends in the aggregate
7 five thousand dollars (\$5,000) or more on that day with a view
8 toward influencing an election's results. If a daily report is
9 required pursuant to this subdivision, the report shall
10 include all reportable activity occurring on the day of the
11 report as well as all reportable activity that has occurred on
12 each day since the most recent prior report. Principal
13 campaign committees and political action committees that are
14 exempt from electronic filing and principal campaign
15 committees and political action committees required to make
16 daily reports pursuant to this subdivision for the 2012
17 election cycle may file reports by facsimile (FAX)
18 transmission provided they keep proper documentation in their
19 office.

20 "b. Electronic filing on the Secretary of State's
21 website ~~may be implemented sooner than the 2014 election cycle~~
22 ~~as an alternative method of reporting; however, electronic~~
23 ~~filing~~ shall be required beginning with the 2014 election
24 cycle. Electronic filings shall be available to the public on
25 a searchable database maintained on the Secretary of State's
26 website.

1 "(b) Except as provided in subsection ~~(k)~~ (j), each
2 principal campaign committee, political action committee, and
3 elected state and local official covered under the provisions
4 of this chapter who has not closed his or her principal
5 campaign committee, shall annually file with the Secretary of
6 State or judge of probate, as designated in Section 17-5-9,
7 reports of contributions and expenditures made during that
8 year. No annual report is required to be filed by a person who
9 holds office because he or she was appointed to serve the
10 remainder of a term vacated by another person, until the
11 person serving has created a principal campaign committee. The
12 annual reports required under this subsection shall be made on
13 or before January 31 of the succeeding year.

14 "(c) Each report under this section shall disclose:

15 "(1) The amount of cash or other assets on hand at
16 the beginning of the reporting period and forward until the
17 end of that reporting period and disbursements made from same.

18 "(2) The identification of each person who has made
19 contributions to such committee or candidate within the
20 calendar year in an aggregate amount greater than one hundred
21 dollars (\$100), together with the amount and date of all such
22 contributions; provided, however, in the case of a political
23 action committee identification shall mean the name and city
24 of residence of each person who has made contributions within
25 the calendar year in an aggregate amount greater than one
26 hundred dollars (\$100).

1 "(3) The total amount of other contributions
2 received during the calendar year but not reported under
3 subdivision (c) (2) of this section.

4 "(4) Each loan to or from any person within the
5 calendar year in an aggregate amount greater than one hundred
6 dollars (\$100), together with the identification of the
7 lender, the identification of the endorsers, or guarantors, if
8 any, and the date and amount of such loans.

9 "(5) The total amount of receipts from any other
10 source during such calendar year.

11 "(6) The grand total of all receipts by or for such
12 committee during the calendar year.

13 "(7) The identification of each person to whom
14 expenditures have been made by or on behalf of such committee
15 or elected official within the calendar year in an aggregate
16 amount greater than one hundred dollars (\$100), the amount,
17 date, and purpose of each such expenditure, and, if
18 applicable, the designation of each constitutional amendment
19 or other proposition with respect to which an expenditure was
20 made.

21 "(8) The identification of each person to whom an
22 expenditure for personal services, salaries, and reimbursed
23 expenses greater than one hundred dollars (\$100) has been
24 made, and which is not otherwise reported or exempted from the
25 provisions of this chapter, including the amount, date, and
26 purpose of such expenditure.

1 "(9) The grand total of all expenditures made by
2 such committee or elected official during the calendar year.

3 "(10) The amount and nature of debts and obligations
4 owed by or to the committee or elected official, together with
5 a statement as to the circumstances and conditions under which
6 any such debt or obligation was extinguished and the
7 consideration therefor.

8 "(d) Each report required by this section shall be
9 signed and filed by the elected official or on behalf of the
10 political action committee by its chair or treasurer and, if
11 filed on behalf of a principal campaign committee, by the
12 candidate represented by such committee. There shall be
13 attached to each such report an affidavit subscribed and sworn
14 to by the official or chair or treasurer and, if filed by a
15 principal campaign committee, the candidate represented by
16 such committee, setting forth in substance that such report is
17 to the best of his or her knowledge and belief in all respects
18 true and complete, and, if made by a candidate, that he or she
19 has not received any contributions or made any expenditures
20 which are not set forth and covered by such report.

21 "~~(e) Commencing with the 2014 election cycle,~~
22 ~~electronic~~ Electronic filing of contributions and expenditures
23 for any legislative, state school board, and statewide
24 primary, special, ~~runoff~~, or general election shall be
25 mandatory, except as provided in subsection ~~(g)~~ (f). ~~The~~
26 ~~Secretary of State may provide electronic reporting sooner~~
27 ~~than the 2014 election cycle.~~ Electronic filing shall satisfy

1 any filing requirements of this chapter and no paper filing is
2 required for any report filed electronically.

3 ~~"(f) In the 2012 election cycle the provisions for~~
4 ~~the time of filing contained in subsection (a) shall apply to~~
5 ~~the paper or facsimile (FAX) filings for any legislative,~~
6 ~~state school board, or statewide primary, special, runoff, or~~
7 ~~general election.~~

8 ~~"(g) (f)~~ Electronic filing of reports shall not apply
9 to any campaign, principal campaign committee, or political
10 action committee receiving five thousand dollars (\$5,000) or
11 less per election cycle.

12 ~~"(h) (g)~~ In connection with any electioneering
13 communication paid for by a person, nonprofit corporation,
14 entity, principal campaign committee, or other political
15 committee or entity, the payor shall disclose its
16 contributions and expenditures in accordance with this
17 section. The disclosure shall be made in the same form and at
18 the same time as is required of political action committees in
19 this section; provided, however, no duplicate reporting shall
20 be required by a political committee.

21 ~~"(i) (h)~~ Notwithstanding any disclosure requirements
22 of subsection ~~(h)~~ (g), churches are exempt from the
23 requirements of this section unless the church's expenditures
24 are used to influence the outcome of an election. Nothing
25 herein shall require a church to disclose the identities,
26 donations, or contributions of members of the church. As used
27 in this section, the term church is defined in accordance with

1 and recognized by Internal Revenue Service guidelines and
2 regulations.

3 "~~(j)~~(i) Notwithstanding the disclosure requirements
4 of this section, the provisions of this section shall not be
5 interpreted to nor shall they require any disclosure for
6 expenses incurred for any electioneering communication used by
7 any membership or trade organization to communicate with or
8 inform its members, its members' families, or its members'
9 employees or for any electioneering communication by a
10 business entity of any type to its employees or stockholders
11 or their families.

12 "~~(k)~~(j) Each report required by this section shall
13 include all reportable transactions occurring since the most
14 recent prior report; however, duplicate reporting is not
15 required by this section. A political action committee or
16 principal campaign committee that is required to file a daily
17 report is not required to also file a weekly report for the
18 week preceding an election specified in subdivision (3) of
19 subsection (a); a committee required to file a weekly report
20 is not required to also file a monthly report in the month in
21 which the election is held; and a committee required to file a
22 monthly report is not required to also file an annual report
23 in the year in which the election is held. The monetary
24 balance in a report of each committee shall begin at the
25 monetary amount appearing in the most recent prior report.

26 "~~(l)~~(k) The Secretary of State may promulgate
27 administrative rules pursuant to the Alabama Administrative

1 Procedure Act as are necessary to implement and administer the
2 changes made to this section by Act 2012-477.

3 "§17-6-21.

4 "(a) The official ballots shall contain the names of
5 all candidates nominated by caucus, convention, mass meeting,
6 primary election, or other assembly of any political party or
7 faction, or by petition of electors and certified as provided
8 in Section 17-9-3, but no person's name shall be printed upon
9 the ballots who, within the time period set forth in
10 subsection (c), notifies the judge of probate in writing,
11 acknowledged before an officer authorized by law to take
12 acknowledgments, that he or she will not accept the nomination
13 specified in the certificate of nomination or petition of
14 electors. The name of each candidate shall appear but one time
15 on the ballot and under only one emblem.

16 "(b) A nomination for a candidate in a primary or
17 general election shall be finalized by the respective state
18 executive committees not later than 76 days before the primary
19 or general election. Any amendment to a certification of a
20 candidate by a state executive committee shall be filed with
21 the judge of probate in the case of a county office, or the
22 Secretary of State in the case of a state or federal office.
23 Any amendment filed after the 76th day before a primary or a
24 general election shall be accepted by the judge of probate or
25 the Secretary of State but shall not be cause for reprinting
26 of the ballots. The name of a candidate who is the subject of
27 the amendment and who is disqualified by a political party or

1 who has withdrawn as a candidate shall remain on the ballot,
2 not be replaced by the name of another candidate, and the
3 appropriate canvassing board shall not certify any votes for
4 the candidate. Any amendment to a certification to correct the
5 spelling of the name of a candidate that is filed after the
6 76th day before a primary or general election, ~~or after the~~
7 ~~printing of absentee ballots for a primary runoff election has~~
8 ~~commenced,~~ shall not be cause for reprinting of the ballots
9 and shall not affect the counting or certification of any
10 votes cast for the candidate.

11 "(c) The notification deadline for persons who do
12 not wish to accept nomination in a primary election is 76 days
13 before the date of the election. ~~A person who does not wish to~~
14 ~~accept nomination in a second primary election shall submit~~
15 ~~the notification set forth in subsection (a) before the~~
16 ~~printing of absentee ballots.~~ The notification deadline for
17 persons who do not wish to accept nomination in a general
18 election is 76 days before the date of the election. In the
19 event that a candidate submits a notification of withdrawal
20 after the applicable deadline, the name of the candidate shall
21 remain on the ballot and the appropriate canvassing board may
22 not certify any votes for the candidate.

23 "§17-6-22.

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

1 "(1) The party shall have filed with the Secretary
2 of State or other appropriate official on the date of the
3 ~~first~~ primary election a list of the signatures of at least
4 three percent of the qualified electors who cast ballots for
5 the office of Governor in the last general election for the
6 state, county, city, district, or other political subdivision
7 in which the political party seeks to qualify candidates for
8 office; and unless

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

11 "(b) The provisions of this section are supplemental
12 to the provisions of Chapter 13, and other laws regarding the
13 conduct of elections in Alabama, and shall repeal only those
14 laws or parts of laws in direct conflict herewith.

15 "§17-9-3.

16 "(a) The following persons shall be entitled to have
17 their names printed on the appropriate ballot for the general
18 election: ~~, provided they are otherwise qualified for the~~
19 ~~office they seek:~~

20 "(1) Except for the office of President, the
21 candidates receiving the two highest numbers of votes in a
22 primary election as provided in Section 17-13-18.

23 "(2) For the office of President, all of the
24 following:

25 a. All candidates who have been put in nomination by
26 a presidential preference primary election and certified in
27 writing by the chair and secretary of the canvassing board of

1 the appropriate party holding ~~the primary~~ and filed with the
2 judge of probate of the county, in the case of a candidate for
3 county office, and the Secretary of State. in all other cases,
4 on the day next following the last day for contesting the
5 primary election for that office if no contest is filed. If a
6 contest is filed, then the certificate for the contested
7 office must be filed on the day next following the date of
8 settlement or decision of the contest.

9 "~~(2)~~ All candidates who have been put in nomination
10 by any caucus, convention, mass meeting, or other assembly of
11 any political party or faction and certified in writing by the
12 chair and secretary of the nominating caucus, convention, mass
13 meeting, or assembly and filed with the judge of probate, in
14 the case of a candidate for county office, and the Secretary
15 of State in all other cases, on or before 5:00 P.M. on the
16 date of the first primary election as provided for in Section
17 ~~17-13-3.~~

18 "~~(3)~~ b. Each candidate who has been requested to be
19 an independent candidate for a ~~specified~~ the office of
20 President by written petition signed by electors qualified to
21 vote in the election to fill the office when the petition has
22 been filed with ~~the judge of probate, in the case of a county~~
23 ~~office and with the Secretary of State in all other cases,~~ on
24 or before 5:00 P.M. on the date of the ~~first~~ primary election
25 as provided for in Section 17-13-3. The number of qualified
26 electors signing the petition shall equal or exceed three
27 percent of the qualified electors who cast ballots for the

1 office of Governor in the last general election for the state.
2 ~~, county, district, or other political subdivision in which~~
3 ~~the candidate seeks to qualify.~~

4 "(b) The Secretary of State, not later than 74 days
5 before the general election, shall certify to the judge of
6 probate of each county in the state, in the case of an officer
7 to be voted for by the electors of the whole state, and to the
8 judges of probate of the counties composing the circuit or
9 district in the case of an officer to be voted for by the
10 electors of a circuit or district, ~~upon suitable blanks to be~~
11 ~~prepared by him or her for that purpose, the fact of~~
12 ~~nomination or independent candidacy of each nominee or~~
13 ~~independent candidate or candidate of a party who did not~~
14 ~~receive more than 20 percent of the entire vote cast in the~~
15 ~~last general election preceding the primary who has qualified~~
16 ~~to appear on the general election ballot. The judge of probate~~
17 ~~shall then prepare the ballot with the names of each candidate~~
18 ~~qualified under the provisions of this section printed on the~~
19 ~~ballot. The judge of probate may not print on the ballot the~~
20 ~~name of any independent candidate who was a candidate in the~~
21 ~~primary election of that year and the name of any nominee of a~~
22 ~~political party who was a candidate for the nomination of a~~
23 ~~different political party in the primary election of that year~~
24 the names of the applicable candidates.

25 "§17-11-12.

26 "Not less than 55 days prior to the holding of any
27 election, except a municipal election, to which this chapter

1 pertains, ~~or in the case of a runoff primary election, not~~
2 ~~more than seven days after the first primary election,~~ the
3 officer charged with the printing and distribution of the
4 official ballots and election supplies shall deliver to the
5 absentee election manager of each county in which the election
6 is held or to the person designated to serve in his or her
7 place a sufficient number of absentee ballots, envelopes, and
8 other necessary supplies. Not more than seven days after the
9 last day to qualify as a candidate in a municipal election, ~~or~~
10 ~~in the case of a runoff municipal election, not more than 14~~
11 ~~days after the first election,~~ or in the case of a municipal
12 election held for a purpose other than the election of
13 municipal officers, not more than seven days after the giving
14 of notice of the election, the officer charged with the
15 printing and distribution of the official ballots and election
16 supplies shall deliver to the absentee election manager of the
17 municipality in which the election is held, or to the person
18 designated to serve in his or her place, a sufficient number
19 of absentee ballots, envelopes, and other necessary supplies.
20 If the absentee election manager is a candidate with
21 opposition in the election, he or she shall immediately, upon
22 receipt of the ballots, envelopes, and supplies, deliver them
23 to the person authorized to act in his or her place, as
24 provided in Section 17-11-13.

25 "§17-13-1.

26 "A primary election, including a separate and
27 special presidential preference primary election, within the

1 meaning of this chapter, is an election held by the qualified
2 voters ~~who are members of any political party,~~ for the purpose
3 of nominating a candidate or candidates for public or party
4 office.

5 "§17-13-2.

6 "All primary elections held ~~by any political party~~
7 in this state for the nomination of any state, national,
8 district, circuit, county, or municipal officer shall be held
9 and conducted under the provisions of this chapter and, except
10 as herein modified, shall be held and conducted in the same
11 manner and form, under the same requirements and subject to
12 the same forfeitures, penalties, and punishments as are now or
13 shall hereafter be provided by law for the holding of ~~regular~~
14 general state elections, but nothing herein contained shall
15 make it obligatory upon any political party or parties to ~~hold~~
16 participate in a primary election.

17 "§17-13-3.

18 "(a) Except as otherwise provided in subsection (b),
19 primary elections, except special primary elections and
20 presidential preference primaries, held at the expense of the
21 state or counties, shall be held on the first Tuesday in June.
22 ~~When necessary, as provided in this chapter, a second or~~
23 ~~runoff primary election shall be held on the sixth Tuesday~~
24 ~~following the primary election. Any second primary shall be~~
25 ~~held by the same election officers who held the first primary,~~
26 ~~and be held at the same places as the first primary election.~~
27 ~~No primary shall be held by any political party except as~~

1 ~~herein provided.~~ Primary elections herein provided for shall
2 be held at the regular polling places established for the
3 purpose of holding general elections.

4 "(b) In years in which a presidential primary is
5 conducted, the primary election shall be the first Tuesday in
6 March.

7 "(c) Notwithstanding any other provision of law, in
8 any year in which the primary election is held in March and
9 the primary election is held in conjunction with the
10 presidential preference primary election, as provided in this
11 section and Section 17-13-100, any reference in any existing
12 statutes to a primary election being held in June shall be
13 construed to refer to the primary election in March.

14 "§17-13-5.

15 "(a) All candidates ~~for seeking~~ nomination ~~to public~~
16 ~~office or for election to party office in the~~ by a party to
17 run for an elected office in a primary election provided for
18 in this chapter shall file their declaration of candidacy with
19 the state party chair if they seek any federal, state,
20 circuit, or district office, or the state Senate, House of
21 Representatives, or any other office that is not a county
22 office not later than 5:00 P.M. 116 days before the date of
23 the primary election. All candidates for nomination or
24 election to a county office shall file their declaration with
25 the county party chair not later than 5:00 P.M. 116 days
26 before the date of the primary election.

1 "(b) The state party chair ~~shall~~, no later than 5:00
2 P.M. 82 days before the primary election, shall certify the
3 names of all primary election candidates, except candidates
4 for county offices, to the Secretary of State. The county
5 party chair shall, not later than 5:00 P.M. 82 days prior to
6 the date of the primary election, certify to the judge of
7 probate the names of all candidates for nomination to county
8 offices or election to county party offices.

9 "(c) All candidates seeking to run as an independent
10 candidate for an elected office other than the office of
11 President shall file a written petition with the Secretary of
12 State signed by electors qualified to vote in the election to
13 fill the office no later than 5:00 P.M. 90 days before the
14 date of the primary election. The number of qualified electors
15 signing the petition must equal or exceed one percent of the
16 qualified electors who cast ballots for the office of Governor
17 in the last general election for the state or the district in
18 which the candidate seeks to qualify.

19 "(d) The Secretary of State ~~shall~~, not less than 74
20 days prior to the date of the primary election, shall certify
21 to the judge of probate of every county in which the election
22 is to be held the names of the opposed candidates for
23 nomination to federal, state, circuit, or district offices,
24 the state Senate, House of Representatives, and all other
25 opposed candidates to public or party office, except
26 candidates for county offices.

1 "~~(c)~~(e) The judge of probate of each county shall
2 have the ballots prepared for the primary election. ~~If a~~
3 ~~legally qualified candidate for nomination to an office is~~
4 ~~unopposed when the last date for filing declarations of~~
5 ~~candidacy has passed, his or her name shall not appear on the~~
6 ~~ballots to be used in the primary election, and he or she~~
7 ~~shall be the nominee of the party with which he or she has~~
8 ~~qualified for the office. If a legally qualified candidate for~~
9 ~~election to a party office is unopposed when the last date for~~
10 ~~filing declarations of candidacy has passed, his or her name~~
11 ~~shall not appear on the ballots to be used in the primary~~
12 ~~election, and he or she shall be declared elected to the party~~
13 ~~office for which he or she qualified. For a presidential~~
14 ~~preference primary election, a separate ballot shall be~~
15 ~~prepared for the office of President, as provided in Section~~
16 ~~17-13-8.2.~~

17 "§17-13-6.

18 "The name of no candidate shall be printed upon any
19 official ballot used at any primary election unless such
20 person is legally qualified to hold the office for which he or
21 she is a candidate and unless he or she is eligible to vote in
22 the primary election in which he or she seeks to be a
23 candidate and for all party candidates, he or she possesses
24 the political qualifications prescribed by the governing body
25 of his or her political party.

26 "§17-13-7.

1 "(a) All persons who are qualified electors under
2 the general laws of the State of Alabama ~~and who are also~~
3 ~~members of a political party and entitled to participate in~~
4 ~~such primary election under the rules of the party shall be~~
5 entitled to vote therein in a primary election, except only
6 qualified electors who are members of a political party are
7 entitled to participate in a presidential preference primary
8 election. ~~and shall receive the official primary ballot of~~
9 ~~that political party, and no other; but every~~

10 "(b) The governing body of a party shall have the
11 right, power, and authority to fix and prescribe the political
12 or other qualifications of its own members. ~~and shall, in its~~
13 ~~own way, declare and determine who shall be entitled and~~
14 ~~qualified to vote in such primary election or to be candidates~~
15 ~~therein or to otherwise participate in such political parties~~
16 ~~and primaries. The qualifications of electors entitled to vote~~
17 ~~in such primary election shall not necessarily be the same as~~
18 ~~the qualifications for electors entitled to become candidates~~
19 ~~therein.~~ Nothing herein contained shall be so construed as to
20 prohibit any state executive committee of a party from fixing
21 such qualifications as it may deem necessary for persons
22 desiring to become candidates for nomination to offices at a
23 primary election.

24 "~~(b) A political party may require all poll lists~~
25 ~~for primary elections to state at the top thereof that by~~
26 ~~participating in the primary election a voter shall indicate a~~
27 ~~preference for the party holding the primary, and will support~~

1 ~~the nominees of that party in the general election, and that~~
2 ~~he or she is qualified under the rules of such party to vote~~
3 ~~in its primary election. No person shall be eligible to~~
4 ~~participate in the primary unless he or she signs the poll~~
5 ~~list and thereby certifies to the truth of the statement.~~

6 "§17-13-8.

7 "(a) This section applies to all primary ballots
8 other than a ballot for the office of President. Separate
9 ~~official ballots and other election stationery and supplies~~
10 ~~for each political party~~

11 "(b) Official ballots containing the names of all
12 qualified candidates, as provided in Section 17-13-5, shall be
13 printed and furnished for use at each election district or
14 precinct ~~and shall be of a different color for each of the~~
15 ~~political parties participating in such primary election. All~~
16 ~~ballots for the same political party shall be alike, except as~~
17 ~~herein otherwise provided,~~ printed in plain type and upon
18 paper so thick that the printing cannot be distinguished from
19 the back. Across the top of the ballot shall be printed ~~the~~
20 ~~party's emblem, if any,~~ and the words, "Official Primary
21 Election Ballot." Beneath this heading shall be printed the
22 year in which the election is held. and Next to the name of
23 each party candidate, the words "Democratic Party" or
24 "Republican Party" or other proper party designation shall be
25 printed. Each group of candidates to be voted on shall be
26 preceded by the designation of the office for which the
27 candidates seek nomination, and in the proper place shall be

1 printed the words "Vote for one" or "Vote for two" (or more)
2 according to the number to be elected to such office at the
3 ensuing election.

4 ~~"At the option of a political party at the bottom of~~
5 ~~the ballot and after the name of the last candidate shall be~~
6 ~~printed the following: "By casting this ballot I do pledge~~
7 ~~myself to abide by the result of this primary election and to~~
8 ~~aid and support all the nominees thereof in the ensuing~~
9 ~~general election."~~

10 ~~"Should any voter scratch out, deface, or in any way~~
11 ~~mutilate or change the pledge printed on the ballot, the voter~~
12 ~~shall not be considered or held to have repudiated or to have~~
13 ~~refused to take the pledge, but shall, conclusively, be~~
14 ~~presumed and held to have scratched out, defaced, or mutilated~~
15 ~~or changed the same for the sole purpose of identifying the~~
16 ~~ballot; and, accordingly, such ballot shall be marked "spoiled~~
17 ~~ballot" and shall not be counted.~~

18 "§17-13-16.

19 "The counting of the ballots having been completed,
20 the results shall be publicly proclaimed. ~~Separate~~
21 ~~certificates for each of the political parties entering the~~
22 ~~primary and the~~ The results of the election shall be drawn up
23 by the inspector and clerks at each and every voting place,
24 which shall contain all matters and things provided for in the
25 law regulating general elections. The certificates shall be
26 signed by the election workers; one copy of the same shall be
27 forthwith posted in a conspicuous place at such voting place,

1 one copy shall be transmitted to the chair of the county
2 executive committee of each of the political parties in the
3 primary, at such place as the county executive committee of
4 the county shall designate at which to receive such returns,
5 and another copy shall be transmitted to the chairs of the
6 state executive committees of the political parties
7 participating in the primary.

8 "§17-13-18.

9 ~~"(a) At the respective meetings of the respective~~
10 ~~executive committees, the county executive committee, as to~~
11 ~~candidates in the primary election for office, except~~
12 ~~candidates for county office, shall publicly ascertain,~~
13 ~~determine, and declare whether any candidate for office in the~~
14 ~~primary election has received a majority of the votes cast for~~
15 ~~the office, and, if so, declare the candidate the nominee of~~
16 ~~the party for the office for which he or she was a candidate~~
17 ~~and for which he or she received a majority of the votes cast~~
18 ~~for that office in the primary election.~~

19 ~~"(b) If no candidate receives a majority of all of~~
20 ~~the votes cast in such primary election for any one office or~~
21 ~~offices for the nomination to which there were more than two~~
22 ~~candidates, then there shall be held a second primary election~~
23 ~~on the sixth Tuesday following the primary election, and the~~
24 ~~chair of the state executive committee shall certify to the~~
25 ~~Secretary of State, immediately upon the completion of such~~
26 ~~canvass, the names of the two candidates of the party to~~
27 ~~receive the highest number of votes in the first primary~~

1 ~~election for such office or offices, except county officers,~~
2 ~~and who are to be voted for in the second primary election.~~
3 ~~The chair of each county executive committee shall,~~
4 ~~immediately upon the completion of such canvass, certify to~~
5 ~~the judge of probate of the county the names of the two~~
6 ~~candidates who received the highest number of votes in the~~
7 ~~first primary for nomination to any county office. The~~
8 ~~Secretary of State shall, within two business days from the~~
9 ~~date the certificate is received from the chair of the state~~
10 ~~executive committee, certify to the judge of probate of any~~
11 ~~county where a second primary election is to be held the name~~
12 ~~or names of the candidates certified as herein provided by the~~
13 ~~chair of the state executive committee. The judge of probate~~
14 ~~of each county in Alabama shall in the manner and form as~~
15 ~~required by this chapter and the general laws of Alabama, have~~
16 ~~prepared and printed all election supplies and all ballots to~~
17 ~~be voted in the second primary election, which ballots shall~~
18 ~~contain, under appropriate headings or titles of the offices~~
19 ~~to be filled, the names of the two candidates for each office~~
20 ~~so certified by the Secretary of State and the chair of the~~
21 ~~county executive committee, as herein required, as well as~~
22 ~~such other matters as are required by this chapter and the~~
23 ~~general laws of Alabama, on ballots for the first primary~~
24 ~~election.~~

25 ~~"(c) At the second primary election, no person can~~
26 ~~be a candidate except the two persons who receive the highest~~

1 ~~number of votes for the offices for which they were candidates~~
2 ~~in the first primary election.~~

3 ~~"(d) The returns from the second primary election~~
4 ~~shall be made and the votes canvassed, tabulated, and~~
5 ~~certified and the results declared in the same manner provided~~
6 ~~in this chapter for making, canvassing, tabulating,~~
7 ~~certifying, and declaring the results of the first primary~~
8 ~~election. The county executive committee of the parties~~
9 ~~participating in the primary election shall meet at the~~
10 ~~courthouse of their respective counties not later than the~~
11 ~~second Friday following the second primary election and~~
12 ~~receive the returns, canvass and tabulate the same by~~
13 ~~precinct, and publicly declare the results thereof. The chair~~
14 ~~of each county executive committee shall forthwith, and not~~
15 ~~later than noon on the second Monday following the primary~~
16 ~~election, certify and return to the chair of the state~~
17 ~~executive committee a statement and tabulation by precincts of~~
18 ~~the results of the second primary election and of the number~~
19 ~~of votes received by each candidate for office therein voted~~
20 ~~for, except candidates for county office. Not later than noon~~
21 ~~on the third Wednesday following the second primary election,~~
22 ~~the state executive committee, or such subcommittee thereof as~~
23 ~~may have been appointed by the chair thereof for such purpose,~~
24 ~~shall meet at the State Capitol in Montgomery and receive the~~
25 ~~returns and canvass and tabulate the same by counties, and~~
26 ~~publicly declare on that day the result thereof as to all~~
27 ~~candidates voted for, except as to candidates for county~~

1 office, which results shall be final. At such respective
2 meetings of the respective executive committees, the county
3 executive committee, as to candidates for county office voted
4 for in the second primary election, and the state executive
5 committee, as to candidates for office in the second primary
6 election voted for therein, except candidates for county
7 office, shall publicly ascertain and determine the candidates
8 receiving a majority of all of the votes cast in such second
9 primary election for any one office, and the candidates so
10 ascertained and determined to have received a majority of all
11 of the votes cast in such second primary election for the
12 office shall be declared the nominee of the party for such
13 office by the respective county and state executive
14 committees. Thereupon and immediately upon the completion of
15 such canvass, the chair thereof shall certify to and file with
16 the judge of probate of the county the names of those who have
17 been nominated in the first or the second primary election or
18 as otherwise authorized or provided by this chapter, as
19 candidates of the party for county offices, and in like
20 manner, and immediately upon the completion of such canvass,
21 by the state executive committee, or subcommittee thereof, the
22 chair of the state executive committee shall certify to and
23 file with the Secretary of State the names of those who have
24 been nominated in the first or second primary election or as
25 otherwise authorized or provided by this chapter as candidates
26 of the party for office, except candidates for county office,
27 and the names of the persons so certified shall be placed upon

1 ~~the official ballot of the general election to be held in~~
2 ~~November next thereafter as the candidates of the party for~~
3 ~~the offices for which they, respectively, have been so~~
4 ~~nominated.~~

5 ~~"(e) The state executive committee or such~~
6 ~~subcommittee as provided in this section shall also provide~~
7 ~~the Secretary of State with the second primary election~~
8 ~~returns by precincts according to county on a form authorized~~
9 ~~by the Secretary of State on the third Wednesday following the~~
10 ~~secondary primary, county and municipal returns excepted.~~

11 "(a) This section applies to all primary elections
12 other than a presidential preference primary election.

13 "(b) For a single office, the two candidates who
14 receive the greatest number of votes cast for an office in a
15 primary election shall be declared the official candidates for
16 the general election. If there are two or more offices of the
17 same character to be filled, the candidates who received the
18 four highest number of votes, and so on among those not
19 elected in the primary election, until the maximum number of
20 candidates for each office on the general election ballot is
21 reached, shall be the official candidates for the general
22 election.

23 "(c) If any candidate eligible to be in a subsequent
24 general election withdraws, dies, or is found to be
25 ineligible, the candidate receiving the next highest number of
26 votes in the primary election shall be the candidate in the
27 general election.

1 "§17-13-22.

2 "The Secretary of State ~~shall~~, not later than 74
3 days before the general election, shall certify to the judge
4 of probate of each county in the state a ~~separate~~ list of
5 nominees ~~of each party~~ for each office other than county
6 office and, for the office of President, each candidate who
7 has requested to be an independent candidate for the office of
8 President and ~~has~~ filed a written petition in accordance with
9 Section 17-9-3, ~~except nominees for county offices, to be~~
10 ~~voted for by the voters of such county.~~

11 "§17-13-50.

12 "(a) When any political party shall desire to hold
13 any mass meeting, beat meeting, or other meeting of the voters
14 of such party for the purpose of nominating any candidate or
15 candidates for public office to be voted for in a general
16 election in Alabama or for the purpose of selecting delegates
17 or other representatives to any convention which may select
18 such candidates for public office or when any such party shall
19 desire to hold such mass meeting, beat meeting, or other
20 meeting of the voters of such party for the purpose of
21 selecting committeemen, representatives, or other party
22 officers of such party, all of such meetings shall be held as
23 provided in this section.

24 "(b) All such meetings shall be held before the
25 ~~first~~ primary election. The general public is privileged to
26 attend such meetings, but not to participate. No less than
27 five days prior to the date upon which any such mass meeting,

1 beat meeting, or other meeting is to be held, notice of such
2 meeting, including the time and place of such meeting, shall
3 be filed with the judge of probate of the county in which any
4 such meeting is to be held and shall be published in a
5 newspaper of general circulation in the county at the expense
6 of the political party holding such meeting. The judge of
7 probate shall immediately forward to the Secretary of State a
8 certified copy of all notices filed under this section.

9 "§17-16-45.

10 "In all election contests ~~other than political party~~
11 ~~primaries or runoffs~~, any person or candidate involved in the
12 contest is entitled to make an examination of the ballots
13 cast, given, or rejected in the election, to make an
14 examination of the voting equipment used in the election, and
15 to make an examination of voting machine computations or
16 printouts.

17 "§17-16-46.

18 "In all election contests involving elections other
19 than party primaries ~~or runoffs~~:

20 "(1) The examining person or candidate seeking to
21 examine the ballots, electronic voting machines, or electronic
22 voting machine computations or printouts must move, within 10
23 days of the filing of the contest, the court before whom the
24 election contest is pending for an examination. The court
25 shall set a hearing on the motion for examination which must
26 take place within 10 days after service of the motion on the
27 parties and candidates involved in the election contest. The

1 hearing shall be held to determine the procedures to be used
2 for the examination and the court shall, within five days
3 after the hearing, set forth the procedures for the
4 examination. Absent a subsequent court order extending the
5 time for reasonable cause shown, the examination must be
6 finished within 15 days of the court order which sets forth
7 the examination procedures.

8 "(2) Examination procedures shall be within the
9 discretion of the court. The court shall consider, in
10 determining appropriate procedures, the need to preserve the
11 integrity of the ballots, electronic voting machines, and
12 electronic voting machine computations and printouts; the need
13 to ensure that votes were accurately cast and counted; the
14 need to ensure that all persons and candidates involved in the
15 election have the opportunity to observe the examination and
16 ensure that an examination does not wrongfully alter the
17 election results; the need to expeditiously conclude the
18 election contest; and any other factor which is relevant to
19 the integrity of the election process. The court must, when so
20 requested by any party or candidate involved in the contest,
21 allow such party or candidate, and his or her agents, to
22 observe all of the examination proceedings.

23 "(3) The court shall require the examining party or
24 candidate to make a deposit with the court or post a bond in a
25 sum adequate to ensure prompt payment of all reasonable,
26 necessary, and actual expenses incurred by any governmental
27 entity during and as a result of the examination. If the

1 examining person or candidate prevails in the election contest
2 as a result of information obtained from the examination of
3 the ballots, electronic voting machines, or electronic voting
4 machine computations or printouts, he or she shall not be
5 responsible for any expenses or costs incurred by any
6 governmental entity during and as a result of the examination.

7 "§21-4-21.

8 "As used in this article, unless the context clearly
9 indicates a different meaning, the following terms shall have
10 meanings ascribed to them as follows:

11 "(1) ELDERLY INDIVIDUAL. An individual 65 years of
12 age or older;

13 "(2) ELECTION FOR STATE OFFICE. A general, special,
14 or primary, ~~or runoff~~ election for an executive, legislative,
15 or judicial state office that is contested on a statewide
16 basis;

17 "(3) HANDICAPPED INDIVIDUAL. An individual qualified
18 to vote, who, by reason of illness, injury, age, congenital
19 malfunction, or other permanent or temporary incapacity or
20 disability, is unable without accessible facilities or
21 registration and voting aids to have access to registration
22 and voting equal to that available to persons who are not so
23 affected;

24 "(4) STATE. State of Alabama;

25 "(5) VOTING PRECINCT. The area inhabited by all
26 individuals assigned to one polling place for a state
27 election."

1 Section 2. Section 17-13-8.2 is added to the Code of
2 Alabama 1975, to read as follows:

3 §17-13-8.2.

4 (a) This section only applies to a ballot for the
5 office of President.

6 (b) Separate official ballots for each political
7 party shall be printed and furnished for use at each election
8 district or precinct and shall be of a different color for
9 each of the political parties participating in the
10 presidential preference primary election. All ballots for the
11 same political party shall be alike, printed in plain type and
12 upon paper so thick that the printing cannot be distinguished
13 from the back. Across the top of the ballot shall be printed
14 the party's emblem, if any, and the words, "Official Primary
15 Election Ballot for the Office of President." Beneath this
16 heading shall be printed the year in which the election is
17 held and the words "Democratic Party" or "Republican Party" or
18 other proper party designation. Each delegate to be voted on
19 shall be preceded by the designation of the office for which
20 the delegate seeks nomination, and in the proper place shall
21 be printed the words "Vote for one."

22 (c) At the option of a political party at the bottom
23 of the ballot and after the name of the last delegate shall be
24 printed the following: "By casting this ballot I do pledge
25 myself to abide by the result of this primary election and to
26 aid and support the nominee in the ensuing general election."
27 Should any voter scratch out, deface, or in any way mutilate

1 or change the pledge printed on the ballot, the voter shall
2 not be considered or held to have repudiated or to have
3 refused to take the pledge, but shall, conclusively, be
4 presumed and held to have scratched out, defaced, or mutilated
5 or changed the same for the sole purpose of identifying the
6 ballot; and, accordingly, such ballot shall be marked "spoiled
7 ballot" and shall not be counted.

8 Section 3. Sections 17-13-7.1, 17-13-19, 17-13-20,
9 17-13-21, 17-13-23, 17-13-41, and 17-13-101, Code of Alabama
10 1975, are repealed.

11 Section 4. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law, and
14 shall apply to primary elections held after January 1, 2019.