

1 HB312
2 209060-6
3 By Representative Wheeler
4 RFD: Constitution, Campaigns and Elections
5 First Read: 03-FEB-21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

Relating to elections; to amend Sections 17-8-1, 17-8-5, 17-8-6, 17-8-12, and 17-8-14, Code of Alabama 1975; to allow precinct election officials who are registered to vote in a given county to serve in any precinct in that county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-8-1, 17-8-5, 17-8-6, 17-8-12, and 17-8-14, Code of Alabama 1975, are amended to read as follows:

"§17-8-1.

"(a) The appointing board, or a majority of them acting as an appointing board, not more than 20 nor less than 15 days before the holding of any election in their county, shall appoint from the qualified electors of the respective ~~precinct county~~, necessary precinct election officials, which shall include at least one inspector, to act at each voting place in each precinct. Precinct election officials shall be registered voters in the county in which they serve, but are not required to be registered at the precinct in which they serve; provided, that first priority. Provided, first priority may be given to the appointment of poll workers and alternate poll workers who are registered voters at their respective precincts, so long as the board determines that the poll worker is qualified for appointment as a poll worker. ~~First~~

1 ~~priority may be given for the appointment of poll workers and~~
2 ~~alternate poll workers who are registered voters at their~~
3 ~~respective precincts.~~ appointment as a poll worker. The
4 appointing board may appoint the number of precinct election
5 officials necessary for each precinct, provided that, absent
6 consent of the county commission, the total number of precinct
7 election officials appointed in a county shall not exceed the
8 total number of precinct election officials who were paid by
9 the county for the general election held November 2004. In the
10 event that the number of precincts or voting places utilized
11 in an election within a county is increased or decreased, the
12 total number of officials who may be appointed without consent
13 of the county commission shall be increased or decreased
14 proportionately based upon the average number of workers
15 utilized in each precinct or polling place within the county.
16 In the event that the county changes voting equipment from
17 that used in the November 2004 election, the total number of
18 precinct election officials the appointing board may appoint
19 shall be the average number of precinct election officials per
20 precinct or polling place utilized statewide for the general
21 election held in November 2004, multiplied by the number of
22 precincts or polling places in the county changing voting
23 equipment; provided, however, that the number of precinct
24 election officials appointed for any precinct in the county
25 may be increased with the consent of the county commission.

1 Members of a candidate's immediate family to the second degree
2 of kinship by affinity or consanguinity and any member of a
3 candidate's principal campaign committee are not eligible for
4 appointment.

5 "(b) The precinct election officials shall have the
6 following duties:

7 "(1) The inspector shall be in charge of the voting
8 place and shall serve as returning officer for the voting
9 place.

10 "(2) The registration list clerk shall check the
11 name of voters against the list of registered voters and mark
12 off the names of those who vote in order to prevent double
13 voting. If any ~~person~~ individual whose name does not appear on
14 the list of registered voters is permitted to vote by means of
15 a certificate as provided in Section 17-10-3, or by means of a
16 provisional ballot as provided in Sections 17-10-1 and
17 17-10-2, the registration list clerk shall legibly print the
18 name and address on the list of registered voters, mark
19 through the name to indicate that the ~~person~~ individual has
20 voted, and record by the name whether the ~~person~~ individual
21 voted by certificate, with source and date, or by provisional
22 ballot.

23 "(3) The poll list clerk shall ensure that each
24 voter signs the poll list as provided in Sections 17-9-15 and
25 17-13-7. A clerk shall print the voter's name on the poll list

1 or a duplicate list so that the signature can be identified.
2 The poll list clerk shall give a ballot to the voter with the
3 stub attached to the ballot pad. Ballots shall be given out in
4 sequence beginning with the lowest numbered ballot.

5 "(4) The ballot clerk, upon the request of a voter,
6 shall assist the voter as necessary to deposit the ballot in
7 the precinct ballot counter.

8 "(c) Any ~~person~~ individual who is compensated for
9 working at the polls during any returning, other than an
10 inspector appointed under subsection (a), may work on a split
11 shift schedule if determined necessary by the judge of
12 probate. Each portion of a split shift shall consist of not
13 less than six consecutive hours of work and the worker shall
14 be paid one-half of the per day compensation provided for by
15 general or local law in the county.

16 "(d) (1) ~~Notwithstanding the provisions of~~ subsection
17 (a), the judge of probate or other appropriate election
18 officials in a county, may provide for the appointment of
19 additional inspectors and clerks from within the county
20 ~~at-large~~ to serve as alternates in the event an appointed
21 inspector or clerk is unable to perform his or her duties.
22 ~~First priority shall be given for the appointment of~~
23 ~~alternates who are registered voters at the precinct where a~~
24 ~~vacancy exists.~~ The number of alternates shall be limited as
25 provided ~~herein~~ in the following manner and no payment shall

1 be provided for alternates in excess of the number authorized
2 in this subsection:

3 "a. In a county with a population of less than
4 100,000 inhabitants, the judge of probate or other appropriate
5 election officials in the county may provide for the
6 appointment and payment of up to four alternate inspectors,
7 clerks, or returning officers; ~~in.~~

8 "b. In a county with a population of 100,000 to
9 250,000 inhabitants, the judge of probate or other appropriate
10 election officials in the county may provide for the
11 appointment and payment of up to 12 alternate inspectors,
12 clerks, or returning officers; ~~and in.~~

13 "c. In a county with a population of more than
14 250,000 inhabitants, the judge of probate or other appropriate
15 election officials in the county may provide for the
16 appointment and payment of up to 24 alternate inspectors,
17 clerks, or returning officers.

18 "(2) The appointment and payment of alternates shall
19 be election expenses eligible for reimbursement by the state
20 Comptroller pursuant to general law.

21 "§17-8-5.

22 "Each political party or organization having made
23 nominations, by the chair of its state or county executive
24 committee or nominees for office, may furnish the appointing
25 board a list of names of recommended ~~poll workers~~ precinct

1 election officials from qualified electors for each ~~voting~~
2 ~~place~~ county not later than 45 days before the election. From
3 the lists provided, one inspector and at least three clerks
4 shall be appointed for each ~~voting place~~ county from members
5 of opposing political parties, if practicable. If there are
6 more than two lists filed, the appointments shall be made from
7 the lists presented by the two political parties having
8 received the highest number of votes in the state in the next
9 preceding regular election, if each of the parties presents a
10 list.

11 "If no lists are furnished, the appointing board
12 shall appoint an inspector and at least three clerks for each
13 voting place from the qualified electors of the ~~precinct~~
14 county from members of opposing political parties, if
15 practicable.

16 "§17-8-6.

17 "On the failure of any precinct election official to
18 attend at the hour of 7:00 ~~A.M.~~ a.m., ~~such the~~ precinct
19 election officials as may be present may complete the number.
20 If the inspector appointed is not present, the other precinct
21 election officials present shall choose one of their number to
22 serve as inspector and shall appoint from the qualified
23 electors, who are entitled by law to vote ~~at that polling~~
24 ~~place~~ in that county at the election then to be held, such
25 clerks as may be necessary to complete the requisite number of

1 precinct election officials. If there ~~should be~~ are no
2 precinct election officials present at the polling place by
3 the hour of 7:00 ~~A.M.~~ a.m., then any four qualified electors
4 who are entitled by law to vote ~~at that polling place~~ in that
5 county at the election then to be held may open the polls and
6 act as precinct election officials for the voting place during
7 the absence of an appointed precinct election official.

8 "§17-8-12.

9 "(a) The inspector and clerks shall each be entitled
10 to base compensation of fifty dollars (\$50). The compensation
11 of the election officials shall be paid as preferred claims,
12 out of ~~moneys~~ monies in the county treasury not appropriated,
13 on proper proof of service rendered. In all counties in which
14 the compensation of precinct election officials is prescribed
15 by local law or general law of local application at an amount
16 in excess of the amount prescribed, the compensation of the
17 precinct election officials shall not be decreased under this
18 section and the county commission may increase the
19 compensation so prescribed. In those counties in which
20 compensation of precinct election officials is set at an
21 amount in excess of five dollars (\$5) per day, but less than
22 fifty dollars (\$50) per day, the provision of the local law or
23 general law of local application relative thereto is
24 superseded and the compensation prescribed herein shall be the

1 total compensation of precinct election officials in the
2 counties.

3 "(b) In addition to the compensation provided in
4 subsection (a), each clerk shall be entitled to supplemental
5 compensation paid by the state to ensure that the total
6 compensation paid to each shall be in an amount of at least
7 seventy-five dollars (\$75) per day, and each inspector shall
8 be entitled to supplemental compensation paid by the state in
9 an amount that ensures that the total compensation of an
10 inspector is at least one hundred dollars (\$100) per day. Upon
11 completion of a local election school or being certified as a
12 qualified ~~poll worker~~ precinct election official by the
13 ~~probate judge~~ judge of probate, or both, each clerk and
14 inspector shall be entitled to receive an additional
15 twenty-five dollars (\$25) per day in compensation from the
16 state. The increase provided for in this subsection shall not
17 increase or decrease any salary supplement paid under a local
18 law which is in effect on October 1, 2005. ~~The provisions of~~
19 ~~this~~ This subsection shall only apply to those statewide
20 elections for which county expenses are reimbursed by the
21 state as defined in Chapter 16. ~~The provisions of this~~ This
22 subsection shall not apply to special county or other
23 elections held at any time other than at the time of holding
24 statewide elections.

25 "§17-8-14.

1 "(a) The judge of probate in each county may appoint
2 not more than two students for each precinct to serve
3 as unpaid student interns during elections. To be appointed
4 a student intern, a student must meet all of the following
5 qualifications:

6 "(1) Be recommended by a principal or other school
7 official, or by the individual responsible for the student's
8 home instruction program.

9 "(2) Be at least 16 years of age at the time of
10 the election for which the appointment is made.

11 "(3) Be a resident of the county or municipality for
12 which the appointment is made.

13 "(4) Be enrolled in a public high school, an
14 accredited private high school, or a home instruction program
15 and be classified as a junior or senior or the equivalent, or
16 be enrolled in a two-year or four-year institution of higher
17 education.

18 "(b) The duties of the student interns appointed
19 pursuant to this section shall be determined by the officials
20 in charge of the election in the county or municipality;
21 provided, however, the duties may not include either of the
22 following:

23 "(1) Determining the qualifications of a voter in
24 the event a voter is challenged.

1 "(2) The operation and maintenance of any voting
2 equipment.

3 "(c) Student interns shall at all times be under the
4 supervision of the poll managers of the election while
5 performing their duties at precincts.

6 "(d) Before performing any duties, student interns
7 shall attend all required training for ~~poll workers~~ precinct
8 election officials of the county or municipality and any
9 additional training considered necessary by the officials in
10 charge of the election in the county or municipality.

11 "(e) A student intern who works four or more hours
12 in a day during school hours on the day of an election or any
13 day of training shall be entitled to an excused absence from
14 school for purposes of Chapter 28 of Title 16."

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 11-MAR-21, as amended.

Jeff Woodard
Clerk

| | | |
|--------|-----------|-------------------------------|
| Senate | 22-APR-21 | Amended and Passed |
| House | 27-APR-21 | Concurred in Senate Amendment |