

1 HB319
2 142661-2
3 By Representative Wood
4 RFD: Constitution, Campaigns and Elections
5 First Read: 14-FEB-12

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ENROLLED, An Act,

To amend Sections 17-16-2, 17-16-2.1, and 17-16-4, Code of Alabama 1975, to more adequately provide for reimbursement of the county's election expenses and to alter the makeup and functions of Election Expense Reimbursement Committee charged with identifying other election expenses which should be eligible for reimbursement in an election cycle.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-16-2, 17-16-2.1, and 17-16-4 of the Code of Alabama 1975, are amended to read as follows:

"§17-16-2.

"(a) As used in this chapter, the term "expenses" shall include, but not be limited to, the following items and any other items approved as reimbursable expenses by the ~~Election Expense Reimbursement Committee pursuant to Section 17-16-2.1~~ Comptroller:

"(1) The compensation and mileage provided by law for election officials and any extraordinary labor costs incurred by the county for election functions and duties, including, but not limited to, compensation for temporary workers and overtime for employees of the county or sheriff's office, provided such additional costs are necessary and

1 directly related to functions and duties necessary for
 2 conducting the election.

3 "(2) The compensation provided by law for the clerk
 4 or other official acting as absentee election manager.

5 "(3) ~~The~~ Any necessary costs associated with
 6 programming or testing election equipment prior to an election
 7 and the costs of ballots, supplies, and other materials or
 8 equipment necessary for election officials to conduct
 9 elections as required by law and as certified by the judge of
 10 probate as chief election official of the county.

11 "(4) The costs of absentee ballots, supplies,
 12 postage, and other materials required by law to be furnished
 13 to the absentee election manager.

14 "(5) The cost of preparing and furnishing the lists
 15 of qualified electors to the election officials as required by
 16 law.

17 "(6) The cost of publishing any notice or other item
 18 related to any election and required by law, including, but
 19 not limited to, the publication of notice of any election and
 20 any voter lists.

21 "(b) The Comptroller shall provide the county
 22 commission a written explanation for the denial of any
 23 election expenses submitted for reimbursement pursuant to this
 24 chapter, and except in the event the county commission
 25 specifically waives the right to appeal in writing, there

1 shall be an automatic appeal to the Board of Adjustment from
2 the denial of a properly submitted election expense
3 reimbursement request.

4 "§17-16-2.1.

5 "(a) There is hereby established an Election Expense
6 ~~Reimbursement Reform~~ Committee designated to ~~identify any~~
7 ~~election costs not included in Section 17-16-2, which costs~~
8 ~~shall be included as a reimbursable election expense under~~
9 ~~this chapter~~ evaluate the expenditure necessary to conduct
10 elections in Alabama and to recommend legislation to ensure
11 the most cost-effective election expenditures, including, but
12 not limited to, each of the following:

13 "(1) The elimination of unnecessary costs for the
14 State of Alabama and the county commissions.

15 "(2) The identification of legitimate expenditures
16 on the county level which are not currently eligible for
17 reimbursement by the State of Alabama.

18 "(3) The consolidation of available resources and
19 personnel.

20 "(b) The committee shall consist of the following:

21 "(1) The President Pro Tempore of the Alabama Senate
22 or his or her designee.

23 "(2) The Speaker of the Alabama House of
24 Representatives or his or her designee.

25 "(3) The Secretary of State or his or her designee.

1 "(4) The Director of Finance or his or her designee.

2 "(5) The chair of the Senate Constitution, Campaign
3 Finance, Ethics and Election Committee or its successor
4 committee.

5 "(6) The chair of the House Constitution, Campaign
6 and Elections Committee or its successor committee.

7 "(7) The chair of the Senate Finance and Taxation
8 General Fund Committee or its successor committee.

9 "(8) The chair of the House Ways and Means General
10 Fund Committee or its successor committee.

11 "(c) The Legislative Fiscal Office and Legislative
12 Reference Service shall provide research assistance as
13 requested by the committee. Additionally, the committee may
14 request information or assistance from representatives of
15 county government regarding specific election procedures and
16 costs.

17 "~~(b)~~ (d) The committee shall meet at the call of
18 chair of the Senate Finance and Taxation General Fund
19 Committee. not less than 90 days prior to the 2012 state
20 primary to develop and approve the list of reimbursable
21 expenses for the upcoming election cycle. After the list has
22 been approved by the committee, it shall be forwarded to the
23 Comptroller's office. The recommendations of the committee
24 shall be presented to the President Pro Tempore of the Senate,
25 the Speaker of the House of Representatives, and the Governor

1 no later than 45 days prior to the first day of the 2013
2 Regular Session of the Alabama Legislature.

3 "(e) The members of the Legislature serving on the
4 committee shall be entitled to their legislative compensation
5 and expenses for each day the committee meets. ~~The Comptroller~~
6 shall distribute the list to the chair of each county
7 commission and each probate judge in the state no later than
8 60 days prior to the date of the primary. The list of approved
9 expenses shall apply in all elections and remain in effect
10 until and unless amended by the committee at least 90 days
11 prior to the primary in a subsequent election cycle.

12 "§17-16-4.

13 "The State of Alabama shall reimburse a county for
14 all sums expended by the county in payment of expenses as
15 provided for in Sections 17-16-2 ~~and 17-16-2.1~~ and incurred in
16 holding and conducting an election in which only candidates
17 for federal or state offices are nominated or federal or state
18 officials are elected. For the purposes of this section, a
19 candidate for federal or state office includes a candidate
20 seeking election as a district representative for a federal or
21 state office appearing on the ballot in any portion of a
22 county."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law; provided, however,

1 that the amendatory language in Section 17-16-2(a) shall not
2 take effect until January 1, 2016.

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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 08-MAR-12, as amended.

Greg Pappas
Clerk

Senate	10-MAY-12	Amended and Passed
House	10-MAY-12	Concurred in Senate Amendment