

1 HB44  
2 134845-1  
3 By Representative Williams (J)  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 07-FEB-12  
6 PFD: 12/01/2011

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8 SYNOPSIS: Under existing law, only voters, persons  
9 assisting voters, and election officials are  
10 allowed to be within 30 feet of a polling place.

11 This bill would increase the distance to 150  
12 feet.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT  
17

18 To amend Sections 11-46-28 and 17-9-50, Code of  
19 Alabama 1975, relating to proximity of persons other than  
20 voters and election officials to polling places, to increase  
21 the prohibited distance to 150 feet.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 11-46-28 and 17-9-50, Code of  
24 Alabama 1975, are amended to read as follows:

25 "§11-46-28.

26 "(a) Every polling place shall open for voting at  
27 7:00 A.M. and shall close at 7:00 P.M. and shall remain open

1 for voting for not less than 12 consecutive hours. All polling  
2 places in areas operating on eastern time may open and close  
3 under this section pursuant to eastern time.

4 "The election officers at voting places shall meet  
5 at the respective places of holding elections for which they  
6 have been appointed 30 minutes before the hour established by  
7 the municipal governing body to open the polls and shall at  
8 the designated hour open the several polling places as  
9 designated and keep them open without adjournment or recess  
10 until the hour established by the municipal governing body to  
11 close the polls and no longer.

12 "(b) Any qualified elector entitled to vote at a  
13 polling place who has identified himself or herself with the  
14 election officials at the polling place by closing time shall  
15 be permitted to cast his or her ballot.

16 "(c) Before entering upon their duties, the election  
17 officers must take an oath to perform their duties at the  
18 election according to law, and the oath may be administered  
19 either by any person authorized by law to administer oaths or  
20 by an election inspector.

21 "(d) When paper ballots are used, the inspectors  
22 shall select one of their number, on opening the polls, to act  
23 as challenger, and the challenger shall ascertain if each  
24 person presenting himself or herself to vote is registered,  
25 the finding to be from an examination of the official list of  
26 the voters furnished by the mayor or other chief executive  
27 officer.

1           "(e) Upon receipt of the list showing the names of  
2 every person whose name appears on the official list of  
3 qualified electors for that particular polling place who have  
4 applied for absentee ballots in the election, the election  
5 officials shall strike from the list of qualified electors  
6 kept at the polling place the name of every person who has  
7 applied for an absentee ballot, and no person who has applied  
8 for an absentee ballot shall vote again.

9           "(f) Before the election officials commence  
10 receiving ballots, the election inspectors must cause it to be  
11 proclaimed aloud at the places of voting that the election is  
12 opened.

13           "(g) After the polls have been opened, no  
14 adjournment or recess shall be taken until the certificate of  
15 the result of the election is signed.

16           "(h) When voting machines are used, the election  
17 officials shall also comply with Section 11-46-47, and upon  
18 completing the duties thereby imposed shall formally declare  
19 the polls opened.

20           "(i) The marshal, chief of police, or other chief  
21 law enforcement officer of the city or town shall preserve  
22 good order at all municipal elections held in the city or  
23 town, but not more than one officer shall at the same time be  
24 allowed to enter the polling place. Except as electors are  
25 admitted to vote and persons to assist them as provided in  
26 this article and except the above-mentioned law enforcement

1 officers, the election officials, and the watchers, no person  
2 shall be permitted within ~~30~~ 150 feet of the polling place.

3 "§17-9-50.

4 "Except as electors are admitted to vote and persons  
5 to assist them as herein provided, and except for the judge of  
6 probate, the sheriff, or his or her deputy, the precinct  
7 election officials, and watchers, no person shall be permitted  
8 within ~~30~~ 150 feet of the door of the building of the polling  
9 place."

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