

1 HB451
2 165177-3
3 By Representative Hill (M)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 09-APR-15

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to amend Section 17-6-28,
Code of Alabama 1975; to require a person who wants to be a
candidate for a county, state, or federal office through
write-in votes to file a written request with the Secretary of
State or judge of probate no later than 60 days before an
election; to require a write-in candidate to comply with the
provisions of the Fair Campaign Practices Act and the State
Ethics Law in order to have his or her vote counted; to
require poll officials to count write-in votes only if a
candidate is properly qualified to have write-in votes cast on
his or her behalf counted; and to require the Secretary of
State to promulgate rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-6-28, Code of Alabama 1975, is amended to read as follows:

"§17-6-28.

"Write-in votes shall be permitted only in
non-municipal general elections and shall be counted only if a
write-in candidate is properly registered as provided in
Section 2 of this act. The ballot must be constructed so that

1 the voter can mark a write-in vote ~~for each office,~~ along with
2 writing the name of the properly registered write-in
3 candidate, in the same manner that votes are ~~registered~~ marked
4 for regular candidates. ~~In order to cast a valid write-in~~
5 ~~vote, the voter must (1) write the name on the ballot and (2)~~
6 ~~register the vote by a mark in the space designated for that~~
7 ~~office. A write-in vote shall not be counted if the vote is~~
8 ~~not registered as provided above. If a voter registers a vote~~
9 ~~for a name on the ballot and then writes in another name for~~
10 ~~the same office but fails to register the write-in vote, the~~
11 ~~ballot shall be treated as if no write-in vote had occurred~~
12 ~~and the regular vote shall be counted. If a properly~~
13 ~~registered~~ marked write-in vote causes an over-vote, it shall
14 be treated as any other over-vote and none of the votes for
15 the over-voted office shall be counted. However, the remainder
16 of the ballot shall be counted. When counting write-in votes,
17 poll officials must check for over-votes if the electronic
18 ballot counter does not perform the function."

19 Section 2. (a) Any person who wants to be a
20 candidate for a county, state, or federal office through
21 write-in votes shall register with the Secretary of State, or,
22 if a local election, the judge of probate, at ~~least 60 days~~
23 ~~before the election~~ the same time independent candidates are
24 required to register, as an official write-in candidate. A
25 write-in candidate shall comply with the Fair Campaign
26 Practices Act and the State Ethics Law in order to have votes
27 cast for him or her counted.

1 (b) The Secretary of State shall promulgate rules in
2 accordance with the Administrative Procedure Act to develop a
3 process for persons to register as write-in candidates, and to
4 develop procedures to ensure that judges of probate, election
5 officials, and poll officials are properly notified in a
6 timely manner whether write-in votes must be counted for
7 write-in candidates. The Secretary of State may require,
8 through rules, that poll officials post the official names of
9 write-in candidates at polling places.

10 Section 3. 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.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 09-APR-15

Read for the second time and placed
on the calendar 1 amendment 23-APR-15

Read for the third time and passed
as amended..... 14-MAY-15

Yeas 80, Nays 14, Abstains 2

Jeff Woodard
Clerk