

1 SB133  
2 136910-3  
3 By Senator Coleman  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 07-FEB-12  
6 PFD: 01/31/2012

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 17-8-1, Code of Alabama 1975,  
12 relating to the appointment of election officials, to  
13 authorize the appointment of alternate election officials  
14 subject to certain limitations.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 17-8-1, Code of Alabama 1975, is  
17 amended to read as follows:

18 "§17-8-1.

19 "(a) The appointing board, or a majority of them  
20 acting as an appointing board, not more than 20 nor less than  
21 15 days before the holding of any election in their county,  
22 shall appoint from the qualified electors of the respective  
23 precinct, necessary precinct election officials, which shall  
24 include at least one inspector, to act at each voting place in  
25 each precinct. The appointing board may appoint the number of  
26 precinct election officials necessary for each precinct,  
27 provided that, absent consent of the county commission, the

1 total number of precinct election officials appointed in a  
2 county shall not exceed the total number of precinct election  
3 officials who were paid by the county for the general election  
4 held November 2004. In the event that the number of precincts  
5 or voting places utilized in an election within a county is  
6 increased or decreased, the total number of officials who may  
7 be appointed without consent of the county commission shall be  
8 increased or decreased proportionately based upon the average  
9 number of workers utilized in each precinct or polling place  
10 within the county. In the event that the county changes voting  
11 equipment from that used in the November 2004 election, the  
12 total number of precinct election officials the appointing  
13 board may appoint shall be the average number of precinct  
14 election officials per precinct or polling place utilized  
15 statewide for the general election held in November 2004,  
16 multiplied by the number of precincts or polling places in the  
17 county changing voting equipment; provided, however, that the  
18 number of precinct election officials appointed for any  
19 precinct in the county may be increased with the consent of  
20 the county commission. Members of a candidate's immediate  
21 family to the second degree of kinship by affinity or  
22 consanguinity and any member of a candidate's principal  
23 campaign committee are not eligible for appointment.

24 "(b) The precinct election officials shall have the  
25 following duties:

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

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

16           "(3) The poll list clerk shall ensure that each  
17 voter signs the poll list as provided in Sections 17-9-15 and  
18 17-13-7. A clerk shall print the voter's name on the poll list  
19 or a duplicate list so that the signature can be identified.  
20 The poll list clerk shall give a ballot to the voter with the  
21 stub attached to the ballot pad. Ballots shall be given out in  
22 sequence beginning with the lowest numbered ballot.

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

26           "(c) Any person who is compensated for working at  
27 the polls during any returning, other than an inspector

1 appointed under subsection (a), may work on a split shift  
2 schedule if determined necessary by the judge of probate. Each  
3 portion of a split shift shall consist of not less than six  
4 consecutive hours of work and the worker shall be paid  
5 one-half of the per day compensation provided for by general  
6 or local law in the county.

7 "(d) Notwithstanding the provisions of subsection  
8 (a), the judge of probate or other appropriate election  
9 officials in a county, may provide for the appointment of  
10 additional inspectors and clerks from within the county  
11 at-large to serve as alternates in the event an appointed  
12 inspector or clerk is unable to perform his or her duties.  
13 First priority shall be given for the appointment of  
14 alternates who are registered voters at the precinct where a  
15 vacancy exists. The number of alternates shall be limited as  
16 provided herein and no payment shall be provided for  
17 alternates in excess of the number authorized in this  
18 subsection. In a county with a population of less than 100,000  
19 inhabitants, the judge of probate or other appropriate  
20 election officials in the county may provide for the  
21 appointment and payment of up to four alternate inspectors,  
22 clerks, or returning officers; in a county with a population  
23 of 100,000 to 250,000 inhabitants, the judge of probate or  
24 other appropriate election officials in the county may provide  
25 for the appointment and payment of up to 12 alternate  
26 inspectors, clerks, or returning officers; and in a county  
27 with a population of more than 250,000 inhabitants, the judge

1 of probate or other appropriate election officials in the  
2 county may provide for the appointment and payment of up to 24  
3 alternate inspectors, clerks, or returning officers. The  
4 appointment and payment of alternates shall be election  
5 expenses eligible for reimbursement by the state Comptroller  
6 pursuant to general law."

7           Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Constitution, Campaign Finance, Eth-  
ics, and Elections..... 07-FEB-12

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 21-FEB-12

Read for the third time and passed as amended .... 23-FEB-12

Yeas 31  
Nays 0

Patrick Harris  
Secretary