

1 SB15
2 133150-2
3 By Senator Ward
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 07-FEB-12
6 PFD: 06/24/2011

1 SB15

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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 Sections 17-6-22 and 17-9-3, Code of
12 Alabama 1975, relating to political parties and persons
13 entitled to have their names printed on ballots, to reduce the
14 number of names of qualified electors required for political
15 parties and independent candidates for statewide office to
16 gain ballot access.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 17-6-22 and 17-9-3, Code of
19 Alabama 1975, are amended to read as follows:

20 "§17-6-22.

21 "(a) No political party, except those qualified as a
22 political party under Chapter 13, shall be included on any
23 general election ballot unless:

24 "(1) The party shall have filed with the Secretary
25 of State or other appropriate official ~~on the date of the~~
26 ~~first primary election~~ not later than noon on the third

1 Wednesday following the date prescribed for a second primary
2 election a list of the signatures of at least ~~three~~ one and
3 one-half percent of the qualified electors who cast ballots
4 for the office of Governor in the last general election for
5 the state, ~~county, city,~~ district, or other political
6 subdivision in which the political party seeks to qualify
7 candidates for office; and unless

8 "(2) The party shall have fulfilled all other
9 applicable requirements of federal, state, or local laws.

10 "(b) The provisions of this section are supplemental
11 to the provisions of Chapter 13, and other laws regarding the
12 conduct of elections in Alabama, and shall repeal only those
13 laws or parts of laws in direct conflict herewith.

14 "§17-9-3.

15 "(a) The following persons shall be entitled to have
16 their names printed on the appropriate ballot for the general
17 election, provided they are otherwise qualified for the office
18 they seek:

19 "(1) All candidates who have been put in nomination
20 by primary election and certified in writing by the chair and
21 secretary of the canvassing board of the party holding the
22 primary and filed with the judge of probate of the county, in
23 the case of a candidate for county office, and the Secretary
24 of State in all other cases, on the day next following the
25 last day for contesting the primary election for that office
26 if no contest is filed. If a contest is filed, then the

1 certificate for the contested office must be filed on the day
2 next following the date of settlement or decision of the
3 contest.

4 "(2) All candidates who have been put in nomination
5 by any caucus, convention, mass meeting, or other assembly of
6 any political party or faction and certified in writing by the
7 chair and secretary of the nominating caucus, convention, mass
8 meeting, or assembly and filed with the judge of probate, in
9 the case of a candidate for county office, and the Secretary
10 of State in all other cases, on or before 5:00 P.M. on the
11 date of the first primary election as provided for in Section
12 17-13-3.

13 "(3) Each candidate who has been requested to be an
14 independent candidate for a specified local office by written
15 petition signed by electors qualified to vote in the election
16 to fill the office when the petition has been filed with the
17 judge of probate, in the case of a county office ~~and with the~~
18 ~~Secretary of State in all other cases~~, on or before 5:00 P.M.
19 on the date of the first primary election as provided for in
20 Section 17-13-3. The number of qualified electors signing the
21 petition shall equal or exceed three percent of the qualified
22 electors who cast ballots for the office of Governor in the
23 last general election for the state, county, district, or
24 other political subdivision in which the candidate seeks to
25 qualify.

1 "(4) Each candidate who has been requested to be an
2 independent candidate for a specified statewide office by
3 written petition signed by electors qualified to vote in the
4 election to fill the office when the petition has been filed
5 with the Secretary of State on or before 5:00 P.M. on the date
6 of the first primary election as provided for in Section
7 17-13-3. The number of qualified electors signing the petition
8 shall equal or exceed one and one-half percent of the
9 qualified electors who cast ballots for the office of Governor
10 in the last general election for the state office for which
11 the candidate seeks to qualify.

12 (b) The Secretary of State, not later than 45 days
13 after the second primary, shall certify to the judge of
14 probate of each county in the state, in the case of an officer
15 to be voted for by the electors of the whole state, and to the
16 judges of probate of the counties composing the circuit or
17 district in the case of an officer to be voted for by the
18 electors of a circuit or district, upon suitable blanks to be
19 prepared by him or her for that purpose, the fact of
20 nomination or independent candidacy of each nominee or
21 independent candidate or candidate of a party who did not
22 receive more than 20 percent of the entire vote cast in the
23 last general election preceding the primary who has qualified
24 to appear on the general election ballot. The judge of probate
25 shall then prepare the ballot with the names of each candidate
26 qualified under the provisions of this section printed on the

1 ballot. The judge of probate may not print on the ballot the
2 name of any independent candidate who was a candidate in the
3 primary election of that year and the name of any nominee of a
4 political party who was a candidate for the nomination of a
5 different political party in the primary election of that
6 year."

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..... 14-FEB-12

Read for the third time and passed as amended 26-APR-12

Yeas 26
Nays 5
Abstaining 1

Patrick Harris
Secretary