

1 SB177
2 181589-1
3 By Senator Scofield
4 RFD: Constitution, Ethics and Elections
5 First Read: 14-FEB-17

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8 SYNOPSIS: Existing law does not provide for a
9 contingency plan in the event an election is
10 disrupted because of an emergency.

11 This bill would establish the Elections
12 Emergency Act and authorize the Governor to suspend
13 or delay elections in emergency circumstances.
14

15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to elections; to add a new Article 4,
20 commencing with Section 17-9-70, to Chapter 9 of Title 17 of
21 the Code of Alabama 1975; to establish the Elections Emergency
22 Act; to authorize the Governor to suspend or delay elections
23 in emergency circumstances.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. A new Article 4, commencing with Section
26 17-9-70, is added to Chapter 9 of Title 17 of the Code of
27 Alabama 1975, to read as follows:

1 ARTICLE 4. Emergencies.

2 §17-9-70.

3 This article shall be known and may be cited as the
4 Elections Emergency Act.

5 §17-9-71.

6 (a) As used in this article, imminent threat of
7 emergency means the imminent threat of a natural or man-made
8 disaster, including, but not limited to, fire, flood, storm,
9 earthquake, epidemic, technological failure or accident, riot,
10 sudden and severe energy shortage, act of terror, or other
11 condition that is likely to substantially impair the ability
12 of electors in any precinct, district, or county, to exercise
13 their right to vote in an upcoming election.

14 (b) Because of the existing and continuing
15 possibility of an emergency, act of terrorism, or common
16 disaster occurring before or during a regularly scheduled or
17 special election, and in order to ensure maximum citizen
18 participation in the electoral process and provide a safe and
19 orderly procedure for persons seeking to exercise their right
20 to vote, to generally minimize, to whatever degree possible, a
21 person's exposure to danger during declared states of
22 emergency, and to protect the integrity of the electoral
23 process, it is hereby found and declared to be necessary to
24 designate a procedure for the emergency suspension or delay
25 and rescheduling of elections.

26 (c) Upon the issuance of an executive order
27 declaring a state of emergency, as provided in Chapter 9 of

1 Title 31, or when the Governor issues a declaration that there
2 exists an imminent threat of emergency, the Governor may
3 suspend or delay any election. The Governor may take such
4 action independently or at the request of the Secretary of
5 State, a judge of probate from a county affected by the
6 emergency, or a municipal clerk from a municipality affected
7 by the emergency.

8 (d) The Governor, upon consultation with the
9 Secretary of State, shall reschedule any election suspended or
10 delayed due to an emergency. The election shall be held not
11 more than 10 calendar days after the date of the suspended or
12 delayed election, or as soon thereafter as is
13 practicable. Time permitting, notice of the election shall be
14 published at least once in a newspaper of general circulation
15 in the affected area and, where practicable, broadcast as a
16 public service announcement on radio and television stations
17 starting at least one week prior to the date the election is
18 to be held.

19 (e) The Secretary of State, by rule, shall adopt an
20 elections emergency contingency plan that contains goals and
21 policies that give specific direction to state and local
22 elections officials when an election has been suspended or
23 delayed due to an emergency. The contingency plan shall be
24 statewide in scope and shall provide, at a minimum, all of the
25 following:

26 (1) A procedure for state and local elections
27 officials to follow when an election has been suspended or

1 delayed to ensure notice of the suspension or delay to the
2 proper authorities, the electorate, the communications media,
3 and poll workers.

4 (2) A procedure for the orderly conduct of a
5 rescheduled election, whether municipal, county, district, or
6 statewide in scope; coordinating those efforts with the
7 appropriate elections officials and the members of the
8 governing body holding the election, if appropriate; and
9 working with the appropriate emergency management officials in
10 determining the safety of existing polling places or
11 designating additional polling places.

12 (3) A procedure for the release and certification of
13 election returns to the Secretary of State for suspended or
14 delayed and subsequently rescheduled elections.

15 §17-9-72.

16 In the event the Governor declares a state of
17 emergency pursuant to Chapter 9 of Title 31 in any precinct on
18 the day of an election, the county commission may establish,
19 at any safe and convenient place outside of the affected
20 precinct, an additional polling place for the qualified
21 electors of that precinct to vote. The registration books of
22 the affected precinct shall be applicable to and shall be used
23 at the polling place established pursuant to this section.

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