1    SB330

2    211597-1

3    By Senator Shelnutt

4    RFD: Governmental Affairs

5    First Read: 11-MAR-21

1   211597-1:n:03/10/2021:ANS/cr  LSA2021-691

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8   SYNOPSIS:            Under existing law, no judge of probate,

9                   sheriff, or clerk of the circuit court may serve on

10                  the appointing board when he or she is a candidate

11                  for election to any office during an election cycle

12                  and has opposition named on the ballot.

13                      Also under existing law, no circuit clerk

14                  may serve as absentee election manager when he or

15                  she is a candidate for election to any office

16                  during an election cycle and has opposition.

17                      This bill would expand this prohibition to

18                  certain family members of the judge of probate,

19                  sheriff, and clerk of the circuit court when the

20                  family member is a candidate for election to any

21                  office, the name of the candidate appears on the

22                  ballot in the county where the judge of probate,

23                  sheriff, or clerk of the circuit court holds

24                  office, and the candidate has opposition named on

25                  the ballot.

26                      This bill would prohibit an individual from

27                  serving on the board of registrars when he or she

1         or a family member is a candidate for election to

2         any office, the name of the candidate appears on

3         the ballot in the county where the registrar would

4         serve, and the candidate has opposition named on

5         the ballot.

6              This bill would prohibit the circuit clerk

7         or other individual from serving as absentee

8         election manager when he or she or certain family

9         members of the circuit clerk or other individual is

10        a candidate for election to any office, the name of

11        the candidate appears on the ballot in the county

12        or municipality where the circuit clerk or other

13        individual would serve as absentee election

14        manager, and the candidate has opposition named on

15        the ballot.

16             This bill would also make nonsubstantive,

17        technical revisions to update the existing code

18        language to current style.

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20                          A BILL

21                       TO BE ENTITLED

22                          AN ACT

23

24        Relating to elections; to amend Sections 17-3-2,

25   17-8-3, and 17-11-2, Code of Alabama 1975, Section 17-11-12,

26   Code of Alabama 1975, as last amended by Act 2019-318 of the

27   2019 Regular Session, and Sections 17-11-13 and 17-11-15, Code

1    of Alabama 1975; to prohibit the judge of probate, sheriff,

2    and clerk of the circuit court from serving on the appointing

3    board in certain circumstances; to prohibit an individual from

4    serving on the board of registrars in certain circumstances;

5    to prohibit the circuit clerk or other individual from serving

6    as absentee election manager in certain circumstances; and to

7    make nonsubstantive, technical revisions to update the

8    existing code language to current style.

9    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10           Section 1. Sections 17-3-2, 17-8-3, and 17-11-2,

11   Code of Alabama 1975, Section 17-11-12, Code of Alabama 1975,

12   as last amended by Act 2019-318 of the 2019 Regular Session,

13   and Sections 17-11-13 and 17-11-15, Code of Alabama 1975, are

14   amended to read as follows:

15           "§17-3-2.

16           "(a) Registration shall be conducted in each county

17   by a board of three reputable and suitable ~~persons~~ individuals

18   to be appointed, unless otherwise provided by law, by the

19   Governor, Auditor, and Commissioner of Agriculture and

20   Industries, or by a majority of them acting as a state board

21   of appointment. The registrars shall be qualified electors,

22   residents of the county, shall have a high school diploma or

23   equivalent, and possess the minimum computer and map reading

24   skills necessary to function in the office. The Secretary of

25   State shall prescribe guidelines to assist the state board of

26   appointment in determining the qualifications of registrars.

27   The registrars shall not hold an elective office during their

1    term. One of the members shall be designated by the state

2    board of appointment as chair of the board of registrars for

3    each county.

4         "(b) Notwithstanding ~~the provisions of~~ subsection

5    (a), the Legislature may provide by local law for the

6    appointment of additional members to the board of registrars

7    for a county that has two courthouses.

8         "(c) The provisions of this section shall not apply

9    in any county having a population of not less than 600,000

10   inhabitants according to the 1970 or any succeeding federal

11   decennial census, and any currently effective local law or

12   general law of local application providing for the appointment

13   of any member of the board of registrars in the county shall

14   remain in full force and effect and shall not be repealed by

15   operation of this chapter.

16        "<u>(d) Notwithstanding subsections (a) and (c), no</u>

17   <u>individual shall serve as a member of the board of registrars</u>

18   <u>if he or she, or his or her parent, child, spouse, or sibling,</u>

19   <u>is a candidate for election to any office, the name of the</u>

20   <u>candidate appears on the ballot in the county in which the</u>

21   <u>registrar would serve, and the candidate has opposition named</u>

22   <u>on the ballot.</u>

23        "§17-8-3.

24        "<u>(a)</u> When the judge of probate, sheriff, or clerk of

25   the circuit court is a candidate for election to any office ~~at~~

26   ~~that election~~ and has opposition named on the ballot, he or

27   she shall not serve on the appointing board. The judge of

1    probate, as the chief election official for the county, shall

2    certify to the qualified members of the appointing board the

3    fact of the candidacy of any member of the appointing board

4    immediately after the certificate of nomination, or petition,

5    as provided in Section 17-9-3, is filed.

6              "(b) No judge of probate, sheriff, or clerk of the

7    circuit court may serve on the appointing board if the parent,

8    child, spouse, or sibling of the judge of probate, sheriff, or

9    clerk of the circuit court is a candidate for election to any

10   office, the name of the candidate appears on the ballot in the

11   county in which the judge of probate, sheriff, or clerk of the

12   circuit court holds office, and the candidate has opposition

13   named on the ballot.

14             "§17-11-2.

15             "(a) In each county there shall be an "absentee

16   election manager," who shall fulfill the duties assigned by

17   this chapter. The circuit clerk of the county shall, at his or

18   her option, be the absentee election manager. If the circuit

19   clerk of the county declines the duties of absentee election

20   manager, the appointing board shall thereupon appoint an

21   absentee election manager, who shall be a person an individual

22   qualified by training and experience, who is and a qualified

23   elector of the county and who is not a candidate in the

24   election to perform the duties assigned by this chapter. The

25   county commission shall designate the place or office where

26   such duties shall be performed. Such The place or office shall

27   be open on the days and during the hours as that of the

1  circuit clerk prior to each election. Any person so appointed

2  shall have all the powers, duties, and responsibilities of the

3  circuit clerk for the purposes of this chapter, including the

4  power to administer oaths. ~~Such~~ The powers, duties, and

5  responsibilities shall terminate when the election results are

6  certified. The absentee election manager or circuit clerk

7  shall be entitled to the same compensation for the performance

8  of his or her duties as is provided in Section 17-11-14.

9      "(b) Notwithstanding subsection (a), no individual

10  shall serve as an absentee election manager if he or she, or

11  his or her parent, child, spouse, or sibling, is a candidate

12  for election to any office, the name of the candidate appears

13  on the ballot in the county in which the absentee election

14  manager would serve, and the candidate has opposition named on

15  the ballot.

16      "§17-11-12.

17      "Not less than 55 days prior to the holding of any

18  election, except a municipal election, to which this chapter

19  pertains, or in the case of a runoff primary election, not

20  more than 14 days after the first primary election, the

21  officer charged with the printing and distribution of the

22  official ballots and election supplies shall deliver to the

23  absentee election manager of each county in which the election

24  is held or to the person designated to serve in his or her

25  place a sufficient number of absentee ballots, envelopes, and

26  other necessary supplies. Not more than seven days after the

27  last day to qualify as a candidate in a municipal election, or

1     in the case of a runoff municipal election, not more than 14

2     days after the first election, or in the case of a municipal

3     election held for a purpose other than the election of

4     municipal officers, not more than seven days after the giving

5     of notice of the election, the officer charged with the

6     printing and distribution of the official ballots and election

7     supplies shall deliver to the absentee election manager of the

8     municipality in which the election is held, or to the person

9     designated to serve in his or her place, a sufficient number

10    of absentee ballots, envelopes, and other necessary supplies.

11    ~~If the absentee election manager is a candidate with~~

12    ~~opposition in the election, he or she shall immediately, upon~~

13    ~~receipt of the ballots, envelopes, and supplies, deliver them~~

14    ~~to the person authorized to act in his or her place, as~~

15    ~~provided in Section 17-11-13.~~

16              "§17-11-13.

17              "(a) When the circuit clerk is a candidate for any

18    office and has opposition, he or she shall be disqualified

19    from performing any of the duties imposed by this chapter with

20    reference to the handling of absentee ballots. At least 55

21    days prior to the election, the circuit clerk shall certify to

22    the appointing board of the county his or her candidacy with

23    opposition and that he or she is disqualified to serve or

24    otherwise prevented from serving. The appointing board shall

25    thereupon appoint a person to serve as absentee election

26    manager in the manner provided for in Section 17-11-2.

1        "(b) No circuit clerk may perform any of the duties

 2    imposed by this chapter with reference to the handling of

 3    absentee ballots if the parent, child, spouse, or sibling of

 4    the circuit clerk is a candidate for election to any office,

 5    the name of the candidate appears on the ballot in the county

 6    in which the circuit clerk holds office, and the candidate has

 7    opposition named on the ballot.

 8        "§17-11-15.

 9        "(a) In any municipal election that is held at a

10    time different from a primary or general election, the duties

11    with reference to the handling of absentee ballots which are

12    required of the circuit clerk shall be performed by the town

13    clerk, city clerk, or other officer performing the duties of

14    the clerk. If ~~such~~ the clerk or other officer is ~~also~~ a

15    candidate in ~~such~~ the election, the governing body of the city

16    or town shall appoint a qualified elector of the city or town

17    to perform the duties. ~~Such person~~ The individual so appointed

18    shall have all the powers, duties, and responsibilities of the

19    circuit clerk under this chapter.

20        "(b) No town clerk, city clerk, or other officer may

21    perform the duties imposed by subsection (a) if the parent,

22    child, spouse, or sibling of the town clerk, city clerk, or

23    other officer is a candidate for election to a municipal

24    office, the name of the candidate appears on the ballot in the

25    municipality in which the town clerk, city clerk, or other

26    officer serves, and the candidate has opposition named on the

27    ballot."

1          Section 2. This act shall become effective on the

2    first day of the third month following its passage and

3    approval by the Governor, or its otherwise becoming law.