

1 HB79  
2 164923-1  
3 By Representatives Ball, McMillan and Standridge  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, if a candidate does not  
9 receive a majority of votes cast in a primary  
10 election, a second primary election is held.

11 This bill would eliminate a second primary  
12 election by providing that the candidate who  
13 receives the greatest number of votes cast in a  
14 primary election becomes the party nominee in the  
15 general election.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to primary elections; to amend 17-5-2,  
22 17-5-7, 17-5-8, 17-6-21, 17-6-22, 17-9-3, 17-11-12, 17-13-3,  
23 17-13-18, 17-16-45, 17-16-46, and 21-4-21, Code of Alabama  
24 1975; to repeal Sections 17-13-19, 17-13-20, and 17-13-21,  
25 Code of Alabama 1975; and to eliminate a second primary  
26 election by providing that the candidate who receives the

1 greatest number of votes cast in a primary election becomes  
2 the party nominee in the general election.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 17-5-2, 17-5-7, 17-5-8, 17-6-21,  
5 17-6-22, 17-9-3, 17-11-12, 17-13-3, 17-13-18, 17-16-45,  
6 17-16-46, and 21-4-21, Code of Alabama 1975, are amended to  
7 read as follows:

8 "§17-5-2.

9 "(a) For purposes of this chapter, the following  
10 terms shall have the following meanings:

11 "(1) CANDIDATE. An individual who has done any of  
12 the following:

13 "a. Taken the action necessary under the laws of the  
14 state to qualify himself or herself for nomination or for  
15 election to any state office or local office or in the case of  
16 an independent seeking ballot access, on the date when he or  
17 she files a petition with the judge of probate in the case of  
18 county offices, with the appropriate qualifying municipal  
19 official in the case of municipal offices, or the Secretary of  
20 State in all other cases.

21 "b. Received contributions or made expenditures in  
22 excess of one thousand dollars (\$1,000), or given his or her  
23 consent for any other person or persons to receive  
24 contributions or make expenditures in excess of one thousand  
25 dollars (\$1,000), with a view to bringing about his or her  
26 nomination or election to any state office or local office.

27 "(2) CONTRIBUTION.

1            "a. Any of the following shall be considered a  
2 contribution:

3            "1. A gift, subscription, loan, advance, deposit of  
4 money or anything of value, a payment, a forgiveness of a  
5 loan, or payment of a third party, made for the purpose of  
6 influencing the result of an election.

7            "2. A contract or agreement to make a gift,  
8 subscription, loan, advance, or deposit of money or anything  
9 of value for the purpose of influencing the result of an  
10 election.

11           "3. Any transfer of anything of value received by a  
12 political committee from another political committee,  
13 political party, or other source.

14           "4. The payment of compensation by any person for  
15 the personal services or expenses of any other person if the  
16 services are rendered or expenses incurred on behalf of a  
17 candidate, political committee, or political party without  
18 payment of full and adequate compensation by the candidate,  
19 political committee, or political party. Provided, however,  
20 that the payment of compensation by a corporation for the  
21 purpose of establishing, administering, or soliciting  
22 voluntary contributions to a separate, segregated fund as  
23 permitted in this chapter, shall not constitute a  
24 contribution.

25           "b. The term "contribution" does not include:

1           "1. The value of services provided without  
2 compensation by individuals who volunteer a portion or all of  
3 their time on behalf of a candidate or political committee.

4           "2. The use of real or personal property and the  
5 cost of invitations, food, or beverages, voluntarily provided  
6 by an individual to a candidate or political committee in  
7 rendering voluntary personal services on the individual's  
8 residential or business premises for election-related  
9 activities.

10           "3. The sale of any food or beverage by a vendor for  
11 use in an election campaign at a charge to a candidate or  
12 political committee less than the normal comparable charge, if  
13 the charge to the political committee for use in an election  
14 campaign is at least equal to the cost of the food or beverage  
15 to the vendor.

16           "4. Any unreimbursed payment for travel expenses  
17 made by an individual who, on his or her own behalf,  
18 volunteers personal services to a candidate or political  
19 committee.

20           "5. The payment by a state or local committee of a  
21 political party of the cost of preparation, display, or  
22 mailing or other distribution incurred by the committee with  
23 respect to a printed slate card or sample ballot, or other  
24 printed listing of two or more candidates for any public  
25 office for which an election is held in the state, except that  
26 this subparagraph shall not apply in the case of costs  
27 incurred by the committee with respect to a display of the

1 listing made on broadcasting stations, or in newspapers,  
2 magazines, or other similar types of general public political  
3 advertising.

4 "6. The value or cost of polling data and voter  
5 preference data and information if provided to a candidate or  
6 political committee, unless the information was compiled with  
7 the advance knowledge of and approval of the candidate or the  
8 political committee.

9 "(3) DESIGNATED FILING AGENT. An individual  
10 appointed and authorized as attorney in fact to electronically  
11 submit any report or other filing required by this chapter on  
12 behalf of a candidate, his or her principal campaign  
13 committee, or a political action committee.

14 "(4) ELECTION. Unless otherwise specified, any  
15 general, special, or primary, ~~or runoff~~ election, or any  
16 convention or caucus of a political party held to nominate a  
17 candidate, or any election at which a constitutional amendment  
18 or other proposition is submitted to the popular vote.

19 "(5) ELECTIONEERING COMMUNICATION. Any communication  
20 disseminated through any federally regulated broadcast media,  
21 any mailing, or other distribution, electronic communication,  
22 phone bank, or publication which (i) contains the name or  
23 image of a candidate; (ii) is made within 120 days of an  
24 election in which the candidate will appear on the ballot;  
25 (iii) the only reasonable conclusion to be drawn from the  
26 presentation and content of the communication is that it is  
27 intended to influence the outcome of an election; and (iv)

1 entails an expenditure in excess of one thousand dollars  
2 (\$1,000).

3 "(6) EXPENDITURE.

4 "a. The following shall be considered expenditures:

5 "1. A purchase, payment, distribution, loan,  
6 advance, deposit, or gift of money or anything of value made  
7 for the purpose of influencing the result of an election.

8 "2. A contract or agreement to make any purchase,  
9 payment, distribution, loan, advance, deposit, or gift of  
10 money or anything of value, for the purpose of influencing the  
11 result of an election.

12 "3. The transfer, gift, or contribution of funds of  
13 a political committee to another political committee.

14 "b. The term "expenditure" does not include:

15 "1. Any news story, commentary, or editorial  
16 prepared by and distributed through the facilities of any  
17 broadcasting station, newspaper, magazine, or other periodical  
18 publication, unless the facilities are owned or controlled by  
19 any political party or political committee.

20 "2. Nonpartisan activity designed to encourage  
21 individuals to register to vote, or to vote.

22 "3. Any communication by any membership organization  
23 to its members or by a corporation to its stockholders and  
24 employees if the membership organization or corporation is not  
25 organized primarily for the purpose of influencing the result  
26 of an election.

1           "4. The use of real or personal property and the  
2 cost of invitations, food, or beverages, voluntarily provided  
3 by an individual in rendering voluntary personal services on  
4 the individual's residential or business premises for  
5 election-related activities.

6           "5. Any unreimbursed payment for travel expenses  
7 made by an individual who, on his or her own behalf,  
8 volunteers personal services to a candidate or political  
9 committee.

10          "6. Any communication by any person which is not  
11 made for the purposes of influencing the result of an  
12 election.

13          "7. The payment by a state or local committee of a  
14 political party of the cost of preparation, display, or  
15 mailing or other distribution incurred by the committee with  
16 respect to a printed slate card or sample ballot, or other  
17 printed listing of two or more candidates for any public  
18 office for which an election is held in the state, except that  
19 this subparagraph shall not apply in the case of costs  
20 incurred by the committee with respect to a display of the  
21 listing made on broadcasting stations, or in newspapers,  
22 magazines, or other similar types of general public political  
23 advertising.

24          "(7) IDENTIFICATION. The full name and complete  
25 address.

1           "(8) LOAN. A transfer of money, property, or  
2 anything of value in consideration of a promise or obligation,  
3 conditional or not, to repay in whole or part.

4           "(9) LOCAL OFFICE. Any office under the constitution  
5 and laws of the state, except circuit, district, or  
6 legislative offices, filled by election of the registered  
7 voters of a single county or municipality, or by the voters of  
8 a division contained within a county or municipality.

9           "(10) PERSON. An individual, partnership, committee,  
10 association, corporation, labor organization, or any other  
11 organization or group of persons.

12           "(11) PERSONAL AND LEGISLATIVE LIVING EXPENSES.  
13 Household supplies, personal clothing, tuition payments,  
14 mortgage, rent, or utility payments for a personal residence;  
15 admission to an entertainment event or fees for a country club  
16 or social club, unless tied to a specific campaign event or  
17 functions involving constituents; and any other expense,  
18 excluding food and beverages, that would exist irrespective of  
19 the candidate's campaign or duties as a legislator. Personal  
20 and legislative living expenses shall not include expenses for  
21 food, beverages, travel, or communications incurred by the  
22 legislator in the performance of the office held.

23           "(12) POLITICAL ACTION COMMITTEE. Any committee,  
24 club, association, political party, or other group of one or  
25 more persons, whether in-state or out-of-state, which receives  
26 or anticipates receiving contributions and makes or  
27 anticipates making expenditures to or on behalf of any Alabama

1 state or local elected official, proposition, candidate,  
2 principal campaign committee or other political action  
3 committee. For the purposes of this chapter, a person who  
4 makes a political contribution shall not be considered a  
5 political action committee by virtue of making such  
6 contribution.

7 "(13) POLITICAL PARTY. A political party as defined  
8 in Section 17-13-40.

9 "(14) PRINCIPAL CAMPAIGN COMMITTEE. The principal  
10 campaign committee designated by a candidate under Section  
11 17-5-4. A political action committee established primarily to  
12 benefit an individual candidate or an individual elected  
13 official shall be considered a principal campaign committee  
14 for purposes of this chapter.

15 "(15) PROPOSITION. Any proposal for submission to  
16 the general public for its approval or rejection, including  
17 proposed as well as qualified ballot questions.

18 "(16) PUBLIC OFFICIAL. Any person elected to public  
19 office, whether or not that person has taken office, by the  
20 vote of the people at the state, county, or municipal level of  
21 government or their instrumentalities, including governmental  
22 corporations, and any person appointed to a position at the  
23 state, county, or municipal level of government or their  
24 instrumentalities, including governmental corporations. For  
25 purposes of this chapter, a public official includes the  
26 chairs and vice chairs or the equivalent offices of each state  
27 political party as defined in Section 17-13-40.

1           "(17) STATE. The State of Alabama.

2           "(18) STATE OFFICE. All offices under the  
3 constitution and laws of the state filled by election of the  
4 registered voters of the state or of any circuit or district  
5 and shall include legislative offices.

6           "(b) The words and terms used in this chapter shall  
7 have the same meanings respectively ascribed to them in  
8 Section 36-25-1.

9           "§17-5-7.

10          "(a) Except as provided in subsection (d) and in  
11 Section 17-5-7.1, a candidate, public official, or treasurer  
12 of a principal campaign committee as defined in this chapter,  
13 may only use campaign contributions, and any proceeds from  
14 investing the contributions that are in excess of any amount  
15 necessary to defray expenditures of the candidate, public  
16 official, or principal campaign committee, for the following  
17 purposes:

18           "(1) Necessary and ordinary expenditures of the  
19 campaign.

20           "(2) Expenditures that are reasonably related to  
21 performing the duties of the office held. For purposes of this  
22 section, expenditures that are reasonably related to  
23 performing the duties of the office held do not include  
24 personal and legislative living expenses, as defined in this  
25 chapter.

26           "(3) Donations to the State General Fund, the  
27 Education Trust Fund, or equivalent county or municipal funds.

1           "(4) Donations to an organization to which a federal  
2 income tax deduction is permitted under subparagraph (A) of  
3 paragraph (1) of subsection (b) of Section 170 of the Internal  
4 Revenue Code of 1986, as amended, or any other charitable,  
5 educational, or eleemosynary cause of Section 501 of Title 26  
6 of the U. S. Code.

7           "(5) Inaugural or transitional expenses.

8           "(6) Donations to a legislative caucus organization  
9 registered under this chapter which does not operate as a  
10 political action committee.

11           "(b) Notwithstanding any other provision of law,  
12 including, but not limited to, Section 13A-10-61, a candidate,  
13 public official, or principal campaign committee may only  
14 accept, solicit, or receive contributions:

15           "(1) To influence the outcome of an election.

16           "(2) For a period of 12 months before an election in  
17 which the person intends to be a candidate. Provided, however,  
18 candidates for legislative and statewide office and their  
19 principal campaign committees may not accept, solicit, or  
20 receive contributions during the period when the Legislature  
21 is convened in session. For purposes of this section, the  
22 Legislature is convened in session at any time from the  
23 opening day of the special or regular session and continued  
24 through the day of adjournment sine die for that session.  
25 However, this subdivision shall not apply within 120 days of  
26 any primary, ~~runoff~~, or general election, and shall not apply  
27 to the candidates or their principal campaign committees

1 participating in any special election as called by the  
2 Governor. This subdivision shall not apply to a loan from a  
3 candidate to his or her own principal campaign committee.

4 "(3) For a period of 120 days after the election in  
5 which the person was a candidate, but only to the extent of  
6 any campaign debt of the candidate or principal campaign  
7 committee of the candidate as indicated on the campaign  
8 financial disclosure form or to the extent of reaching the  
9 threshold that is required for qualification as a candidate  
10 for the office which he or she currently holds, or both.

11 "(4) For the purpose of paying all expenses  
12 associated with an election challenge including, but not  
13 limited to, quo warranto challenges.

14 "(c) Notwithstanding any other provision of law,  
15 including, but not limited to, Section 13A-10-61, a candidate,  
16 public official, or principal campaign committee shall not  
17 accept, solicit, or receive contributions for any of the  
18 following reasons:

19 "(1) As a bribe, as defined by Sections 13A-10-60 to  
20 13A-10-63, inclusive.

21 "(2) For the intention of corruptly influencing the  
22 official actions of the public official or candidate for  
23 public office.

24 "(d) Notwithstanding any other provision of law, a  
25 principal campaign committee, during a two-year period  
26 commencing on the day after each regularly scheduled general  
27 election and ending on the day of the next regularly scheduled

1 general election, may pay qualifying fees to a political party  
2 and in addition thereto, during that period, may expend up to  
3 a cumulative total of five thousand dollars (\$5,000) of  
4 campaign contributions, and any proceeds from investing the  
5 contributions, for the following purposes:

6 "(1) Tickets for political party dinners or  
7 functions.

8 "(2) State or local political party dues or similar  
9 expenses incurred by independent or write-in candidates.

10 "§17-5-8.

11 "(a) The treasurer, designated filing agent, or  
12 candidate, shall file with the Secretary of State or judge of  
13 probate, as designated in Section 17-5-9, periodic reports of  
14 contributions and expenditures at the following times once a  
15 principal campaign committee files its statement under Section  
16 17-5-4 or a political action committee files its statement of  
17 organization under Section 17-5-5:

18 "(1) Beginning after the 2012 election cycle,  
19 regardless of whether a candidate has opposition in any  
20 election, monthly reports not later than the second business  
21 day of the subsequent month, beginning 12 months before the  
22 date of any primary, special, ~~runoff~~, or general election for  
23 which a political action committee or principal campaign  
24 committee receives contributions or makes expenditures with a  
25 view toward influencing such election's result. A monthly  
26 report shall include all reportable transactions for the

1 previous full month period. Reports shall be required as  
2 provided in subdivisions (2) and (3).

3 "(2) With regard to a primary, special, ~~runoff~~, or  
4 general election, a report shall be required weekly on the  
5 Monday of the succeeding week for each of the four weeks  
6 before the election that includes all reportable activities  
7 for the previous week.

8 "(3)a. In addition to the reporting dates specified  
9 in subdivisions (1) and (2), reports required to be filed with  
10 the Secretary of State shall be filed with the Secretary of  
11 State on the eighth, seventh, sixth, fifth, fourth, third, and  
12 second day preceding a legislative, state school board, or  
13 other statewide primary, special, ~~runoff~~, or general election,  
14 and by 12:01 p.m. on the day preceding a legislative, state  
15 school board, or statewide, primary, special, ~~runoff~~, or  
16 general election if any principal campaign committee or  
17 political action committee receives or spends in the aggregate  
18 five thousand dollars (\$5,000) or more on any day with a view  
19 toward influencing an election's results. If a daily report is  
20 required pursuant to this subdivision, the report shall  
21 include all reportable activity occurring on the day of the  
22 report as well as all reportable activity that has occurred on  
23 each day since the most recent prior report. Principal  
24 campaign committees and political action committees that are  
25 exempt from electronic filing and principal campaign  
26 committees and political action committees required to make  
27 daily reports pursuant to this subdivision for the 2012

1 election cycle may file reports by facsimile (FAX)  
2 transmission provided they keep proper documentation in their  
3 office.

4 "b. Electronic filing on the Secretary of State's  
5 website may be implemented sooner than the 2014 election cycle  
6 as an alternative method of reporting; however, electronic  
7 filing shall be required beginning with the 2014 election  
8 cycle. Electronic filings shall be available to the public on  
9 a searchable database maintained on the Secretary of State's  
10 website.

11 "(b) Except as provided in subsection (k), each  
12 principal campaign committee, political action committee, and  
13 elected state and local official covered under the provisions  
14 of this chapter, shall annually file with the Secretary of  
15 State or judge of probate, as designated in Section 17-5-9,  
16 reports of contributions and expenditures made during that  
17 year. The annual reports required under this subsection shall  
18 be made on or before January 31 of the succeeding year.

19 "(c) Each report under this section shall disclose:

20 "(1) The amount of cash or other assets on hand at  
21 the beginning of the reporting period and forward until the  
22 end of that reporting period and disbursements made from same.

23 "(2) The identification of each person who has made  
24 contributions to such committee or candidate within the  
25 calendar year in an aggregate amount greater than one hundred  
26 dollars (\$100), together with the amount and date of all such  
27 contributions; provided, however, in the case of a political

1 action committee identification shall mean the name and city  
2 of residence of each person who has made contributions within  
3 the calendar year in an aggregate amount greater than one  
4 hundred dollars (\$100).

5 "(3) The total amount of other contributions  
6 received during the calendar year but not reported under  
7 subdivision (c) (2) of this section.

8 "(4) Each loan to or from any person within the  
9 calendar year in an aggregate amount greater than one hundred  
10 dollars (\$100), together with the identification of the  
11 lender, the identification of the endorsers, or guarantors, if  
12 any, and the date and amount of such loans.

13 "(5) The total amount of receipts from any other  
14 source during such calendar year.

15 "(6) The grand total of all receipts by or for such  
16 committee during the calendar year.

17 "(7) The identification of each person to whom  
18 expenditures have been made by or on behalf of such committee  
19 or elected official within the calendar year in an aggregate  
20 amount greater than one hundred dollars (\$100), the amount,  
21 date, and purpose of each such expenditure, and, if  
22 applicable, the designation of each constitutional amendment  
23 or other proposition with respect to which an expenditure was  
24 made.

25 "(8) The identification of each person to whom an  
26 expenditure for personal services, salaries, and reimbursed  
27 expenses greater than one hundred dollars (\$100) has been

1 made, and which is not otherwise reported or exempted from the  
2 provisions of this chapter, including the amount, date, and  
3 purpose of such expenditure.

4 "(9) The grand total of all expenditures made by  
5 such committee or elected official during the calendar year.

6 "(10) The amount and nature of debts and obligations  
7 owed by or to the committee or elected official, together with  
8 a statement as to the circumstances and conditions under which  
9 any such debt or obligation was extinguished and the  
10 consideration therefor.

11 "(d) Each report required by this section shall be  
12 signed and filed by the elected official or on behalf of the  
13 political action committee by its chair or treasurer and, if  
14 filed on behalf of a principal campaign committee, by the  
15 candidate represented by such committee. There shall be  
16 attached to each such report an affidavit subscribed and sworn  
17 to by the official or chair or treasurer and, if filed by a  
18 principal campaign committee, the candidate represented by  
19 such committee, setting forth in substance that such report is  
20 to the best of his or her knowledge and belief in all respects  
21 true and complete, and, if made by a candidate, that he or she  
22 has not received any contributions or made any expenditures  
23 which are not set forth and covered by such report.

24 "(e) Commencing with the 2014 election cycle,  
25 electronic filing of contributions and expenditures for any  
26 legislative, state school board, and statewide primary,  
27 special, ~~runoff~~, or general election shall be mandatory,

1       except as provided in subsection (g). The Secretary of State  
2       may provide electronic reporting sooner than the 2014 election  
3       cycle. Electronic filing shall satisfy any filing requirements  
4       of this chapter and no paper filing is required for any report  
5       filed electronically.

6               "(f) In the 2012 election cycle the provisions for  
7       the time of filing contained in subsection (a) shall apply to  
8       the paper or facsimile (FAX) filings for any legislative,  
9       state school board, or statewide primary, special, ~~runoff~~, or  
10      general election.

11              "(g) Electronic filing of reports shall not apply to  
12      any campaign, principal campaign committee, or political  
13      action committee receiving ten thousand dollars (\$10,000) or  
14      less per election cycle.

15              "(h) In connection with any electioneering  
16      communication paid for by a person, nonprofit corporation,  
17      entity, principal campaign committee, or other political  
18      committee or entity, the payor shall disclose its  
19      contributions and expenditures in accordance with this  
20      section. The disclosure shall be made in the same form and at  
21      the same time as is required of political action committees in  
22      this section; provided, however, no duplicate reporting shall  
23      be required by a political committee.

24              "(i) Notwithstanding any disclosure requirements of  
25      subsection (h), churches are exempt from the requirements of  
26      this section unless the church's expenditures are used to  
27      influence the outcome of an election. Nothing herein shall

1 require a church to disclose the identities, donations, or  
2 contributions of members of the church. As used in this  
3 section, the term church is defined in accordance with and  
4 recognized by Internal Revenue Service guidelines and  
5 regulations.

6 "(j) Notwithstanding the disclosure requirements of  
7 this section, the provisions of this section shall not be  
8 interpreted to nor shall they require any disclosure for  
9 expenses incurred for any electioneering communication used by  
10 any membership or trade organization to communicate with or  
11 inform its members, its members' families, or its members'  
12 employees or for any electioneering communication by a  
13 business entity of any type to its employees or stockholders  
14 or their families.

15 "(k) Each report required by this section shall  
16 include all reportable transactions occurring since the most  
17 recent prior report; however, duplicate reporting is not  
18 required by this section. A political action committee or  
19 principal campaign committee that is required to file a daily  
20 report is not required to also file a weekly report for the  
21 week preceding an election specified in subdivision (3) of  
22 subsection (a); a committee required to file a weekly report  
23 is not required to also file a monthly report in the month in  
24 which the election is held; and a committee required to file a  
25 monthly report is not required to also file an annual report  
26 in the year in which the election is held. The monetary

1 balance in a report of each committee shall begin at the  
2 monetary amount appearing in the most recent prior report.

3 "(1) The Secretary of State may promulgate  
4 administrative rules pursuant to the Alabama Administrative  
5 Procedure Act as are necessary to implement and administer the  
6 changes made to this section by Act 2012-477.

7 "§17-6-21.

8 "(a) The official ballots shall contain the names of  
9 all candidates nominated by caucus, convention, mass meeting,  
10 primary election, or other assembly of any political party or  
11 faction, or by petition of electors and certified as provided  
12 in Section 17-9-3, but no person's name shall be printed upon  
13 the ballots who, within the time period set forth in  
14 subsection (c), notifies the judge of probate in writing,  
15 acknowledged before an officer authorized by law to take  
16 acknowledgments, that he or she will not accept the nomination  
17 specified in the certificate of nomination or petition of  
18 electors. The name of each candidate shall appear but one time  
19 on the ballot and under only one emblem.

20 "(b) A nomination for a candidate in a primary or  
21 general election shall be finalized by the respective state  
22 executive committees not later than 76 days before the primary  
23 or general election. Any amendment to a certification of a  
24 candidate by a state executive committee shall be filed with  
25 the judge of probate in the case of a county office, or the  
26 Secretary of State in the case of a state or federal office.  
27 Any amendment filed after the 76th day before a primary or a

1 general election shall be accepted by the judge of probate or  
2 the Secretary of State but shall not be cause for reprinting  
3 of the ballots. The name of a candidate who is the subject of  
4 the amendment and who is disqualified by a political party or  
5 who has withdrawn as a candidate shall remain on the ballot,  
6 not be replaced by the name of another candidate, and the  
7 appropriate canvassing board shall not certify any votes for  
8 the candidate. Any amendment to a certification to correct the  
9 spelling of the name of a candidate that is filed after the  
10 76th day before a primary or general election, ~~or after the~~  
11 ~~printing of absentee ballots for a primary runoff election has~~  
12 ~~commenced~~, shall not be cause for reprinting of the ballots  
13 and shall not affect the counting or certification of any  
14 votes cast for the candidate.

15 "(c) The notification deadline for persons who do  
16 not wish to accept nomination in a primary election is 76 days  
17 before the date of the election. A person who does not wish to  
18 accept nomination in a second primary election shall submit  
19 the notification set forth in subsection (a) before the  
20 printing of absentee ballots. The notification deadline for  
21 persons who do not wish to accept nomination in a general  
22 election is 76 days before the date of the election. In the  
23 event that a candidate submits a notification of withdrawal  
24 after the applicable deadline, the name of the candidate shall  
25 remain on the ballot and the appropriate canvassing board may  
26 not certify any votes for the candidate.

27 "§17-6-22.

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

4           "(1) The party shall have filed with the Secretary  
5 of State or other appropriate official on the date of the  
6 ~~first~~ primary election a list of the signatures of at least  
7 three percent of the qualified electors who cast ballots for  
8 the office of Governor in the last general election for the  
9 state, county, city, district, or other political subdivision  
10 in which the political party seeks to qualify candidates for  
11 office; and unless

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

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

18           "§17-9-3.

19           "(a) The following persons shall be entitled to have  
20 their names printed on the appropriate ballot for the general  
21 election, provided they are otherwise qualified for the office  
22 they seek:

23           "(1) All candidates who have been put in nomination  
24 by primary election and certified in writing by the chair and  
25 secretary of the canvassing board of the party holding the  
26 primary and filed with the judge of probate of the county, in  
27 the case of a candidate for county office, and the Secretary

1 of State in all other cases, on the day next following the  
2 last day for contesting the primary election for that office  
3 if no contest is filed. If a contest is filed, then the  
4 certificate for the contested office must be filed on the day  
5 next following the date of settlement or decision of the  
6 contest.

7 "(2) All candidates who have been put in nomination  
8 by any caucus, convention, mass meeting, or other assembly of  
9 any political party or faction and certified in writing by the  
10 chair and secretary of the nominating caucus, convention, mass  
11 meeting, or assembly and filed with the judge of probate, in  
12 the case of a candidate for county office, and the Secretary  
13 of State in all other cases, on or before 5:00 P.M. on the  
14 date of the ~~first~~ primary election as provided for in Section  
15 17-13-3.

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

1 other political subdivision in which the candidate seeks to  
2 qualify.

3 "(b) The Secretary of State, not later than 74 days  
4 before the general election, shall certify to the judge of  
5 probate of each county in the state, in the case of an officer  
6 to be voted for by the electors of the whole state, and to the  
7 judges of probate of the counties composing the circuit or  
8 district in the case of an officer to be voted for by the  
9 electors of a circuit or district, upon suitable blanks to be  
10 prepared by him or her for that purpose, the fact of  
11 nomination or independent candidacy of each nominee or  
12 independent candidate or candidate of a party who did not  
13 receive more than 20 percent of the entire vote cast in the  
14 last general election preceding the primary who has qualified  
15 to appear on the general election ballot. The judge of probate  
16 shall then prepare the ballot with the names of each candidate  
17 qualified under the provisions of this section printed on the  
18 ballot. The judge of probate may not print on the ballot the  
19 name of any independent candidate who was a candidate in the  
20 primary election of that year and the name of any nominee of a  
21 political party who was a candidate for the nomination of a  
22 different political party in the primary election of that  
23 year.

24 "§17-11-12.

25 "Not less than 55 days prior to the holding of any  
26 election, except a municipal election, to which this chapter  
27 pertains, ~~or in the case of a runoff primary election, not~~

1 ~~more than seven days after the first primary election,~~ the  
2 officer charged with the printing and distribution of the  
3 official ballots and election supplies shall deliver to the  
4 absentee election manager of each county in which the election  
5 is held or to the person designated to serve in his or her  
6 place a sufficient number of absentee ballots, envelopes, and  
7 other necessary supplies. Not more than seven days after the  
8 last day to qualify as a candidate in a municipal election, or  
9 in the case of a runoff municipal election, not more than 14  
10 days after the first election, or in the case of a municipal  
11 election held for a purpose other than the election of  
12 municipal officers, not more than seven days after the giving  
13 of notice of the election, the officer charged with the  
14 printing and distribution of the official ballots and election  
15 supplies shall deliver to the absentee election manager of the  
16 municipality in which the election is held, or to the person  
17 designated to serve in his or her place, a sufficient number  
18 of absentee ballots, envelopes, and other necessary supplies.  
19 If the absentee election manager is a candidate with  
20 opposition in the election, he or she shall immediately, upon  
21 receipt of the ballots, envelopes, and supplies, deliver them  
22 to the person authorized to act in his or her place, as  
23 provided in Section 17-11-13.

24 "§17-13-3.

25 "(a) Except as otherwise provided in subsection (b),  
26 primary elections, except special primary elections and  
27 presidential preference primaries, held at the expense of the

1 state or counties, shall be held on the first Tuesday in June.  
2 ~~When necessary, as provided in this chapter, a second or~~  
3 ~~runoff primary election shall be held on the sixth Tuesday~~  
4 ~~following the primary election. Any second primary shall be~~  
5 ~~held by the same election officers who held the first primary,~~  
6 ~~and be held at the same places as the first primary election.~~  
7 No primary shall be held by any political party except as  
8 herein provided. Primary elections herein provided for shall  
9 be held at the regular polling places established for the  
10 purpose of holding general elections.

11 "(b) In years in which a presidential primary is  
12 conducted, the primary election shall be the second Tuesday in  
13 March.

14 "(c) Notwithstanding any other provision of law, in  
15 any year in which the primary election is held in March and  
16 the primary election is held in conjunction with the  
17 presidential preference primary election, as provided in this  
18 section and Section 17-13-100, any reference in any existing  
19 statutes to a primary election being held in June shall be  
20 construed to refer to the primary election in March.

21 "§17-13-18.

22 (a) At the respective meetings of the respective  
23 executive committees, the county executive committee, as to  
24 candidates in the primary election for office, except  
25 candidates for county office, shall publicly ascertain,  
26 determine, and declare ~~whether any~~ which candidate for office  
27 in the primary election has received ~~a majority of the~~

1 greatest number of votes cast for the office, and, if so,  
2 declare the candidate the nominee of the party for the office  
3 for which he or she was a candidate and for which he or she  
4 received ~~a majority of~~ the greatest number of votes cast for  
5 that office in the primary election.

6 ~~(b) If no candidate receives a majority of all of~~  
7 ~~the votes cast in such primary election for any one office or~~  
8 ~~offices for the nomination to which there were more than two~~  
9 ~~candidates, then there shall be held a second primary election~~  
10 ~~on the sixth Tuesday following the primary election, and the~~  
11 ~~chair of the state executive committee shall certify to the~~  
12 ~~Secretary of State, immediately upon the completion of such~~  
13 ~~canvass, the names of the two candidates of the party to~~  
14 ~~receive the highest number of votes in the first primary~~  
15 ~~election for such office or offices, except county officers,~~  
16 ~~and who are to be voted for in the second primary election.~~  
17 ~~The chair of each county executive committee shall,~~  
18 ~~immediately upon the completion of such canvass, certify to~~  
19 ~~the judge of probate of the county the names of the two~~  
20 ~~candidates who received the highest number of votes in the~~  
21 ~~first primary for nomination to any county office. The~~  
22 ~~Secretary of State shall, within two business days from the~~  
23 ~~date the certificate is received from the chair of the state~~  
24 ~~executive committee, certify to the judge of probate of any~~  
25 ~~county where a second primary election is to be held the name~~  
26 ~~or names of the candidates certified as herein provided by the~~  
27 ~~chair of the state executive committee. The judge of probate~~

1 of each county in Alabama shall in the manner and form as  
2 required by this chapter and the general laws of Alabama, have  
3 prepared and printed all election supplies and all ballots to  
4 be voted in the second primary election, which ballots shall  
5 contain, under appropriate headings or titles of the offices  
6 to be filled, the names of the two candidates for each office  
7 so certified by the Secretary of State and the chair of the  
8 county executive committee, as herein required, as well as  
9 such other matters as are required by this chapter and the  
10 general laws of Alabama, on ballots for the first primary  
11 election.

12 (c) At the second primary election, no person can be  
13 a candidate except the two persons who receive the highest  
14 number of votes for the offices for which they were candidates  
15 in the first primary election.

16 (d) The returns from the second primary election  
17 shall be made and the votes canvassed, tabulated, and  
18 certified and the results declared in the same manner provided  
19 in this chapter for making, canvassing, tabulating,  
20 certifying, and declaring the results of the first primary  
21 election. The county executive committee of the parties  
22 participating in the primary election shall meet at the  
23 courthouse of their respective counties not later than the  
24 second Friday following the second primary election and  
25 receive the returns, canvass and tabulate the same by  
26 precinct, and publicly declare the results thereof. The chair  
27 of each county executive committee shall forthwith, and not

1 later than noon on the second Monday following the primary  
2 election, certify and return to the chair of the state  
3 executive committee a statement and tabulation by precincts of  
4 the results of the second primary election and of the number  
5 of votes received by each candidate for office therein voted  
6 for, except candidates for county office. Not later than noon  
7 on the third Wednesday following the second primary election,  
8 the state executive committee, or such subcommittee thereof as  
9 may have been appointed by the chair thereof for such purpose,  
10 shall meet at the State Capitol in Montgomery and receive the  
11 returns and canvass and tabulate the same by counties, and  
12 publicly declare on that day the result thereof as to all  
13 candidates voted for, except as to candidates for county  
14 office, which results shall be final. At such respective  
15 meetings of the respective executive committees, the county  
16 executive committee, as to candidates for county office voted  
17 for in the second primary election, and the state executive  
18 committee, as to candidates for office in the second primary  
19 election voted for therein, except candidates for county  
20 office, shall publicly ascertain and determine the candidates  
21 receiving a majority of all of the votes cast in such second  
22 primary election for any one office, and the candidates so  
23 ascertained and determined to have received a majority of all  
24 of the votes cast in such second primary election for the  
25 office shall be declared the nominee of the party for such  
26 office by the respective county and state executive  
27 committees. Thereupon and immediately upon the completion of

1 such canvass, the chair thereof shall certify to and file with  
2 the judge of probate of the county the names of those who have  
3 been nominated in the first or the second primary election or  
4 as otherwise authorized or provided by this chapter, as  
5 candidates of the party for county offices; and in like  
6 manner, and immediately upon the completion of such canvass,  
7 by the state executive committee, or subcommittee thereof, the  
8 chair of the state executive committee shall certify to and  
9 file with the Secretary of State the names of those who have  
10 been nominated in the first or second primary election or as  
11 otherwise authorized or provided by this chapter as candidates  
12 of the party for office, except candidates for county office,  
13 and the names of the persons so certified shall be placed upon  
14 the official ballot of the general election to be held in  
15 November next thereafter as the candidates of the party for  
16 the offices for which they, respectively, have been so  
17 nominated.

18 (e) The state executive committee or such  
19 subcommittee as provided in this section shall also provide  
20 the Secretary of State with the second primary election  
21 returns by precincts according to county on a form authorized  
22 by the Secretary of State on the third Wednesday following the  
23 secondary primary, county and municipal returns excepted.

24 "§17-13-50.

25 "(a) When any political party shall desire to hold  
26 any mass meeting, beat meeting, or other meeting of the voters  
27 of such party for the purpose of nominating any candidate or

1 candidates for public office to be voted for in a general  
2 election in Alabama or for the purpose of selecting delegates  
3 or other representatives to any convention which may select  
4 such candidates for public office or when any such party shall  
5 desire to hold such mass meeting, beat meeting, or other  
6 meeting of the voters of such party for the purpose of  
7 selecting committeemen, representatives, or other party  
8 officers of such party, all of such meetings shall be held as  
9 provided in this section.

10 "(b) All such meetings shall be held before the  
11 ~~first~~ primary election. The general public is privileged to  
12 attend such meetings, but not to participate. No less than  
13 five days prior to the date upon which any such mass meeting,  
14 beat meeting, or other meeting is to be held, notice of such  
15 meeting, including the time and place of such meeting, shall  
16 be filed with the judge of probate of the county in which any  
17 such meeting is to be held and shall be published in a  
18 newspaper of general circulation in the county at the expense  
19 of the political party holding such meeting. The judge of  
20 probate shall immediately forward to the Secretary of State a  
21 certified copy of all notices filed under this section.

22 "§17-16-45.

23 "In all election contests other than political party  
24 primaries ~~or runoffs~~, any person or candidate involved in the  
25 contest is entitled to make an examination of the ballots  
26 cast, given, or rejected in the election, to make an  
27 examination of the voting equipment used in the election, and

1 to make an examination of voting machine computations or  
2 printouts.

3 "§17-16-46.

4 "In all election contests involving elections other  
5 than party primaries ~~or runoffs~~:

6 "(1) The examining person or candidate seeking to  
7 examine the ballots, electronic voting machines, or electronic  
8 voting machine computations or printouts must move, within 10  
9 days of the filing of the contest, the court before whom the  
10 election contest is pending for an examination. The court  
11 shall set a hearing on the motion for examination which must  
12 take place within 10 days after service of the motion on the  
13 parties and candidates involved in the election contest. The  
14 hearing shall be held to determine the procedures to be used  
15 for the examination and the court shall, within five days  
16 after the hearing, set forth the procedures for the  
17 examination. Absent a subsequent court order extending the  
18 time for reasonable cause shown, the examination must be  
19 finished within 15 days of the court order which sets forth  
20 the examination procedures.

21 "(2) Examination procedures shall be within the  
22 discretion of the court. The court shall consider, in  
23 determining appropriate procedures, the need to preserve the  
24 integrity of the ballots, electronic voting machines, and  
25 electronic voting machine computations and printouts; the need  
26 to ensure that votes were accurately cast and counted; the  
27 need to ensure that all persons and candidates involved in the

1 election have the opportunity to observe the examination and  
2 ensure that an examination does not wrongfully alter the  
3 election results; the need to expeditiously conclude the  
4 election contest; and any other factor which is relevant to  
5 the integrity of the election process. The court must, when so  
6 requested by any party or candidate involved in the contest,  
7 allow such party or candidate, and his or her agents, to  
8 observe all of the examination proceedings.

9 "(3) The court shall require the examining party or  
10 candidate to make a deposit with the court or post a bond in a  
11 sum adequate to ensure prompt payment of all reasonable,  
12 necessary, and actual expenses incurred by any governmental  
13 entity during and as a result of the examination. If the  
14 examining person or candidate prevails in the election contest  
15 as a result of information obtained from the examination of  
16 the ballots, electronic voting machines, or electronic voting  
17 machine computations or printouts, he or she shall not be  
18 responsible for any expenses or costs incurred by any  
19 governmental entity during and as a result of the examination.

20 "§21-4-21.

21 "As used in this article, unless the context clearly  
22 indicates a different meaning, the following terms shall have  
23 meanings ascribed to them as follows:

24 "(1) ELDERLY INDIVIDUAL. An individual 65 years of  
25 age or older;

26 "(2) ELECTION FOR STATE OFFICE. A general, special,  
27 or primary, ~~or runoff~~ election for an executive, legislative

1 or judicial state office that is contested on a statewide  
2 basis;

3 "(3) HANDICAPPED INDIVIDUAL. An individual qualified  
4 to vote, who, by reason of illness, injury, age, congenital  
5 malfunction, or other permanent or temporary incapacity or  
6 disability, is unable without accessible facilities or  
7 registration and voting aids to have access to registration  
8 and voting equal to that available to persons who are not so  
9 affected;

10 "(4) STATE. State of Alabama;

11 "(5) VOTING PRECINCT. The area inhabited by all  
12 individuals assigned to one polling place for a state  
13 election."

14 Section 2. Sections 17-13-19, 17-13-20, and  
15 17-13-21, Code of Alabama 1975, are repealed.

16 Section 3. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.