

1 HB191  
2 127000-1  
3 By Representatives Davis, Buskey, Kennedy, Gaston and Fincher  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 08-MAR-11

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8 SYNOPSIS: Under Section 17-16-4, Code of Alabama 1975,  
9 the State reimburses counties for all sums expended  
10 by the counties in payment of expenses incurred in  
11 holding and conducting an election in which only  
12 candidates for federal or state office are  
13 nominated or elected. Section 17-16-2 of the Code  
14 defines these reimbursable expenses to include such  
15 items as the costs of ballots, supplies and  
16 materials furnished to election officials, the per  
17 diem and mileage provided to election officials,  
18 and the cost of preparing and furnishing lists of  
19 qualified electors.

20 The list of reimbursable expenses does not  
21 include the cost of advertising and media expenses,  
22 or telephone, computer, and communications  
23 operations expenses which are authorized by Section  
24 17-13-100, as amended by Act 2007-461, to be  
25 expended by counties that recognize Mardi Gras as a  
26 county holiday to implement additional election

1 provisions when the date of the presidential  
2 preference primary election is also Mardi Gras.

3 This bill would make legislative findings  
4 regarding these expenses.

5 In addition, the bill would include these  
6 expenses into the list of election expenses  
7 reimbursable by the State retroactive to the  
8 February 2008 presidential preference primary  
9 election.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
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15 Regarding election expenses; to make legislative  
16 findings; to amend Section 17-16-2, Code of Alabama 1975, to  
17 clarify that certain expenses incurred by counties that  
18 recognize Mardi Gras as a county holiday when the date of the  
19 presidential preference primary is also Mardi Gras are  
20 reimbursable by the State; and to provide for a retroactive  
21 effective date.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) The Legislature finds that:

24 (1) Section 17-13-100, Code of Alabama 1975, as  
25 amended by Act 2007-461, established additional provisions for  
26 holding presidential preference primary elections when the  
27 date of the election is also Mardi Gras. These additional

1 provisions include allowing qualified electors in Mobile  
2 County, Baldwin County, and any other county that recognizes  
3 Mardi Gras as a county holiday to vote an absentee ballot  
4 without regard as to whether the elector will be out of the  
5 municipality, county, or state on election day, and to vote on  
6 the Wednesday preceding the election day.

7 (2) In order to implement the additional provisions,  
8 the act authorized the county commission of each county that  
9 would be subject to its provisions to, among other things: pay  
10 expenses associated with telephone, computer, and  
11 communications operations as considered appropriate by the  
12 judge of probate and the county commission, not to exceed  
13 twenty-five thousand dollars (\$25,000) per county; pay holiday  
14 compensation amounts, as otherwise provided, to county  
15 employees; and pay advertising and media expenses incurred in  
16 attempting to inform the citizens of the county of early  
17 voting and absentee voting, as considered appropriate by the  
18 judge of probate, not to exceed one hundred thousand dollars  
19 (\$100,000) per county.

20 (3) The act further provides that "all expenses  
21 necessary to provide for absentee balloting or early voting in  
22 any county subject to this subsection shall be reimbursed by  
23 the state."

24 (4) The presidential preference primary held in  
25 Alabama on the first Tuesday in February of 2008 was also  
26 Mardi Gras and, as such, the additional provisions of Act  
27 2007-461 were utilized for the first time by the affected

1 counties for this election. Following the authorization  
2 contained in the act, Mobile County and Baldwin County each  
3 expended funds for advertising, telephone, computer, and  
4 communication operations to implement the provisions for  
5 absentee voting and early voting.

6 (5) The State Comptroller has not reimbursed Mobile  
7 County for their advertising and other allowable expenses  
8 under the provisions of Act 2007-461 because these expenses  
9 are not included in the list of reimbursable expenses as  
10 contained in Section 17-16-2, Code of Alabama 1975.

11 (b) The purpose of this act is to clarify the  
12 original intent of Act 2007-461 by including the allowable  
13 expenses for advertising, telephone, computer, and  
14 communications operations expenses into the list of expenses  
15 that may be reimbursed to the counties by the State for  
16 elections in which only candidates for state or federal office  
17 are nominated or elected retroactive to the 2008 presidential  
18 preference primary.

19 Section 2. Section 17-16-2, Code of Alabama 1975, is  
20 amended to read as follows:

21 "§17-16-2.

22 As used in this chapter, the term "expenses" shall  
23 include the following items, and no other:

24 (1) The per diem and mileage provided by law for  
25 election officials.

1           (2) The per diem provided by law for the clerk or  
2 other official acting in his or her stead for handling  
3 absentee ballots.

4           (3) The costs of ballots, supplies, and other  
5 materials required by law to be furnished to election  
6 officials and certified by the judge of probate as chief  
7 election official of the county. In those counties where  
8 electronic voting machines are used, such voting equipment  
9 shall not be considered as ballots, supplies, or materials, as  
10 herein used.

11           (4) The costs of absentee ballots, supplies, and  
12 other materials required by law to be furnished to the  
13 official handling absentee ballots.

14           (5) The cost of preparing and furnishing the lists  
15 of qualified electors to the election officials as required by  
16 law.

17           (6) The cost of advertising and media, telephone,  
18 computer, communications operations and other related expenses  
19 as authorized pursuant to Section 17-13-100(c) to be expended  
20 by counties that recognize Mardi Gras as a county holiday to  
21 implement additional election provisions when the date of the  
22 presidential preference primary election is also Mardi Gras."

23           Section 3. All laws or parts of laws which conflict  
24 with this act are repealed.

25           Section 4. This act shall become effective  
26 immediately following its passage and approval by the  
27 Governor, or its otherwise becoming law and shall have

1 retroactive application to the February 5, 2008, presidential  
2 preference primary election.