

1 HB142
2 115961-1
3 By Representative Ward
4 RFD: Constitution and Elections
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

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8 SYNOPSIS: Under existing law, to gain ballot access,
9 an independent candidate for office must file a
10 written petition signed by at least three percent
11 of the qualified electors who cast ballots for the
12 office of Governor in the last general election.

13 This bill would reduce the number of names
14 of qualified electors required for independent
15 candidates for statewide office to gain ballot
16 access.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 17-9-3, Code of Alabama 1975,
23 relating to persons entitled to have their names printed on
24 ballots, to reduce the number of names of qualified electors
25 required for independent candidates for statewide office to
26 gain ballot access.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 17-9-3, Code of Alabama 1975, is
2 amended to read as follows:

3 "§17-9-3.

4 "(a) The following persons shall be entitled to have
5 their names printed on the appropriate ballot for the general
6 election, provided they are otherwise qualified for the office
7 they seek:

8 "(1) All candidates who have been put in nomination
9 by primary election and certified in writing by the chair and
10 secretary of the canvassing board of the party holding the
11 primary and filed with the judge of probate of the county, in
12 the case of a candidate for county office, and the Secretary
13 of State in all other cases, on the day next following the
14 last day for contesting the primary election for that office
15 if no contest is filed. If a contest is filed, then the
16 certificate for the contested office must be filed on the day
17 next following the date of settlement or decision of the
18 contest.

19 "(2) All candidates who have been put in nomination
20 by any caucus, convention, mass meeting, or other assembly of
21 any political party or faction and certified in writing by the
22 chair and secretary of the nominating caucus, convention, mass
23 meeting, or assembly and filed with the judge of probate, in
24 the case of a candidate for county office, and the Secretary
25 of State in all other cases, on or before 5:00 P.M. on the
26 date of the first primary election as provided for in Section
27 17-13-3.

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

24 "(b) The Secretary of State, not later than 45 days
25 after the second primary, shall certify to the judge of
26 probate of each county in the state, in the case of an officer
27 to be voted for by the electors of the whole state, and to the

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

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.