

1 SB85
2 115770-1
3 By Senator Coleman
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 12-JAN-10
6 PFD: 01/06/2010

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8 SYNOPSIS: Under existing law, write-in votes are
9 permitted only in non-municipal general elections.

10 This bill would require that in order to
11 have a write-in vote counted, the voter must write
12 the name on the ballot and register the vote by a
13 mark in the space designated for that particular
14 office.

15 This bill would also require that a write-in
16 candidate be registered with the Secretary of State
17 or the judge of probate as an official write-in
18 candidate and comply with the provisions of the
19 Fair Campaign Practices Act and the State Ethics
20 Law in order to have his or her vote counted.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Section 17-6-28, Code of Alabama 1975,
27 relating to write-in votes, to require that a write-in

1 candidate be registered with the Secretary of State or the
2 judge of probate as an official candidate and comply with the
3 provisions of the Fair Campaign Practices Act and the State
4 Ethics Law in order for his or her vote to be counted.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 17-6-28, Code of Alabama 1975, is
7 amended to read as follows:

8 "§17-6-28.

9 "Write-in votes shall be permitted only in
10 non-municipal general elections. A write-in candidate must
11 register with the Secretary of State or the judge of probate,
12 as applicable, within 90 days prior to the election as an
13 official write-in candidate and must comply with the Fair
14 Campaign Practices Act and the State Ethics Law in order to
15 have his or her vote counted. The ballot must be constructed
16 so that the voter can mark a write-in vote for each office in
17 the same manner that votes are registered for regular
18 candidates. In order to cast a valid write-in vote, the voter
19 must (1) write the name on the ballot and (2) register the
20 vote by a mark in the space designated for that office. A
21 write-in vote shall not be counted if the vote is not
22 registered as provided above. If a voter registers a vote for
23 a name on the ballot and then writes in another name for the
24 same office but fails to register the write-in vote, the
25 ballot shall be treated as if no write-in vote had occurred
26 and the regular vote shall be counted. If a properly
27 registered write-in vote causes an over-vote, it shall be

1 treated as any other over-vote and none of the votes for the
2 over-voted office shall be counted. However, the remainder of
3 the ballot shall be counted. When counting write-in votes,
4 poll officials must check for over-votes if the electronic
5 ballot counter does not perform the function."

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