

1 HB247  
2 198510-4  
3 By Representatives Marques, Brown (C), Oliver, Sorrells,  
4 Stringer, Gaston, Lee, Clouse and Fridy  
5 RFD: Constitution, Campaigns and Elections  
6 First Read: 20-MAR-19

1  
2 ENROLLED, An Act,

3           Relating to elections; to amend Sections 17-9-5,  
4 17-11-12, 17-13-3, 17-13-17, and 17-13-18 of the Code of  
5 Alabama 1975, to reduce the required notice the judge of  
6 probate is required to give prior to each election; to revise  
7 certain time frames for the delivery of ballots in runoff  
8 elections; to revise certain time frames for the time and  
9 place for holding primary runoff elections; and to revise  
10 certain time frames for the canvassing, tabulation, and  
11 declaration of results in primary and runoff elections.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13           Section 1. Sections 17-9-5, 17-11-12, 17-13-3,  
14 17-13-17, and 17-13-18 of the Code of Alabama 1975, are  
15 amended to read as follows:

16           "§17-9-5.

17           "The judge of probate must give notice at least ~~30~~  
18 14 days before each election by publication in a newspaper of  
19 general circulation in the county, if any is published therein  
20 and, if not, by writings posted at the courthouse door and at  
21 three other public places in the county, of the time of  
22 holding and the offices to be filled by such election. Such  
23 notice shall consist only of the date of the election and the  
24 officers to be voted for or subjects to be voted on.

25           "§17-11-12.

1           "Not less than 55 days prior to the holding of any  
2 election, except a municipal election, to which this chapter  
3 pertains, or in the case of a runoff primary election, not  
4 more than ~~seven~~ 14 days after the first primary election, the  
5 officer charged with the printing and distribution of the  
6 official ballots and election supplies shall deliver to the  
7 absentee election manager of each county in which the election  
8 is held or to the person designated to serve in his or her  
9 place a sufficient number of absentee ballots, envelopes, and  
10 other necessary supplies. Not more than seven days after the  
11 last day to qualify as a candidate in a municipal election, or  
12 in the case of a runoff municipal election, not more than 14  
13 days after the first election, or in the case of a municipal  
14 election held for a purpose other than the election of  
15 municipal officers, not more than seven days after the giving  
16 of notice of the election, the officer charged with the  
17 printing and distribution of the official ballots and election  
18 supplies shall deliver to the absentee election manager of the  
19 municipality in which the election is held, or to the person  
20 designated to serve in his or her place, a sufficient number  
21 of absentee ballots, envelopes, and other necessary supplies.  
22 If the absentee election manager is a candidate with  
23 opposition in the election, he or she shall immediately, upon  
24 receipt of the ballots, envelopes, and supplies, deliver them

1 to the person authorized to act in his or her place, as  
2 provided in Section 17-11-13.

3 "§17-13-3.

4 "(a) Except as otherwise provided in subsection (b),  
5 primary elections, except special primary elections and  
6 presidential preference primaries, held at the expense of the  
7 state or counties, shall be held on the ~~first Tuesday in June~~  
8 fourth Tuesday in May. When necessary, as provided in this  
9 chapter, a second or runoff primary election shall be held on  
10 the ~~sixth~~ fourth Tuesday following the primary election. Any  
11 second primary shall be held by the same election officers who  
12 held the first primary, and be held at the same places as the  
13 first primary election. No primary shall be held by any  
14 political party except as herein provided. Primary elections  
15 herein provided for shall be held at the regular polling  
16 places established for the purpose of holding general  
17 elections.

18 "(b) In years in which a presidential primary is  
19 conducted, the primary election shall be the first Tuesday in  
20 March.

21 "(c) Notwithstanding any other provision of law, in  
22 any year in which the primary election is held in March and  
23 the primary election is held in conjunction with the  
24 presidential preference primary election, as provided in this  
25 section and Section 17-13-100, any reference in any existing

1 statutes to a primary election being held in June or May shall  
2 be construed to refer to the primary election in March.

3 "§17-13-17.

4 "The county executive committee of the party or  
5 parties participating in the primary election shall meet at  
6 the courthouse of its county, not later than noon on Tuesday  
7 next following the primary election, and receive the returns,  
8 canvass and tabulate the same, by precincts, and publicly  
9 declare the results thereof. The chair of each county  
10 executive committee shall forthwith, ~~and not later than noon~~  
11 ~~on the Wednesday eight days following the primary election,~~  
12 and no later than the close of business on the seventh day  
13 following the primary election certify and return to the chair  
14 of the state executive committee a statement and tabulation,  
15 by precincts, of the result of the primary election and of the  
16 number of votes received by each candidate therein for office,  
17 except candidates for county office. Not later than noon on  
18 the ~~Friday 10~~ Wednesday eight days following such primary  
19 election, the state executive committee, or such subcommittee  
20 thereof as may have been appointed by the chair thereof for  
21 such purpose, shall meet ~~at the State Capitol in Montgomery~~  
22 and receive the returns, canvass and tabulate the same by  
23 counties, and publicly declare on that day the results thereof  
24 as to all candidates for office therein, except candidates for  
25 county office, which results shall be final. The state

1 executive committee or such subcommittee as provided in this  
2 section shall also provide the Secretary of State with the  
3 primary election returns by precincts according to county on a  
4 form authorized by the Secretary of State on the ~~Friday 10~~  
5 Wednesday eight days following the primary election, county  
6 and municipal returns excepted.

7 "§17-13-18.

8 "(a) At the respective meetings of the respective  
9 executive committees, the county executive committee, as to  
10 candidates in the primary election for office, except  
11 candidates for county office, shall publicly ascertain,  
12 determine, and declare whether any candidate for office in the  
13 primary election has received a majority of the votes cast for  
14 the office, and, if so, declare the candidate the nominee of  
15 the party for the office for which he or she was a candidate  
16 and for which he or she received a majority of the votes cast  
17 for that office in the primary election.

18 "(b) If no candidate receives a majority of all of  
19 the votes cast in such primary election for any one office or  
20 offices for the nomination to which there were more than two  
21 candidates, then there shall be held a second primary election  
22 on the ~~sixth~~ fourth Tuesday following the primary election,  
23 and the chair of the state executive committee shall certify  
24 to the Secretary of State, immediately upon the completion of  
25 such canvass, the names of the two candidates of the party to

1 receive the highest number of votes in the first primary  
2 election for such office or offices, except county officers,  
3 and who are to be voted for in the second primary election.  
4 The chair of each county executive committee shall,  
5 immediately upon the completion of such canvass, certify to  
6 the judge of probate of the county the names of the two  
7 candidates who received the highest number of votes in the  
8 first primary for nomination to any county office. The  
9 Secretary of State shall, within two business days from the  
10 date the certificate is received from the chair of the state  
11 executive committee, certify to the judge of probate of any  
12 county where a second primary election is to be held the name  
13 or names of the candidates certified as herein provided by the  
14 chair of the state executive committee. The judge of probate  
15 of each county in Alabama shall in the manner and form as  
16 required by this chapter and the general laws of Alabama, have  
17 prepared and printed all election supplies and all ballots to  
18 be voted in the second primary election, which ballots shall  
19 contain, under appropriate headings or titles of the offices  
20 to be filled, the names of the two candidates for each office  
21 so certified by the Secretary of State and the chair of the  
22 county executive committee, as herein required, as well as  
23 such other matters as are required by this chapter and the  
24 general laws of Alabama, on ballots for the first primary  
25 election.

1           "(c) At the second primary election, no person can  
2 be a candidate except the two persons who receive the highest  
3 number of votes for the offices for which they were candidates  
4 in the first primary election.

5           "(d) The returns from the second primary election  
6 shall be made and the votes canvassed, tabulated, and  
7 certified and the results declared in the same manner provided  
8 in this chapter for making, canvassing, tabulating,  
9 certifying, and declaring the results of the first primary  
10 election. The county executive committee of the parties  
11 participating in the primary election shall meet at the  
12 courthouse of their respective counties not later than the  
13 second Friday following the second primary election and  
14 receive the returns, canvass and tabulate the same by  
15 precinct, and publicly declare the results thereof. The chair  
16 of each county executive committee shall forthwith, and not  
17 later than noon on the second Monday following the primary  
18 election, certify and return to the chair of the state  
19 executive committee a statement and tabulation by precincts of  
20 the results of the second primary election and of the number  
21 of votes received by each candidate for office therein voted  
22 for, except candidates for county office. Not later than noon  
23 on the third Wednesday following the second primary election,  
24 the state executive committee, or such subcommittee thereof as  
25 may have been appointed by the chair thereof for such purpose,



1 shall meet at the State Capitol in Montgomery and receive the  
2 returns and canvass and tabulate the same by counties, and  
3 publicly declare on that day the result thereof as to all  
4 candidates voted for, except as to candidates for county  
5 office, which results shall be final. At such respective  
6 meetings of the respective executive committees, the county  
7 executive committee, as to candidates for county office voted  
8 for in the second primary election, and the state executive  
9 committee, as to candidates for office in the second primary  
10 election voted for therein, except candidates for county  
11 office, shall publicly ascertain and determine the candidates  
12 receiving a majority of all of the votes cast in such second  
13 primary election for any one office, and the candidates so  
14 ascertained and determined to have received a majority of all  
15 of the votes cast in such second primary election for the  
16 office shall be declared the nominee of the party for such  
17 office by the respective county and state executive  
18 committees. Thereupon and immediately upon the completion of  
19 such canvass, the chair thereof shall certify to and file with  
20 the judge of probate of the county the names of those who have  
21 been nominated in the first or the second primary election or  
22 as otherwise authorized or provided by this chapter, as  
23 candidates of the party for county offices; and in like  
24 manner, and immediately upon the completion of such canvass,  
25 by the state executive committee, or subcommittee thereof, the

1 chair of the state executive committee shall certify to and  
 2 file with the Secretary of State the names of those who have  
 3 been nominated in the first or second primary election or as  
 4 otherwise authorized or provided by this chapter as candidates  
 5 of the party for office, except candidates for county office,  
 6 and the names of the persons so certified shall be placed upon  
 7 the official ballot of the general election to be held in  
 8 November next thereafter as the candidates of the party for  
 9 the offices for which they, respectively, have been so  
 10 nominated.

11 "(e) The state executive committee or such  
 12 subcommittee as provided in this section shall also provide  
 13 the Secretary of State with the second primary election  
 14 returns by precincts according to county on a form authorized  
 15 by the Secretary of State on the third Wednesday following the  
 16 secondary primary, county and municipal returns excepted."

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

