1   HB397

2   209523-1

3   By Representatives Gray, Daniels, Jackson, Lawrence, Grimsley,

4   Jones (S), Hatcher, McCampbell, Chestnut, Morris, Rafferty,

5   Coleman, Drummond, Givan, Boyd, Forte, Warren, Hollis,

6   England, McClammy, Bracy, Clarke, Hall and Howard

7   RFD: Constitution, Campaigns and Elections

8   First Read: 10-FEB-21

1   209523-1:n:02/01/2021:PMG/bm LSA2021-328

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8   SYNOPSIS: Existing law provides for straight political

9   party ticket voting in general elections.

10   This bill would eliminate straight political

11   party ticket voting in this state.

12   Existing law also requires proposed

13   constitutional amendment ballot measures to include

14   the nature of the proposed amendment.

15   This bill would provide that the description

16   of a proposed constitutional amendment on a ballot

17   must not intentionally misrepresent the content of

18   the proposed amendment.

19

20   A BILL

21   TO BE ENTITLED

22   AN ACT

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24   Relating to election ballots; to amend Sections

25   17-6-35, 17-6-41, and 17-7-21, Code of Alabama 1975; to

26   eliminate straight political party ticket voting and to

27   provide further for the description of proposed constitutional

1   amendments as they appear on the ballot; and to repeal

2   Sections 17-6-36, 17-6-37, 17-6-38, and 17-6-39, Code of

3   Alabama 1975, pertaining to straight party ticket voting.

4   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5   Section 1. Sections 17-6-35, 17-6-41, and 17-7-21,

6   Code of Alabama 1975, are amended to read as follows:

7   "§17-6-35.

8   "~~If the elector desires to vote a straight party~~

9   ~~ticket, that is, for each and every candidate for one party~~

10 ~~for whatever office nominated, he or she shall mark the name~~

11 ~~of the party at the head of the ticket in the manner~~

12 ~~determined by a rule adopted by the Secretary of State under~~

13 ~~the Administrative Procedure Act.~~ A ballot may not include any

14 feature allowing for straight political party ticket voting.

15   "§17-6-41.

16   "Whenever a constitutional amendment is submitted to

17 a vote of the qualified electors the substance or subject

18 matter of each proposed amendment shall be ~~so~~ printed ~~that~~ and

19 the nature and content thereof shall be clearly indicated in a

20 manner that does not intentionally misrepresent the nature and

21 content of the proposed amendment. Following each proposed

22 amendment or other public measure on the ballot shall be

23 printed the word "Yes" and immediately under that shall be

24 printed the word "No." The choice of the electors shall be

25 indicated by a mark made by the elector or under the elector's

26 direction opposite the words expressing the elector's desire.

27   "§17-7-21.

1   "(a) The governing body of any county or

2   municipality or other political subdivision of the state by

3   adoption of an appropriate resolution, may authorize, adopt,

4   and direct the use of electronic vote counting systems for use

5   in all elections held in ~~such~~ the county or municipality or

6   other political subdivision or any portion thereof~~; and such~~.

7   The resolution, a copy of which shall be filed with the

8   Secretary of State, shall specify the particular type of

9   equipment to be used and a procedure for implementation.

10   "(b) Notwithstanding subsection (a), no electronic

11   vote counting system shall be used unless it has been

12   constructed so that it does all of the following:

13   "(1) Permits and requires voting in secrecy.

14   "(2) Permits each elector to vote at any election

15   for all persons and offices for whom and for which he or she

16   is lawfully entitled to vote; to vote for as many persons for

17   an office as he or she is entitled to vote for; and to vote

18   for or against any question upon which he or she is entitled

19   to vote.

20   "~~(3) Permits the voter at other than primary~~

21   ~~elections to vote a straight political party ticket in one~~

22   ~~operation.~~

23   "~~(4)~~(3) Permits ~~such~~ automatic tabulating equipment

24   to be set to reject all votes for any office or question when

25   the number of votes therefor exceeds the number which the

26   voter is entitled to cast or when the voter is not entitled to

27   cast a vote for the office or question.

1   "(5)(4) Is capable of correctly counting votes.

2   "(6)(5) When used in primary elections, counts only

3   votes for the candidates of one party, rejects all votes for

4   an office when the number of votes therefor exceeds the number

5   which the voter is entitled to cast, and rejects all votes of

6   a voter cast for candidates of more than one party.

7   "(7)(6) At presidential elections, permits each

8   elector, by one operation, to vote for all presidential

9   electors of a party or independent candidates for president or

10   vice president.

11   "(8)(7) Provides a method for write-in voting.

12   "(9)(8) Is capable of accumulating a count of the

13   specific number of ballots tallied for a precinct;

14   accumulating total votes by candidate for each office; and

15   accumulating total votes for and against each question for

16   such the precinct.

17   "(10)(9) Is capable of tallying votes from ballots

18   of different political parties from the same precinct, in the

19   case of a primary election.

20   "(11)(10) Is capable of automatically producing

21   precinct vote totals in printed, marked, or punched form, or a

22   combination thereof.

23   "(12)(11) Is capable of accurately and correctly

24   tabulating each vote and having the same so certified."

25   Section 2. Sections 17-6-36, 17-6-37, 17-6-38, and

26   17-6-39, Code of Alabama 1975, pertaining to straight

27   political party ticket voting, are repealed.

1   Section 3. This act shall become effective on the

2   first day of the third month following its passage and

3   approval by the Governor, or its otherwise becoming law.