

1 SB398
2 185749-1
3 By Senator Hightower
4 RFD: Constitution, Ethics and Elections
5 First Read: 27-APR-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, an independent candidate
9 seeking office must file a petition that is signed
10 by at least three percent of qualified electors who
11 cast ballots for the office of Governor in the last
12 general election in the state, county, district, or
13 other political subdivision in which the candidate
14 seeks to qualify.

15 This bill would lower the percentage of
16 signatures needed on a petition to gain ballot
17 access for an independent candidate in certain
18 special elections.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating to special elections; to amend Section
25 17-9-3, Code of Alabama 1975, to lower the percentage of
26 signatures needed on a petition to gain ballot access for an
27 independent candidate in certain special elections.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§17-9-3.

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

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

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

1 date of the first primary election as provided for in Section
2 17-13-3.

3 "(3) Each candidate who has been requested to be an
4 independent candidate for a specified office by written
5 petition signed by electors qualified to vote in the election
6 to fill the office when the petition has been filed with the
7 judge of probate, in the case of a county office and with the
8 Secretary of State in all other cases, on or before 5:00 P.M.
9 on the date of the first primary election as provided for in
10 Section 17-13-3. The number of qualified electors signing the
11 petition shall equal or exceed three percent of the qualified
12 electors who cast ballots for the office of Governor in the
13 last general election for the state, county, district, or
14 other political subdivision in which the candidate seeks to
15 qualify, provided however the requirement shall be one percent
16 for a special election when the primary election date falls
17 within 120 days after the Governor orders the special
18 election.

19 "(b) The Secretary of State, not later than 74 days
20 before the general election, shall certify to the judge of
21 probate of each county in the state, in the case of an officer
22 to be voted for by the electors of the whole state, and to the
23 judges of probate of the counties composing the circuit or
24 district in the case of an officer to be voted for by the
25 electors of a circuit or district, upon suitable blanks to be
26 prepared by him or her for that purpose, the fact of
27 nomination or independent candidacy of each nominee or

1 independent candidate or candidate of a party who did not
2 receive more than 20 percent of the entire vote cast in the
3 last general election preceding the primary who has qualified
4 to appear on the general election ballot. The judge of probate
5 shall then prepare the ballot with the names of each candidate
6 qualified under the provisions of this section printed on the
7 ballot. The judge of probate may not print on the ballot the
8 name of any independent candidate who was a candidate in the
9 primary election of that year and the name of any nominee of a
10 political party who was a candidate for the nomination of a
11 different political party in the primary election of that
12 year."

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.