

1 HB266
2 165680-1
3 By Representatives Melton, England, Ford, McCampbell, Knight,
4 Lawrence, McClammy, Holmes (A), Clarke, Grimsley, Boyd, Bandy,
5 Bracy, Moore (M), Rogers, Daniels, Coleman-Evans, Alexander,
6 Hall and Robinson
7 RFD: Constitution, Campaigns and Elections
8 First Read: 12-MAR-15

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8 SYNOPSIS: Under existing law, general elections are
9 held on the first Tuesday after the first Monday in
10 November.

11 This bill would create a five-day voting
12 period for general elections beginning on the
13 Friday before the first Tuesday after the first
14 Monday in November.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to general elections; to amend Sections
21 17-9-5, 17-9-8, 17-9-51, 17-11-18, 17-14-3, 17-14-4, 17-14-6,
22 17-14-8, 17-14-10, and 17-14-11, Code of Alabama 1975; and to
23 create a five-day voting period for general elections
24 beginning on the Friday before the first Tuesday after the
25 first Monday in November.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 17-9-5, 17-9-8, 17-9-51,
2 17-11-18, 17-14-3, 17-14-4, 17-14-6, 17-14-8, 17-14-10, and
3 17-14-11, Code of Alabama 1975, are amended to read as
4 follows:

5 "§17-9-5.

6 "The judge of probate must give notice at least 30
7 days before the first day of each election by publication in a
8 newspaper of general circulation in the county, if any is
9 published therein and, if not, by writings posted at the
10 courthouse door and at three other public places in the
11 county, of the time of holding and the offices to be filled by
12 such election. Such notice shall consist only of the date or
13 dates of the election and the officers to be voted for or
14 subjects to be voted on.

15 "§17-9-8.

16 "After the polls have opened, no adjournment or
17 recess shall be taken until the certificate of the result of
18 the election is signed, except that during a general election,
19 a recess shall be taken from 7:00 P.M. until 7:00 A.M. of the
20 following day for the duration of the five-day period of the
21 election.

22 "§17-9-51.

23 "(a) No absentee ballot shall be opened or counted
24 if received by the absentee election manager by mail, unless
25 postmarked as of the date prior to the last day of the
26 election and received by mail no later than noon on the last
27 day of election, or, if received by the absentee election

1 manager by hand delivery, unless so delivered by the voter or
2 medical emergency designee to the absentee election manager
3 not later than the close of the last business day next
4 preceding the last day of the election or, if delivered by the
5 medical emergency designee, by noon on the last day of the
6 election.

7 "(b) The above provision does not apply in the case
8 of individuals voting absentee pursuant to the Uniformed and
9 Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C.
10 1973ff et seq., when those individuals are voting in a
11 primary, second primary, general, or special election for a
12 federal, state, or county office or proposed constitutional
13 amendment or other referenda. In the case of UOCAVA voters
14 voting absentee in a primary, second primary, general, or
15 special election for a federal, state, or county office or
16 proposed constitutional amendment or other referenda, no
17 absentee ballot shall be opened or counted, if received by the
18 absentee election manager by mail, unless postmarked as of the
19 day of the primary, second primary, last day of the general,
20 or special election and received by mail no later than noon
21 seven days after the primary, second primary, general, or
22 special election.

23 "§17-11-18.

24 "(a) No absentee ballot shall be opened or counted
25 if received by the absentee election manager by mail, unless
26 postmarked as of the date prior to the last day of the
27 election and received by mail no later than noon on the last

1 day of election, or, if received by the absentee election
2 manager by hand delivery, unless so delivered by the voter or
3 medical emergency designee to the absentee election manager
4 not later than the close of the last business day next
5 preceding the last day of the election or, if delivered by the
6 medical emergency designee, by noon on the last day of the
7 election.

8 "(b) The above provision does not apply in the case
9 of individuals voting absentee pursuant to the federal
10 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA),
11 42 U.S.C. 1973ff, when those individuals are voting in a
12 primary, second primary, general, or special election for a
13 federal, state, or county office or proposed constitutional
14 amendment or other referenda. In the case of UOCAVA voters
15 voting absentee in a primary, second primary, general, or
16 special election for a federal, state, or county office or
17 proposed constitutional amendment or other referenda, no
18 absentee ballot shall be opened or counted, if received by the
19 absentee election manager by mail, unless postmarked as of the
20 day of the primary, second primary, last day of the general,
21 or special election and received by mail no later than noon
22 seven days after the primary, second primary, general, or
23 special election.

24 "§17-14-3.

25 "The Governor, Lieutenant Governor, Attorney
26 General, Auditor, Secretary of State, Treasurer, Commissioner
27 of Agriculture and Industries, senators and representatives in

1 the Legislature, a sheriff in each county, one coroner in all
2 counties having a coroner, and other officers not otherwise
3 provided for, shall be elected ~~on~~ during the five-day period
4 beginning on a Friday and ending on the first Tuesday after
5 the first Monday in November 2006, and every fourth year
6 thereafter. A president of the Public Service Commission shall
7 be elected ~~on~~ during the five-day period beginning on a Friday
8 and ending on the first Tuesday after the first Monday in
9 November 2008, and every fourth year thereafter. Two associate
10 public service commissioners shall be elected ~~on~~ during the
11 five-day period beginning on a Friday and ending on the first
12 Tuesday after the first Monday in November 2006, and every
13 fourth year thereafter.

14 "§17-14-4.

15 "Except as otherwise provided by local law, members
16 of county commissions, one county treasurer in all counties
17 having a county treasurer, and one constable for each election
18 precinct shall be elected ~~on~~ during the five-day period
19 beginning on a Friday and ending on the first Tuesday after
20 the first Monday in November 2008, and every fourth year
21 thereafter.

22 "§17-14-6.

23 "The judges of the circuit and district courts, the
24 judge of probate, the judges of the courts of appeals, and
25 clerks of the circuit court shall be elected ~~on~~ during the
26 five-day period beginning on a Friday and ending on the first
27 Tuesday after the first Monday in November 2006, and they

1 shall hold their respective offices for the term of six years
2 from the first Monday after the second Tuesday in January next
3 after their election and until their successors are elected
4 and qualified.

5 "Unless otherwise provided in the Constitution of
6 Alabama of 1901, vacancies in any judicial office shall be
7 filled by appointment by the Governor.

8 "The office of a judge shall be vacant if the
9 incumbent dies, resigns, retires, or is removed. The
10 appointment of a judge of probate is for the remainder of the
11 unexpired term.

12 "A judge, other than a judge of probate, appointed
13 to fill a vacancy, shall serve an initial term lasting until
14 the first Monday after the second Tuesday in January following
15 the next general election held after he or she has completed
16 one year in office. At the election the judicial office shall
17 be filled for a full term of office beginning at the end of
18 the appointed term.

19 "§17-14-8.

20 "One district attorney for each judicial circuit
21 shall be elected ~~on~~ during the five-day period beginning on a
22 Friday and ending on the first Tuesday after the first Monday
23 in November 2010, and every six years thereafter, and they
24 shall hold office for a term of six years from the first
25 Monday after the second Tuesday in January next after their
26 election and until their successors are elected and qualified.

27 "§17-14-10.

1 "Electors for President and Vice President of the
2 United States shall be elected ~~on~~ during the five-day period
3 beginning on a Friday and ending on the first Tuesday after
4 the first Monday in November 2008, and every fourth year
5 thereafter. A member of Congress from each congressional
6 district shall be elected ~~on~~ during the five-day period
7 beginning on a Friday and ending on the first Tuesday after
8 the first Monday in November 2006, and every second year
9 thereafter."

10 "§17-14-11.

11 "At the general election to be held ~~on~~ during the
12 five-day period beginning on a Friday and ending on the first
13 Tuesday after the first Monday in November 2008, and each six
14 years thereafter, a senator of and from the State of Alabama
15 in the Senate of the United States shall be elected by the
16 people for a term of six years, beginning on the third day of
17 January next after the election. At the general election to be
18 held ~~on~~ during the five-day period beginning on a Friday and
19 ending on the first Tuesday after the first Monday in November
20 2010, and every six years thereafter, a senator of and from
21 the State of Alabama in the Senate of the United States shall
22 be elected by the people for a term of six years, beginning on
23 the third day of January next after the election."

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