

1 HB666  
2 169161-1  
3 By Representative Davis  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 14-MAY-15

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8 SYNOPSIS: This bill would provide a procedure for  
9 conducting a federal instant runoff primary  
10 election and a special federal ballot for those  
11 primary elections in which the nomination for a  
12 federal office other than president is contested by  
13 three or more candidates.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to primary elections; to provide a  
20 procedure for conducting a federal instant runoff primary  
21 election and a special federal ballot for those primary  
22 elections in which the nomination for a federal office other  
23 than president is contested by three or more candidates.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 17-13-8.1 is added to the Code of  
26 Alabama 1975, to read as follows:

27 §17-13-8.1.

1           (a) Notwithstanding the provisions of Section  
2       17-6-23, in a primary election, this section shall apply to  
3       any county or portion thereof in which the nomination for a  
4       federal office other than the office of president is contested  
5       by three or more candidates.

6           (b) The judge of probate shall prepare all of the  
7       following:

8           (1) A special federal ballot to be used in a federal  
9       instant runoff primary election. The special federal ballot  
10      shall contain a list of all federal offices contested by three  
11      or more candidates and the candidates qualifying for the  
12      election for each office.

13          (2) A special state ballot for the primary election.  
14      The special state ballot shall contain the office of president  
15      in presidential election years, any federal offices for which  
16      there are only two candidates, all state and county offices,  
17      and any referenda to be voted on in the primary election.

18          (c) (1) The special federal ballot shall permit the  
19      voter to vote in a federal instant runoff primary election by  
20      indicating his or her order of preference for each candidate  
21      for each office listed on the ballot.

22          (2) To indicate his or her order of preference for  
23      each candidate for each office, the voter shall mark or put  
24      the number one next to the name of the candidate who is his or  
25      her first choice, the number two for his or her second choice,  
26      and so forth, so that, in consecutive numerical order, a  
27      number indicating the preference of the voter is marked or

1 written by the voter next to the name of the candidate on the  
2 ballot. However, the voter is not required to indicate his or  
3 her preference for more than one candidate on the ballot if he  
4 or she so chooses.

5 (3) The special federal ballot shall be marked as a  
6 special federal instant runoff primary ballot.

7 (4) Instructions shall be provided with the special  
8 federal ballot to the voter explaining the special federal  
9 instant runoff voting process.

10 (5) The special federal ballots shall be counted in  
11 the following manner for each office listed on the ballot:

12 a. For the first round of the federal instant runoff  
13 primary election, the first choice preference of each voter  
14 shall be the vote counted as cast by the voter. If no  
15 candidate receives a majority of the first choice votes  
16 tabulated in the first round, the two candidates receiving the  
17 highest number of votes shall advance to the second round of  
18 the federal instant runoff primary election.

19 b. For the second round of the federal instant  
20 primary runoff election, the vote to be counted for each voter  
21 shall be the highest designated choice of the voter of the two  
22 candidates participating in the federal instant primary runoff  
23 election.

24 (d)(1) The special state ballot shall permit the  
25 voter to vote in the primary election. The special state  
26 ballot shall be marked as a special state primary ballot.

1           (2) The special state ballot shall be counted in the  
2 same manner as is provided by state law for ballots in  
3 general.

4           (e)(1) The election results for any office listed on  
5 the special state ballot shall be canvassed, certified, and  
6 announced in the manner provided for in Sections 17-13-17 and  
7 17-13-18.

8           (2) The election results for any office listed on  
9 the special federal ballot shall be canvassed, certified, and  
10 announced in the same manner as the results for other offices  
11 in a primary election as provided for in Section 17-13-17.  
12 Notwithstanding Section 17-13-18, the candidate receiving a  
13 majority of the votes cast in the federal instant primary  
14 runoff election as determined pursuant to paragraph a. or b.  
15 of subdivision (5) of subsection (c), shall be declared the  
16 nominee of the political party for the office for which he or  
17 she was a candidate and no second primary election shall be  
18 conducted for that office.

19           (f) The costs associated with implementing this  
20 section shall be reimbursed by the State of Alabama as an  
21 election expense pursuant to Chapter 16 of this title.

22           (g) The Secretary of State may promulgate rules in  
23 accordance with the Alabama Administrative Procedure Act to  
24 implement Section 1.

25           Section 2. Section 1 shall be implemented only upon  
26 notice by the Secretary of State to the Code Commissioner that  
27 vacatur of the federal court order requiring federal primary

1 runoff elections to be held nine weeks after the primary  
2 election has occurred, or upon entry of a federal court order  
3 indicating that vacatur of the aforementioned order is not  
4 necessary. The federal court action shall be taken not later  
5 than the 76th day before the primary election for this act to  
6 be implemented.

7           Section 3. This act shall become effective following  
8 its passage and approval by the Governor, or its otherwise  
9 becoming law.