

1 SB214
2 156012-2
3 By Senator Ward
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 16-JAN-14

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8 SYNOPSIS: Under existing law, in order to gain ballot
9 access, an independent political party or an
10 independent candidate for an office is required to
11 file a written petition signed by at least three
12 percent of the qualified electors who cast ballots
13 for the Office of Governor in the last general
14 election by the date of the first primary election.

15 This bill would alter the timeframe in which
16 an independent political party may submit
17 signatures in order for a candidate for office to
18 gain ballot access.

19 This bill would also require an independent
20 candidate to pay a processing fee at the time of
21 submission of the petition for ballot access.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Sections 17-6-22 and 17-9-3, Code of
2 Alabama 1975, relating to political parties and persons
3 entitled to have their names printed on ballots; to alter the
4 timeframe in which an independent political party may submit
5 signatures for a candidate for office to gain ballot access;
6 and to require payment of a processing fee by an independent
7 candidate at the time the petition for ballot access is
8 submitted.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 17-6-22 and 17-9-3, Code of
11 Alabama 1975, are amended to read as follows:

12 "§17-6-22.

13 "(a) No political party, except those qualified as a
14 political party under Chapter 13, shall be included on any
15 general election ballot unless:

16 "(1) The party shall have filed with the Secretary
17 of State or other appropriate official ~~on the date of the~~
18 ~~first primary election,~~ not later than 5:00 P.M. on the date
19 qualifying ends pursuant to Section 17-3-5, a list of the
20 signatures of at least three percent of the qualified electors
21 who cast ballots for the office of Governor in the last
22 general election for the state, county, city, district, or
23 other political subdivision in which the political party seeks
24 to qualify candidates for office; and unless

25 "(2) The party shall have fulfilled all other
26 applicable requirements of federal, state, or local laws.

1 "(b) The provisions of this section are supplemental
2 to the provisions of Chapter 13, and other laws regarding the
3 conduct of elections in Alabama, and shall repeal only those
4 laws or parts of laws in direct conflict herewith.

5 "§17-9-3.

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

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

21 "(2) All candidates who have been put in nomination
22 by any caucus, convention, mass meeting, or other assembly of
23 any political party or faction and certified in writing by the
24 chair and secretary of the nominating caucus, convention, mass
25 meeting, or assembly and filed with the judge of probate, in
26 the case of a candidate for county office, and the Secretary
27 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~~
4 seeking ballot access for an office as an independent
5 candidate for a specified office by written petition signed by
6 electors qualified to vote in the election to fill the office
7 when the petition has been filed with the judge of probate, in
8 the case of a county office and with the Secretary of State in
9 all other cases, on or before provided he or she has filed a
10 petition for ballot access for the office not later than 5:00
11 P.M. on the date of the first primary election as provided for
12 in Section 17-13-3 qualifying ends pursuant to Section 17-3-5
13 and has paid at the time of filing a processing fee equal to
14 the lowest qualifying fee required for the office by a
15 political party as defined in Section 17-13-40. The number of
16 qualified electors signing the petition shall equal or exceed
17 three percent of the qualified electors who cast ballots for
18 the office of Governor in the last general election for the
19 state, county, district, or other political subdivision in
20 which the candidate seeks to qualify. The petition for ballot
21 access for a specified local office shall be filed along with
22 the required processing fee with the judge of probate and
23 shall be filed with the Secretary of State in all other cases.
24 All processing fees paid as required herein shall be
25 distributed to the Comptroller's office and expended for the
26 administration of elections.

1 "(b) The Secretary of State, not later than 45 days
2 after the second primary, shall certify to the judge of
3 probate of each county in the state, in the case of an officer
4 to be voted for by the electors of the whole state, and to the
5 judges of probate of the counties composing the circuit or
6 district in the case of an officer to be voted for by the
7 electors of a circuit or district, upon suitable blanks to be
8 prepared by him or her for that purpose, the fact of
9 nomination or independent candidacy of each nominee or
10 independent candidate or candidate of a party who did not
11 receive more than 20 percent of the entire vote cast in the
12 last general election preceding the primary who has qualified
13 to appear on the general election ballot. The judge of probate
14 shall then prepare the ballot with the names of each candidate
15 qualified under the provisions of this section printed on the
16 ballot. The judge of probate may not print on the ballot the
17 name of any independent candidate who was a candidate in the
18 primary election of that year and the name of any nominee of a
19 political party who was a candidate for the nomination of a
20 different political party in the primary election of that
21 year."

22 Section 2. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.