

1 HB202  
2 135082-1  
3 By Representative England  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 07-FEB-12

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, candidates for state  
9 attorney general and state appellate judicial  
10 offices, including the offices of Chief Justice and  
11 Associate Justice of the Supreme Court, Judge of  
12 the Court of Criminal Appeals, and Judge of the  
13 Court of Civil Appeals, are nominated by political  
14 parties and are included on the general election  
15 ballots in a column under the party name and  
16 emblem. A person elected to state appellate  
17 judicial office must, at the end of a six-year  
18 term, stand for reelection in a contested election  
19 rather than in a retention election in which the  
20 only issue is whether that person shall be retained  
21 in office.

22 This bill would provide for the nonpartisan  
23 election of candidates for state attorney general  
24 and state appellate judicial office. The bill would  
25 require a special ballot for state attorney general  
26 and state appellate judicial candidates. The bill  
27 would provide for a filing fee to be paid by

1 candidates for state attorney general and state  
2 appellate judicial office to the Secretary of  
3 State, to be split between the political parties.  
4 The bill would provide for filing with the  
5 Secretary of State an affidavit of indigency in  
6 lieu of payment of the filing fee. The bill also  
7 would provide that a person elected to a state  
8 appellate judicial office stands for reelection at  
9 the end of his or her term in the form of a  
10 retention election, rather than a contested  
11 election. The bill also would establish a judicial  
12 evaluation commission to evaluate performance of a  
13 state appellate judicial officer standing for  
14 reelection in a retention election.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To provide for the nonpartisan election of the state  
21 attorney general and for the appellate judges; to require a  
22 special ballot for state appellate judicial candidates; to  
23 provide for a filing fee to be paid by appellate judicial  
24 candidates, to be split between the political parties; to  
25 provide for filing with the Secretary of State of an affidavit  
26 of indigency in lieu of payment of the filing fee; to amend  
27 Sections 17-6-20, 17-6-24, 17-6-25, 17-6-48, and 17-13-8, Code

1 of Alabama 1975, relating to election of judges and justices  
2 and election procedures; to provide for retention elections  
3 for appellate judicial officers seeking reelection; and to  
4 establish a judicial evaluation commission to evaluate the  
5 performance of an appellate judicial officer seeking  
6 reelection through a retention election.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This act shall be known as the "Make  
9 Justice Just Act."

10 Section 2. As used in this act, "Attorney General"  
11 means the Office of the Alabama Attorney General, and "state  
12 appellate judicial office" means the offices of Chief Justice  
13 and Associate Justice of the Supreme Court, Judge of the Court  
14 of Criminal Appeals, and Judge of the Court of Civil Appeals.  
15 "Appellate judicial officer" means the Chief Justice or an  
16 Associate Justice of the Alabama Supreme Court, a Judge of the  
17 Court of Criminal Appeals, or a Judge of the Court of Civil  
18 Appeals. The term "state appellate judicial office" does not  
19 include the office of circuit court judge, district court  
20 judge, judge of probate, municipal court judge, circuit court  
21 clerk, deputy circuit court clerk, or district attorney. The  
22 term "state appellate judicial officer" does not include a  
23 circuit court judge, district court judge, judge of probate,  
24 municipal court judge, circuit court clerk, deputy circuit  
25 court clerk, or district attorney.

1           Section 3. State appellate judicial offices and the  
2 state attorney general shall be nonpartisan and candidates for  
3 those offices shall be elected on a nonpartisan basis.

4           Section 4. (a) Not later than 60 days before the  
5 date of the primary election as provided in Section 17-13-3,  
6 Code of Alabama 1975, any candidate for a state appellate  
7 judicial office and for state attorney general shall file a  
8 declaration of candidacy with the Secretary of State. A  
9 candidate for any state appellate judicial office or state  
10 attorney general shall not designate any party affiliation in  
11 his or her declaration for candidacy, or in any manner  
12 relating to his or her candidacy.

13           (b) Each candidate, at the time of the filing, shall  
14 pay to the Secretary of State a qualifying fee in an amount  
15 equal to two percent of the annual salary paid at the time of  
16 filing by the State of Alabama for the appellate judicial  
17 office for which the candidate seeks election. Any local  
18 supplements or expense allowances which may be paid are not to  
19 be considered salary for purposes of calculating the two  
20 percent qualifying fee. The Secretary of State shall deposit  
21 the qualifying fee as soon as practicable in equal amounts to  
22 the two political parties receiving the most votes in the  
23 previous election. In lieu of the filing fee required by this  
24 subsection, a candidate for appellate judicial office or state  
25 attorney general may file an affidavit of indigency with the  
26 Secretary of State. The content of such affidavit shall be as  
27 determined by the Secretary of State.

1           Section 5. If a state appellate judicial office or  
2 state attorney general is to be filled at any election or  
3 primary election, the state attorney general and all state  
4 appellate judicial offices to be filled and the names of all  
5 candidates therefor shall appear on the official nonpartisan  
6 judicial ballot. No political party designation shall be  
7 included on the official nonpartisan ballot.

8           Section 6. The names of the candidates on the  
9 official nonpartisan ballot shall be listed on the ballot in  
10 alphabetical order by surname and the offices shall be listed  
11 in the following order:

12                   (1) Supreme Court.

13                   (2) Court of Civil Appeals.

14                   (3) Court of Criminal Appeals.

15                   (4) State Attorney General.

16           Section 7. In each nonpartisan primary election and  
17 general election of a state appellate judicial office, where  
18 two or more justices or judges are to be elected at the same  
19 time, each of the places shall be designated by number on the  
20 official nonpartisan appellate judicial ballot. Not less than  
21 10 days before the time for filing declarations of candidacy  
22 for election to any state appellate judicial office, the  
23 Secretary of State shall, in each case, designate the  
24 positions to be filled by consecutive number commencing with  
25 one. Each candidate for state appellate judicial office shall  
26 designate in the declaration of his or her candidacy and in  
27 his or her request to have his or her name placed on the

1 official nonpartisan appellate judicial election ballot the  
2 number of the place for which he or she is a candidate. The  
3 name of each qualified candidate shall be printed on the  
4 official nonpartisan appellate ballot used at any election  
5 beneath the title of the office and the number of the place  
6 for which he or she is seeking election. The state appellate  
7 judicial offices so designated shall be dealt with as separate  
8 offices for all election purposes and the candidates for each  
9 place shall be separately elected, as the case may be. No  
10 person shall be a candidate or be permitted to file a  
11 declaration for more than one place. No ballot shall be  
12 counted for any candidate except for the place and number  
13 designated in the declaration of his or her candidacy.

14 Section 8. State appellate judicial offices and  
15 attorney general candidates therefor shall appear separately  
16 on a nonpartisan ballot in substantially the following form:

17 "Official Nonpartisan Ballot

18 Chief Justice of Supreme Court

19 (in those years when a Chief Justice is to be  
20 elected)

21 \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 Associate Justice of Supreme Court

25 \_\_\_\_\_ to be elected

26 Place No. 1

27 \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\_\_\_\_\_

\_\_\_\_\_

Place No. 2

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Place No. 3

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Judge of the Court of Civil Appeals

\_\_\_\_\_ to be elected

Place No. 1

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Place No. 2

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Place No. 3

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Judge of the Court of Criminal Appeals

\_\_\_\_\_ to be elected

Place No. 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Place No. 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Place No. 3

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State Attorney General

\_\_\_\_\_

Section 9. (a) The election for state appellate judicial office and state attorney general shall be at the time and place provided by statute for holding first primary elections for nonjudicial offices.

(b) The names of all the candidates filing declarations for state appellate judicial office and attorney general shall appear on the official nonpartisan section of the election ballot for the office. The Secretary of State shall publicly determine and declare whether any candidate for a state appellate judicial office or attorney general has received a majority of the votes cast for the office. If a candidate for state judicial office or attorney general has received a majority of the votes cast for the office, the candidate's name shall appear on the general election ballot.

1 If a candidate does not receive a majority of the votes cast  
2 in the initial nonpartisan election for a state appellate  
3 judicial office or attorney general, the Secretary of State  
4 shall determine and declare the two persons who received the  
5 highest number of votes in the initial nonpartisan election  
6 for nomination for that office. The names of the two persons  
7 who received the highest number of votes shall appear on the  
8 general election ballot under the designation for the office.

9 (c) If only one person files a declaration of  
10 candidacy for a state appellate judicial office or attorney  
11 general, only the name of that person shall be printed on the  
12 nonpartisan judicial appellate ballot at the general election  
13 under the designation for that office, followed by a space for  
14 the writing in of any other name by a voter. The Secretary of  
15 State shall determine and declare that the candidate who has  
16 received the highest number of votes cast in the general  
17 election is elected to that state appellate judicial office or  
18 the state attorney general. In all elections where there is a  
19 tie between the two candidates for the same state judicial  
20 office, the Chief Justice of the Alabama Supreme Court, or if  
21 the Chief Justice is a candidate in that election, then the  
22 senior Associate Justice of the Supreme Court who is not a  
23 candidate in that election, in the presence of the Governor,  
24 shall decide the tie by lot.

25 (d) The certificates of the board of supervisors of  
26 each county as to the election for state appellate judicial  
27 office and the state attorney general shall be forwarded by

1 the judge of probate to the Secretary of State within 10 days  
2 after the election. The Secretary of State shall, within 10  
3 days after receiving the returns of elections from the judge  
4 of probate of each county, furnish, from a count of the actual  
5 vote cast, as it appears by the returns certified to him or  
6 her, certificates of election to each state appellate judicial  
7 office and attorney general to be filled at that election.

8 Section 10. Retention Elections for Judicial  
9 Officers.

10 (a) Eligibility. Appellate judicial officers who  
11 have been elected one or more times by the partisan electoral  
12 procedure heretofore provided for by law, or under the  
13 nonpartisan election procedures provided by this act, at the  
14 expiration of his or her term, may seek retention in office as  
15 provided for herein. An appellate judicial officer who holds  
16 his or her office by appointment to fill a vacancy pursuant to  
17 Section 153 of the Constitution of Alabama of 1901, now  
18 appearing as Section 153 of the Official Recompilation of the  
19 Constitution of Alabama of 1901, as amended, as the same may  
20 from time to time be amended, as implemented by Sections  
21 17-4-6 and 17-4-8 of the Code of Alabama 1975, shall not be  
22 eligible to seek retention in office by a retention election  
23 hereunder until the expiration of a term to which he or she  
24 shall have been elected through a nonpartisan election as  
25 provided for by this act.

26 (1) Procedure for Qualification for Retention. To  
27 qualify for a retention election, a justice or an appellate

1 judge must be evaluated as provided below and, after such  
2 evaluation, must file in the office of the Secretary of State  
3 within a reasonable time before the general election in the  
4 year preceding the expiration of the term for which he or she  
5 was elected, appointed, or retained, a declaration that he or  
6 she will be a candidate for retention. The Judicial Evaluation  
7 Commission shall establish the deadline for filing the  
8 declaration for retention with the Secretary of State. A  
9 justice or an appellate judge appointed, and having taken the  
10 oath of office after the deadline for qualification for  
11 retention election in the year preceding the expiration of the  
12 term of office, shall serve the balance of the term, and upon  
13 expiration of the term of office a vacancy shall exist which  
14 shall be filled by appointment.

15 (2) Judicial Evaluation. The retention election  
16 shall be preceded by a judicial evaluation as provided below  
17 that will provide information to voters prior to the election.

18 (b) Judicial Retention Ballot. A nonpartisan  
19 judicial ballot shall be provided for each justice or judge  
20 seeking an additional term for an appellate judicial office.  
21 The ballot shall read substantially as follows:

22 "Shall \_\_\_\_\_ be retained for six years as a  
23 [justice] (judge) of the \_\_\_\_\_ [Supreme Court] [Court  
24 of Civil Appeals] [Court of Criminal Appeals] of Alabama?  
25 \_\_\_ Yes \_\_\_ No"

26 (c) Electorate Vote. Any appellate judicial officer  
27 who seeks an additional term for the same appellate judicial

1 office shall be retained in office by vote of the electorate  
2 in the general election. The retention election shall be  
3 nonpartisan. For a justice or an appellate judge to be  
4 retained, he or she must be approved by the affirmative vote  
5 of a majority of those voting in the retention election.

6 Section 11. Evaluation of Appellate Judicial  
7 Officers.

8 (a) Purpose. There is hereby established within the  
9 state a judicial evaluation program that will do all of the  
10 following:

11 (1) Provide persons voting on the retention of state  
12 appellate judicial officers with fair, responsible, and  
13 constructive information about judicial performance.

14 (2) Facilitate self-improvement of such appellate  
15 judicial officers.

16 (3) Identify the need for improvements in the  
17 contents of judicial education.

18 (4) Increase public awareness of the work of the  
19 judiciary.

20 (5) Ensure that the quality of state appellate  
21 judicial officers, and their performance, is maintained at the  
22 highest level.

23 (b) Judicial Evaluation Commission. For the  
24 evaluation of appellate judicial officers subject to a  
25 retention election, there shall be a Judicial Evaluation  
26 Commission. The appointment of members, and the activities and

1 operations of the commission, shall be governed by the  
2 following provisions:

3 (1) Membership. The membership shall be comprised of  
4 11 members at least two of whom shall be women, selected as  
5 follows:

6 a. Five Non-attorney Members: Five members who are  
7 not attorneys licensed to practice law in the state, including  
8 at least two who are African-Americans, shall be appointed by  
9 the Governor, Lieutenant Governor, and the Speaker of the  
10 House acting as a group.

11 b. Four Attorney Members: Three members who are  
12 licensed to practice law in the State of Alabama shall be  
13 elected by the Board of Bar Commissioners of the Alabama State  
14 Bar, which shall give due consideration in making such  
15 elections to assuring that a cross-section of the Bar is  
16 represented on the commission. One member who is licensed to  
17 practice law in the state shall be appointed by the Alabama  
18 Lawyers Association, or its successor, by means of a process  
19 which that association authorizes.

20 c. Two Judicial Members: One member shall be the  
21 Chief Justice of the Supreme Court. The other judicial member  
22 shall be either the Presiding Judge of the Court of Civil  
23 Appeals or the Presiding Judge of the Court of Criminal  
24 Appeals as designated by the Chief Justice of the Supreme  
25 Court.

26 (2) Chair and Vice Chair. The Judicial Evaluation  
27 Commission members shall elect a chair and a vice chair every

1 three years. The chair shall preside at all meetings of the  
2 commission and shall be the designated spokesperson for the  
3 commission. In the absence of the chair, the vice chair shall  
4 preside.

5 (3) Qualifications and Restrictions.

6 a. All members shall be qualified voters of the  
7 state.

8 b. No member shall be eligible for appointment to a  
9 state appellate judicial office while that member serves on  
10 the Judicial Evaluation Commission and for one year  
11 thereafter.

12 c. With the exception of the judicial members, no  
13 member of the Judicial Evaluation Commission may hold any  
14 office under the United States, the state, or any other  
15 governmental entity, for which compensation is received, other  
16 than as a member of a military reserve component.

17 d. A judicial member shall not participate in or  
18 vote on his or her own evaluation.

19 (4) Diversity. All appointments and elections of  
20 members to the Judicial Evaluation Commission shall be made  
21 with due consideration to the geographic, including both rural  
22 and urban geographic areas, gender, racial and ethnic  
23 diversity of the state, and without regard to political  
24 affiliation.

25 (5) Terms of Office.

26 a. Full term of office. The term of office for each  
27 member, other than the judicial members, shall be for a period

1 of six years, except as is provided for in paragraph b. of  
2 this subdivision.

3 b. Initial term. In order that the membership terms  
4 of the Judicial Evaluation Commission be staggered, the  
5 initial terms of the attorney and non-attorney members shall  
6 be as follows:

7 1. Non-attorney members: The initial term of the  
8 members who are not attorneys and who are appointed by the  
9 Governor, Lieutenant Governor, and the Speaker of the House  
10 shall be:

11 (i) Two members - two years.

12 (ii) One member - three years.

13 (iii) Two members - four years.

14 2. Attorney members: The initial terms for attorney  
15 members elected by the State Bar Association shall be:

16 (i) One attorney - two years.

17 (ii) One attorney - three years.

18 (iii) One attorney - fours years.

19 The attorney selected by the Alabama Lawyers  
20 Association shall serve an initial term of three years.

21 c. Subsequent terms. After the initial term, all  
22 appointments, except to fill vacancies, shall be for the full  
23 term. No person may serve more than two full terms, neither an  
24 initial term under paragraph b. of this subdivision, nor an  
25 appointment under paragraph d. of this subdivision to fill a  
26 vacancy, shall be deemed to be a "full term".

1           d. Vacancies. If a vacancy occurs, the designated  
2 appointing or electing authority shall select a qualified  
3 person to complete the unexpired portion of the term.

4           (6) Powers and Duties of the Commission. The powers  
5 and duties of the Judicial Evaluation Commission are hereby  
6 established as follows: To develop and implement techniques  
7 and procedures for evaluating all justices and appellate  
8 judges subject to retention.

9           (c) Recommendations on Retention of Justices and  
10 Appellate Judges.

11           (1) Procedure. In order to be eligible for retention  
12 evaluation, a justice or an appellate judge must provide  
13 written notification to the Judicial Evaluation Commission  
14 within the time frame established by the commission of his or  
15 her intent to stand for retention election. The Judicial  
16 Evaluation Commission shall conduct an evaluation of all  
17 justices and appellate judges, as appropriate, who have timely  
18 notified the commission that they intend to stand for  
19 retention election. The evaluation shall be completed and a  
20 narrative profile prepared for communication to the respective  
21 justice or appellate judge within a reasonable period of time  
22 prior to the last day on which a justice or an appellate judge  
23 can publicly declare, by filing a declaration with the  
24 Secretary of State, his or her intent to stand for retention  
25 election. The justice or appellate judge shall have the  
26 opportunity to meet with the commission, or otherwise respond  
27 to the evaluation, within a reasonable time following receipt

1 of such evaluation. If such a meeting is held or response is  
2 made, the commission may revise its evaluation. The commission  
3 shall adopt rules of procedure, including the necessary time  
4 requirements, to effectuate this section.

5 (2) Report to the Public. After the requirement in  
6 subdivision (1) of this subsection is met, the Judicial  
7 Evaluation Commission shall compile a narrative summary of the  
8 evaluation findings and, no later than 60 days prior to the  
9 retention election, make recommendations to the public  
10 regarding the justices or appellate judges subject to  
11 retention. The recommendation shall be stated as either a.  
12 retain, b. do not retain, or c. no opinion. With respect to a  
13 recommendation of retain or do not retain, a narrative  
14 explanation may be provided to the public when, in the  
15 discretion of the commission, such an explanation is deemed  
16 necessary to meet the purposes of the commission as set forth  
17 in this section.

18 (d) Reimbursement and Administrative Assistance.

19 (1) Expenses. Members of the Judicial Nominating  
20 Commission and the Judicial Evaluation Commission shall not be  
21 compensated, but shall be reimbursed by the judicial branch of  
22 government for all reasonable and necessary travel expenses  
23 incurred in the carrying out of their official duties.

24 (2) Assistance. The Administrative Office of Courts  
25 shall provide administrative assistance and support to each  
26 commission in the carrying out of the respective commission's  
27 official duties.

1 (e) Powers of the Judicial Evaluation Commission.

2 The commission shall have the power to adopt reasonable rules  
3 and procedures to aid in its evaluation of the judicial  
4 performance of justices and appellate judges standing for  
5 retention election.

6 (f) Privileged Information. All documents and

7 information obtained by or submitted to the Judicial  
8 Evaluation Commission, and all results of judicial  
9 recommendations or evaluations, are absolutely privileged and  
10 confidential and no judicial action predicated thereon may be  
11 brought in any court. Statements made to these commissions are  
12 absolutely privileged and confidential; provided, however,  
13 that this absolute privilege and confidentiality does not  
14 apply to statements made in any other forum. Members of these  
15 commissions and staff shall be immune from suit and liability  
16 for any conduct in the course of their official duties.

17 Section 12. Sections 17-6-20, 17-6-24, 17-6-25,  
18 17-6-48, and 17-13-8, Code of Alabama 1975, are amended to  
19 read as follows:

20 "§17-6-20.

21 "(a) In all elections held in this state on any  
22 subject which may be submitted by law to the vote of the  
23 people and for ~~all or~~ any state, county, district, or  
24 municipal officers, the voting shall be by official ballot  
25 printed and distributed as provided in this chapter, except  
26 when the form of the ballot is otherwise prescribed by law, or  
27 when the use of voting machines is authorized. No ballot shall

1 be received or counted in any election except as prescribed by  
2 law; but this. This section shall not apply to elections held  
3 for trustees of public schools or other local elections which  
4 are otherwise specifically provided for by law.

5 "(b) The names of all candidates for state appellate  
6 judicial offices and attorney general shall be placed on the  
7 ballot without any type of party designation.

8 "§17-6-24.

9 "(a) All ballots shall be printed in black ink on  
10 clear book paper, and every ballot printed in accordance with  
11 ~~the provisions of~~ this chapter and shall contain a party  
12 ~~emblem~~ device for each political party represented on the  
13 ticket. The arrangement of the ballot shall in general conform  
14 substantially to the plan hereinafter given, and in all cases  
15 the party columns must be placed in alphabetical order,  
16 beginning on the left of the ballot. The list of candidates of  
17 the several parties shall be printed in parallel and  
18 perpendicular columns, ~~each.~~ Each column ~~to~~ shall be headed by  
19 the chosen device of such party and the party name or other  
20 designation in such order as the Secretary of State may  
21 direct. The number of columns shall exceed by one the number  
22 of separate tickets of candidates to be voted for at the  
23 polling place for which the ballot is provided, ~~and in.~~ In the  
24 appropriate place the words vote for one, ~~two or other~~  
25 number, as the case may be, shall be placed to indicate the  
26 number which may be elected to each office. There shall be a  
27 separate section on the ballot without any party device or

1 symbol appearing which shall be designated only as the  
2 "Official Attorney General and Nonpartisan Judicial Ballot"  
3 and which shall list all candidates seeking state appellate  
4 judicial office and state attorney general. On the right of  
5 each ballot shall be a column in which shall be printed only  
6 the titles of the office for which candidates may be voted for  
7 by the electors at the polling places for which the ballot is  
8 printed. The column is designated as "blank column," and in  
9 ~~such~~ the column the voting spaces shall be omitted, but in all  
10 other respects such blank column shall be a duplicate of the  
11 political party columns upon ~~such~~ the ballot.

12 (b) The ballot style and design shall be in  
13 substantial conformity with rules promulgated by the Secretary  
14 of State under the Administrative Procedure Act.

15 "§17-6-25.

16 "The names of candidates for each office shall be  
17 listed on the ballot in alphabetical order by surname, and the  
18 offices shall be listed in the following order:

19 "(1) President (if preference primary).

20 "(2) Delegate to national convention.

21 "(3) Governor.

22 "(4) Lieutenant Governor.

23 "(5) United States senator.

24 "(6) United States representative.

25 "~~(7) Attorney General.~~

26 "~~(8)~~ (7) State senator.

27 "~~(9)~~ (8) State representative.

1                   "~~(10)~~ Supreme Court justice.  
2                   "~~(11)~~ Court of Civil Appeals judge.  
3                   "~~(12)~~ Court of Criminal Appeals judge.  
4                   "~~(13)~~ (9) Secretary of State.  
5                   "~~(14)~~ (10) State Treasurer.  
6                   "~~(15)~~ (11) State Auditor.  
7                   "~~(16)~~ (12) Commissioner of Agriculture and  
8 Industries.  
9                   "~~(17)~~ (13) Public Service Commissioner.  
10                  "~~(18)~~ (14) State Board of Education member.  
11                  "~~(19)~~ (15) Circuit court judge.  
12                  "~~(20)~~ (16) District attorney.  
13                  "~~(21)~~ (17) District court judge.  
14                  "~~(22)~~ (18) Circuit clerk.  
15                  "~~(23)~~ (19) Other public officers, ~~(to be listed in~~  
16 the order prescribed by the judge of probate).  
17                  "~~(24)~~ (20) Other party officers, ~~(to be listed in the~~  
18 order prescribed by the judge of probate).  
19                  "§17-6-48.  
20                  "In all primary and general elections of ~~associate~~  
21 ~~justices of the Supreme Court of Alabama, justices of the~~  
22 ~~courts of appeals of Alabama,~~ judges of the circuit and  
23 district courts, and associate members of the public service  
24 commission, ~~wherein~~ where two or more ~~of such justices,~~  
25 ~~judges,~~ or officers are to be elected at the same time, each  
26 of ~~such~~ the places to be filled shall be designated by number  
27 by the Secretary of State.

1                   "§17-13-8.

2                   "(a) Separate official ballots and other election  
3 stationery and supplies for each political party shall be  
4 printed and furnished for use at each election district or  
5 precinct and shall be of a different color for each of the  
6 political parties participating in such primary election. All  
7 ballots for the same political party shall be alike, ~~except as~~  
8 ~~herein otherwise provided,~~ printed in plain type and upon  
9 paper so thick that the printing cannot be distinguished from  
10 the back. Across the top of the ballot shall be printed the  
11 party's emblem, if any, and the words, "Official Primary  
12 Election Ballot." Beneath this heading shall be printed the  
13 year in which the election is held and the words "Democratic  
14 Party" or "Republican Party" or other proper party  
15 designation. Each group of candidates to be voted on shall be  
16 preceded by the designation of the office for which the  
17 candidates seek nomination, and in the proper place shall be  
18 printed the words "Vote for one" or "Vote for two" (or more)  
19 according to the number to be elected to such office at the  
20 ensuing election.

21                   "~~At the option of a political party at the~~ bottom of  
22 the ballot and after the name of the last candidate shall be  
23 printed the following: "By casting this ballot I do pledge  
24 myself to abide by the result of this primary election and to  
25 aid and support all the nominees thereof in the ensuing  
26 general election."

1           "Should any voter scratch out, deface, or in any way  
2 mutilate or change the pledge printed on the ballot, the voter  
3 shall not be considered or held to have repudiated or to have  
4 refused to take the pledge, but shall, conclusively, be  
5 presumed and held to have scratched out, defaced, or mutilated  
6 or changed the same for the sole purpose of identifying the  
7 ballot; and, accordingly, such ballot shall be marked "spoiled  
8 ballot" and shall not be counted."

9           Section 13. This act shall become effective on the  
10 first day of the third month following its passage and  
11 approval by the Governor, or its otherwise becoming law.