- 1 HB236
- 2 135643-5
- 3 By Representative Newton (C)
- 4 RFD: Constitution, Campaigns and Elections
- 5 First Read: 08-FEB-12

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 17-6-28, Code of Alabama 1975,
9	relating to write-in votes, to provide for the procedure for
10	counting write-in votes.
11	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
12	Section 1. Section 17-6-28, Code of Alabama 1975, is
13	amended to read as follows:
14	<b>"</b> §17-6-28.
15	"(a) Write-in votes shall be permitted only in
16	non-municipal general elections. The ballot must be
17	constructed so that the voter can mark a write-in vote for
18	each office in the same manner that votes are registered for
19	regular candidates. In order to cast a valid write-in vote,
20	the voter must (1) write the name on the ballot and (2)
21	register the vote by a mark in the space designated for that
22	office. A write-in vote shall not be counted if the vote is
23	not registered as provided above. If a voter registers a vote
24	for a name on the ballot and then writes in another name for
25	the same office but fails to register the write-in vote, the
26	ballot shall be treated as if no write-in vote had occurred
27	and the regular vote shall be counted. If a properly

registered write-in vote causes an over-vote, it shall be
treated as any other over-vote and none of the votes for the
over-voted office shall be counted. However, the remainder of
the ballot shall be counted. When counting write-in votes,
poll officials must check for over-votes if the electronic
ballot counter does not perform the function.

"(b) All write-in ballots shall be returned on election night to a central location in the county as determined by the judge of probate. All write-in votes for office shall be counted by the canvassing board or its duly appointed election officials on or before noon, Tuesday, seven days after the election. The write-in ballots shall thereafter be tabulated and canvassed in the same manner as provisional

ballots pursuant to Section 17-10-2.

"(c) Any If the number of write-in ballots to be counted equals or exceeds 5 percent of the votes cast in the county, any poll worker used to count write-in ballots on a day other than election day shall be entitled to receive the same compensation as provided for a poll worker on election day.

Any compensation paid pursuant to this subsection shall be a reimbursable expense as provided in Chapter 16, Title 17, Code of Alabama 1975."

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

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3	House of Representatives
4 5 6 7 8	Read for the first time and referred to the House of Representatives committee on Constitution,  Campaigns and Elections
9 10 11	Read for the second time and placed on the calendar 1 amendment 23-FEB-12
12 13 14	Read for the third time and passed as amended
15 16 17 18	Greg Pappas Clerk