

1 SB55
2 134086-3
3 By Senator Ward
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 07-FEB-12
6 PFD: 11/01/2011

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8 SYNOPSIS: Under existing law, candidates at primary
9 elections and independent candidates for public
10 office are required to obtain signatures of voters
11 in order to have access to the general election
12 ballot.

13 This bill would allow those political
14 parties recognized as a political party under
15 Section 17-6-22, Code of Alabama 1975, the option
16 of paying assessment fees to have their nominees
17 placed on the general election ballot, and
18 independent candidates the option of paying
19 assessment fees to have their names placed on the
20 general election ballot.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 To amend Sections 17-6-22, 17-9-3, and 17-14-31,
27 Code of Alabama 1975, relating to access to general election

1 ballots, to provide further for requirements relating to
2 ballot access for certain candidates for public office.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 17-6-22, 17-9-3, and 17-14-31,
5 Code of Alabama 1975, are amended to read as follows:

6 "§17-6-22.

7 "(a) No political party, except those qualified as a
8 political party under Chapter 13, shall be included on any
9 general election ballot unless the party shall have fulfilled
10 all other applicable requirements of federal, state, or local
11 laws and one of the following occurs:

12 "(1) The party shall have filed with the Secretary
13 of State or other appropriate official on the date of the
14 first primary election a list of the signatures of at least
15 three percent of the qualified electors who cast ballots for
16 the office of Governor in the last general election for the
17 state, county, city, district, or other political subdivision
18 in which the political party seeks to qualify candidates for
19 office; ~~and unless.~~

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

22 "(2) The party, for each candidate nominated for
23 office, shall have submitted to the Secretary of State or
24 other appropriate official at the time set by law in Section
25 17-13-5 for candidates in primary elections to qualify, an
26 assessment fee equal to two percent of one year's salary of
27 the office for which the candidate is seeking and, for an

1 unremunerative county office or an unremunerative office to be
2 filled by a vote of a political subdivision greater than one
3 county, an assessment fee of fifty dollars (\$50) or one
4 hundred fifty dollars (\$150) for an unremunerative office to
5 be filled by a vote of the entire state.

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

10 "§17-9-3.

11 "(a) The following persons shall be entitled to have
12 their names printed on the appropriate ballot for the general
13 election, provided they are otherwise qualified for the office
14 they seek:

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

26 "(2) All candidates who have been put in nomination
27 by any caucus, convention, mass meeting, or other assembly of

1 any political party or faction and certified in writing by the
2 chair and secretary of the nominating caucus, convention, mass
3 meeting, or assembly and filed with the judge of probate, in
4 the case of a candidate for county office, and the Secretary
5 of State in all other cases, on or before 5:00 P.M. on the
6 date of the first primary election as provided for in Section
7 17-13-3.

8 "(3) Each candidate who has been requested to be an
9 independent candidate for a specified office by written
10 petition signed by electors qualified to vote in the election
11 to fill the office when the petition has been filed with the
12 judge of probate, in the case of a county office and with the
13 Secretary of State in all other cases, on or before 5:00 P.M.
14 on the date of the first primary election as provided for in
15 Section 17-13-3. The number of qualified electors signing the
16 petition shall equal or exceed three percent of the qualified
17 electors who cast ballots for the office of Governor in the
18 last general election for the state, county, district, or
19 other political subdivision in which the candidate seeks to
20 qualify, except when an independent candidate for office has
21 paid an assessment fee in an amount equal to that required in
22 Section 17-6-22 for party nominees to the judge of probate, in
23 the case of a county office, or to the Secretary of State in
24 all other cases, no signatures shall be required on a petition
25 for an independent candidate.

26 "(b) The Secretary of State, not later than 45 days
27 after the second primary, shall certify to the judge of

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

20 "§17-14-31.

21 "(a) When presidential electors are to be chosen,
22 the Secretary of State of Alabama shall certify to the judges
23 of probate of the several counties the names of all candidates
24 for President and Vice President who are nominated by any
25 national convention or other like assembly of any political
26 party, ~~or~~ by written petition signed by at least 5,000
27 qualified voters of this state, or by the payment of an

1 assessment fee equal to two percent of one year's salary of
2 the President of the United States, or five thousand dollars
3 (\$5,000), whichever is less.

4 "(b) The certificate of nomination by a political
5 party convention ~~must~~ shall be signed by the presiding officer
6 and secretary of the convention and by the chair of the state
7 executive or central committee of the political party making
8 the nomination. Any nominating petition, to be valid, ~~must~~
9 shall contain the signatures as well as the addresses of the
10 petitioners. Such certificates, ~~and petitions must~~ petitions,
11 or assessment fees shall be filed in the office of the
12 Secretary of State no later than the 6th day of September next
13 preceding the day fixed for the election.

14 "(c) Each certificate of nomination, ~~and~~ nominating
15 petition, ~~must~~ or assessment fee shall be accompanied by a
16 list of the names and addresses of persons, who shall be
17 qualified voters of this state, equal in number to the number
18 of presidential electors to be chosen. Each person so listed
19 shall execute the following statement which shall be attached
20 to the certificate, ~~or~~ petition, or payment of the assessment
21 fees when the same is filed with the Secretary of State: "I do
22 hereby consent and do hereby agree to serve as elector for
23 President and Vice President of the United States, if elected
24 to that position, and do hereby agree that, if so elected, I
25 shall cast my ballot as such elector for _____ for President
26 and _____ for Vice President of the United States" (inserting
27 in the blank spaces the respective names of the persons named

1 as nominees for the respective offices in the certificate,
2 petition, or with payment of assessment fee to which this
3 statement is attached)."

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