

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

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8 SYNOPSIS: Under existing law, write-in votes are  
9 permitted only in non-municipal general elections.  
10 In order to have a write-in vote counted, the voter  
11 must write the name on the ballot and register the  
12 vote by a mark in the space designated for that  
13 particular office.

14 This bill would provide for the procedure  
15 for counting write-in votes at a central location  
16 in the county.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
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22 To amend Section 17-6-28, Code of Alabama 1975,  
23 relating to write-in votes, to provide for the procedure for  
24 counting write-in votes.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 17-6-28, Code of Alabama 1975, is  
27 amended to read as follows:

1           "§17-6-28.

2           "(a) Write-in votes shall be permitted only in  
3 non-municipal general elections. The ballot must be  
4 constructed so that the voter can mark a write-in vote for  
5 each office in the same manner that votes are registered for  
6 regular candidates. In order to cast a valid write-in vote,  
7 the voter must (1) write the name on the ballot and (2)  
8 register the vote by a mark in the space designated for that  
9 office. A write-in vote shall not be counted if the vote is  
10 not registered as provided above. If a voter registers a vote  
11 for a name on the ballot and then writes in another name for  
12 the same office but fails to register the write-in vote, the  
13 ballot shall be treated as if no write-in vote had occurred  
14 and the regular vote shall be counted. If a properly  
15 registered write-in vote causes an over-vote, it shall be  
16 treated as any other over-vote and none of the votes for the  
17 over-voted office shall be counted. However, the remainder of  
18 the ballot shall be counted. When counting write-in votes,  
19 poll officials must check for over-votes if the electronic  
20 ballot counter does not perform the function.

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

1 be tabulated and canvassed in the same manner as provisional  
2 ballots pursuant to Section 17-10-2.

3 "(c) Any poll worker used to count write-in ballots  
4 on a day other than election day shall be entitled to receive  
5 the same compensation as provided for a poll worker on  
6 election day."

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