

1 HB420
2 136015-1
3 By Representatives Davis, Fincher, Gaston, Buskey, Kennedy,
4 Bracy, Vance and Ison
5 RFD: Constitution, Campaigns and Elections
6 First Read: 23-FEB-12

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8 SYNOPSIS: Under existing law, the state reimburses
9 counties for all sums expended by the counties in
10 payment of expenses incurred in holding and
11 conducting an election in which only candidates for
12 federal or state office are nominated or elected.
13 Reimbursable expenses include such items as the
14 costs of ballots, supplies, and materials furnished
15 to election officials; the per diem and mileage
16 provided to election officials; and the cost of
17 preparing and furnishing lists of qualified
18 electors.

19 The list of reimbursable expenses does not
20 specifically include the cost of advertising and
21 media expenses, or telephone, computer, and
22 communications operations expenses which are
23 authorized by Section 17-13-100, Code of Alabama
24 1975, to be expended by counties that recognize
25 Mardi Gras as a county holiday to implement
26 additional election provisions when the date of the

1 presidential preference primary election is also
2 Mardi Gras day.

3 This bill would make legislative findings
4 regarding these expenses.

5 In addition, the bill would specify that
6 these expenses are included in the list of election
7 expenses reimbursable by the state retroactive to
8 the February 2008 presidential preference primary
9 election.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Regarding election expenses; to make legislative
16 findings; to amend Section 17-16-2, Code of Alabama 1975, as
17 last amended by Act 2011-147, to clarify that certain expenses
18 incurred by counties that recognize Mardi Gras as a county
19 holiday are reimbursable when the date of the presidential
20 preference primary is also Mardi Gras day; and to provide for
21 retroactive effect.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) The Legislature finds that:

24 (1) Section 17-13-100, Code of Alabama 1975,
25 established additional provisions for holding presidential
26 preference primary elections when the date of the election is
27 also Mardi Gras day. These additional provisions include

1 allowing qualified electors in Mobile County, Baldwin County,
2 and any other county that recognizes Mardi Gras as a county
3 holiday to vote an absentee ballot without regard as to
4 whether the elector will be out of the municipality, county,
5 or state on election day, and to vote on the Wednesday
6 preceding the election day.

7 (2) In order to implement the additional provisions,
8 the act authorized the county commission of each county that
9 would be subject to its provisions to, among other things: Pay
10 expenses associated with telephone, computer, and
11 communications operations as considered appropriate by the
12 judge of probate and the county commission, not to exceed
13 twenty-five thousand dollars (\$25,000) per county; pay holiday
14 compensation amounts, as otherwise provided, to county
15 employees; and pay advertising and media expenses incurred in
16 attempting to inform the citizens of the county of early
17 voting and absentee voting, as considered appropriate by the
18 judge of probate, not to exceed one hundred thousand dollars
19 (\$100,000) per county.

20 (3) The act further provides that "all expenses
21 necessary to provide for absentee balloting or early voting in
22 any county subject to this subsection shall be reimbursed by
23 the state."

24 (4) The presidential preference primary held in
25 Alabama on the first Tuesday in February of 2008 was also
26 Mardi Gras and, as such, the additional provisions of Act
27 2007-461 were utilized for the first time by the affected

1 counties for this election. Following the authorization
2 contained in the act, Mobile County and Baldwin County each
3 expended funds for advertising, telephone, computer, and
4 communication operations to implement the provisions for
5 absentee voting and early voting.

6 (5) The state Comptroller has failed to reimburse
7 Mobile County for its advertising and other allowable expenses
8 under the provisions of Section 17-13-100, Code of Alabama
9 1975, because the state Comptroller contends these expenses
10 are not included in the list of reimbursable expenses as
11 contained in Section 17-16-2, Code of Alabama 1975.

12 (b) The purpose of this act is to clarify the
13 original intent of Section 17-13-100 by including the
14 allowable expenses for advertising, telephone, computer, and
15 communications operations expenses into the list of expenses
16 that may be reimbursed to the counties by the state for
17 elections in which only candidates for state or federal office
18 are nominated or elected retroactive to the 2008 presidential
19 preference primary.

20 Section 2. Section 17-16-2, Code of Alabama 1975, as
21 last amended by Act 2011-147, is amended to read as follows:

22 "§17-16-2.

23 "As used in this chapter, the term "expenses" shall
24 include the following items and any other items approved as
25 reimbursable expenses by the Election Expense Reimbursement
26 Committee pursuant to Section 17-16-2.1:

1 "(1) The compensation and mileage provided by law
2 for election officials.

3 "(2) The compensation provided by law for the clerk
4 or other official acting as absentee election manager.

5 "(3) The costs of ballots, supplies, and other
6 materials or equipment necessary for election officials to
7 conduct elections as required by law and as certified by the
8 judge of probate as chief election official of the county.

9 "(4) The costs of absentee ballots, supplies,
10 postage, and other materials required by law to be furnished
11 to the absentee election manager.

12 "(5) The cost of preparing and furnishing the lists
13 of qualified electors to the election officials as required by
14 law.

15 "(6) The cost of publishing any notice or other item
16 related to any election and required by law, including, but
17 not limited to, the publication of notice of any election and
18 any voter lists.

19 "(7) The cost of advertising and media, telephone,
20 computer, communications operations, and other related
21 expenses as authorized to be expended pursuant to Section
22 17-13-100(c) by counties that recognize Mardi Gras as a county
23 holiday to implement additional election provisions when the
24 date of the presidential preference primary election is also
25 Mardi Gras day."

1 Section 3. This act is retroactive and shall apply
2 retroactively to expenses related to the presidential
3 preference primary held on February 8, 2008.

4 Section 4. All laws or parts of laws which conflict
5 with this act are repealed.

6 Section 5. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.