

1 HB366  
2 149829-3  
3 By Representatives Johnson (W), Rich, Sanderford, Patterson,  
4 Harper, Hill, Greer, Treadaway and McCutcheon  
5 RFD: Constitution, Campaigns and Elections  
6 First Read: 28-FEB-13



1 be held unless the defeated candidate submits a written waiver  
2 for the recount as provided herein:

3 "(1) In the case of an election for any federal,  
4 state, circuit, or district office, or the state Senate, state  
5 House of Representatives, or any other office that is not a  
6 county office, a written waiver for a recount may be submitted  
7 to the Secretary of State within 24 hours after the  
8 certification of the results of the election. Upon receipt of  
9 the waiver, the Secretary of State shall immediately order the  
10 recount to be cancelled.

11 "(2) In the case of an election for any county  
12 office, a written waiver for a recount may be submitted to the  
13 judge of probate within 24 hours after the certification of  
14 the results of the election. Upon receipt of the waiver, the  
15 judge of probate shall immediately order the recount to be  
16 cancelled.

17 "(b) Any recount held pursuant to subsection (a)  
18 shall be commenced within 72 hours after certification of the  
19 results of a county election by the county canvassing board  
20 and within 72 hours after certification of the results of a  
21 state election by the state canvassing board.

22 "(c) The canvassing board shall obtain the polling  
23 officials necessary to conduct the recount as required by this  
24 section to perform a recount of the vote. ~~The~~ If they are not  
25 volunteers, polling officials shall be compensated in the same  
26 manner and at the same rate as provided by law for vote

1 tabulation activities in an election that does not result in a  
2 recount.

3 "(d) The expenses of a recount conducted pursuant to  
4 subsection (a) shall be a state charge if the recount is held  
5 for an election for a federal, state, circuit, or district  
6 office, or the state Senate, state House of Representatives,  
7 or any other office that is not a county office. The expenses  
8 of a recount conducted pursuant to subsection (a) shall be a  
9 county charge if the recount is held for an election for  
10 county office. Notwithstanding the foregoing, if the election  
11 is a party primary, the party shall bear the costs of the  
12 recount.

13 "(e) If a recount is conducted pursuant to  
14 subsection (a), the appropriate canvassing board or authority  
15 shall amend the initial certification of the election to  
16 reflect the results of the recount. The results of the recount  
17 shall be posted as the initial count and transmitted to the  
18 Secretary of State within 24 hours.

19 "(f) If a recount is conducted pursuant to  
20 subsection (a), the time limit for contesting the election  
21 shall be suspended until the vote is recertified, reflecting  
22 the results of the recount.

23 "(g) Costs shall be kept to a minimum by using  
24 county personnel or volunteer workers whenever possible. The  
25 recount shall be conducted under the supervision of a trained  
26 and certified poll official. Representatives of opposing

1 interests shall be given at least 24 hours' notice and shall  
2 be invited to participate in the recount.

3 "(h) The recount shall be conducted as simply as the  
4 type of equipment and local conditions permit provided that  
5 the following minimum safeguards are observed. The voted  
6 ballot container or envelope holding the ballots shall be  
7 delivered unopened, and still sealed in the original  
8 container, to the inspector in charge of the recount. A  
9 representative of the authority having custody of the ballots  
10 shall be present during the recount. The recount shall consist  
11 of reading the ballots through the counter. Any ballot that  
12 was counted in the original election, but is rejected by the  
13 counter in the recount, shall be counted by hand.

14 Representatives of opposing interests may participate in the  
15 hand recount, and any unresolved disputes over the  
16 interpretation of the intent of the voter may be appealed to  
17 the canvassing board.

18 "(i) When the recount has been completed, the  
19 ballots shall be returned to their container along with a  
20 printout of the recount results. The ballot container shall be  
21 sealed and signed by the inspector conducting the recount and  
22 by the representative of the authority having custody of the  
23 ballots.

24 "(j) If the results of a recount conducted under  
25 subsection (a) name as a winner a person other than the person  
26 initially certified, the outcome shall constitute grounds for  
27 an election contest as now prescribed by law."

1                   Section 2. Article 2A, comprised of Section  
2                   17-13-60, is added to the Code of Alabama 1975, to read as  
3                   follows:

4                   Article 2A.

5                   §17-13-60. Automatic recount ~~Recounts of Primary~~  
6                   ~~Elections.~~

7                   (a) In a primary election, if the election returns  
8                   for any public office, including a judicial office, reflect  
9                   that a candidate is defeated by no more than one-half of one  
10                  percent of the votes cast for the office, as certified by the  
11                  appropriate election officer, a recount shall be held unless  
12                  the defeated candidate submits a written waiver for the  
13                  recount.

14                  (1) In an election for any federal, state, circuit,  
15                  or district office, or the state Senate, state House of  
16                  Representatives, or any other office that is not a county  
17                  office, a written waiver for a recount may be submitted to the  
18                  appropriate state executive committee within 24 hours after  
19                  the certification of the results of the election. Upon receipt  
20                  of the waiver, the executive committee shall immediately order  
21                  the recount to be cancelled.

22                  (2) In an election for any county office, a written  
23                  waiver for a recount may be submitted to the appropriate  
24                  county executive committee within 24 hours after the  
25                  certification of the results of the election. Upon receipt of  
26                  the waiver, the county executive committee shall immediately  
27                  order the recount to be cancelled.

1           (b) Any recount held pursuant to this section shall  
2 be commenced within 72 hours after declaration of the results  
3 of the election pursuant to Section 17-13-18.

4           (c) The appropriate executive committee chairperson,  
5 or his or her designee, shall obtain the polling officials  
6 necessary to conduct the recount as required by this section  
7 to perform a recount of the vote. If they are not volunteers,  
8 polling officials shall be compensated in the same manner and  
9 at the same rate as provided by law for vote tabulation  
10 activities in an election that does not result in a recount.

11           (d) The expenses of a recount conducted pursuant to  
12 this section shall be charged to the state if the recount is  
13 held for an election for a federal, state, circuit, or  
14 district office, or the state Senate, state House of  
15 Representatives, or any other office that is not a county  
16 office. The expenses of a recount conducted pursuant to this  
17 section shall be charged to the county if the recount is held  
18 for an election for county office.

19           (e) If a recount is conducted pursuant to this  
20 section, the appropriate executive committee or authority  
21 shall amend the initial certification of the election to  
22 reflect the results of the recount. The results of the recount  
23 shall be posted in the same manner as the initial count and  
24 transmitted to the Secretary of State within 24 hours.

25           (f) If a recount is conducted pursuant to this  
26 section, the time limit for contesting the election shall be

1 suspended until the vote is recertified, reflecting the  
2 results of the recount.

3 (g) Recount costs shall be kept to a minimum by  
4 using county personnel or volunteer workers whenever possible.  
5 A recount shall be conducted under the supervision of a  
6 trained and certified poll official. Representatives of the  
7 candidates involved in a recount shall be given at least 24  
8 hours' notice and shall be invited to participate in the  
9 recount.

10 (h) A recount shall be conducted as simply as the  
11 type of equipment and local conditions permit, provided that  
12 all of the following minimum safeguards are observed:

13 (1) The voted ballot container or envelope holding  
14 the ballots shall be delivered unopened, and still sealed in  
15 the original container, to the inspector in charge of the  
16 recount.

17 (2) A representative of the authority having custody  
18 of the ballots shall be present during the recount.

19 (3) The recount shall consist of reading the ballots  
20 through the counter.

21 (4) Any ballot that was counted in the original  
22 election, but is rejected by the counter in the recount, shall  
23 be counted by hand.

24 (5) Representatives of the opposing candidates  
25 involved in the recount may participate in the hand recount,  
26 and any unresolved disputes over the interpretation of the



1 intent of the voter may be appealed to the appropriate  
2 executive committee.

3 (i) When a recount has been completed, the ballots  
4 shall be returned to their container along with a printout of  
5 the recount results. The ballot container shall be sealed and  
6 signed by the inspector conducting the recount and by the  
7 representative of the authority having custody of the ballots.

8 (j) If the results of a recount conducted under this  
9 section declare as a winner a person other than the person  
10 initially certified, the outcome shall constitute grounds for  
11 an election contest as now prescribed by law.

12 (k) Any recount requested by petition shall be  
13 governed by Section 17-16-21.

14 Section 3. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Constitution,  
Campaigns and Elections..... . . . . . 28-FEB-13

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 04-APR-13

Read for the third time and passed  
as amended..... . . . . . 24-APR-13

Yeas 82, Nays 8, Abstains 1

Jeff Woodard  
Clerk