SB221

149567-1

By Senators Ward, Sanford, Glover, and Whatley

RFD: Constitution, Ethics and Elections

First Read: 12-MAR-15
SYNOPSIS: Under existing law, to gain ballot access, an independent candidate for office must file a written petition signed by at least three percent of the qualified electors who cast ballots for the office of Governor in the last general election.

This bill would reduce the number of signatures of qualified electors required for political parties and independent candidates for statewide office to gain ballot access.

This bill would alter the time frame in which a political party may submit signatures in order for a candidate for statewide office to gain ballot access.

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 17-6-22 and 17-9-3, Code of Alabama 1975, relating to political parties and persons
entitled to have their names printed on ballots, to reduce the
number of names of qualified electors required for political
parties and independent candidates for statewide office to
gain ballot access; and to alter the time frame in which a
political party may submit signatures for a candidate for
statewide office to gain ballot access.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-6-22.

"(a) No political party, except those qualified as a
political party under Chapter 13, shall be included on any
general election ballot unless:

"(1) The party shall have filed with the Secretary
of State or other appropriate official on the date of the
first primary election not later than noon on the third
Wednesday following the date prescribed for a second primary
election a list of the signatures of at least three one and
one-half percent of the qualified electors who cast ballots
for the office of Governor in the last general election for
the state, county, city, district, or other political
subdivision in which the political party seeks to qualify
candidates for office; and unless

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

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

§17-9-3.

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

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

(2) All candidates who have been put in nomination
by any caucus, convention, mass meeting, or other assembly of
any political party or faction and certified in writing by the
chair and secretary of the nominating caucus, convention, mass
meeting, or assembly and filed with the judge of probate, in
the case of a candidate for county office, and the Secretary
of State in all other cases, on or before 5:00 P.M. on the
date of the first primary election as provided for in Section
17-13-3.
"(3) Each candidate who has been requested to be an independent candidate for a specified local office by written petition signed by electors qualified to vote in the election to fill the office when the petition has been filed with the judge of probate, in the case of a county office and with the Secretary of State in all other cases, on or before 5:00 P.M. on the date of the first primary election as provided for in Section 17-13-3. The number of qualified electors signing the petition shall equal or exceed three percent of the qualified electors who cast ballots for the office of Governor in the last general election for the state, county, district, or other political subdivision in which the candidate seeks to qualify.

"(4) Each candidate who has been requested to be an independent candidate for a specified statewide office by written petition signed by electors qualified to vote in the election to fill the office when the petition has been filed with the Secretary of State on or before 5:00 P.M. on the date of the first primary election as provided for in Section 17-13-3. The number of qualified electors signing the petition shall equal or exceed one and one-half percent of the qualified electors who cast ballots for the office of Governor in the last general election for the state office for which the candidate seeks to qualify.

"(b) The Secretary of State, not later than 45 days after the second primary, shall certify to the judge of probate of each county in the state, in the case of an officer
to be voted for by the electors of the whole state, and to the
judges of probate of the counties composing the circuit or
district in the case of an officer to be voted for by the
electors of a circuit or district, upon suitable blanks to be
prepared by him or her for that purpose, the fact of
nomination or independent candidacy of each nominee or
independent candidate or candidate of a party who did not
receive more than 20 percent of the entire vote cast in the
last general election preceding the primary who has qualified
to appear on the general election ballot. The judge of probate
shall then prepare the ballot with the names of each candidate
qualified under the provisions of this section printed on the
ballot. The judge of probate may not print on the ballot the
name of any independent candidate who was a candidate in the
primary election of that year and the name of any nominee of a
political party who was a candidate for the nomination of a
different political party in the primary election of that
year."

Section 2. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law.