

1 SB164
2 189173-1
3 By Senator Singleton
4 RFD: Constitution, Ethics and Elections
5 First Read: 11-JAN-18

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8 SYNOPSIS: Under existing law, there is a separate
9 ballot for each party for which there are
10 candidates in primary elections, and an elector may
11 only vote for candidates of one political party.

12 This bill would create a primary election
13 system for all offices other than the office of
14 President where all qualified candidates, including
15 party candidates and independent candidates, would
16 have their names placed on the same primary
17 election ballot and all qualified electors would
18 vote the same ballot.

19 This bill would provide that if a candidate
20 receives a majority of the votes cast in the
21 primary election, the candidate is deemed the
22 winner of the election, otherwise the two
23 candidates who receive the highest number of votes
24 in a primary election, regardless of their party
25 affiliation or lack thereof, would be placed on the
26 ballot in the general election.

1 This bill would also authorize the Secretary
2 of State to adopt rules to implement the provisions
3 of this act.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to primary elections, to amend Sections
10 17-5-2, 17-5-7, 17-5-8, 17-6-21, 17-6-22, 17-9-3, 17-11-12,
11 17-13-1, 17-13-2, 17-13-3, 17-13-5, 17-13-6, 17-13-7, 17-13-8,
12 17-13-16, 17-13-18, 17-13-22, 17-13-50, 17-16-45, 17-16-46,
13 and 21-4-21, Code of Alabama 1975; to add Section 17-13-8.2 to
14 the Code of Alabama 1975; to repeal Sections 17-13-7.1,
15 17-13-19, 17-13-20, 17-13-21, 17-13-23, 17-13-41, and
16 17-13-101, Code of Alabama 1975; to create a primary election
17 system for all offices other than the office of President
18 whereby all qualified candidates, including party candidates
19 and independent candidates, would have their names on the
20 primary election ballot and all qualified electors would vote
21 the same ballot; to provide that if a candidate receives a
22 majority of the votes cast in the primary election, the
23 candidate is deemed the winner of the election, otherwise the
24 two candidates who receive the highest number of votes in a
25 primary election, regardless of their party affiliation or
26 lack thereof, would be placed on the ballot in the general

1 election; and to authorize the Secretary of State to adopt
2 rules to implement the provisions of this act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 17-5-2, 17-5-7, 17-5-8, 17-6-21,
5 17-6-22, 17-9-3, 17-11-12, 17-13-1, 17-13-2, 17-13-3, 17-13-5,
6 17-13-6, 17-13-7, 17-13-8, 17-13-16, 17-13-18, 17-13-22,
7 17-13-50, 17-16-45, 17-16-46, and 21-4-21, Code of Alabama
8 1975, are amended to read as follows:

9 "§17-5-2.

10 "(a) For purposes of this chapter, the following
11 terms shall have the following meanings:

12 "(1) CANDIDATE. An individual who has done any of
13 the following:

14 "a. Taken the action necessary under the laws of the
15 state to qualify himself or herself for nomination or for
16 election to any state office or local office or in the case of
17 an independent seeking ballot access, on the date when he or
18 she files a petition with the judge of probate in the case of
19 county offices, with the appropriate qualifying municipal
20 official in the case of municipal offices, or the Secretary of
21 State in all other cases.

22 "b. Received contributions or made expenditures in
23 excess of one thousand dollars (\$1,000), or given his or her
24 consent for any other person or persons to receive
25 contributions or make expenditures in excess of one thousand
26 dollars (\$1,000), with a view to bringing about his or her
27 nomination or election to any state office or local office.

1 "(2) COMMISSION. The State Ethics Commission created
2 pursuant to Section 36-25-3.

3 "(3) CONTRIBUTION.

4 "a. Any of the following shall be considered a
5 contribution:

6 "1. A gift, subscription, loan, advance, deposit of
7 money or anything of value, a payment, a forgiveness of a
8 loan, or payment of a third party, made for the purpose of
9 influencing the result of an election.

10 "2. A contract or agreement to make a gift,
11 subscription, loan, advance, or deposit of money or anything
12 of value for the purpose of influencing the result of an
13 election.

14 "3. Any transfer of anything of value received by a
15 political committee from another political committee,
16 political party, or other source.

17 "4. The payment of compensation by any person for
18 the personal services or expenses of any other person if the
19 services are rendered or expenses incurred on behalf of a
20 candidate, political committee, or political party without
21 payment of full and adequate compensation by the candidate,
22 political committee, or political party. Provided, however,
23 that the payment of compensation by a corporation for the
24 purpose of establishing, administering, or soliciting
25 voluntary contributions to a separate, segregated fund as
26 permitted in this chapter, shall not constitute a
27 contribution.

1 "b. The term "contribution" does not include:

2 "1. The value of services provided without
3 compensation by individuals who volunteer a portion or all of
4 their time on behalf of a candidate or political committee.

5 "2. The use of real or personal property and the
6 cost of invitations, food, or beverages, voluntarily provided
7 by an individual to a candidate or political committee in
8 rendering voluntary personal services on the individual's
9 residential or business premises for election-related
10 activities.

11 "3. The sale of any food or beverage by a vendor for
12 use in an election campaign at a charge to a candidate or
13 political committee less than the normal comparable charge, if
14 the charge to the political committee for use in an election
15 campaign is at least equal to the cost of the food or beverage
16 to the vendor.

17 "4. Any unreimbursed payment for travel expenses
18 made by an individual who, on his or her own behalf,
19 volunteers personal services to a candidate or political
20 committee.

21 "5. The payment by a state or local committee of a
22 political party of the cost of preparation, display, or
23 mailing or other distribution incurred by the committee with
24 respect to a printed slate card or sample ballot, or other
25 printed listing of two or more candidates for any public
26 office for which an election is held in the state, except that
27 this subparagraph shall not apply in the case of costs

1 incurred by the committee with respect to a display of the
2 listing made on broadcasting stations, or in newspapers,
3 magazines, or other similar types of general public political
4 advertising.

5 "6. The value or cost of polling data and voter
6 preference data and information if provided to a candidate or
7 political committee, unless the information was compiled with
8 the advance knowledge of and approval of the candidate or the
9 political committee.

10 "c. For purposes of reporting contributions as
11 required by this chapter, the date of receipt of a
12 contribution shall be the first date the recipient of the
13 contribution is able to make use of the contribution. In the
14 case of a contribution in the form of a check, the date of
15 receipt is the earlier of either of the following:

16 "1. Ten days from the date that the check came
17 within the recipient's control.

18 "2. The date that the check was deposited into the
19 recipient's account.

20 "(4) DESIGNATED FILING AGENT. An individual
21 appointed and authorized as attorney in fact to electronically
22 submit any report or other filing required by this chapter on
23 behalf of a candidate, his or her principal campaign
24 committee, or a political action committee.

25 "(5) ELECTION. Unless otherwise specified, any
26 general, special, or primary, ~~or runoff~~ election, or any
27 convention or caucus of a political party held to nominate a

1 candidate, or any election at which a constitutional amendment
2 or other proposition is submitted to the popular vote.

3 "(6) ELECTIONEERING COMMUNICATION. Any communication
4 disseminated through any federally regulated broadcast media,
5 any mailing, or other distribution, electronic communication,
6 phone bank, or publication which (i) contains the name or
7 image of a candidate; (ii) is made within 120 days of an
8 election in which the candidate will appear on the ballot;
9 (iii) the only reasonable conclusion to be drawn from the
10 presentation and content of the communication is that it is
11 intended to influence the outcome of an election; and (iv)
12 entails an expenditure in excess of one thousand dollars
13 (\$1,000).

14 "(7) EXPENDITURE.

15 "a. The following shall be considered expenditures:

16 "1. A purchase, payment, distribution, loan,
17 advance, deposit, or gift of money or anything of value made
18 for the purpose of influencing the result of an election.

19 "2. A contract or agreement to make any purchase,
20 payment, distribution, loan, advance, deposit, or gift of
21 money or anything of value, for the purpose of influencing the
22 result of an election.

23 "3. The transfer, gift, or contribution of funds of
24 a political committee to another political committee.

25 "4. The payment of any qualifying fee or other cost
26 associated with qualifying to run for office.

27 "b. The term "expenditure" does not include:

1 "1. Any news story, commentary, or editorial
2 prepared by and distributed through the facilities of any
3 broadcasting station, newspaper, magazine, or other periodical
4 publication, unless the facilities are owned or controlled by
5 any political party or political committee.

6 "2. Nonpartisan activity designed to encourage
7 individuals to register to vote, or to vote.

8 "3. Any communication by any membership organization
9 to its members or by a corporation to its stockholders and
10 employees if the membership organization or corporation is not
11 organized primarily for the purpose of influencing the result
12 of an election.

13 "4. The use of real or personal property and the
14 cost of invitations, food, or beverages, voluntarily provided
15 by an individual in rendering voluntary personal services on
16 the individual's residential or business premises for
17 election-related activities.

18 "5. Any unreimbursed payment for travel expenses
19 made by an individual who, on his or her own behalf,
20 volunteers personal services to a candidate or political
21 committee.

22 "6. Any communication by any person which is not
23 made for the purposes of influencing the result of an
24 election.

25 "7. The payment by a state or local committee of a
26 political party of the cost of preparation, display, or
27 mailing or other distribution incurred by the committee with

1 respect to a printed slate card or sample ballot, or other
2 printed listing of two or more candidates for any public
3 office for which an election is held in the state, except that
4 this subparagraph shall not apply in the case of costs
5 incurred by the committee with respect to a display of the
6 listing made on broadcasting stations, or in newspapers,
7 magazines, or other similar types of general public political
8 advertising.

9 "c. For purposes of reporting expenditures as
10 required by this chapter, the date an expenditure is made is
11 the date the instrument authorizes the expenditure. In the
12 case of an expenditure made by check or electronic payment,
13 the date of expenditure is the date of the check or electronic
14 payment.

15 "(8) IDENTIFICATION. The full name and complete
16 address.

17 "(9) LOAN. A transfer of money, property, or
18 anything of value in consideration of a promise or obligation,
19 conditional or not, to repay in whole or part.

20 "(10) LOCAL OFFICE. Any office under the
21 constitution and laws of the state, except circuit, district,
22 or legislative offices, filled by election of the registered
23 voters of a single county or municipality, or by the voters of
24 a division contained within a county or municipality.

25 "(11) PERSON. An individual, partnership, committee,
26 association, corporation, labor organization, or any other
27 organization or group of persons.

1 "(12) PERSONAL AND LEGISLATIVE LIVING EXPENSES.

2 Household supplies, personal clothing, tuition payments,
3 mortgage, rent, or utility payments for a personal residence;
4 admission to an entertainment event or fees for a country club
5 or social club, unless tied to a specific campaign event or
6 functions involving constituents; and any other expense,
7 excluding food and beverages, that would exist irrespective of
8 the candidate's campaign or duties as a legislator. Personal
9 and legislative living expenses shall not include expenses for
10 food, beverages, travel, or communications incurred by the
11 legislator in the performance of the office held.

12 "(13) POLITICAL ACTION COMMITTEE. Any committee,

13 club, association, political party, or other group of one or
14 more persons, whether in-state or out-of-state, which receives
15 or anticipates receiving contributions and makes or
16 anticipates making expenditures to or on behalf of any Alabama
17 state or local elected official, proposition, candidate,
18 principal campaign committee or other political action
19 committee. For the purposes of this chapter, a person who
20 makes a political contribution shall not be considered a
21 political action committee by virtue of making such
22 contribution.

23 "(14) POLITICAL PARTY. A political party as defined

24 in Section 17-13-40.

25 "(15) PRINCIPAL CAMPAIGN COMMITTEE. The principal

26 campaign committee designated by a candidate under Section
27 17-5-4. A political action committee established primarily to

1 benefit an individual candidate or an individual elected
2 official shall be considered a principal campaign committee
3 for purposes of this chapter.

4 "(16) PROPOSITION. Any proposal for submission to
5 the general public for its approval or rejection, including
6 proposed as well as qualified ballot questions.

7 "(17) PUBLIC OFFICIAL. Any person elected to public
8 office, whether or not that person has taken office, by the
9 vote of the people at the state, county, or municipal level of
10 government or their instrumentalities, including governmental
11 corporations, and any person appointed to a position at the
12 state, county, or municipal level of government or their
13 instrumentalities, including governmental corporations. For
14 purposes of this chapter, a public official includes the
15 chairs and vice chairs or the equivalent offices of each state
16 political party as defined in Section 17-13-40.

17 "(18) STATE. The State of Alabama.

18 "(19) STATE OFFICE. All offices under the
19 constitution and laws of the state filled by election of the
20 registered voters of the state or of any circuit or district
21 and shall include legislative offices.

22 "(b) The words and terms used in this chapter shall
23 have the same meanings respectively ascribed to them in
24 Section 36-25-1.

25 "§17-5-7.

26 "(a) Except as provided in subsection (d) and in
27 Section 17-5-7.1, a candidate, public official, or treasurer

1 of a principal campaign committee as defined in this chapter,
2 may only use campaign contributions, and any proceeds from
3 investing the contributions that are in excess of any amount
4 necessary to defray expenditures of the candidate, public
5 official, or principal campaign committee, for the following
6 purposes:

7 "(1) Necessary and ordinary expenditures of the
8 campaign.

9 "(2) Expenditures that are reasonably related to
10 performing the duties of the office held. For purposes of this
11 section, expenditures that are reasonably related to
12 performing the duties of the office held do not include
13 personal and legislative living expenses, as defined in this
14 chapter.

15 "(3) Donations to the State General Fund, the
16 Education Trust Fund, or equivalent county or municipal funds.

17 "(4) Donations to an organization to which a federal
18 income tax deduction is permitted under subparagraph (A) of
19 paragraph (1) of subsection (b) of Section 170 of the Internal
20 Revenue Code of 1986, as amended, or any other charitable,
21 educational, or eleemosynary cause of Section 501 of Title 26
22 of the U. S. Code.

23 "(5) Inaugural or transitional expenses.

24 "(6) Donations to a legislative caucus organization
25 registered under this chapter which does not operate as a
26 political action committee.

1 "(7) Legal fees and costs associated with any civil
2 action, criminal prosecution, or investigation related to
3 conduct reasonably related to performing the duties of the
4 office held.

5 "(b) Notwithstanding any other provision of law,
6 including, but not limited to, Section 13A-10-61, a candidate,
7 public official, or principal campaign committee may only
8 accept, solicit, or receive contributions:

9 "(1) To influence the outcome of an election.

10 "(2) For a period of 12 months before an election in
11 which the person intends to be a candidate. Provided, however,
12 candidates for legislative and statewide office and their
13 principal campaign committees may not accept, solicit, or
14 receive contributions during the period when the Legislature
15 is convened in session. For purposes of this section, the
16 Legislature is convened in session at any time from the
17 opening day of the special or regular session and continued
18 through the day of adjournment sine die for that session.
19 However, this subdivision shall not apply within 120 days of
20 any primary, ~~runoff~~, or general election, and shall not apply
21 to the candidates or their principal campaign committees
22 participating in any special election as called by the
23 Governor. This subdivision shall not apply to a loan from a
24 candidate to his or her own principal campaign committee.

25 "(3) For a period of 120 days after the election in
26 which the person was a candidate, but only to the extent of
27 any campaign debt of the candidate or principal campaign

1 committee of the candidate as indicated on the campaign
2 financial disclosure form or to the extent of reaching the
3 threshold that is required for qualification as a candidate
4 for the office which he or she currently holds, or both.

5 "(4) For the purpose of paying all expenses
6 associated with an election challenge including, but not
7 limited to, quo warranto challenges.

8 "(c) Notwithstanding any other provision of law,
9 including, but not limited to, Section 13A-10-61, a candidate,
10 public official, or principal campaign committee shall not
11 accept, solicit, or receive contributions for any of the
12 following reasons:

13 "(1) As a bribe, as defined by Sections 13A-10-60 to
14 13A-10-63, inclusive.

15 "(2) For the intention of corruptly influencing the
16 official actions of the public official or candidate for
17 public office.

18 "(d) Notwithstanding any other provision of law, a
19 principal campaign committee, during a two-year period
20 commencing on the day after each regularly scheduled general
21 election and ending on the day of the next regularly scheduled
22 general election, may pay qualifying fees to a political party
23 and in addition thereto, during that period, may expend up to
24 a cumulative total of five thousand dollars (\$5,000) of
25 campaign contributions, and any proceeds from investing the
26 contributions, for the following purposes:

1 "(1) Tickets for political party dinners or
2 functions.

3 "(2) State or local political party dues or similar
4 expenses incurred by independent or write-in candidates.

5 "§17-5-8.

6 "(a) The treasurer, designated filing agent, or
7 candidate, shall file with the Secretary of State or judge of
8 probate, as designated in Section 17-5-9, periodic reports of
9 contributions and expenditures at the following times once a
10 principal campaign committee files its statement under Section
11 17-5-4 or a political action committee files its statement of
12 organization under Section 17-5-5:

13 "~~(1) Beginning after the 2012 election cycle,~~
14 ~~regardless~~ Regardless of whether a candidate has opposition in
15 any election, monthly reports not later than the second
16 business day of the subsequent month, beginning 12 months
17 before the date of any primary, special, ~~runoff,~~ or general
18 election for which a political action committee or principal
19 campaign committee receives contributions or makes
20 expenditures with a view toward influencing such election's
21 result. A monthly report shall include all reportable
22 transactions for the previous full month period. Reports shall
23 be required as provided in subdivisions (2) and (3).

24 "(2) With regard to a primary, special, ~~runoff,~~ or
25 general election, a report shall be required weekly on the
26 Monday of the succeeding week for each of the four weeks

1 before the election that includes all reportable activities
2 for the previous week.

3 "(3)a. In addition to the reporting dates specified
4 in subdivisions (1) and (2), reports required to be filed with
5 the Secretary of State shall be filed with the Secretary of
6 State on the eighth, seventh, sixth, fifth, fourth, third, and
7 second day preceding a legislative, state school board, or
8 other statewide primary, special, ~~runoff~~, or general election,
9 and by 12:01 p.m. on the day preceding a legislative, state
10 school board, or statewide, primary, special, ~~runoff~~, or
11 general election if any principal campaign committee or
12 political action committee receives or spends in the aggregate
13 five thousand dollars (\$5,000) or more on that day with a view
14 toward influencing an election's results. If a daily report is
15 required pursuant to this subdivision, the report shall
16 include all reportable activity occurring on the day of the
17 report as well as all reportable activity that has occurred on
18 each day since the most recent prior report. Principal
19 campaign committees and political action committees that are
20 exempt from electronic filing and principal campaign
21 committees and political action committees required to make
22 daily reports pursuant to this subdivision for the 2012
23 election cycle may file reports by facsimile (FAX)
24 transmission provided they keep proper documentation in their
25 office.

26 "b. Electronic filing on the Secretary of State's
27 website ~~may be implemented sooner than the 2014 election cycle~~

1 ~~as an alternative method of reporting, however, electronic~~
2 ~~filing~~ shall be required beginning with the 2014 election
3 cycle. Electronic filings shall be available to the public on
4 a searchable database maintained on the Secretary of State's
5 website.

6 "(b) Except as provided in subsection ~~(k)~~ (j), each
7 principal campaign committee, political action committee, and
8 elected state and local official covered under the provisions
9 of this chapter who has not closed his or her principal
10 campaign committee, shall annually file with the Secretary of
11 State or judge of probate, as designated in Section 17-5-9,
12 reports of contributions and expenditures made during that
13 year. No annual report is required to be filed by a person who
14 holds office because he or she was appointed to serve the
15 remainder of a term vacated by another person, until the
16 person serving has created a principal campaign committee. The
17 annual reports required under this subsection shall be made on
18 or before January 31 of the succeeding year.

19 "(c) Each report under this section shall disclose:

20 "(1) The amount of cash or other assets on hand at
21 the beginning of the reporting period and forward until the
22 end of that reporting period and disbursements made from same.

23 "(2) The identification of each person who has made
24 contributions to such committee or candidate within the
25 calendar year in an aggregate amount greater than one hundred
26 dollars (\$100), together with the amount and date of all such
27 contributions; provided, however, in the case of a political

1 action committee identification shall mean the name and city
2 of residence of each person who has made contributions within
3 the calendar year in an aggregate amount greater than one
4 hundred dollars (\$100).

5 "(3) The total amount of other contributions
6 received during the calendar year but not reported under
7 subdivision (c) (2) of this section.

8 "(4) Each loan to or from any person within the
9 calendar year in an aggregate amount greater than one hundred
10 dollars (\$100), together with the identification of the
11 lender, the identification of the endorsers, or guarantors, if
12 any, and the date and amount of such loans.

13 "(5) The total amount of receipts from any other
14 source during such calendar year.

15 "(6) The grand total of all receipts by or for such
16 committee during the calendar year.

17 "(7) The identification of each person to whom
18 expenditures have been made by or on behalf of such committee
19 or elected official within the calendar year in an aggregate
20 amount greater than one hundred dollars (\$100), the amount,
21 date, and purpose of each such expenditure, and, if
22 applicable, the designation of each constitutional amendment
23 or other proposition with respect to which an expenditure was
24 made.

25 "(8) The identification of each person to whom an
26 expenditure for personal services, salaries, and reimbursed
27 expenses greater than one hundred dollars (\$100) has been

1 made, and which is not otherwise reported or exempted from the
2 provisions of this chapter, including the amount, date, and
3 purpose of such expenditure.

4 "(9) The grand total of all expenditures made by
5 such committee or elected official during the calendar year.

6 "(10) The amount and nature of debts and obligations
7 owed by or to the committee or elected official, together with
8 a statement as to the circumstances and conditions under which
9 any such debt or obligation was extinguished and the
10 consideration therefor.

11 "(d) Each report required by this section shall be
12 signed and filed by the elected official or on behalf of the
13 political action committee by its chair or treasurer and, if
14 filed on behalf of a principal campaign committee, by the
15 candidate represented by such committee. There shall be
16 attached to each such report an affidavit subscribed and sworn
17 to by the official or chair or treasurer and, if filed by a
18 principal campaign committee, the candidate represented by
19 such committee, setting forth in substance that such report is
20 to the best of his or her knowledge and belief in all respects
21 true and complete, and, if made by a candidate, that he or she
22 has not received any contributions or made any expenditures
23 which are not set forth and covered by such report.

24 "~~(e) Commencing with the 2014 election cycle,~~
25 ~~electronic~~ Electronic filing of contributions and expenditures
26 for any legislative, state school board, and statewide
27 primary, special, ~~runoff~~, or general election shall be

1 mandatory, except as provided in subsection ~~(g)~~ (f). The
2 ~~Secretary of State may provide electronic reporting sooner~~
3 ~~than the 2014 election cycle.~~ Electronic filing shall satisfy
4 any filing requirements of this chapter and no paper filing is
5 required for any report filed electronically.

6 "~~(f)~~ In the 2012 election cycle the provisions for
7 the time of filing contained in subsection (a) shall apply to
8 the paper or facsimile (FAX) filings for any legislative,
9 state school board, or statewide primary, special, runoff, or
10 general election.

11 "~~(g)~~ (f) Electronic filing of reports shall not apply
12 to any campaign, principal campaign committee, or political
13 action committee receiving five thousand dollars (\$5,000) or
14 less per election cycle.

15 "~~(h)~~ (g) In connection with any electioneering
16 communication paid for by a person, nonprofit corporation,
17 entity, principal campaign committee, or other political
18 committee or entity, the payor shall disclose its
19 contributions and expenditures in accordance with this
20 section. The disclosure shall be made in the same form and at
21 the same time as is required of political action committees in
22 this section; provided, however, no duplicate reporting shall
23 be required by a political committee.

24 "~~(i)~~ (h) Notwithstanding any disclosure requirements
25 of subsection ~~(h)~~ (g), churches are exempt from the
26 requirements of this section unless the church's expenditures
27 are used to influence the outcome of an election. Nothing

1 herein shall require a church to disclose the identities,
2 donations, or contributions of members of the church. As used
3 in this section, the term church is defined in accordance with
4 and recognized by Internal Revenue Service guidelines and
5 regulations.

6 "~~(j)~~ (i) Notwithstanding the disclosure requirements
7 of this section, the provisions of this section shall not be
8 interpreted to nor shall they require any disclosure for
9 expenses incurred for any electioneering communication used by
10 any membership or trade organization to communicate with or
11 inform its members, its members' families, or its members'
12 employees or for any electioneering communication by a
13 business entity of any type to its employees or stockholders
14 or their families.

15 "~~(k)~~ (j) Each report required by this section shall
16 include all reportable transactions occurring since the most
17 recent prior report; however, duplicate reporting is not
18 required by this section. A political action committee or
19 principal campaign committee that is required to file a daily
20 report is not required to also file a weekly report for the
21 week preceding an election specified in subdivision (3) of
22 subsection (a); a committee required to file a weekly report
23 is not required to also file a monthly report in the month in
24 which the election is held; and a committee required to file a
25 monthly report is not required to also file an annual report
26 in the year in which the election is held. The monetary

1 balance in a report of each committee shall begin at the
2 monetary amount appearing in the most recent prior report.

3 "~~(j)~~(k) The Secretary of State may promulgate
4 administrative rules pursuant to the Alabama Administrative
5 Procedure Act as are necessary to implement and administer the
6 changes made to this section by Act 2012-477.

7 "§17-6-21.

8 "(a) The official ballots shall contain the names of
9 all candidates nominated by caucus, convention, mass meeting,
10 primary election, or other assembly of any political party or
11 faction, or by petition of electors and certified as provided
12 in Section 17-9-3, but no person's name shall be printed upon
13 the ballots who, within the time period set forth in
14 subsection (c), notifies the judge of probate in writing,
15 acknowledged before an officer authorized by law to take
16 acknowledgments, that he or she will not accept the nomination
17 specified in the certificate of nomination or petition of
18 electors. The name of each candidate shall appear but one time
19 on the ballot and under only one emblem.

20 "(b) A nomination for a candidate in a primary or
21 general election shall be finalized by the respective state
22 executive committees not later than 76 days before the primary
23 or general election. Any amendment to a certification of a
24 candidate by a state executive committee shall be filed with
25 the judge of probate in the case of a county office, or the
26 Secretary of State in the case of a state or federal office.
27 Any amendment filed after the 76th day before a primary or a

1 general election shall be accepted by the judge of probate or
2 the Secretary of State but shall not be cause for reprinting
3 of the ballots. The name of a candidate who is the subject of
4 the amendment and who is disqualified by a political party or
5 who has withdrawn as a candidate shall remain on the ballot,
6 not be replaced by the name of another candidate, and the
7 appropriate canvassing board shall not certify any votes for
8 the candidate. Any amendment to a certification to correct the
9 spelling of the name of a candidate that is filed after the
10 76th day before a primary or general election, ~~or after the~~
11 ~~printing of absentee ballots for a primary runoff election has~~
12 ~~commenced,~~ shall not be cause for reprinting of the ballots
13 and shall not affect the counting or certification of any
14 votes cast for the candidate.

15 "(c) The notification deadline for persons who do
16 not wish to accept nomination in a primary election is 76 days
17 before the date of the election. ~~A person who does not wish to~~
18 ~~accept nomination in a second primary election shall submit~~
19 ~~the notification set forth in subsection (a) before the~~
20 ~~printing of absentee ballots.~~ The notification deadline for
21 persons who do not wish to accept nomination in a general
22 election is 76 days before the date of the election. In the
23 event that a candidate submits a notification of withdrawal
24 after the applicable deadline, the name of the candidate shall
25 remain on the ballot and the appropriate canvassing board may
26 not certify any votes for the candidate.

27 "§17-6-22.

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

4 "(1) The party shall have filed with the Secretary
5 of State or other appropriate official on the date of the
6 ~~first~~ primary election a list of the signatures of at least
7 three percent of the qualified electors who cast ballots for
8 the office of Governor in the last general election for the
9 state, county, city, district, or other political subdivision
10 in which the political party seeks to qualify candidates for
11 office; and unless

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

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

18 "§17-9-3.

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

23 "(1) Except for the office of President, the
24 candidates who qualify to run in the general election, as
25 provided in Section 17-13-18.

26 "(2) For the office of President, all of the
27 following:

1 a. All candidates who have been put in nomination by
2 a presidential preference primary election and certified in
3 writing by the chair and secretary of the canvassing board of
4 the appropriate party ~~holding the primary~~ and filed with ~~the~~
5 ~~judge of probate of the county, in the case of a candidate for~~
6 ~~county office, and the Secretary of State. in all other cases,~~
7 ~~on the day next following the last day for contesting the~~
8 ~~primary election for that office if no contest is filed. If a~~
9 ~~contest is filed, then the certificate for the contested~~
10 ~~office must be filed on the day next following the date of~~
11 ~~settlement or decision of the contest.~~

12 ~~"(2) All candidates who have been put in nomination~~
13 ~~by any caucus, convention, mass meeting, or other assembly of~~
14 ~~any political party or faction and certified in writing by the~~
15 ~~chair and secretary of the nominating caucus, convention, mass~~
16 ~~meeting, or assembly and filed with the judge of probate, in~~
17 ~~the case of a candidate for county office, and the Secretary~~
18 ~~of State in all other cases, on or before 5:00 P.M. on the~~
19 ~~date of the first primary election as provided for in Section~~
20 ~~17-13-3.~~

21 ~~"(3) b.~~ b. Each candidate who has been requested to be
22 an independent candidate for ~~a specified~~ the office of
23 President by written petition signed by electors qualified to
24 vote in the election to fill the office when the petition has
25 been filed with ~~the judge of probate, in the case of a county~~
26 ~~office and with the Secretary of State in all other cases,~~ on
27 or before 5:00 P.M. on the date of the ~~first~~ primary election

1 as provided for in Section 17-13-3. The number of qualified
2 electors signing the petition shall equal or exceed three
3 percent of the qualified electors who cast ballots for the
4 office of Governor in the last general election for the state.
5 ~~, county, district, or other political subdivision in which~~
6 ~~the candidate seeks to qualify.~~

7 "(b) The Secretary of State, not later than 74 days
8 before the general election, shall certify to the judge of
9 probate of each county in the state, in the case of an officer
10 to be voted for by the electors of the whole state, and to the
11 judges of probate of the counties composing the circuit or
12 district in the case of an officer to be voted for by the
13 electors of a circuit or district, ~~upon suitable blanks to be~~
14 ~~prepared by him or her for that purpose, the fact of~~
15 ~~nomination or independent candidacy of each nominee or~~
16 ~~independent candidate or candidate of a party who did not~~
17 ~~receive more than 20 percent of the entire vote cast in the~~
18 ~~last general election preceding the primary who has qualified~~
19 ~~to appear on the general election ballot. The judge of probate~~
20 ~~shall then prepare the ballot with the names of each candidate~~
21 ~~qualified under the provisions of this section printed on the~~
22 ~~ballot. The judge of probate may not print on the ballot the~~
23 ~~name of any independent candidate who was a candidate in the~~
24 ~~primary election of that year and the name of any nominee of a~~
25 ~~political party who was a candidate for the nomination of a~~
26 ~~different political party in the primary election of that year~~
27 the names of the applicable candidates.

1 "(c) The Secretary of State may adopt rules to
2 implement this section.

3 "§17-11-12.

4 "Not less than 55 days prior to the holding of any
5 election, except a municipal election, to which this chapter
6 pertains, ~~or in the case of a runoff primary election, not~~
7 ~~more than seven days after the first primary election,~~ the
8 officer charged with the printing and distribution of the
9 official ballots and election supplies shall deliver to the
10 absentee election manager of each county in which the election
11 is held or to the person designated to serve in his or her
12 place a sufficient number of absentee ballots, envelopes, and
13 other necessary supplies. Not more than seven days after the
14 last day to qualify as a candidate in a municipal election, ~~or~~
15 ~~in the case of a runoff municipal election, not more than 14~~
16 ~~days after the first election,~~ or in the case of a municipal
17 election held for a purpose other than the election of
18 municipal officers, not more than seven days after the giving
19 of notice of the election, the officer charged with the
20 printing and distribution of the official ballots and election
21 supplies shall deliver to the absentee election manager of the
22 municipality in which the election is held, or to the person
23 designated to serve in his or her place, a sufficient number
24 of absentee ballots, envelopes, and other necessary supplies.
25 If the absentee election manager is a candidate with
26 opposition in the election, he or she shall immediately, upon
27 receipt of the ballots, envelopes, and supplies, deliver them

1 to the person authorized to act in his or her place, as
2 provided in Section 17-11-13.

3 "§17-13-1.

4 "A primary election, including a separate and
5 special presidential preference primary election, within the
6 meaning of this chapter, is an election held by the qualified
7 voters ~~who are members of any political party,~~ for the purpose
8 of nominating a candidate or candidates for public or party
9 office.

10 "§17-13-2.

11 "All primary elections held ~~by any political party~~
12 in this state for the nomination of any state, national,
13 district, circuit, county, or municipal officer shall be held
14 and conducted under the provisions of this chapter and, except
15 as herein modified, shall be held and conducted in the same
16 manner and form, under the same requirements and subject to
17 the same forfeitures, penalties, and punishments as are now or
18 shall hereafter be provided by law for the holding of ~~regular~~
19 general state elections, but nothing herein contained shall
20 make it obligatory upon any political party or parties to ~~hold~~
21 participate in a primary election.

22 "§17-13-3.

23 "(a) Except as otherwise provided in subsection (b),
24 primary elections, except special primary elections and
25 presidential preference primaries, held at the expense of the
26 state or counties, shall be held on the first Tuesday in June.
27 ~~When necessary, as provided in this chapter, a second or~~

1 ~~runoff primary election shall be held on the sixth Tuesday~~
2 ~~following the primary election. Any second primary shall be~~
3 ~~held by the same election officers who held the first primary,~~
4 ~~and be held at the same places as the first primary election.~~
5 ~~No primary shall be held by any political party except as~~
6 ~~herein provided.~~ Primary elections herein provided for shall
7 be held at the regular polling places established for the
8 purpose of holding general elections.

9 "(b) In years in which a presidential primary is
10 conducted, the primary election shall be the first Tuesday in
11 March.

12 "(c) Notwithstanding any other provision of law, in
13 any year in which the primary election is held in March and
14 the primary election is held in conjunction with the
15 presidential preference primary election, as provided in this
16 section and Section 17-13-100, any reference in any existing
17 statutes to a primary election being held in June shall be
18 construed to refer to the primary election in March.

19 "§17-13-5.

20 "(a) All candidates ~~for seeking~~ nomination ~~to public~~
21 ~~office or for election to party office in the~~ by a party to
22 run for an elected office in a primary election provided for
23 in this chapter shall file their declaration of candidacy with
24 the state party chair if they seek any federal, state,
25 circuit, or district office, or the state Senate, House of
26 Representatives, or any other office that is not a county
27 office not later than 5:00 P.M. 116 days before the date of

1 the primary election. All candidates for nomination or
2 election to a county office shall file their declaration with
3 the county party chair not later than 5:00 P.M. 116 days
4 before the date of the primary election.

5 "(b) The state party chair ~~shall~~, no later than 5:00
6 P.M. 82 days before the primary election, shall certify the
7 names of all primary election candidates, except candidates
8 for county offices, to the Secretary of State. The county
9 party chair shall, not later than 5:00 P.M. 82 days prior to
10 the date of the primary election, certify to the judge of
11 probate the names of all candidates for nomination to county
12 offices or election to county party offices.

13 "(c) All candidates seeking to run as an independent
14 candidate for an elected office other than the office of
15 President shall file a written petition with the Secretary of
16 State signed by electors qualified to vote in the election to
17 fill the office no later than 5:00 P.M. 90 days before the
18 date of the primary election. The number of qualified electors
19 signing the petition must equal or exceed one percent of the
20 qualified electors who cast ballots for the office of Governor
21 in the last general election for the state or the district in
22 which the candidate seeks to qualify.

23 "(d) The Secretary of State ~~shall~~, not less than 74
24 days prior to the date of the primary election, shall certify
25 to the judge of probate of every county in which the election
26 is to be held the names of the opposed candidates for
27 nomination to federal, state, circuit, or district offices,

1 the state Senate, House of Representatives, and all other
2 opposed candidates to public or party office, except
3 candidates for county offices.

4 ~~"(c)(e)~~ The judge of probate of each county shall
5 have the ballots prepared for the primary election. ~~If a~~
6 ~~legally qualified candidate for nomination to an office is~~
7 ~~unopposed when the last date for filing declarations of~~
8 ~~candidacy has passed, his or her name shall not appear on the~~
9 ~~ballots to be used in the primary election, and he or she~~
10 ~~shall be the nominee of the party with which he or she has~~
11 ~~qualified for the office. If a legally qualified candidate for~~
12 ~~election to a party office is unopposed when the last date for~~
13 ~~filing declarations of candidacy has passed, his or her name~~
14 ~~shall not appear on the ballots to be used in the primary~~
15 ~~election, and he or she shall be declared elected to the party~~
16 ~~office for which he or she qualified. For a presidential~~
17 ~~preference primary election, a separate ballot shall be~~
18 ~~prepared for the office of President, as provided in Section~~
19 ~~17-13-8.2.~~

20 "§17-13-6.

21 "The name of no candidate shall be printed upon any
22 official ballot used at any primary election unless such
23 person is legally qualified to hold the office for which he or
24 she is a candidate and unless he or she is eligible to vote in
25 the primary election in which he or she seeks to be a
26 candidate and for all party candidates, he or she possesses

1 the political qualifications prescribed by the governing body
2 of his or her political party.

3 "§17-13-7.

4 "(a) All persons who are qualified electors under
5 the general laws of the State of Alabama ~~and who are also~~
6 ~~members of a political party and entitled to participate in~~
7 ~~such primary election under the rules of the party shall be~~
8 entitled to vote ~~therein~~ in a primary election, except only
9 qualified electors who are members of a political party are
10 entitled to participate in a presidential preference primary
11 election. ~~and shall receive the official primary ballot of~~
12 ~~that political party, and no other; but every~~

13 "(b) The governing body of a party shall have the
14 right, power, and authority to fix and prescribe the political
15 or other qualifications of its own members. ~~and shall, in its~~
16 ~~own way, declare and determine who shall be entitled and~~
17 ~~qualified to vote in such primary election or to be candidates~~
18 ~~therein or to otherwise participate in such political parties~~
19 ~~and primaries. The qualifications of electors entitled to vote~~
20 ~~in such primary election shall not necessarily be the same as~~
21 ~~the qualifications for electors entitled to become candidates~~
22 ~~therein.~~ Nothing herein contained shall be so construed as to
23 prohibit any state executive committee of a party from fixing
24 such qualifications as it may deem necessary for persons
25 desiring to become candidates for nomination to offices at a
26 primary election.

1 ~~"(b) A political party may require all poll lists~~
2 ~~for primary elections to state at the top thereof that by~~
3 ~~participating in the primary election a voter shall indicate a~~
4 ~~preference for the party holding the primary, and will support~~
5 ~~the nominees of that party in the general election, and that~~
6 ~~he or she is qualified under the rules of such party to vote~~
7 ~~in its primary election. No person shall be eligible to~~
8 ~~participate in the primary unless he or she signs the poll~~
9 ~~list and thereby certifies to the truth of the statement.~~

10 "§17-13-8.

11 "(a) This section applies to all primary ballots
12 other than a ballot for the office of President. Separate
13 official ballots and other election stationery and supplies
14 for each political party

15 "(b) Official ballots containing the names of all
16 qualified candidates, as provided in Section 17-13-5, shall be
17 printed and furnished for use at each election district or
18 precinct and shall be of a different color for each of the
19 political parties participating in such primary election. All
20 ballots for the same political party shall be alike, except as
21 herein otherwise provided, printed in plain type and upon
22 paper so thick that the printing cannot be distinguished from
23 the back. Across the top of the ballot shall be printed ~~the~~
24 ~~party's emblem, if any,~~ and the words, "Official Primary
25 Election Ballot." Beneath this heading shall be printed the
26 year in which the election is held. and Next to the name of
27 each party candidate, the words "Democratic Party" or

1 "Republican Party" or other proper party designation shall be
2 printed. Each group of candidates to be voted on shall be
3 preceded by the designation of the office for which the
4 candidates seek nomination, and in the proper place shall be
5 printed the words "Vote for one" or "Vote for two" (or more)
6 according to the number to be elected to such office at the
7 ensuing election.

8 ~~"At the option of a political party at the bottom of~~
9 ~~the ballot and after the name of the last candidate shall be~~
10 ~~printed the following: "By casting this ballot I do pledge~~
11 ~~myself to abide by the result of this primary election and to~~
12 ~~aid and support all the nominees thereof in the ensuing~~
13 ~~general election."~~

14 ~~"Should any voter scratch out, deface, or in any way~~
15 ~~mutilate or change the pledge printed on the ballot, the voter~~
16 ~~shall not be considered or held to have repudiated or to have~~
17 ~~refused to take the pledge, but shall, conclusively, be~~
18 ~~presumed and held to have scratched out, defaced, or mutilated~~
19 ~~or changed the same for the sole purpose of identifying the~~
20 ~~ballot; and, accordingly, such ballot shall be marked "spoiled~~
21 ~~ballot" and shall not be counted.~~

22 "§17-13-16.

23 "The counting of the ballots having been completed,
24 the results shall be publicly proclaimed. ~~Separate~~
25 ~~certificates for each of the political parties entering the~~
26 ~~primary and the~~ The results of the election shall be drawn up
27 by the inspector and clerks at each and every voting place,

1 which shall contain all matters and things provided for in the
2 law regulating general elections. The certificates shall be
3 signed by the election workers; one copy of the same shall be
4 forthwith posted in a conspicuous place at such voting place,
5 one copy shall be transmitted to the chair of the county
6 executive committee of each of the political parties in the
7 primary, at such place as the county executive committee of
8 the county shall designate at which to receive such returns,
9 and another copy shall be transmitted to the chairs of the
10 state executive committees of the political parties
11 participating in the primary.

12 "§17-13-18.

13 ~~"(a) At the respective meetings of the respective~~
14 ~~executive committees, the county executive committee, as to~~
15 ~~candidates in the primary election for office, except~~
16 ~~candidates for county office, shall publicly ascertain,~~
17 ~~determine, and declare whether any candidate for office in the~~
18 ~~primary election has received a majority of the votes cast for~~
19 ~~the office, and, if so, declare the candidate the nominee of~~
20 ~~the party for the office for which he or she was a candidate~~
21 ~~and for which he or she received a majority of the votes cast~~
22 ~~for that office in the primary election.~~

23 ~~"(b) If no candidate receives a majority of all of~~
24 ~~the votes cast in such primary election for any one office or~~
25 ~~offices for the nomination to which there were more than two~~
26 ~~candidates, then there shall be held a second primary election~~
27 ~~on the sixth Tuesday following the primary election, and the~~

1 ~~chair of the state executive committee shall certify to the~~
2 ~~Secretary of State, immediately upon the completion of such~~
3 ~~canvass, the names of the two candidates of the party to~~
4 ~~receive the highest number of votes in the first primary~~
5 ~~election for such office or offices, except county officers,~~
6 ~~and who are to be voted for in the second primary election.~~
7 ~~The chair of each county executive committee shall,~~
8 ~~immediately upon the completion of such canvass, certify to~~
9 ~~the judge of probate of the county the names of the two~~
10 ~~candidates who received the highest number of votes in the~~
11 ~~first primary for nomination to any county office. The~~
12 ~~Secretary of State shall, within two business days from the~~
13 ~~date the certificate is received from the chair of the state~~
14 ~~executive committee, certify to the judge of probate of any~~
15 ~~county where a second primary election is to be held the name~~
16 ~~or names of the candidates certified as herein provided by the~~
17 ~~chair of the state executive committee. The judge of probate~~
18 ~~of each county in Alabama shall in the manner and form as~~
19 ~~required by this chapter and the general laws of Alabama, have~~
20 ~~prepared and printed all election supplies and all ballots to~~
21 ~~be voted in the second primary election, which ballots shall~~
22 ~~contain, under appropriate headings or titles of the offices~~
23 ~~to be filled, the names of the two candidates for each office~~
24 ~~so certified by the Secretary of State and the chair of the~~
25 ~~county executive committee, as herein required, as well as~~
26 ~~such other matters as are required by this chapter and the~~

1 ~~general laws of Alabama, on ballots for the first primary~~
2 ~~election.~~

3 ~~"(c) At the second primary election, no person can~~
4 ~~be a candidate except the two persons who receive the highest~~
5 ~~number of votes for the offices for which they were candidates~~
6 ~~in the first primary election.~~

7 ~~"(d) The returns from the second primary election~~
8 ~~shall be made and the votes canvassed, tabulated, and~~
9 ~~certified and the results declared in the same manner provided~~
10 ~~in this chapter for making, canvassing, tabulating,~~
11 ~~certifying, and declaring the results of the first primary~~
12 ~~election. The county executive committee of the parties~~
13 ~~participating in the primary election shall meet at the~~
14 ~~courthouse of their respective counties not later than the~~
15 ~~second Friday following the second primary election and~~
16 ~~receive the returns, canvass and tabulate the same by~~
17 ~~precinct, and publicly declare the results thereof. The chair~~
18 ~~of each county executive committee shall forthwith, and not~~
19 ~~later than noon on the second Monday following the primary~~
20 ~~election, certify and return to the chair of the state~~
21 ~~executive committee a statement and tabulation by precincts of~~
22 ~~the results of the second primary election and of the number~~
23 ~~of votes received by each candidate for office therein voted~~
24 ~~for, except candidates for county office. Not later than noon~~
25 ~~on the third Wednesday following the second primary election,~~
26 ~~the state executive committee, or such subcommittee thereof as~~
27 ~~may have been appointed by the chair thereof for such purpose,~~

1 shall meet at the State Capitol in Montgomery and receive the
2 returns and canvass and tabulate the same by counties, and
3 publicly declare on that day the result thereof as to all
4 candidates voted for, except as to candidates for county
5 office, which results shall be final. At such respective
6 meetings of the respective executive committees, the county
7 executive committee, as to candidates for county office voted
8 for in the second primary election, and the state executive
9 committee, as to candidates for office in the second primary
10 election voted for therein, except candidates for county
11 office, shall publicly ascertain and determine the candidates
12 receiving a majority of all of the votes cast in such second
13 primary election for any one office, and the candidates so
14 ascertained and determined to have received a majority of all
15 of the votes cast in such second primary election for the
16 office shall be declared the nominee of the party for such
17 office by the respective county and state executive
18 committees. Thereupon and immediately upon the completion of
19 such canvass, the chair thereof shall certify to and file with
20 the judge of probate of the county the names of those who have
21 been nominated in the first or the second primary election or
22 as otherwise authorized or provided by this chapter, as
23 candidates of the party for county offices, and in like
24 manner, and immediately upon the completion of such canvass,
25 by the state executive committee, or subcommittee thereof, the
26 chair of the state executive committee shall certify to and
27 file with the Secretary of State the names of those who have

1 ~~been nominated in the first or second primary election or as~~
2 ~~otherwise authorized or provided by this chapter as candidates~~
3 ~~of the party for office, except candidates for county office,~~
4 ~~and the names of the persons so certified shall be placed upon~~
5 ~~the official ballot of the general election to be held in~~
6 ~~November next thereafter as the candidates of the party for~~
7 ~~the offices for which they, respectively, have been so~~
8 ~~nominated.~~

9 ~~"(e) The state executive committee or such~~
10 ~~subcommittee as provided in this section shall also provide~~
11 ~~the Secretary of State with the second primary election~~
12 ~~returns by precincts according to county on a form authorized~~
13 ~~by the Secretary of State on the third Wednesday following the~~
14 ~~secondary primary, county and municipal returns excepted.~~

15 "(a) This section applies to all primary elections
16 other than a presidential preference primary election.

17 "(b) If a candidate for a single seat office
18 receives a majority of the votes cast to fill the office, that
19 candidate shall be declared by the Secretary of State as the
20 winner, in which case a subsequent general election will not
21 be held for that office. In instances where no candidate
22 receives a majority of the votes cast, a general election
23 between the two candidates receiving the highest number of
24 votes shall be held. If any candidate eligible to be in a
25 subsequent general election withdraws, dies, or is found to be
26 ineligible, the remaining two candidates receiving the highest

1 number of votes shall be the candidates in the general
2 election.

3 "(c) For multiple seat offices, the candidates
4 receiving the highest number of votes shall be declared by the
5 Secretary of the State as the winners of each of the offices.

6 "(d) The Secretary of State may adopt rules to
7 implement this section.

8 "§17-13-22.

9 "The Secretary of State ~~shall~~, not later than 74
10 days before the general election, shall certify to the judge
11 of probate of each county in the state a ~~separate~~ list of
12 nominees ~~of each party~~ for each office other than county
13 office and, for the office of President, each candidate who
14 has requested to be an independent candidate for the office of
15 President and ~~has~~ filed a written petition in accordance with
16 Section 17-9-3, ~~except nominees for county offices, to be~~
17 ~~voted for by the voters of such county.~~

18 "§17-13-50.

19 "(a) When any political party shall desire to hold
20 any mass meeting, beat meeting, or other meeting of the voters
21 of such party for the purpose of nominating any candidate or
22 candidates for public office to be voted for in a general
23 election in Alabama or for the purpose of selecting delegates
24 or other representatives to any convention which may select
25 such candidates for public office or when any such party shall
26 desire to hold such mass meeting, beat meeting, or other
27 meeting of the voters of such party for the purpose of

1 selecting committeemen, representatives, or other party
2 officers of such party, all of such meetings shall be held as
3 provided in this section.

4 "(b) All such meetings shall be held before the
5 ~~first~~ primary election. The general public is privileged to
6 attend such meetings, but not to participate. No less than
7 five days prior to the date upon which any such mass meeting,
8 beat meeting, or other meeting is to be held, notice of such
9 meeting, including the time and place of such meeting, shall
10 be filed with the judge of probate of the county in which any
11 such meeting is to be held and shall be published in a
12 newspaper of general circulation in the county at the expense
13 of the political party holding such meeting. The judge of
14 probate shall immediately forward to the Secretary of State a
15 certified copy of all notices filed under this section.

16 "§17-16-45.

17 "In all election contests ~~other than political party~~
18 ~~primaries or runoffs~~, any person or candidate involved in the
19 contest is entitled to make an examination of the ballots
20 cast, given, or rejected in the election, to make an
21 examination of the voting equipment used in the election, and
22 to make an examination of voting machine computations or
23 printouts.

24 "§17-16-46.

25 "In all election contests involving elections other
26 than party primaries ~~or runoffs~~:

1 "(1) The examining person or candidate seeking to
2 examine the ballots, electronic voting machines, or electronic
3 voting machine computations or printouts must move, within 10
4 days of the filing of the contest, the court before whom the
5 election contest is pending for an examination. The court
6 shall set a hearing on the motion for examination which must
7 take place within 10 days after service of the motion on the
8 parties and candidates involved in the election contest. The
9 hearing shall be held to determine the procedures to be used
10 for the examination and the court shall, within five days
11 after the hearing, set forth the procedures for the
12 examination. Absent a subsequent court order extending the
13 time for reasonable cause shown, the examination must be
14 finished within 15 days of the court order which sets forth
15 the examination procedures.

16 "(2) Examination procedures shall be within the
17 discretion of the court. The court shall consider, in
18 determining appropriate procedures, the need to preserve the
19 integrity of the ballots, electronic voting machines, and
20 electronic voting machine computations and printouts; the need
21 to ensure that votes were accurately cast and counted; the
22 need to ensure that all persons and candidates involved in the
23 election have the opportunity to observe the examination and
24 ensure that an examination does not wrongfully alter the
25 election results; the need to expeditiously conclude the
26 election contest; and any other factor which is relevant to
27 the integrity of the election process. The court must, when so

1 requested by any party or candidate involved in the contest,
2 allow such party or candidate, and his or her agents, to
3 observe all of the examination proceedings.

4 "(3) The court shall require the examining party or
5 candidate to make a deposit with the court or post a bond in a
6 sum adequate to ensure prompt payment of all reasonable,
7 necessary, and actual expenses incurred by any governmental
8 entity during and as a result of the examination. If the
9 examining person or candidate prevails in the election contest
10 as a result of information obtained from the examination of
11 the ballots, electronic voting machines, or electronic voting
12 machine computations or printouts, he or she shall not be
13 responsible for any expenses or costs incurred by any
14 governmental entity during and as a result of the examination.

15 "§21-4-21.

16 "As used in this article, unless the context clearly
17 indicates a different meaning, the following terms shall have
18 meanings ascribed to them as follows:

19 "(1) ELDERLY INDIVIDUAL. An individual 65 years of
20 age or older;

21 "(2) ELECTION FOR STATE OFFICE. A general, special,
22 or primary, ~~or runoff~~ election for an executive, legislative,
23 or judicial state office that is contested on a statewide
24 basis;

25 "(3) HANDICAPPED INDIVIDUAL. An individual qualified
26 to vote, who, by reason of illness, injury, age, congenital
27 malfunction, or other permanent or temporary incapacity or

1 disability, is unable without accessible facilities or
2 registration and voting aids to have access to registration
3 and voting equal to that available to persons who are not so
4 affected;

5 "(4) STATE. State of Alabama;

6 "(5) VOTING PRECINCT. The area inhabited by all
7 individuals assigned to one polling place for a state
8 election."

9 Section 2. Section 17-13-8.2 is added to the Code of
10 Alabama 1975, to read as follows:

11 §17-13-8.2.

12 (a) This section only applies to a ballot for the
13 office of President.

14 (b) Separate official ballots for each political
15 party shall be printed and furnished for use at each election
16 district or precinct and shall be of a different color for
17 each of the political parties participating in the
18 presidential preference primary election. All ballots for the
19 same political party shall be alike, printed in plain type and
20 upon paper so thick that the printing cannot be distinguished
21 from the back. Across the top of the ballot shall be printed
22 the party's emblem, if any, and the words, "Official Primary
23 Election Ballot for the Office of President." Beneath this
24 heading shall be printed the year in which the election is
25 held and the words "Democratic Party" or "Republican Party" or
26 other proper party designation. Each delegate to be voted on
27 shall be preceded by the designation of the office for which

1 the delegate seeks nomination, and in the proper place shall
2 be printed the words "Vote for one."

3 (c) At the option of a political party at the bottom
4 of the ballot and after the name of the last delegate shall be
5 printed the following: "By casting this ballot I do pledge
6 myself to abide by the result of this primary election and to
7 aid and support the nominee in the ensuing general election."
8 Should any voter scratch out, deface, or in any way mutilate
9 or change the pledge printed on the ballot, the voter shall
10 not be considered or held to have repudiated or to have
11 refused to take the pledge, but shall, conclusively, be
12 presumed and held to have scratched out, defaced, or mutilated
13 or changed the same for the sole purpose of identifying the
14 ballot; and, accordingly, such ballot shall be marked "spoiled
15 ballot" and shall not be counted.

16 Section 3. Sections 17-13-7.1, 17-13-19, 17-13-20,
17 17-13-21, 17-13-23, 17-13-41, and 17-13-101, Code of Alabama
18 1975, are repealed.

19 Section 4. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law, and
22 shall apply to primary elections held after January 1, 2019.