

1 HB312
2 209060-2
3 By Representative Wheeler
4 RFD: Constitution, Campaigns and Elections
5 First Read: 03-FEB-21

1 registered voters at their respective precincts, so long as
2 the board determines that the poll worker is qualified for
3 appointment as a poll worker. First priority may be given for
4 the appointment of poll workers and alternate poll workers who
5 are registered voters at their respective precincts. The
6 appointing board may appoint the number of precinct election
7 officials necessary for each precinct, provided that, absent
8 consent of the county commission, the total number of precinct
9 election officials appointed in a county shall not exceed the
10 total number of precinct election officials who were paid by
11 the county for the general election held November 2004. In the
12 event that the number of precincts or voting places utilized
13 in an election within a county is increased or decreased, the
14 total number of officials who may be appointed without consent
15 of the county commission shall be increased or decreased
16 proportionately based upon the average number of workers
17 utilized in each precinct or polling place within the county.
18 In the event that the county changes voting equipment from
19 that used in the November 2004 election, the total number of
20 precinct election officials the appointing board may appoint
21 shall be the average number of precinct election officials per
22 precinct or polling place utilized statewide for the general
23 election held in November 2004, multiplied by the number of
24 precincts or polling places in the county changing voting
25 equipment; provided, however, that the number of precinct
26 election officials appointed for any precinct in the county
27 may be increased with the consent of the county commission.

1 Members of a candidate's immediate family to the second degree
2 of kinship by affinity or consanguinity and any member of a
3 candidate's principal campaign committee are not eligible for
4 appointment.

5 "(b) The precinct election officials shall have the
6 following duties:

7 "(1) The inspector shall be in charge of the voting
8 place and shall serve as returning officer for the voting
9 place.

10 "(2) The registration list clerk shall check the
11 name of voters against the list of registered voters and mark
12 off the names of those who vote in order to prevent double
13 voting. If any ~~person~~ individual whose name does not appear on
14 the list of registered voters is permitted to vote by means of
15 a certificate as provided in Section 17-10-3, or by means of a
16 provisional ballot as provided in Sections 17-10-1 and
17 17-10-2, the registration list clerk shall legibly print the
18 name and address on the list of registered voters, mark
19 through the name to indicate that the ~~person~~ individual has
20 voted, and record by the name whether the ~~person~~ individual
21 voted by certificate, with source and date, or by provisional
22 ballot.

23 "(3) The poll list clerk shall ensure that each
24 voter signs the poll list as provided in Sections 17-9-15 and
25 17-13-7. A clerk shall print the voter's name on the poll list
26 or a duplicate list so that the signature can be identified.
27 The poll list clerk shall give a ballot to the voter with the

1 stub attached to the ballot pad. Ballots shall be given out in
2 sequence beginning with the lowest numbered ballot.

3 "(4) The ballot clerk, upon the request of a voter,
4 shall assist the voter as necessary to deposit the ballot in
5 the precinct ballot counter.

6 "(c) Any ~~person~~ individual who is compensated for
7 working at the polls during any returning, other than an
8 inspector appointed under subsection (a), may work on a split
9 shift schedule if determined necessary by the judge of
10 probate. Each portion of a split shift shall consist of not
11 less than six consecutive hours of work and the worker shall
12 be paid one-half of the per day compensation provided for by
13 general or local law in the county.

14 "(d) (1) ~~Notwithstanding the provisions of~~ subsection
15 (a), the judge of probate or other appropriate election
16 officials in a county, may provide for the appointment of
17 additional inspectors and clerks from within the county
18 ~~at-large~~ to serve as alternates in the event an appointed
19 inspector or clerk is unable to perform his or her duties.
20 ~~First priority shall be given for the appointment of~~
21 ~~alternates who are registered voters at the precinct where a~~
22 ~~vacancy exists.~~ The number of alternates shall be limited as
23 provided ~~herein~~ in the following manner and no payment shall
24 be provided for alternates in excess of the number authorized
25 in this subsection.:

26 "a. In a county with a population of less than
27 100,000 inhabitants, the judge of probate or other appropriate

1 election officials in the county may provide for the
2 appointment and payment of up to four alternate inspectors,
3 clerks, or returning officers;~~in.~~

4 "b. In a county with a population of 100,000 to
5 250,000 inhabitants, the judge of probate or other appropriate
6 election officials in the county may provide for the
7 appointment and payment of up to 12 alternate inspectors,
8 clerks, or returning officers;~~and in.~~

9 "c. In a county with a population of more than
10 250,000 inhabitants, the judge of probate or other appropriate
11 election officials in the county may provide for the
12 appointment and payment of up to 24 alternate inspectors,
13 clerks, or returning officers.

14 "(2) The appointment and payment of alternates shall
15 be election expenses eligible for reimbursement by the state
16 Comptroller pursuant to general law.

17 "§17-8-5.

18 "Each political party or organization having made
19 nominations, by the chair of its state or county executive
20 committee or nominees for office, may furnish the appointing
21 board a list of names of recommended ~~poll workers~~ precinct
22 election officials from qualified electors for each ~~voting~~
23 ~~place~~ county not later than 45 days before the election. From
24 the lists provided, one inspector and at least three clerks
25 shall be appointed for each ~~voting place~~ county from members
26 of opposing political parties, if practicable. If there are
27 more than two lists filed, the appointments shall be made from

1 the lists presented by the two political parties having
2 received the highest number of votes in the state in the next
3 preceding regular election, if each of the parties presents a
4 list.

5 "If no lists are furnished, the appointing board
6 shall appoint an inspector and at least three clerks for each
7 voting place from the qualified electors of the ~~precinct~~
8 county from members of opposing political parties, if
9 practicable.

10 "§17-8-6.

11 "On the failure of any precinct election official to
12 attend at the hour of 7:00 ~~A.M.~~ a.m., ~~such the~~ precinct
13 election officials as may be present may complete the number.
14 If the inspector appointed is not present, the other precinct
15 election officials present shall choose one of their number to
16 serve as inspector and shall appoint from the qualified
17 electors, who are entitled by law to vote ~~at that polling~~
18 ~~place~~ in that county at the election then to be held, such
19 clerks as may be necessary to complete the requisite number of
20 precinct election officials. If there ~~should be~~ are no
21 precinct election officials present at the polling place by
22 the hour of 7:00 ~~A.M.~~ a.m., then any four qualified electors
23 who are entitled by law to vote ~~at that polling place~~ in that
24 county at the election then to be held may open the polls and
25 act as precinct election officials for the voting place during
26 the absence of an appointed precinct election official.

27 "§17-8-12.

1 "(a) The inspector and clerks shall each be entitled
2 to base compensation of fifty dollars (\$50). The compensation
3 of the election officials shall be paid as preferred claims,
4 out of ~~moneys~~ monies in the county treasury not appropriated,
5 on proper proof of service rendered. In all counties in which
6 the compensation of precinct election officials is prescribed
7 by local law or general law of local application at an amount
8 in excess of the amount prescribed, the compensation of the
9 precinct election officials shall not be decreased under this
10 section and the county commission may increase the
11 compensation so prescribed. In those counties in which
12 compensation of precinct election officials is set at an
13 amount in excess of five dollars (\$5) per day, but less than
14 fifty dollars (\$50) per day, the provision of the local law or
15 general law of local application relative thereto is
16 superseded and the compensation prescribed herein shall be the
17 total compensation of precinct election officials in the
18 counties.

19 "(b) In addition to the compensation provided in
20 subsection (a), each clerk shall be entitled to supplemental
21 compensation paid by the state to ensure that the total
22 compensation paid to each shall be in an amount of at least
23 seventy-five dollars (\$75) per day, and each inspector shall
24 be entitled to supplemental compensation paid by the state in
25 an amount that ensures that the total compensation of an
26 inspector is at least one hundred dollars (\$100) per day. Upon
27 completion of a local election school or being certified as a

1 qualified ~~poll worker~~ precinct election official by the
2 ~~probate judge~~ judge of probate, or both, each clerk and
3 inspector shall be entitled to receive an additional
4 twenty-five dollars (\$25) per day in compensation from the
5 state. The increase provided for in this subsection shall not
6 increase or decrease any salary supplement paid under a local
7 law which is in effect on October 1, 2005. ~~The provisions of~~
8 ~~this~~ This subsection shall only apply to those statewide
9 elections for which county expenses are reimbursed by the
10 state as defined in Chapter 16. ~~The provisions of this~~ This
11 subsection shall not apply to special county or other
12 elections held at any time other than at the time of holding
13 statewide elections.

14 "§17-8-14.

15 "(a) The judge of probate in each county may appoint
16 not more than two students for each precinct to serve
17 as unpaid student interns during elections. To be appointed
18 a student intern, a student must meet all of the following
19 qualifications:

20 "(1) Be recommended by a principal or other school
21 official, or by the individual responsible for the student's
22 home instruction program.

23 "(2) Be at least 16 years of age at the time of
24 the election for which the appointment is made.

25 "(3) Be a resident of the county or municipality for
26 which the appointment is made.

1 "(4) Be enrolled in a public high school, an
2 accredited private high school, or a home instruction program
3 and be classified as a junior or senior or the equivalent, or
4 be enrolled in a two-year or four-year institution of higher
5 education.

6 "(b) The duties of the student interns appointed
7 pursuant to this section shall be determined by the officials
8 in charge of the election in the county or municipality;
9 provided, however, the duties may not include either of the
10 following:

11 "(1) Determining the qualifications of a voter in
12 the event a voter is challenged.

13 "(2) The operation and maintenance of any voting
14 equipment.

15 "(c) Student interns shall at all times be under the
16 supervision of the poll managers of the election while
17 performing their duties at precincts.

18 "(d) Before performing any duties, student interns
19 shall attend all required training for ~~poll workers~~ precinct
20 election officials of the county or municipality and any
21 additional training considered necessary by the officials in
22 charge of the election in the county or municipality.

23 "(e) A student intern who works four or more hours
24 in a day during school hours on the day of an election or any
25 day of training shall be entitled to an excused absence from
26 school for purposes of Chapter 28 of Title 16."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 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..... 03-FEB-21

Read for the second time and placed
on the calendar 1 amendment 24-FEB-21

Read for the third time and passed
as amended..... 11-MAR-21

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk