HB312
209060-6
By Representative Wheeler
RFD: Constitution, Campaigns and Elections
First Read: 03-FEB-21
ENROLLED, An Act,

Relating to elections; to amend Sections 17-8-1, 17-8-5, 17-8-6, 17-8-12, and 17-8-14, Code of Alabama 1975; to allow precinct election officials who are registered to vote in a given county to serve in any precinct in that county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-8-1, 17-8-5, 17-8-6, 17-8-12, and 17-8-14, Code of Alabama 1975, are amended to read as follows:

"§17-8-1.

"(a) The appointing board, or a majority of them acting as an appointing board, not more than 20 nor less than 15 days before the holding of any election in their county, shall appoint from the qualified electors of the respective precinct county, necessary precinct election officials, which shall include at least one inspector, to act at each voting place in each precinct. Precinct election officials shall be registered voters in the county in which they serve, but are not required to be registered at the precinct in which they serve; provided, that first priority. Provided, first priority may be given to the appointment of poll workers and alternate poll workers who are registered voters at their respective precincts, so long as the board determines that the poll worker is qualified for appointment as a poll worker. First
priority may be given for the appointment of poll workers and alternate poll workers who are registered voters at their respective precincts. appointment as a poll worker. The appointing board may appoint the number of precinct election officials necessary for each precinct, provided that, absent consent of the county commission, the total number of precinct election officials appointed in a county shall not exceed the total number of precinct election officials who were paid by the county for the general election held November 2004. In the event that the number of precincts or voting places utilized in an election within a county is increased or decreased, the total number of officials who may be appointed without consent of the county commission shall be increased or decreased proportionately based upon the average number of workers utilized in each precinct or polling place within the county. In the event that the county changes voting equipment from that used in the November 2004 election, the total number of precinct election officials the appointing board may appoint shall be the average number of precinct election officials per precinct or polling place utilized statewide for the general election held in November 2004, multiplied by the number of precincts or polling places in the county changing voting equipment; provided, however, that the number of precinct election officials appointed for any precinct in the county may be increased with the consent of the county commission.
Members of a candidate's immediate family to the second degree of kinship by affinity or consanguinity and any member of a candidate's principal campaign committee are not eligible for appointment.

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

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

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

"(3) The poll list clerk shall ensure that each voter signs the poll list as provided in Sections 17-9-15 and 17-13-7. A clerk shall print the voter's name on the poll list
or a duplicate list so that the signature can be identified. The poll list clerk shall give a ballot to the voter with the stub attached to the ballot pad. Ballots shall be given out in sequence beginning with the lowest numbered ballot.

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

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

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

"a. In a county with a population of less than 100,000 inhabitants, the judge of probate or other appropriate election officials in the county may provide for the appointment and payment of up to four alternate inspectors, clerks, or returning officers.

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

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

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

"§17-8-5.

"Each political party or organization having made nominations, by the chair of its state or county executive committee or nominees for office, may furnish the appointing board a list of names of recommended poll workers.
election officials from qualified electors for each voting place county not later than 45 days before the election. From the lists provided, one inspector and at least three clerks shall be appointed for each voting place county from members of opposing political parties, if practicable. If there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the state in the next preceding regular election, if each of the parties presents a list.

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

"§17-8-6.

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

"§17-8-12.

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

"(b) In addition to the compensation provided in subsection (a), each clerk shall be entitled to supplemental compensation paid by the state to ensure that the total compensation paid to each shall be in an amount of at least seventy-five dollars ($75) per day, and each inspector shall be entitled to supplemental compensation paid by the state in an amount that ensures that the total compensation of an inspector is at least one hundred dollars ($100) per day. Upon completion of a local election school or being certified as a qualified poll worker precinct election official by the probate judge judge of probate, or both, each clerk and inspector shall be entitled to receive an additional twenty-five dollars ($25) per day in compensation from the state. The increase provided for in this subsection shall not increase or decrease any salary supplement paid under a local law which is in effect on October 1, 2005. The provisions of this subsection shall only apply to those statewide elections for which county expenses are reimbursed by the state as defined in Chapter 16. The provisions of this subsection shall not apply to special county or other elections held at any time other than at the time of holding statewide elections.

"§17-8-14."
"(a) The judge of probate in each county may appoint not more than two students for each precinct to serve as unpaid student interns during elections. To be appointed a student intern, a student must meet all of the following qualifications:

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

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

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

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

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

"(1) Determining the qualifications of a voter in the event a voter is challenged.
"(2) The operation and maintenance of any voting equipment.

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

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

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

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 11-MAR-21, as amended.

Jeff Woodard
Clerk

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