HB397

209523-1

By Representatives Gray, Daniels, Jackson, Lawrence, Grimsley, Jones (S), Hatcher, McCampbell, Chestnut, Morris, Rafferty, Coleman, Drummond, Givan, Boyd, Forte, Warren, Hollis, England, McClammy, Bracy, Clarke, Hall and Howard

RFD: Constitution, Campaigns and Elections

First Read: 10-FEB-21
SYNOPSIS: Existing law provides for straight political party ticket voting in general elections. This bill would eliminate straight political party ticket voting in this state. Existing law also requires proposed constitutional amendment ballot measures to include the nature of the proposed amendment. This bill would provide that the description of a proposed constitutional amendment on a ballot must not intentionally misrepresent the content of the proposed amendment.

A BILL
TO BE ENTITLED
AN ACT

Relating to election ballots; to amend Sections 17-6-35, 17-6-41, and 17-7-21, Code of Alabama 1975; to eliminate straight political party ticket voting and to provide further for the description of proposed constitutional
amendments as they appear on the ballot; and to repeal Sections 17-6-36, 17-6-37, 17-6-38, and 17-6-39, Code of Alabama 1975, pertaining to straight party ticket voting.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-6-35, 17-6-41, and 17-7-21, Code of Alabama 1975, are amended to read as follows:

"§17-6-35.

"If the elector desires to vote a straight party ticket, that is, for each and every candidate for one party for whatever office nominated, he or she shall mark the name of the party at the head of the ticket in the manner determined by a rule adopted by the Secretary of State under the Administrative Procedure Act. A ballot may not include any feature allowing for straight political party ticket voting.

"§17-6-41.

"Whenever a constitutional amendment is submitted to a vote of the qualified electors the substance or subject matter of each proposed amendment shall be so printed that and the nature and content thereof shall be clearly indicated in a manner that does not intentionally misrepresent the nature and content of the proposed amendment. Following each proposed amendment or other public measure on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the electors shall be indicated by a mark made by the elector or under the elector's direction opposite the words expressing the elector's desire.

"§17-7-21."
(a) The governing body of any county or municipality or other political subdivision of the state by adoption of an appropriate resolution, may authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such the county or municipality or other political subdivision or any portion thereof; and such The resolution, a copy of which shall be filed with the Secretary of State, shall specify the particular type of equipment to be used and a procedure for implementation.

(b) Notwithstanding subsection (a), no electronic vote counting system shall be used unless it has been constructed so that it does all of the following:

(1) Permits and requires voting in secrecy.

(2) Permits each elector to vote at any election for all persons and offices for whom and for which he or she is lawfully entitled to vote; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote.

(3) Permits the voter at other than primary elections to vote a straight political party ticket in one operation.

(4)(3) Permits such automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or question.
"(5)(4) Is capable of correctly counting votes.

"(6)(5) When used in primary elections, counts only votes for the candidates of one party, rejects all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast, and rejects all votes of a voter cast for candidates of more than one party.

"(7)(6) At presidential elections, permits each elector, by one operation, to vote for all presidential electors of a party or independent candidates for president or vice president.

"(8)(7) Provides a method for write-in voting.

"(9)(8) Is capable of accumulating a count of the specific number of ballots tallied for a precinct; accumulating total votes by candidate for each office; and accumulating total votes for and against each question for such the precinct.

"(10)(9) Is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

"(11)(10) Is capable of automatically producing precinct vote totals in printed, marked, or punched form, or a combination thereof.

"(12)(11) Is capable of accurately and correctly tabulating each vote and having the same so certified."

Section 2. Sections 17-6-36, 17-6-37, 17-6-38, and 17-6-39, Code of Alabama 1975, pertaining to straight political party ticket voting, are repealed.
Section 3. 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.