

1 HB448  
2 218308-1  
3 By Representative Blackshear  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 03-MAR-22

SYNOPSIS: Under existing law, a precinct election official, other than an inspector, may work on a split shift schedule of not less than six hours if determined necessary by the judge of probate in nonmunicipal elections.

This bill would permit an election official, other than an inspector, to work on a split shift schedule if determined necessary by the judge of probate in municipal elections.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to elections; to amend Section 11-46-27, Code of Alabama 1975, and Section 17-8-1, Code of Alabama 1975, as last amended by Act 2021-377 of the 2021 Regular Session; to permit an election official, other than an inspector, to work on a split shift schedule if determined necessary by the judge of probate in municipal elections.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 11-46-27, Code of Alabama 1975,  
3 and Section 17-8-1, Code of Alabama 1975, as last amended by  
4 Act 2021-377 of the 2021 Regular Session, are amended to read  
5 as follows:

6 "§11-46-27.

7 "(a) The municipal governing body or a majority of  
8 them must, not less than 15 days before the holding of any  
9 municipal election, appoint from the qualified electors of the  
10 respective wards or voting districts officers to hold the  
11 election as follows: Where paper ballots are used, one  
12 returning officer for each ward and three inspectors and two  
13 clerks for each box at each voting place and, where voting  
14 machines are used, an inspector, a chief clerk, and a first  
15 and second assistant clerk for each voting machine; except  
16 that in the event voting centers or voting places are  
17 established, then the requirements of Section 11-46-24 shall  
18 control the number of election officials. In any Class 6,  
19 Class 7, or Class 8 municipality, election officials must  
20 reside within the municipality and may serve at any polling  
21 place within the municipality. An election official appointed  
22 to serve in a polling place other than where he or she would  
23 be required to vote based on residency, may vote by absentee  
24 ballot.

25 "(b) (1) No officer or employee of the municipality  
26 shall be eligible to serve as an election official.

1           "(2) No kindred of any candidate or his or her  
2 spouse to the second degree, according to the civil law, shall  
3 be eligible to serve as an election official.

4           "(c) In every city having, according to the last or  
5 any subsequent federal decennial census, 10,000 or more  
6 inhabitants, the municipal governing body shall also appoint  
7 from the qualified electors of the city one inspector and at  
8 least three clerks, who shall meet on the day of the election  
9 at such place and hour as the municipal governing body may  
10 designate for the purpose of receiving, counting, and  
11 returning the absentee ballots cast at ~~such~~ the election, and  
12 four days before the election the municipal governing body  
13 shall ascertain the number of absentee ballots which have been  
14 cast at the election and, if more than 600 absentee ballots  
15 have been cast, then ~~such~~ the governing body shall appoint  
16 three more inspectors and two more clerks for each 600  
17 absentee ballots or fraction thereof cast at ~~such~~ the  
18 election.

19           "(d) In every city or town having less than 10,000  
20 inhabitants, according to the most recent federal decennial  
21 census, the municipal governing body may adopt an ordinance at  
22 least six months prior to the date of the election to provide  
23 that at the time other election officials are appointed, the  
24 governing body shall appoint additional election officials who  
25 shall meet on the day of the election at the place and hour as  
26 the municipal governing body may designate for the purpose of  
27 receiving, counting, and returning the absentee ballots cast

1 at the election. The ordinance shall enumerate the election  
2 officials the governing body will appoint for this purpose,  
3 but the number shall not be less than three. This ordinance  
4 shall remain in effect until repealed by a subsequent  
5 ordinance adopted at least six months prior to an election.  
6 These absentee election officials shall be in addition to  
7 other election officials required by law and shall be  
8 appointed at the same time and in the same manner as are other  
9 election officials. When the election officials are appointed,  
10 one of them shall be designated by the municipal governing  
11 body as the inspector.

12 "(e) In the event ~~a person~~ an individual appointed  
13 as an election official is excused from serving or otherwise  
14 disqualifies himself or herself prior to election day, the  
15 vacancy created thereby shall be filled by the municipal  
16 governing body or a majority of them in the same manner that  
17 original appointments are made; provided, however, that if the  
18 vacancy is among the officers appointed to serve at a polling  
19 place where voting machines will be used, after the school of  
20 instruction for election officials has been held as prescribed  
21 in subsection (a) of Section 11-46-30, ~~a person~~ an individual  
22 who has received a certificate from a previous school of  
23 instruction shall, if possible, be appointed to fill the  
24 vacancy.

25 "(f) The mayor or other chief executive officer of  
26 the municipality shall publish a list of the election officers  
27 so appointed, either by posting a list thereof showing the

1 voting places and the election officers appointed for each  
2 voting place at three public places in the city or town or by  
3 publishing a list in a newspaper published in the city or town  
4 at least 10 days prior to the election.

5 "(g) The mayor or other chief executive officer of  
6 the municipality shall notify the inspectors, clerks, and  
7 returning officers of their appointment.

8 "(h) The returning officers, the inspectors, and the  
9 clerks at polling places where voting is solely by paper  
10 ballots shall be entitled to such compensation as the  
11 municipal governing body establishes but which in no event  
12 shall be less than eight dollars (\$8) per day, and each  
13 election officer at a polling place where elections are  
14 conducted in whole or in part by voting machines shall be  
15 entitled to such compensation as the municipal governing body  
16 establishes but which in no event shall be less than eight  
17 dollars (\$8) per day. The compensation of the election  
18 officials shall be paid as preferred claims out of the general  
19 fund of the municipality holding the election on proper proof  
20 of service rendered.

21 "(i) Any individual who is compensated for working  
22 as an election official on election day, other than an  
23 inspector appointed under subsection (a), may work on a split  
24 shift schedule if determined necessary by the judge of  
25 probate. Each portion of a split shift shall consist of not  
26 less than six consecutive hours of work and the worker shall

1 be paid one-half of the per day compensation provided for by  
2 general or local law in the county.

3 "§17-8-1.

4 "(a) The appointing board, or a majority of them  
5 acting as an appointing board, not more than 20 nor less than  
6 15 days before the holding of any election in their county,  
7 shall appoint from the qualified electors of the respective  
8 county, necessary precinct election officials, which shall  
9 include at least one inspector, to act at each voting place in  
10 each precinct. Precinct election officials shall be registered  
11 voters in the county in which they serve, but are not required  
12 to be registered at the precinct in which they serve.

13 Provided, first priority may be given to the appointment of  
14 precinct election officials and alternate precinct election  
15 officials who are registered voters at their respective  
16 precincts, so long as the board determines that the precinct  
17 election official is qualified for appointment as a precinct  
18 election official. The appointing board may appoint the number  
19 of precinct election officials necessary for each precinct,  
20 provided that, absent consent of the county commission, the  
21 total number of precinct election officials appointed in a  
22 county shall not exceed the total number of precinct election  
23 officials who were paid by the county for the general election  
24 held November 2004. In the event that the number of precincts  
25 or voting places utilized in an election within a county is  
26 increased or decreased, the total number of officials who may  
27 be appointed without consent of the county commission shall be

1 increased or decreased proportionately based upon the average  
2 number of workers utilized in each precinct or polling place  
3 within the county. In the event that the county changes voting  
4 equipment from that used in the November 2004 election, the  
5 total number of precinct election officials the appointing  
6 board may appoint shall be the average number of precinct  
7 election officials per precinct or polling place utilized  
8 statewide for the general election held in November 2004,  
9 multiplied by the number of precincts or polling places in the  
10 county changing voting equipment; provided, however, that the  
11 number of precinct election officials appointed for any  
12 precinct in the county may be increased with the consent of  
13 the county commission. Members of a candidate's immediate  
14 family to the second degree of kinship by affinity or  
15 consanguinity and any member of a candidate's principal  
16 campaign committee are not eligible for appointment.

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

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

22 "(2) The registration list clerk shall check the  
23 name of voters against the list of registered voters and mark  
24 off the names of those who vote in order to prevent double  
25 voting. If any individual whose name does not appear on the  
26 list of registered voters is permitted to vote by means of a  
27 certificate as provided in Section 17-10-3, or by means of a



1 provisional ballot as provided in Sections 17-10-1 and  
2 17-10-2, the registration list clerk shall legibly print the  
3 name and address on the list of registered voters, mark  
4 through the name to indicate that the individual has voted,  
5 and record by the name whether the individual voted by  
6 certificate, with source and date, or by provisional ballot.

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

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

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

26 "(d) (1) Notwithstanding subsection (a), the judge of  
27 probate or other appropriate election officials in a county

1 may provide for the appointment of additional inspectors and  
2 clerks from within the county to serve as alternates in the  
3 event an appointed inspector or clerk is unable to perform his  
4 or her duties. The number of alternates shall be limited as  
5 provided in the following manner and no payment shall be  
6 provided for alternates in excess of the number authorized in  
7 this subsection:

8 "a. In a county with a population of less than  
9 100,000 inhabitants, the judge of probate or other appropriate  
10 election officials in the county may provide for the  
11 appointment and payment of up to four alternate inspectors,  
12 clerks, or returning officers.

13 "b. In a county with a population of 100,000 to  
14 250,000 inhabitants, the judge of probate or other appropriate  
15 election officials in the county may provide for the  
16 appointment and payment of up to 12 alternate inspectors,  
17 clerks, or returning officers.

18 "c. In a county with a population of more than  
19 250,000 inhabitants, the judge of probate or other appropriate  
20 election officials in the county may provide for the  
21 appointment and payment of up to 24 alternate inspectors,  
22 clerks, or returning officers.

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

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.