

1 SB254
2 96753-1
3 By Senators Barron, Bedford, Mitchell, Little (T), Griffith,
4 Denton, Lindsey, Singleton, Coleman, Benefield, Smitherman,
5 Little (Z), Mitchem, and Means
6 RFD: Constitution, Campaign Finance, Ethics, and Elections
7 First Read: 06-FEB-08

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8 SYNOPSIS: Under existing law, primary elections,
9 presidential preference primary elections, and
10 general elections are held on Tuesdays.

11 This bill would require that all elections
12 be held on Saturdays.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Sections 17-13-3, 17-13-100, 17-14-3,
19 17-14-4, 17-14-6, 17-14-8, 17-14-10, and 17-14-11, Code of
20 Alabama 1975, relating to elections days; to change the day of
21 primary elections, presidential preference primary elections,
22 and general elections to Saturdays.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 17-13-3, 17-13-100, 17-14-3,
25 17-14-4, 17-14-6, 17-14-8, 17-14-10, and 17-14-11, Code of
26 Alabama 1975, are amended to read as follows:

27 "§17-13-3.

1 "Primary elections, except special primary elections
2 and presidential preference primaries, held at the expense of
3 the state or counties, shall be held on the first ~~Tuesday~~
4 Saturday in June. When necessary, as provided in this chapter,
5 a second or runoff primary election shall be held on the sixth
6 ~~Tuesday~~ Saturday following the primary election. Any second
7 primary shall be held by the same election officers who held
8 the first primary, and be held at the same places as the first
9 primary election. No primary shall be held by any political
10 party except as herein provided. Primary elections herein
11 provided for shall be held at the regular polling places
12 established for the purpose of holding general elections.

13 "§17-13-100.

14 "(a) Primary elections for the purpose of
15 determining the preferred candidates for President of the
16 United States shall be held the first ~~Tuesday~~ Saturday in
17 February each year in which a President is to be elected
18 beginning in the year ~~2008~~ 2012.

19 "(b) Subject to rules and procedures of the
20 political party of any such presidential candidate, the names
21 of any candidates for delegate to the national conventions
22 pledged to a presidential candidate shall be placed under his
23 or her name and such delegates shall be elected in the primary
24 election on the first ~~Tuesday~~ Saturday in February of each
25 year as provided herein.

1 ~~"(c) In any year in which the presidential~~
2 ~~preference primary is on the same day as Mardi Gras, the~~
3 ~~following additional provisions apply:~~

4 ~~"(1) Qualified electors in Mobile County, Baldwin~~
5 ~~County, and any county that recognizes Mardi Gras as a county~~
6 ~~holiday may vote an absentee ballot without regard as to~~
7 ~~whether the elector will be out of the municipality, county,~~
8 ~~or state on election day.~~

9 ~~"(2) Qualified electors in Mobile County, Baldwin~~
10 ~~County, and any county that recognizes Mardi Gras as a county~~
11 ~~holiday may vote in the presidential preference primary on the~~
12 ~~Wednesday preceding the first Tuesday in February. This early~~
13 ~~voting day shall be conducted by the respective judges of~~
14 ~~probate in the same manner as provided for the day of the~~
15 ~~presidential preference primary, except as otherwise provided~~
16 ~~in this subsection.~~

17 ~~"(3) When early voting is provided on the Wednesday~~
18 ~~preceding the first Tuesday in February and when the day of~~
19 ~~the presidential preference primary is Mardi Gras, the Judges~~
20 ~~of Probate in Mobile County, Baldwin County, and any county~~
21 ~~that recognizes Mardi Gras as a county holiday may establish~~
22 ~~for both days special voting centers, rather than standard~~
23 ~~precincts and voting locations. These voting centers shall be~~
24 ~~established at locations accessible to electors and that will~~
25 ~~allow participation.~~

26 ~~"(4) When early voting is provided, votes on that~~
27 ~~day shall be counted by poll workers at the voting centers or~~

1 other appropriate locations and the results shall be sealed
2 without disclosure and forwarded to the judge of probate; and
3 such results shall remain sealed until the first Tuesday in
4 February, when the final tabulation and canvassing shall be
5 conducted, after which all results shall be announced at the
6 same time.

7 "~~(5) Except as specifically provided in subdivision~~
8 ~~(6), if any time requirement specified in this title is made~~
9 ~~unreasonable by this subsection, the judge of probate of the~~
10 ~~applicable county may adjust the time requirements to comply~~
11 ~~with this subsection. Such adjustments to the election~~
12 ~~administration procedures and practices shall be as consistent~~
13 ~~as possible with the state election~~
14 ~~organizational-administration plan, but it is the intent of~~
15 ~~this subdivision to grant the judge of probate necessary~~
16 ~~flexibility to implement this subsection.~~

17 "~~(6) a. The voter registration deadline date for the~~
18 ~~elections provided in this subsection shall be 10 days prior~~
19 ~~to the early election date.~~

20 "~~b. The absentee ballot request deadline date for~~
21 ~~the elections provided in this subsection shall be the~~
22 ~~Thursday before the early election date.~~

23 "~~c. The emergency absentee ballot process shall~~
24 ~~apply from the Friday before the early election date to the~~
25 ~~day before the first Tuesday in February.~~

1 ~~"(7) The appointing board, for purposes of this~~
2 ~~subsection only, may appoint sufficient poll workers for the~~
3 ~~voting centers who reside anywhere in the county.~~

4 ~~"(8) The county commission of each county subject to~~
5 ~~this subsection may take any of the following actions~~
6 ~~regarding implementing this subsection:~~

7 ~~"a. Designate one place within the county for use on~~
8 ~~the first Tuesday in February as a countywide voting center.~~

9 ~~"b. Designate an alternative place for the~~
10 ~~tabulation and canvassing of election returns besides the~~
11 ~~county seat of government on the first Tuesday in February.~~

12 ~~"c. Designate an alternative place for the operation~~
13 ~~of the Board of Registrars' office and Absentee Election~~
14 ~~Manager's office besides the county seat of government on the~~
15 ~~first Tuesday in February.~~

16 ~~"d. Pay expenses associated with: Telephone,~~
17 ~~computer, and communication operations, including, but not~~
18 ~~limited to, installation, service, and discontinuation,~~
19 ~~associated with obtaining these services on the first Tuesday~~
20 ~~in February at the countywide voting center; and the locations~~
21 ~~for tabulation and canvassing; Board of Registrars' functions;~~
22 ~~and Election Manager's office functions; as such expenses are~~
23 ~~considered appropriate by the judge of probate and the county~~
24 ~~commission, not to exceed twenty-five thousand dollars~~
25 ~~(\$25,000) per county.~~

26 ~~"e. Pay advertising and media expenses incurred in~~
27 ~~attempting to inform the citizens of the county of early~~

1 ~~voting, absentee voting, and voting on the first Tuesday in~~
2 ~~February as provided in this subsection, as considered~~
3 ~~appropriate by the judge of probate, not to exceed one hundred~~
4 ~~thousand dollars (\$100,000) per county.~~

5 ~~"f. Pay holiday compensation amounts, as otherwise~~
6 ~~provided, to county employees for services rendered on the~~
7 ~~first Tuesday in February or other affected dates.~~

8 ~~"(9) Municipalities in any county subject to this~~
9 ~~subsection shall ensure that no parade permit is issued that~~
10 ~~would hinder or disrupt the early voting process provided in~~
11 ~~this subsection.~~

12 ~~"(10) All expenses necessary to provide for absentee~~
13 ~~balloting or early voting in any county subject to this~~
14 ~~subsection shall be reimbursed by the state as provided in~~
15 ~~subsection (d).~~

16 ~~"(d)(c) The State of Alabama shall reimburse a~~
17 ~~county for all sums expended in holding and conducting the~~
18 ~~presidential preference primary as provided in Section~~
19 ~~17-16-4. The provisions of Section 17-4-1 shall not apply to~~
20 ~~the election held under this section, and no payments shall be~~
21 ~~made to the judge of probate under the provisions of Section~~
22 ~~17-3-60.~~

23 ~~"§17-14-3.~~

24 ~~"The Governor, Lieutenant Governor, Attorney~~
25 ~~General, Auditor, Secretary of State, Treasurer, Commissioner~~
26 ~~of Agriculture and Industries, senators and representatives in~~
27 ~~the Legislature, a sheriff in each county, one coroner in all~~

1 counties having a coroner, and other officers not otherwise
2 provided for, shall be elected on the first ~~Tuesday~~ Saturday
3 after the first Monday in November ~~2006~~ 2010, and every fourth
4 year thereafter. A president of the Public Service Commission
5 shall be elected on the first ~~Tuesday~~ Saturday after the first
6 Monday in November ~~2008~~ 2012, and every fourth year
7 thereafter. Two associate public service commissioners shall
8 be elected on the first ~~Tuesday~~ Saturday after the first
9 Monday in November ~~2006~~ 2010, and every fourth year
10 thereafter.

11 "§17-14-4.

12 "Except as otherwise provided by local law, members
13 of county commissions, one county treasurer in all counties
14 having a county treasurer, and one constable for each election
15 precinct shall be elected on the first ~~Tuesday~~ Saturday after
16 the first Monday in November ~~2008~~ 2012, and every fourth year
17 thereafter.

18 "§17-14-6.

19 "The judges of the circuit and district courts, the
20 judge of probate, the judges of the courts of appeals, and
21 clerks of the circuit court shall be elected on the first
22 ~~Tuesday~~ Saturday after the first Monday in November ~~2006~~ 2012,
23 and they shall hold their respective offices for the term of
24 six years from the first Monday after the second Tuesday in
25 January next after their election and until their successors
26 are elected and qualified.

1 "Unless otherwise provided in the Constitution of
2 Alabama of 1901, vacancies in any judicial office shall be
3 filled by appointment by the Governor.

4 "The office of a judge shall be vacant if the
5 incumbent dies, resigns, retires, or is removed. The
6 appointment of a judge of probate is for the remainder of the
7 unexpired term.

8 "A judge, other than a judge of probate, appointed
9 to fill a vacancy, shall serve an initial term lasting until
10 the first Monday after the second Tuesday in January following
11 the next general election held after he or she has completed
12 one year in office. At the election the judicial office shall
13 be filled for a full term of office beginning at the end of
14 the appointed term.

15 "§17-14-8.

16 "One district attorney for each judicial circuit
17 shall be elected on the first ~~Tuesday~~ Saturday after the first
18 Monday in November 2010, and every six years thereafter, and
19 they shall hold office for a term of six years from the first
20 Monday after the second Tuesday in January next after their
21 election and until their successors are elected and qualified.

22 "§17-14-10.

23 "Electors for President and Vice President of the
24 United States shall be elected on the first ~~Tuesday~~ Saturday
25 after the first Monday in November ~~2008~~ 2012, and every fourth
26 year thereafter. A member of Congress from each congressional
27 district shall be elected on the first ~~Tuesday~~ Saturday after

1 the first Monday in November ~~2006~~ 2010, and every second year
2 thereafter.

3 "§17-14-11.

4 "At the general election to be held on the first
5 ~~Tuesday~~ Saturday after the first Monday in November ~~2008~~ 2014,
6 and each six years thereafter, a senator of and from the State
7 of Alabama in the Senate of the United States shall be elected
8 by the people for a term of six years, beginning on the third
9 day of January next after the election. At the general
10 election to be held on the first ~~Tuesday~~ Saturday after the
11 first Monday in November 2010, and every six years thereafter,
12 a senator of and from the State of Alabama in the Senate of
13 the United States shall be elected by the people for a term of
14 six years, beginning on the third day of January next after
15 the election."

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