

1 SB70  
2 200143-1  
3 By Senator Ward  
4 RFD: Governmental Affairs  
5 First Read: 04-FEB-20  
6 PFD: 01/31/2020

SYNOPSIS: Under existing law, to gain ballot access, an independent candidate for office must file a written petition signed by at least three percent of the qualified electors who cast ballots for the office of Governor in the last general election.

This bill would reduce the number of signatures of qualified electors required for political parties and independent candidates for statewide office to gain ballot access.

This bill would alter the time frame in which a political party may submit signatures in order for a candidate for statewide office to gain ballot access.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 17-6-22 and 17-9-3, Code of Alabama 1975, relating to political parties and persons

1 entitled to have their names printed on ballots, to reduce the  
2 number of names of qualified electors required for political  
3 parties and independent candidates for statewide office to  
4 gain ballot access; and to alter the time frame in which a  
5 political party may submit signatures for a candidate for  
6 statewide office to gain ballot access.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 17-6-22 and 17-9-3, Code of  
9 Alabama 1975, are amended to read as follows:

10 "§17-6-22.

11 "(a) No political party, except those qualified as a  
12 political party under Chapter 13, shall be included on any  
13 general election ballot unless:

14 "(1) The party shall have filed with the Secretary  
15 of State or other appropriate official ~~on the date of the~~  
16 ~~first primary election~~ not later than noon on the third  
17 Wednesday following the date prescribed for a second primary  
18 election a list of the signatures of at least ~~three~~ one and  
19 one-half percent of the qualified electors who cast ballots  
20 for the office of Governor in the last general election for  
21 the state, ~~county, city,~~ district, or other political  
22 subdivision in which the political party seeks to qualify  
23 candidates for office; and unless

24 "(2) The party shall have fulfilled all other  
25 applicable requirements of federal, state, or local laws.

26 "(b) The provisions of this section are supplemental  
27 to the provisions of Chapter 13, and other laws regarding the

1 conduct of elections in Alabama, and shall repeal only those  
2 laws or parts of laws in direct conflict herewith.

3 "§17-9-3.

4 "(a) The following persons shall be entitled to have  
5 their names printed on the appropriate ballot for the general  
6 election, provided they are otherwise qualified for the office  
7 they seek:

8 "(1) All candidates who have been put in nomination  
9 by primary election and certified in writing by the chair and  
10 secretary of the canvassing board of the party holding the  
11 primary and filed with the judge of probate of the county, in  
12 the case of a candidate for ~~county~~ local office, and the  
13 Secretary of State in all other cases, on the day next  
14 following the last day for contesting the primary election for  
15 that office if no contest is filed. If a contest is filed,  
16 then the certificate for the contested office must be filed on  
17 the day next following the date of settlement or decision of  
18 the contest.

19 "(2) All candidates who have been put in nomination  
20 by any caucus, convention, mass meeting, or other assembly of  
21 any political party or faction and certified in writing by the  
22 chair and secretary of the nominating caucus, convention, mass  
23 meeting, or assembly and filed with the judge of probate, in  
24 the case of a candidate for ~~county~~ local office, and the  
25 Secretary of State in all other cases, on or before 5:00 P.M.  
26 p.m. on the date of the first primary election as provided for  
27 in Section 17-13-3.

1           "(3) Each candidate who has been requested to be an  
2 **independent candidate** for a specified **local office** by written  
3 petition signed by electors qualified to vote in the election  
4 to fill the office when the petition has been filed with the  
5 judge of probate, ~~in the case of a county office and with the~~  
6 ~~Secretary of State in all other cases,~~ on or before 5:00 P.M.  
7 p.m. on the date of the first primary election as provided for  
8 in Section 17-13-3. The number of qualified electors signing  
9 the petition shall equal or exceed **three percent** of the  
10 qualified electors who cast ballots for the office of Governor  
11 in the last general election for the ~~state,~~ county, district,  
12 or other political subdivision in which the candidate seeks to  
13 qualify.

14           "(4) Each candidate who has been requested to be an  
15 independent candidate for a **specified statewide office** by  
16 written petition signed by electors qualified to vote in the  
17 election to fill the office when the petition has been filed  
18 with the Secretary of State on or before 5:00 p.m. on the date  
19 of the first primary election as provided for in Section  
20 17-13-3. The number of qualified electors signing the petition  
21 shall **equal or exceed one and one-half percent** of the  
22 qualified electors who cast ballots for the office of Governor  
23 in the last general election for the state office for which  
24 the candidate seeks to qualify.

25           "(b) The Secretary of State, not later than 74 days  
26 before the general election, shall certify to the judge of  
27 probate of each county in the state, in the case of an officer

1 to be voted for by the electors of the whole state, and to the  
2 judges of probate of the counties composing the circuit or  
3 district in the case of an officer to be voted for by the  
4 electors of a circuit or district, upon suitable blanks to be  
5 prepared by him or her for that purpose, the fact of  
6 nomination or independent candidacy of each nominee or  
7 independent candidate or candidate of a party who did not  
8 receive more than 20 percent of the entire vote cast in the  
9 last general election preceding the primary who has qualified  
10 to appear on the general election ballot. The judge of probate  
11 shall then prepare the ballot with the names of each candidate  
12 qualified under the provisions of this section printed on the  
13 ballot. The judge of probate may not print on the ballot the  
14 name of any independent candidate who was a candidate in the  
15 primary election of that year and the name of any nominee of a  
16 political party who was a candidate for the nomination of a  
17 different political party in the primary election of that  
18 year."

19 Section 2. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.