

1 HB38  
2 104975-1  
3 By Representative Hurst  
4 RFD: Constitution and Elections  
5 First Read: 03-FEB-09  
6 PFD: 12/10/2008

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8 SYNOPSIS: Under existing law, the appointing board  
9 that appoints election officials is not authorized  
10 to appoint alternates.

11 This bill would authorize the appointment of  
12 alternate election officials pursuant to local law  
13 and subject to certain limitations.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 To amend Section 17-8-1, Code of Alabama 1975,  
20 relating to the appointment of election officials, to  
21 authorize the appointment of alternate election officials  
22 pursuant to local law.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 17-8-1, Code of Alabama 1975, is  
25 amended to read as follows:

26 "§17-8-1.

1           "(a) The appointing board, or a majority of them  
2 acting as an appointing board, not more than 20 nor less than  
3 15 days before the holding of any election in their county,  
4 shall appoint from the qualified electors of the respective  
5 precinct, necessary precinct election officials, which shall  
6 include at least one inspector, to act at each voting place in  
7 each precinct. The appointing board may appoint the number of  
8 precinct election officials necessary for each precinct,  
9 provided that, absent consent of the county commission, the  
10 total number of precinct election officials appointed in a  
11 county shall not exceed the total number of precinct election  
12 officials who were paid by the county for the general election  
13 held November 2004. In the event that the number of precincts  
14 or voting places utilized in an election within a county is  
15 increased or decreased, the total number of officials who may  
16 be appointed without consent of the county commission shall be  
17 increased or decreased proportionately based upon the average  
18 number of workers utilized in each precinct or polling place  
19 within the county. In the event that the county changes voting  
20 equipment from that used in the November 2004 election, the  
21 total number of precinct election officials the appointing  
22 board may appoint shall be the average number of precinct  
23 election officials per precinct or polling place utilized  
24 statewide for the general election held in November 2004,  
25 multiplied by the number of precincts or polling places in the  
26 county changing voting equipment; provided, however, that the  
27 number of precinct election officials appointed for any

1 precinct in the county may be increased with the consent of  
2 the county commission. Members of a candidate's immediate  
3 family to the second degree of kinship by affinity or  
4 consanguinity and any member of a candidate's principal  
5 campaign committee are not eligible for appointment.

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

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

11 "(2) The registration list clerk shall check the  
12 name of voters against the list of registered voters and mark  
13 off the names of those who vote in order to prevent double  
14 voting. If any person whose name does not appear on the list  
15 of registered voters is permitted to vote by means of a  
16 certificate as provided in Section 17-10-3, or by means of a  
17 provisional ballot as provided in Sections 17-10-1 and  
18 17-10-2, the registration list clerk shall legibly print the  
19 name and address on the list of registered voters, mark  
20 through the name to indicate that the person has voted, and  
21 record by the name whether the person voted by certificate,  
22 with source and date, or by provisional ballot.

23 "(3) The poll list clerk shall ensure that each  
24 voter signs the poll list as provided in Sections 17-9-15 and  
25 17-13-7. A clerk shall print the voter's name on the poll list  
26 or a duplicate list so that the signature can be identified.  
27 The poll list clerk shall give a ballot to the voter with the

1 stub attached to the ballot pad. Ballots shall be given out in  
2 sequence beginning with the lowest numbered ballot.

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

6 "(c) Notwithstanding the provisions of subsection  
7 (a), the Legislature, by local law, may provide for the  
8 appointment of additional inspectors and clerks from within  
9 the county at-large to serve as alternates in the event an  
10 appointed inspector or clerk is unable to perform his or her  
11 duties. First priority shall be given for the appointment of  
12 alternates who are registered voters at the precinct where a  
13 vacancy exists. Any local law enacted pursuant to this  
14 subsection shall limit the number of alternates serving in the  
15 event an appointed inspector, clerk, or returning officer is  
16 unable to perform his or her duties as provided herein, and  
17 shall provide that there will be no payment for alternates in  
18 excess of the number authorized by the local act. In a county  
19 with a population of less than 100,000 inhabitants, the local  
20 law may provide for the appointment and payment of up to four  
21 alternate inspectors, clerks, or returning officers; in a  
22 county with a population of 100,000 to 250,000 inhabitants,  
23 the local law may provide for the appointment and payment of  
24 up to 12 alternate inspectors, clerks, or returning officers;  
25 and in a county with a population of more than 250,000  
26 inhabitants, the local law may provide for the appointment and  
27 payment of up to 24 alternate inspectors, clerks, or returning

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

4           Section 2. This act shall become effective  
5 immediately following its passage and approval by the  
6 Governor, or its otherwise becoming law.