

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.