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3 HB72 HOUSE CONSTITUTION AND ELECTIONS COMMITTEE SUBSTITUTE
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8 SYNOPSIS: Under existing law, to be placed on the
9 ballot, independent candidates must present a
10 written petition signed by at least three percent
11 of the qualified electors who cast ballots for
12 Governor in the last general election.

13 This bill would lower that percentage for
14 independent candidates for statewide office to one
15 and one-half percent of such electors.
16

17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

21 To amend Section 17-9-3, Code of Alabama 1975,
22 relating to the placement on the ballot of independent
23 candidates for statewide office; to lower the percent of the
24 qualified electors in the last general election required to
25 sign a written petition in order to be placed on the ballot.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 17-9-3, Code of Alabama 1975, is
2 amended to read as follows:

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 office, and the Secretary
13 of State in all other cases, on the day next following the
14 last day for contesting the primary election for that office
15 if no contest is filed. If a contest is filed, then the
16 certificate for the contested office must be filed on the day
17 next following the date of settlement or decision of the
18 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 office, and the Secretary
25 of State in all other cases, on or before 5:00 P.M. on the
26 date of the first primary election as provided for in Section
27 17-13-3.

1 "(3) Each candidate who has been requested to be an
2 independent candidate for a specified 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 on the date of the first primary election as provided for in
8 Section 17-13-3. The In the case of independent candidates for
9 statewide office, the number of qualified electors signing the
10 petition shall equal or exceed one and one-half percent of the
11 qualified electors who cast ballots for the office of Governor
12 in the last general election for the state. In the case of
13 other independent candidates, the number of qualified electors
14 signing the petition shall equal or exceed three percent of
15 the qualified electors who cast ballots for the office of
16 Governor in the last general election for the ~~state,~~ county,
17 district, or other political subdivision in which the
18 candidate seeks to qualify.

19 "(b) The Secretary of State, not later than 45 days
20 after the second primary, shall certify to the judge of
21 probate of each county in the state, in the case of an officer
22 to be voted for by the electors of the whole state, and to the
23 judges of probate of the counties composing the circuit or
24 district in the case of an officer to be voted for by the
25 electors of a circuit or district, upon suitable blanks to be
26 prepared by him or her for that purpose, the fact of
27 nomination or independent candidacy of each nominee or

1 independent candidate or candidate of a party who did not
2 receive more than 20 percent of the entire vote cast in the
3 last general election preceding the primary who has qualified
4 to appear on the general election ballot. The judge of probate
5 shall then prepare the ballot with the names of each candidate
6 qualified under the provisions of this section printed on the
7 ballot. The judge of probate may not print on the ballot the
8 name of any independent candidate who was a candidate in the
9 primary election of that year and the name of any nominee of a
10 political party who was a candidate for the nomination of a
11 different political party in the primary election of that
12 year."

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