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3 SENATE C&E COMMITTEE SUBSTITUTE FOR SB145  
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8 SYNOPSIS: Under existing law, write-in votes are  
9 permitted only in non-municipal general elections.  
10 This bill would require that in order to have a  
11 write-in vote counted, the voter must write the  
12 name on the ballot and register the vote by a mark  
13 in the space designated for that particular office.

14 This bill would require that a write-in  
15 candidate be registered with the Secretary of State  
16 or the judge of probate as an official write-in  
17 candidate and comply with the provisions of the  
18 Fair Campaign Practices Act and the State Ethics  
19 Law in order to have his or her vote counted.

20 This bill would provide that write-in votes  
21 would be counted and tabulated in a similar manner  
22 as provisional ballots.  
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24 A BILL  
25 TO BE ENTITLED  
26 AN ACT

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2           To amend Section 17-6-28, Code of Alabama 1975,  
3 relating to write-in votes, to require that a write-in  
4 candidate be registered with the Secretary of State or the  
5 judge of probate as an official candidate and comply with the  
6 provisions of the Fair Campaign Practices Act and the State  
7 Ethics Law in order for his or her vote to be counted; and to  
8 provide for the counting of the ballots under certain  
9 conditions.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11           Section 1. Section 17-6-28, Code of Alabama 1975, is  
12 amended to read as follows:

13           "§17-6-28.

14           "Write-in votes shall be permitted only in  
15 non-municipal general elections. A write-in candidate must  
16 register with the Secretary of State or the judge of probate,  
17 as applicable, at least 60 days prior to the election as an  
18 official write-in candidate and must comply with the Fair  
19 Campaign Practices Act and the State Ethics Law in order to  
20 have votes cast for him or her counted. If the write-in votes  
21 are deemed to be counted, they shall be delivered to the  
22 courthouse in the same manner as provisional ballots and  
23 counted within two days of the election by the canvassing  
24 board, or in a municipal election by the municipal governing  
25 body, in the presence of watchers. All votes cast on the  
26 ballot with the exception of the write-in vote shall be

1     counted at the precinct level. The ballot must be constructed  
2     so that the voter can mark a write-in vote for each office in  
3     the same manner that votes are registered for regular  
4     candidates. In order to cast a valid write-in vote, the voter  
5     must (1) write the name on the ballot and (2) register the  
6     vote by a mark in the space designated for that office. A  
7     write-in vote shall not be counted if the vote is not  
8     registered as provided above. If a voter registers a vote for  
9     a name on the ballot and then writes in another name for the  
10    same office but fails to register the write-in vote, the  
11    ballot shall be treated as if no write-in vote had occurred  
12    and the regular vote shall be counted. If a properly  
13    registered write-in vote causes an over-vote, it shall be  
14    treated as any other over-vote and none of the votes for the  
15    over-voted office shall be counted. However, the remainder of  
16    the ballot shall be counted. When counting write-in votes,  
17    poll officials must check for over-votes if the electronic  
18    ballot counter does not perform the function."

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