HB357

208860-3

By Representative Ellis

RFD: Constitution, Campaigns and Elections

First Read: 09-FEB-21
SYNOPSIS: Under existing law, electronic vote counting systems must meet certain requirements to be approved by the Secretary of State.

This bill would require public testing of automatic tabulating equipment prior to an election.

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to amend Section 17-7-21, Code of Alabama 1975, to require public testing of automatic tabulating equipment prior to an election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-7-21, Code of Alabama 1975, is amended to read as follows:

"§17-7-21.

"(a) The governing body of any county or municipality or other political subdivision of the state, by
adoption of an appropriate resolution, may authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such the county or municipality or other political subdivision or any portion thereof; and such the resolution, a copy of which shall be filed with the Secretary of State, shall specify the particular type of equipment to be used and a procedure for implementation.

"(b) Notwithstanding subsection (a), no electronic vote counting system shall be used unless it has been constructed so that it meets all of the following requirements:

"(1) Permits and requires voting in secrecy.

"(2) Permits each elector voter to vote at any election for all persons individuals and offices for whom and for which he or she is lawfully entitled to vote; to vote for as many persons individuals for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote.

"(3) Permits the voter at other than primary elections to vote a straight political party ticket in one operation.

"(4) Permits such the automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefore exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or question.

"(5) Is capable of correctly counting votes.
"(6) When used in primary elections, counts only votes for the candidates of one party, rejects all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast, and rejects all votes of a voter cast for candidates of more than one party.

"(7) At presidential elections, permits each elector, by one operation, to vote for all presidential electors of a party or independent candidates for president or vice president.

"(8) Provides a method for write-in voting.

"(9) Is capable of accumulating a count of the specific number of ballots tallied for a precinct; accumulating total votes by candidate for each office; and accumulating total votes for and against each question for such precinct.

"(10) Is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

"(11) Is capable of automatically producing precinct vote totals in printed, marked, or punched form, or a combination thereof.

"(12) Is capable of accurately and correctly tabulating each vote and having the same so certified.

"(c) The judge of probate of each county, or the municipal clerk of each municipality, shall have the automatic tabulating equipment that is to be used during an election publicly tested to ensure that the equipment accurately and
correctly tabulates votes. The date of the public test shall be as close to the date of the election as practically possible, except that no test shall occur more than 14 days prior to the election in which the automatic tabulating equipment is to be used. The judge of probate of the county, or the municipal clerk of the municipality, shall provide notice to the public of the time and place of the public test in a newspaper of general circulation in the county or municipality where the election is to be held or on the official county or municipality website.

"(d) The Secretary of State shall adopt rules to implement this section."

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