

1 HB204  
2 216358-1  
3 By Representatives Hanes, Whorton, Holmes, Mooney, Sorrell  
4 and Wingo  
5 RFD: Ways and Means General Fund  
6 First Read: 02-FEB-22

SYNOPSIS: This bill would require the canvassing board of each county to conduct a one-time post-election audit of the November 3, 2020, statewide general election to determine the accuracy of the originally reported outcome of the election.

This bill would also require the Secretary of State to make available for purchase a list of names removed from the list of registered voters between December 1, 2020, and January 31, 2021.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to elections; to require the canvassing board of each county to conduct a one-time post-election audit of the November 3, 2020, statewide general election to determine the accuracy of the originally reported outcome of the election; and to require the Secretary of State to make

1 available for purchase a list of names removed from the voter  
2 registration list during a certain period.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) The canvassing board of each county,  
5 which consists of the judge of probate, circuit clerk, and the  
6 sheriff, shall conduct a post-election audit of the November  
7 3, 2020, statewide general election, as provided in this  
8 subsection.

9 (1) The Secretary of State shall notify the  
10 canvassing board of each county to preserve and retain all  
11 ballots and all November 3, 2020, election-related materials  
12 until December 31, 2022.

13 (2) The audit of the November 3, 2020, statewide  
14 general election shall be completed no later than August 31,  
15 2022.

16 (3) The canvassing board of each county shall  
17 conduct the audit by hand for each polling location in the  
18 county and for each office on the ballot.

19 (4) To begin the audit process, the judge of probate  
20 of each county, within seven calendar days after the effective  
21 date of this act, shall file a petition with the presiding  
22 circuit judge for the county citing this law as the specific  
23 reason for the petition and stating that all ballots cast in  
24 the November 3, 2020, election are to be included in the  
25 audit, and shall request a protective order in addition to the  
26 relief requested. The circuit judge, within seven calendar  
27 days of the date the petition is filed, shall issue a written

1 order directing the judge of probate and sheriff to open the  
2 appropriate ballot boxes from each polling location in the  
3 county and provide any other necessary election materials in  
4 order for the audit to be conducted.

5 (5) The sheriff shall secure the facility where the  
6 audit is conducted until the ballots are resealed and stored  
7 in accordance with Alabama law. The sheriff shall prevent  
8 unauthorized access to the ballots, all oaths administered and  
9 signed, the record of assisted voters, the list of qualified  
10 voters, the poll list, and any and all records made in  
11 connection with the November 3, 2020, election during the time  
12 in which the audit is being conducted.

13 (6) Poll workers shall be appointed to conduct the  
14 audit and appointments shall be made in the same manner as any  
15 other election.

16 (7) a. Each political party or organization that had  
17 a candidate on the ballot of the November 3, 2020, general  
18 election may appoint 50 poll watchers for each county. A poll  
19 worker appointed pursuant to this subdivision shall reside and  
20 be a qualified elector in the county to serve as a watcher in  
21 the county. Poll watchers shall have the right to do all of  
22 the following:

- 23 1. Observe the ballots as they are counted.
- 24 2. Observe absentee ballots and affidavits.
- 25 3. Observe all oaths administered and signed, the  
26 record of assisted voters, the list of qualified voters, the

1 poll lists, and any other record made in connection with the  
2 election.

3 b. Each poll watcher shall be sworn to faithfully  
4 observe the rule of law prescribed for the conduct of  
5 elections. Watchers may be sworn in with the precinct audit  
6 officials, as time allows, but in no way shall it interfere  
7 with the audit. Each watcher shall be a resident and qualified  
8 elector in the county in which they reside. No election  
9 official, including returning officers, shall serve as a poll  
10 watcher.

11 (8) A representative of the Attorney General's  
12 office shall be present in the county while the audit is being  
13 conducted.

14 (9) Members of the press from the State of Alabama  
15 shall be granted access to the audit while the auditing  
16 process is conducted. No member of the press is authorized to  
17 photograph, video, publish, or otherwise disseminate the name  
18 of any elector in the county.

19 (b) All expenses associated with the audit shall be  
20 reimbursed to counties pursuant to Section 17-16-3, Code of  
21 Alabama 1975. The Secretary of State may provide available  
22 federal funds to assist the state in providing reimbursements  
23 related to the audit.

24 (c) The judge of probate shall make all results from  
25 the audit public by posting the results on the courthouse door  
26 at the conclusion of the audit and shall immediately transmit

1 the results to the Secretary of State for posting on the  
2 official website of the Secretary of State.

3 Section 2. (a) The Secretary of State shall, in  
4 accordance with Section 17-4-38, Code of Alabama of 1975, make  
5 available for purchase a complete list of the names of  
6 registered voters who were removed from the list of registered  
7 voters from December 1, 2020, to January 31, 2021.

8 (1) The list shall contain the names of the  
9 registered voters removed as provided in Voter Registration  
10 Table 5 of Appendix A of the Election Administration and  
11 Voting Survey 2020 Comprehensive Report published by the U.S.  
12 Election Assistance Commission of the 117th Congress.

13 (2) The list shall break down each name removed and  
14 the reason for the removal.

15 (3) This list shall be made available for purchase  
16 no later than May 31, 2022.

17 (b) The Secretary of State may work with the board  
18 of registrars of each county and use the official poll list  
19 that is maintained in the "Record of Election."

20 (c) The Secretary of State shall denote which of the  
21 registered voters removed, as provided in Voter Registration  
22 Table 5 of Appendix A of the Election Administration and  
23 Voting Survey 2020 Comprehensive Report published by the U.S.  
24 Election Assistance Commission of the 117th Congress, were  
25 removed because of information obtained through the Election  
26 Registration Information Center.

1                   Section 3. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.