

1 HB343
2 210600-2
3 By Representatives Mooney, Isbell, Crawford, Stringer,
4 Reynolds, Holmes, Carns, Ledbetter, Allen, Sorrells and
5 Fincher
6 RFD: Constitution, Campaigns and Elections
7 First Read: 15-FEB-22

SYNOPSIS: Under existing law, the Alabama Electronic Voting Committee is responsible for ensuring that the state's electronic vote counting system meets integrity standards set by law.

This bill would provide that the state's electronic vote counting system must require the use of a paper ballot that is marked and inspected by the voter prior to the ballot being cast and counted.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to voting; to amend Section 17-7-23, Code of Alabama 1975, to require any approved electronic vote counting system used in an election to require the use of

1 paper ballots; and to make nonsubstantive, technical revisions
2 to update the existing code language to current style.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-7-23, Code of Alabama 1975, is
5 amended to read as follows:

6 "§17-7-23.

7 "(a) ~~It shall be the duty of the committee to~~ The
8 committee shall ensure the examination and certification of
9 electronic vote counting systems ~~in the following manner:~~

10 "~~(1)~~ By by publicly examining all makes of
11 electronic vote counting systems submitted and certifying
12 whether ~~such~~ the systems comply with the requirements of this
13 section.

14 "~~(2)~~ (b) ~~By inviting~~ The committee shall invite any
15 vendor or company interested in selling an electronic vote
16 counting system in Alabama to submit ~~such~~ its equipment for
17 examination. The vote counting system shall be certified after
18 a satisfactory evaluation and testing has been performed to
19 determine that the equipment meets the requirements of this
20 article and performance and test standards for electronic
21 voting systems issued by the Federal Election Commission. The
22 committee may use certification of the equipment by an
23 authorized independent testing authority, or successor entity,
24 as evidence that the equipment meets the requirements of
25 Section 17-7-21 and this section, where certification by the
26 independent testing authority, or successor entity, is
27 applicable. For the purpose of assisting in examining ~~such~~ a

1 system submitted pursuant to this subsection, the committee
2 may employ not more than three individuals who are ~~expert~~
3 experts in one or more fields of data processing, mechanical
4 engineering, and public administration, who may or may not be
5 state employees and shall require from them a written report
6 of their examination. The vendor submitting a system for
7 certification shall pay to the State of Alabama by depositing
8 with the State Treasury for distribution to reimburse the
9 committee in an amount equal to the actual costs, if any,
10 incurred in examining the system. ~~Such reimbursement~~
11 Reimbursement shall be made whether or not the system is
12 certified. No member of the committee nor any examiner shall
13 have any pecuniary interest in any voting equipment.

14 ~~"(3)(c)~~ The committee shall approve only those
15 electronic vote counting systems that ~~are~~ meet both of the
16 following requirements:

17 "(1) Are certified by an authorized independent
18 testing authority, or successor entity, as meeting the
19 performance and test standards for electronic voting systems
20 issued by the Federal Election Commission.

21 "(2) Require the use of a paper ballot that shall be
22 marked and made available for inspection and verification by
23 the voter before the vote is cast and counted. For purposes of
24 this subdivision, "paper ballot" means a paper ballot marked
25 by the voter by hand or by a disability accessible ballot
26 marking device.

1 "~~(4)~~ (d) After certification of any electronic vote
2 counting system, the Secretary of State shall make and
3 maintain a report on the system, and as soon as practicable,
4 shall send a notice of certification and, upon request, a copy
5 of the report to all governing bodies of the counties of the
6 state. Any electronic vote counting system that does not
7 receive certification shall not be adopted or used at any
8 election.

9 "~~(5)~~ (e) After an electronic vote counting system has
10 been certified, any change or improvement in the system shall
11 be certified by the committee prior to the adoption of ~~such~~
12 the change or improvement by any county. The committee shall
13 re-examine the electronic vote counting system to the extent
14 necessary to determine that ~~it~~ the system, as changed or
15 improved, is in compliance with the requirements of this
16 article. If the system, as changed or improved, is not in
17 compliance, the committee shall suspend all sales of the
18 equipment or system in the state until ~~such~~ the equipment or
19 system complies with the requirements of this article.

20 "~~(6)~~ (f) The adoption of an electronic vote counting
21 system in which votes are recorded on an electronic ballot as
22 authorized in this article is hereby validated. It is the
23 legislative intent of this subsection to declare that the use
24 of electronic vote counting systems in which votes are
25 recorded on an electronic ballot has, since the enactment of
26 the Election Reform Act of 1983, been an acceptable method of
27 electronic vote counting."

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