

1 HB357
2 208860-3
3 By Representative Ellis
4 RFD: Constitution, Campaigns and Elections
5 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

1 adoption of an appropriate resolution, may authorize, adopt,
2 and direct the use of electronic vote counting systems for use
3 in all elections held in ~~such~~ the county or municipality or
4 other political subdivision or any portion thereof; and ~~such~~
5 the resolution, a copy of which shall be filed with the
6 Secretary of State, shall specify the particular type of
7 equipment to be used and a procedure for implementation.

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

12 "(1) Permits and requires voting in secrecy.

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

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

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

27 "(5) Is capable of correctly counting votes.

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

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

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

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

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

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

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

24 "(c) The judge of probate of each county, or the
25 municipal clerk of each municipality, shall have the automatic
26 tabulating equipment that is to be used during an election
27 publicly tested to ensure that the equipment accurately and

1 correctly tabulates votes. The date of the public test shall
2 be as close to the date of the election as practically
3 possible, except that no test shall occur more than 14 days
4 prior to the election in which the automatic tabulating
5 equipment is to be used. The judge of probate of the county,
6 or the municipal clerk of the municipality, shall provide
7 notice to the public of the time and place of the public test
8 in a newspaper of general circulation in the county or
9 municipality where the election is to be held or on the
10 official county or municipality website.

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

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