

# HB457 INTRODUCED



1 WFCT59-1  
2 By Representative Wood (D)  
3 RFD: Constitution, Campaigns and Elections  
4 First Read: 11-May-23  
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6 2023 Regular Session



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SYNOPSIS:

This bill would require the canvassing board of each county to conduct a post-election audit after each county and statewide general election to determine the accuracy of the originally reported results of the election.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to elections; to require the canvassing board of each county to conduct a post-election audit after each county and statewide general election to determine the accuracy of the originally reported results of the election.  
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This section shall be known and may be cited as the Alabama Post-Election Audit Act.

(b) (1) Notwithstanding any other law to the contrary, the canvassing board of each county shall conduct a post-election manual audit consisting of a manual tally of all ballots in at least one randomly selected race that appeared on the ballot in at least 20 percent of polling locations chosen at random by the canvassing board at the regularly



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29 scheduled meeting to certify election results in any county  
30 and statewide general election. Random selection may occur by  
31 drawing lots or by computerized random selection such that all  
32 voting locations and races are included in the selection  
33 method.

34 (2) If 20 percent of the polling locations equal less  
35 than a whole number, the number of polling locations shall be  
36 rounded up to the next whole number.

37 (3) If, at the conclusion of the audit, there is a  
38 discrepancy of more than one-half of one percent in the  
39 results, the canvassing board shall determine if the  
40 discrepancy may be reconciled by further review of the  
41 official results and the manual tally. If the discrepancy  
42 cannot be reconciled, the canvassing board shall report any  
43 known cause of the discrepancy at the conclusion of the audit  
44 along with the report on findings provided to the Secretary of  
45 State.

46 (4) The canvassing board, at the regularly scheduled  
47 meeting to certify election results, shall select the date,  
48 time, and place of meeting to conduct the post-election audit  
49 and shall appoint the appropriate number of poll workers  
50 required to complete the audit in the same manner as for any  
51 other election. Compensation for poll workers shall be the  
52 same as provided in Section 17-8-12, Code of Alabama 1975.

53 (5) To begin the audit process, the canvassing board  
54 shall do all of the following:

55 a. File a petition with the circuit court of the  
56 county.



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57           b. State the specific reason for the petition and  
58 include the specific voting locations and race to be audited.

59           c. Request a protective order in addition to the relief  
60 requested.

61           (6) If the circuit court grants the petition, the judge  
62 shall deliver a written order to the respective members of the  
63 canvassing board granting the board authority to open the  
64 appropriate ballot boxes and provide any other necessary  
65 election materials, including electronic data, for the audit  
66 to be conducted. The order shall include the name of the  
67 voting location and the names of the offices to be audited.

68           (7) The post-election audit shall be completed no later  
69 than 30 days following the certification of results for the  
70 election being audited. At the conclusion of the audit, the  
71 canvassing board shall report the findings to the Secretary of  
72 State who shall make all results from the post-election audit  
73 public by posting the results on the official website of the  
74 Secretary of State.

75           (8) The post-election audit report must include all of  
76 the following:

77           a. A description of any problems or discrepancies  
78 encountered.

79           b. A description of the likely cause of any problems or  
80 discrepancies encountered.

81           c. Recommendations for corrective or remedial actions.

82           (9) The Secretary of State shall report all findings of  
83 the post-election audit to the Governor and the Legislature  
84 within 30 days of completion of the audit.



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85           (10) Poll watchers may attend and observe the  
86 post-election audit in the same manner as for any other  
87 election, and appointments shall be made in the same manner as  
88 any general election.

89           (c) For purposes of this act, the canvassing board  
90 shall be composed of the same members as in general elections  
91 and the qualifications to serve or be replaced shall be the  
92 same as in general elections.

93           (d) All expenses incurred by any county as a result of  
94 the audit shall be reimbursed to the county pursuant to  
95 Section 17-16-3, Code of Alabama 1975.

96           (e) The Secretary of State may adopt rules and  
97 prescribe forms to implement this act.

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