

HB218 INTRODUCED



1 HB218
2 E3Z7292-1
3 By Representative Faulkner
4 RFD: Constitution, Campaigns and Elections
5 First Read: 22-Feb-24



SYNOPSIS:

Under existing law, there is a procedure for counting improperly marked ballots.

This bill would provide a procedure for counting improperly marked provisional and absentee ballots.

A BILL
TO BE ENTITLED
AN ACT

Relating to voting; to provide a procedure for counting improperly marked provisional and absentee ballots.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-2.1 and 17-11-10.1 are added to the Code of Alabama 1975, to read as follows:

§17-10-2.1

For the canvassing of provisional ballots, when ballot counters are used in counting the ballots, if a ballot is improperly marked and unable to be read by the ballot counter, the canvassing board shall attempt to determine the elector's choice for any office to be filled which was improperly marked. If the choice can be determined, and with the approval of the judge of probate, a new ballot shall be marked with all of the elector's choices, and the new ballot shall be read and



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counted by the ballot counter. If for any reason it is impossible to determine the elector's choice for any office to be filled, the ballot shall not be counted for the office. The original ballot shall be treated as a spoiled ballot and maintained in the record of election as spoiled ballots from other precincts.

§17-11-10.1

For the canvassing of absentee ballots, when ballot counters are used in counting the ballots, if a ballot is improperly marked and unable to be read by the ballot counter, the absentee ballot precinct workers shall attempt to determine the elector's choice for any office to be filled which was improperly marked. If the choice can be determined, and with the approval of the inspector, a new ballot shall be marked with all of the elector's choices, and the new ballot shall be read and counted by the ballot counter. If for any reason it is impossible to determine the elector's choices for any office to be filled, the ballot shall not be counted for the office. The original ballot shall be treated as a spoiled ballot and maintained in the record of election as spoiled ballots from other precincts.

Section 2. This act shall become effective on October 1, 2024.