HB95

TBXDS59-1

By Representative Lovvorn

RFD: Ways and Means General Fund

First Read: 13-Jan-26

PFD: 17-Dec-25

SYNOPSIS:

This bill would require the judge of probate of each county to conduct a post-election audit after every 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 judge of probate of each county to conduct a post-election audit after every 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 judge of probate of each county shall order a post-election audit, after every countywide and statewide general election, of all ballots in one precinct of a countywide or statewide race randomly selected by the canvassing board of each county as further provided in

subdivision (2), which appeared on the ballot and which is not subject to a recount. Nothing in this section shall prohibit the judge of probate from ordering the audit of additional precincts and races. The order shall include the name of the precincts and the races to be audited. The order shall authorize the sheriff or other county authority to provide access to the ballot containers along with any other necessary election materials, including electronic data.

(2) The canvassing board of each county , at noon on the second Friday after any county and statewide general election, shall randomly select at least one precinct, excluding absentee and provisional ballots, and at least one statewide or countywide race to be audited by the judge of probate.

(3) The judge of probate, at noon on the second Friday after any county and statewide general election, shall select the date, time, and place of meeting to conduct the post-election audit and shall appoint an inspector and the appropriate number of other poll workers required to complete the audit in the same manner as for any other election. The notification and publication of these appointments shall be in the same manner as provided in Section 17-8-2, Code of Alabama 1975. Compensation for poll workers shall be the same as provided in Section 17-8-12, Code of Alabama 1975.

(4) To begin the audit process, the voted ballot containers subject to the audit shall be delivered, unopened and still sealed in the original containers, to the inspectors in charge of the audit by the custodian of the ballot

containers along with any other necessary election materials, including electronic data.

(5) The post-election audit shall be conducted and completed by the time election returns required to be sent to the Secretary of State must be certified.

(6) At the conclusion of the audit, the ballots shall be returned to their original containers and sealed. All other documents and materials related to the audit, including, but not limited to, inspector and poll worker oaths, poll watcher oaths, seals and testing materials for any tabulator used in the audit, and copies of orders of the probate court related to the audit shall be placed in a separate container labeled "Record of Audit." The inspector and other poll workers shall sign the containers and return them to the appropriate authority for storage with other records related to the audited election. The judge of probate shall report the findings to the Secretary of State, who shall make all results from the post-election audit public by posting the results on the official website of the Secretary of State.

(7) The post-election audit report shall include all of the following:

a. A description of any problems or discrepancies encountered.

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

c. Recommendations for corrective or remedial actions.

(8) The Secretary of State shall report all findings of the post-election audit to the Governor and the Legislature

within 30 days of receipt of the audits.

(9) Poll watchers shall attend and observe the post-election audit in the same manner as for any other election, and appointments shall be made in the same manner as any general election. The judge of probate shall give notice to the public of the date, time, and location of the audit by publication in a newspaper of general circulation in the county or on the county's official website. Accredited members of the media shall be permitted to be present and observe the audit being performed.

(10) The judge of probate may conduct the post-election audit by manual tally or by use of ballot counters, provided that at least 30 randomly selected ballots are individually, manually examined and compared to the ballot counter result for each selected ballot.

(c) All expenses incurred by any county as a result of the audit shall be reimbursed in full by the Comptroller.

(d) The Secretary of State may adopt rules and prescribe forms to implement this section.

Section 2. This act shall become effective immediately.