

1 HB359
2 166442-1
3 By Representative Polizos
4 RFD: Constitution, Campaigns and Elections
5 First Read: 31-MAR-15

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8 SYNOPSIS: Under existing law, election officials rely
9 on a printed list provided by the judge of probate
10 in determining who is qualified to vote at an
11 election.

12 This bill would authorize the Secretary of
13 State to implement a pilot program for the use of
14 electronic poll books in lieu of printed lists of
15 qualified voters.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to elections; to amend Section 17-4-2, Code
22 of Alabama 1975, to add Section 17-4-2.1 to the Code of
23 Alabama 1975, and to authorize the Secretary of State to
24 implement a pilot program for the use of electronic poll books
25 in lieu of printed lists of qualified voters.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 17-4-2, Code of Alabama 1975, is
2 amended to read as follows:

3 "§17-4-2.

4 "The board of registrars, when registration is
5 closed before a primary, general, or special election, shall
6 certify to the Secretary of State any additions, deletions,
7 corrections, or changes to the state voter registration list.
8 ~~After~~ Except as provided in Section 17-4-2.1, after
9 registration has closed and within the 10-day period before an
10 election, the judge of probate shall prepare and print a
11 report from the state voter registration list of the correct
12 alphabetical lists of the qualified electors registered by
13 precincts, districts, or subdivisions of a precinct where the
14 precinct has been divided or subdivided, if not within a city
15 or incorporated town, and by wards and other subdivisions, if
16 within a city or incorporated town, and no others. An
17 electronic archive in the database for the state voter
18 registration list shall be recorded simultaneously with the
19 printing of each county's list of qualified voters. Each
20 printed list of qualified voters shall contain a printed
21 certification generated by the state voter registration system
22 establishing that the contents of the list are true and
23 correct as of the specified time and date when it was printed.
24 The judge of probate shall deliver or cause to be delivered to
25 the inspectors in each precinct, each district, each ward, or
26 each other subdivision one copy of the list of qualified
27 electors printed for such box or voting place immediately

1 preceding every general, primary, or special election, and the
2 delivered list shall contain only the names of persons
3 qualified to vote at such box or voting place; except, that
4 for purposes of information only, there may be delivered to
5 the inspectors lists prepared for other boxes or voting
6 places. The list published in the newspaper before each
7 primary election shall not be used as the poll list.

8 "Notwithstanding the foregoing, electronic access to
9 the state voter registration list may be utilized in lieu of a
10 printed list in accordance with administrative rules
11 promulgated and implemented by the Secretary of State. The
12 Secretary of State shall send any proposed new rule or
13 amendment to an existing rule by certified mail to each county
14 canvassing board at least 30 days prior to certification of
15 the proposed rule or amendment pursuant to the Administrative
16 Procedure Act.

17 "Both the board of registrars and the judge of
18 probate shall keep a current copy of the qualified elector
19 list for the county open and subject to public inspection."

20 Section 2. Section 17-4-2.1 is added to the Code of
21 Alabama 1975, to read as follows:

22 (a) The Secretary of State and the judges of probate
23 may implement a pilot project for the use of electronic poll
24 books in lieu of the printed lists of qualified voters
25 provided for in Section 17-4-2 and the poll lists provided for
26 in Sections 17-9-11 and 17-13-7.

1 (b) Participation in the electronic poll book pilot
2 project shall be at the discretion of the Secretary of State
3 but shall be limited to not less than four and no more than
4 eight counties of varying sizes. The pilot project shall
5 include at least two high population counties, at least one
6 medium population county, and at least one low population
7 county.

8 (c) After the Secretary of State has accepted a
9 county into the electronic poll book pilot project, the county
10 may implement electronic poll books in lieu of printed lists
11 of qualified voters and paper poll lists. A participating
12 county may adopt the use of any electronic poll book that has
13 been certified by the Secretary of State for use in this
14 state.

15 (d) To be certified for use by the Secretary of
16 State, an electronic poll book shall do all of the following:

17 (1) Be secure.

18 (2) Be compatible with the statewide voter
19 registration system.

20 (3) Include a failsafe data recovery procedure for
21 information included in the electronic poll book.

22 (4) Contain the same information as the printed
23 lists provided for in Section 17-4-2 and the poll lists as
24 provided for in Sections 17-9-11 and 17-13-7.

25 (5) Indicate whether the voter applied for an
26 absentee ballot and the registration status of the voter in
27 the statewide voter registration list.

1 (6) Provide an electronic process to check in a
2 voter on election day that incorporates the signature
3 requirements set forth in Section 17-9-11; provided that this
4 process may not be used for checking in a voter who is
5 required to cast a provisional ballot as provided for in
6 Chapter 10 of this title, or whose name is not contained in
7 the electronic poll book as an eligible voter for the
8 precinct.

9 (7) Provide functionality for quickly and accurately
10 uploading voter history into the statewide voter registration
11 list in accordance with Section 17-4-33.

12 (8) Provide for the retention of the voter data
13 contained in the electronic poll book for the applicable
14 retention period applicable to the records of election, which
15 may be accomplished by archiving the data in electronic format
16 on an external data storage device.

17 (9) When used in a primary election or primary
18 runoff election, provide for the recording and subsequent
19 printing or exporting of electronic data of names and
20 electronic signatures of the voters participating in the
21 primary election or primary runoff election of each political
22 party.

23 (10) Comply with additional requirements as
24 determined to be necessary and promulgated by the Secretary of
25 State by rule pursuant to the Administrative Procedure Act.

1 (e) Electronic poll books may not be populated with
2 data for eligible voters until the 10-day period immediately
3 prior to an election in accordance with Section 17-4-2.

4 (f) The Secretary of State shall develop and provide
5 to each participating county instructions, directives, and
6 advisories regarding the examination, testing, and use of the
7 electronic poll books.

8 (g) The Secretary of State may promulgate rules
9 pursuant to the Administrative Procedure Act to implement the
10 provisions of this section.

11 Section 3. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.