

1 HB188  
2 173240-2  
3 By Representative Davis  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 11-FEB-16

2  
3  
4  
5  
6  
7  
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, and to add Section 17-4-2.1 to the Code of  
23 Alabama 1975, to authorize the Secretary of State to implement  
24 a pilot program for the use of electronic poll books in lieu  
25 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 and municipal election  
11 officials shall prepare and print a report from the state  
12 voter registration list of the correct alphabetical lists of  
13 the qualified electors registered by precincts, districts, or  
14 subdivisions of a precinct where the precinct has been divided  
15 or subdivided, if not within a city or incorporated town, and  
16 by wards and other subdivisions, if within a city or  
17 incorporated town, and no others. An electronic archive in the  
18 database for the state voter registration list shall be  
19 recorded simultaneously with the printing of each county's  
20 list of qualified voters. Each printed list of qualified  
21 voters shall contain a printed certification generated by the  
22 state voter registration system establishing that the contents  
23 of the list are true and correct as of the specified time and  
24 date when it was printed. The judge of probate shall deliver  
25 or cause to be delivered to the inspectors in each precinct,  
26 each district, each ward, or each other subdivision one copy  
27 of the list of qualified electors printed for such box or

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

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

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

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

23 (a) The Secretary of State may implement a pilot  
24 project for the use of electronic poll books in lieu of the  
25 printed lists of qualified voters provided for in Section  
26 17-4-2 and the poll lists provided for in Sections 17-9-11 and  
27 17-13-7. A county, with consent of the county commission and

1 judge of probate, may participate in the project as provided  
2 herein. In addition, the Secretary of State and municipal  
3 governing bodies may implement a pilot project for the use of  
4 electronic poll books in lieu of the printed lists of  
5 qualified voters provided for in Section 11-46-36 or any local  
6 law governing a municipal election.

7 (b) Participation in the electronic poll book pilot  
8 project shall be at the discretion of the Secretary of State  
9 but shall be available to any county where the county  
10 commission and the judge of probate have consented to  
11 participate.

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

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

21 (1) Be secure.

22 (2) Be compatible with the statewide voter  
23 registration system.

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

26 (4) Contain the same information as the printed  
27 lists provided for in Section 11-46-36 and any local law

1 governing a municipal election and in Section 17-4-2 and the  
2 poll lists provided for in Section 11-46-50 and any local law  
3 governing a municipal election and in Sections 17-9-11 and  
4 17-13-7.

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

8 (6) Provide an electronic process to check in a  
9 voter on election day that incorporates the signature  
10 requirements set forth in Section 11-46-50 and any local law  
11 governing a municipal election and in Section 17-9-11;  
12 provided that this process may not be used for checking in a  
13 voter who is required to cast a provisional ballot as provided  
14 for in Chapter 10 of this title, or whose name is not  
15 contained in the electronic poll book as an eligible voter for  
16 the precinct.

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

20 (8) Provide for the retention of the voter data  
21 contained in the electronic poll book for the applicable  
22 retention period applicable to the records of election, which  
23 may be accomplished by archiving the data in electronic format  
24 on an external data storage device.

25 (9) When used in a primary election or primary  
26 runoff election, provide for the recording and subsequent  
27 printing or exporting of electronic data of names and

1 electronic signatures of the voters participating in the  
2 primary election or primary runoff election of each political  
3 party.

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

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

10 (f) The Secretary of State shall develop and provide  
11 to each participating county and municipality instructions,  
12 directives, and advisories regarding the examination, testing,  
13 and use of the electronic poll books.

14 (g) All expenses and costs incurred by the state or  
15 any county commission in carrying out the responsibilities and  
16 duties required in this section shall be paid by the State of  
17 Alabama. All costs associated with this section shall be drawn  
18 from funds made available to the Secretary of State under  
19 state and federal law to pay all such expenses and costs in  
20 all participating counties.

21 (h) The Secretary of State may promulgate rules  
22 pursuant to the Administrative Procedure Act to implement the  
23 provisions of this section.

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