1   SB143

2   208860-4

3   By Senators Melson and Shelnutt

4   RFD: Governmental Affairs

5   First Read: 01-FEB-22

1   208860-4:n:10/26/2021:ANS/bm LSA2020-2405R2

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8   SYNOPSIS: Under existing law, electronic vote counting

9   systems must meet certain requirements to be

10   approved by the Secretary of State.

11   This bill would require public testing of

12   automatic tabulating equipment prior to an

13   election.

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15   A BILL

16   TO BE ENTITLED

17   AN ACT

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19   Relating to elections; to amend Section 17-7-21,

20   Code of Alabama 1975, to require public testing of automatic

21   tabulating equipment prior to an election.

22   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23   Section 1. Section 17-7-21, Code of Alabama 1975, is

24   amended to read as follows:

25   "§17-7-21.

26   "(a) The governing body of any county or

27   municipality or other political subdivision of the state, by

adoption of an appropriate resolution, may authorize, adopt,

and direct the use of electronic vote counting systems for use

in all elections held in ~~such~~ the county or municipality or

other political subdivision or any portion thereof; and ~~such~~

the resolution, a copy of which shall be filed with the

Secretary of State, shall specify the particular type of

equipment to be used and a procedure for implementation.

"(b) Notwithstanding subsection (a), no electronic

vote counting system shall be used unless it has been

constructed so that it meets all of the following

requirements:

"(1) Permits and requires voting in secrecy.

"(2) Permits each ~~elector~~ voter to vote at any

election for all ~~persons~~ individuals and offices for whom and

for which he or she is lawfully entitled to vote; to vote for

as many ~~persons~~ individuals for an office as he or she is

entitled to vote for; and to vote for or against any question

upon which he or she is entitled to vote.

"(3) Permits the voter at other than primary

elections to vote a straight political party ticket in one

operation.

"(4) Permits ~~such~~ the automatic tabulating equipment

to be set to reject all votes for any office or question when

the number of votes ~~therefor~~ exceeds the number which the

voter is entitled to cast or when the voter is not entitled to

cast a vote for the office or question.

"(5) Is capable of correctly counting votes.

1   "(6) When used in primary elections, counts only

2   votes for the candidates of one party, rejects all votes for

3   an office when the number of votes ~~therefor~~ exceeds the number

4   which the voter is entitled to cast, and rejects all votes of

5   a voter cast for candidates of more than one party.

6   "(7) At presidential elections, permits each

7   elector, by one operation, to vote for all presidential

8   electors of a party or independent candidates for president or

9   vice president.

10   "(8) Provides a method for write-in voting.

11   "(9) Is capable of accumulating a count of the

12   specific number of ballots tallied for a precinct;

13   accumulating total votes by candidate for each office; and

14   accumulating total votes for and against each question for

15   such precinct.

16   "(10) Is capable of tallying votes from ballots of

17   different political parties from the same precinct, in the

18   case of a primary election.

19   "(11) Is capable of automatically producing precinct

20   vote totals in printed, marked, or punched form, or a

21   combination thereof.

22   "(12) Is capable of accurately and correctly

23   tabulating each vote and having the same so certified.

24   "(c) The judge of probate of each county, or the

25   municipal clerk of each municipality, shall have the automatic

26   tabulating equipment that is to be used during an election

27   publicly tested to ensure that the equipment accurately and

1   correctly tabulates votes. The date of the public test shall

2   be as close to the date of the election as practically

3   possible, except that no test shall occur more than 14 days

4   prior to the election in which the automatic tabulating

5   equipment is to be used. The judge of probate of the county,

6   or the municipal clerk of the municipality, shall provide

7   notice to the public of the time and place of the public test

8   in a newspaper of general circulation in the county or

9   municipality where the election is to be held or on the

10   official county or municipality website.

11   "(d) The Secretary of State shall adopt rules to

12   implement this section."

13   Section 2. This act shall become effective

14   immediately following its passage and approval by the

15   Governor, or its otherwise becoming law.