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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 county and statewide general election of all ballots in the one precinct and countywide or statewide race selected by the canvassing board of each county which appeared on the ballot and which is not subject to a



29 recount. Nothing in this section shall prohibit the judge of
30 probate from ordering the audit of additional precincts and
31 races. The order shall include the name of the precincts and
32 the races to be audited. The order shall authorize the sheriff
33 or other county authority to provide access to the ballot
34 containers along with any other necessary election materials,
35 including electronic data.

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

41 (3) The judge of probate, at noon on the second Friday
42 after any county and statewide general election, shall select
43 the date, time, and place of meeting to conduct the
44 post-election audit and shall appoint an inspector and the
45 appropriate number of other poll workers required to complete
46 the audit in the same manner as for any other election. The
47 notification and publication of these appointments shall be in
48 the same manner as provided in Section 17-8-2, Code of Alabama
49 1975. Compensation for poll workers shall be the same as
50 provided in Section 17-8-12, Code of Alabama 1975.

51 (4) To begin the audit process, the voted ballot
52 containers subject to the audit shall be delivered, unopened
53 and still sealed in the original containers, to the inspectors
54 in charge of the audit by the custodian of the ballot
55 containers along with any other necessary election materials,
56 including electronic data.



57 (5) The post-election audit shall be conducted no
58 earlier than 31 days following the statewide general election,
59 or the expiration of the time period for filing an election
60 contest, whichever is less, and shall be completed within 30
61 days of commencement.

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

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

78 a. A description of any problems or discrepancies
79 encountered.

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

82 c. Recommendations for corrective or remedial actions.

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



85 within 30 days of receipt of the audits.

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

95 (10) The judge of probate may conduct the post-election
96 audit by manual tally or by use of precinct ballot counters or
97 other counters previously tested, certified, and sealed
98 according to the procedures for testing and certification of
99 precinct ballot counters prior to the election. The ballot
100 counter or counters shall have been sealed and not used for
101 voting during the election subject to the audit.

102 (c) All expenses as defined in Section 17-16-2, Code of
103 Alabama 1975, incurred by any county as a result of the audit
104 shall be reimbursed in full by the Comptroller.

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

107 Section 2. This act shall become effective immediately.