



**House Ways and Means General Fund Reported
Substitute for HB30**

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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 one precinct of a countywide or statewide race, 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



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29 electronic data.

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

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

45 (4) To begin the audit process, the voted ballot
46 containers subject to the audit shall be delivered, unopened
47 and still sealed in the original containers, to the inspectors
48 in charge of the audit by the custodian of the ballot
49 containers along with any other necessary election materials,
50 including electronic data.

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

54 (6) At the conclusion of the audit, the ballots shall
55 be returned to their original containers and sealed. All other
56 documents and materials related to the audit, including, but



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57 not limited to, inspector and poll worker oaths, poll watcher
58 oaths, seals and testing materials for any tabulator used in
59 the audit, and copies of orders of the probate court related
60 to the audit shall be placed in a separate container labeled
61 "Record of Audit." The inspector and other poll workers shall
62 sign the containers and return them to the appropriate
63 authority for storage with other records related to the
64 audited election. The judge of probate shall report the
65 findings to the Secretary of State who shall make all results
66 from the post-election audit public by posting the results on
67 the official website of the Secretary of State.

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

70 a. A description of any problems or discrepancies
71 encountered.

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

74 c. Recommendations for corrective or remedial actions.

75 (8) The Secretary of State shall report all findings of
76 the post-election audit to the Governor and the Legislature
77 within 30 days of receipt of the audits.

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



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85 of the media shall be permitted to be present and observe the
86 audit being performed.

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

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

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

96 Section 2. This act shall become effective immediately.