



**House Ways and Means General Fund Reported
Substitute for HB95**

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A BILL

6 TO BE ENTITLED

AN ACT

9 Relating to elections; to require the judge of probate
10 of each county to conduct a post-election audit after every
11 county and statewide general election to determine the
12 accuracy of the originally reported results of the election.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 (b) (1) Notwithstanding any other law to the contrary,

17 the judge of probate of each county shall order a
18 post-election audit, after every countywide and statewide
19 general election, of all ballots in one precinct of a
20 countywide or statewide race randomly selected by the
21 canvassing board of each county as further provided in
22 subdivision (2), which appeared on the ballot and which is not
23 subject to a recount. Nothing in this section shall prohibit
24 the judge of probate from ordering the audit of additional
25 precincts and races. The order shall include the name of the
26 precincts and the races to be audited. The order shall
27 authorize the sheriff or other county authority to provide
28 access to the ballot containers along with any other necessary



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29 election materials, including electronic data.

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

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

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

52 (5) The post-election audit shall commence no earlier
53 than 31 days following the statewide general election or the
54 expiration of the time period for filing an election contest,
55 whichever is less, and shall be completed within 30 days of
56 commencement.



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73 a. A description of any problems or discrepancies
74 encountered.

75 b. A description of the likely cause of any problems or
76 discrepancies encountered.

77 c. Recommendations for corrective or remedial actions.

81 (9) Poll watchers shall attend and observe the
82 post-election audit in the same manner as for any other
83 election, and appointments shall be made in the same manner as
84 any general election. The judge of probate shall give notice



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85 to the public of the date, time, and location of the audit by
86 publication in a newspaper of general circulation in the
87 county or on the county's official website. Accredited members
88 of the media shall be permitted to be present and observe the
89 audit being performed.

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

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

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

99 Section 2. This act shall become effective immediately.