HB259 ENGROSSED



- 1 HB259
- 2 WU2R59E-2
- 3 By Representatives Wood (D), Fincher, Paschal, Rehm, Fidler,
- 4 Hulsey, Rigsby, Underwood, Colvin, Stringer, Starnes,
- 5 Standridge
- 6 RFD: Ways and Means General Fund
- 7 First Read: 28-Feb-24



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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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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:
14	Section 1. (a) This section shall be known and may be
15	cited as the Alabama Post-Election Audit Act.
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 county and statewide general
19	election of all ballots in the one precinct and countywide or
20	statewide race selected by the canvassing board of each county
21	which appeared on the ballot and which is not subject to a
22	recount. Nothing in this section shall prohibit the judge of
23	probate from ordering the audit of additional precincts and
24	races. The order shall include the name of the precincts and
25	the races to be audited. The order shall authorize the sheriff

containers along with any other necessary election materials,

or other county authority to provide access to the ballot

28 including electronic data.

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

- (3) The judge of probate, at noon on the second Friday after any county and statewide general election, shall select the date, time, and place of meeting to conduct the post-election audit and shall appoint an inspector and the appropriate number of other poll workers required to complete the audit in the same manner as for any other election. The notification and publication of these appointments shall be in the same manner as provided in Section 17-8-2, Code of Alabama 1975. Compensation for poll workers shall be the same as provided in Section 17-8-12, Code of Alabama 1975.
- (4) To begin the audit process, the voted ballot containers subject to the audit shall be delivered, unopened and still sealed in the original containers, to the inspectors in charge of the audit by the custodian of the ballot containers along with any other necessary election materials, including electronic data.
- (5) The post-election audit shall be conducted no earlier than 31 days following the statewide general election, or the expiration of the time period for filing an election contest, whichever is less, and shall be completed within 30 days of commencement.
- 55 (6) At the conclusion of the audit, the ballots shall 56 be returned to their original containers and sealed. All other



- documents and materials related to the audit, including, but
- not limited to, inspector and poll worker oaths, poll watcher
- oaths, seals and testing materials for any tabulator used in
- the audit, and copies of orders of the probate court related
- to the audit shall be placed in a separate container labeled
- "Record of Audit." The inspector and other poll workers shall
- sign the containers and return them to the appropriate
- authority for storage with other records related to the
- audited election. The judge of probate shall report the
- 66 findings to the Secretary of State who shall make all results
- from the post-election audit public by posting the results on
- the official website of the Secretary of State.
- (7) The post-election audit report shall include all of
- 70 the following:
- 71 a. A description of any problems or discrepancies
- 72 encountered.
- b. A description of the likely cause of any problems or
- 74 discrepancies encountered.
- 75 c. Recommendations for corrective or remedial actions.
- 76 (8) The Secretary of State shall report all findings of
- 77 the post-election audit to the Governor and the Legislature
- 78 within 30 days of receipt of the audits.
- 79 (9) Poll watchers may attend and observe the
- 80 post-election audit in the same manner as for any other
- 81 election, and appointments shall be made in the same manner as
- 82 any general election. The judge of probate shall give notice
- 83 to the public of the date, time, and location of the audit by
- 84 publication in a newspaper of general circulation in the



county or on the county's official website. Accredited members of the media shall be permitted to be present and observe the audit being performed.

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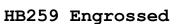
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- (10) The judge of probate may conduct the post-election audit by manual tally or by use of precinct ballot counters or other counters previously tested, certified, and sealed according to the procedures for testing and certification of precinct ballot counters prior to the election. The ballot counter or counters shall have been sealed and not used for voting during the election subject to the audit.
- (c) All expenses as defined in Section 17-16-2, Code of Alabama 1975, incurred by any county as a result of the audit shall be reimbursed in full by the Comptroller.
- 98 (d) The Secretary of State may adopt rules and 99 prescribe forms to implement this act.
- 100 Section 2. This act shall become effective immediately.





101 102 103 House of Representatives Read for the first time and referred28-Feb-24 to the House of Representatives 105 committee on Ways and Means General 106 107 Fund 108 109 Read for the second time and placed04-Apr-24 on the calendar: 110 111 0 amendments 112 113 Read for the third time and passed09-Apr-24 114 as amended Yeas 83 115 Nays 7 116 Abstains 9 117 118 119 120 John Treadwell Clerk 121 122