HB53 INTRODUCED



- 1 JOU3NY-1
- 2 By Representative Mooney
- 3 RFD: State Government
- 4 First Read: 07-Mar-23
- 5 PFD: 06-Mar-23

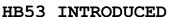


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4	SYNOPSIS:
5	Under existing law, the Alabama Electronic
6	Voting Committee is responsible for ensuring that the
7	state's electronic vote counting system meets integrity
8	standards set by law.
9	This bill would provide that the state's
LO	electronic vote counting system must require the use of
L1	a paper ballot that is marked and inspected by the
L2	voter prior to the ballot being cast and counted.
L3	This bill would also make nonsubstantive,
L 4	technical revisions to update the existing code
L 5	language to current style.
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L 7	
L 8	A BILL
L 9	TO BE ENTITLED
20	AN ACT
21	
22	Relating to voting; to amend Section 17-7-23, Code of
23	Alabama 1975, to require any approved electronic vote counting
24	system used in an election to require the use of paper
25	ballots; and to make nonsubstantive, technical revisions to
26	update the existing code language to current style.
7	RE IT ENACTED BY THE LECISLATURE OF ALARAMA.

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

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29	amended to read as follows:
30	" §17-7-23
31	(a) It shall be the duty of the committee to The
32	<pre>committee shall ensure the examination and certification of</pre>
33	electronic vote counting systems in the following manner:
34	(1) By by publicly examining all makes of electronic
35	vote counting systems submitted and certifying whether such
36	the systems comply with the requirements of this section.
37	(2) (b) By inviting The committee shall invite any
38	vendor or company interested in selling an electronic vote
39	counting system in Alabama to submit <pre>such_its_equipment for</pre>
40	examination. The vote counting system shall be certified after
41	a satisfactory evaluation and testing has been performed to
42	determine that the equipment meets the requirements of this
43	article and performance and test standards for electronic
44	voting systems issued by the Federal Election Commission. The
45	committee may use certification of the equipment by an
46	authorized independent testing authority, or successor entity,
47	as evidence that the equipment meets the requirements of
48	Section 17-7-21 and this section, where certification by the
49	independent testing authority, or successor entity, is
50	applicable. For the purpose of assisting in examining $\frac{\text{such}}{a}$
51	system submitted pursuant to this subsection, the committee
52	may employ not more than three individuals who are expert
53	experts in one or more fields of data processing, mechanical
54	engineering, and public administration, who may or may not be
55	state employees and shall require from them a written report
56	of their examination. The vendor submitting a system for





- certification shall pay to the State of Alabama by depositing
 with the State Treasury for distribution to reimburse the
 committee in an amount equal to the actual costs, if any,
 incurred in examining the system. Such reimbursement
 Reimbursement shall be made whether or not the system is
 certified. No member of the committee nor any examiner shall
 have any pecuniary interest in any voting equipment.
 - (3)(c) The committee shall approve only those electronic vote counting systems that are meet both of the following requirements:

- (1) Are certified by an authorized independent testing authority, or successor entity, as meeting the performance and test standards for electronic voting systems issued by the Federal Election Commission.
- (2) Require the use of a paper ballot that shall be marked and made available for inspection and verification by the voter before the vote is cast and counted. For purposes of this subdivision, "paper ballot" means a paper ballot marked by the voter by hand or by a disability accessible ballot marking device.
- (4) (d) After certification of any electronic vote counting system, the Secretary of State shall make and maintain a report on the system, and as soon as practicable shall send a notice of certification and, upon request, a copy of the report to all governing bodies of the counties of the state. Any electronic vote counting system that does not receive certification shall not be adopted or used at any election.



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(5) (e) After an electronic vote counting system has been certified, any change or improvement in the system shall be certified by the committee prior to the adoption of such the change or improvement by any county. The committee shall re-examine the electronic vote counting system to the extent necessary to determine that it the system, as changed or improved, is in compliance with the requirements of this article. If the system, as changed or improved, is not in compliance, the committee shall suspend all sales of the equipment or system in the state until such the equipment or system complies with the requirements of this article. (6) (f) The adoption of an electronic vote counting system in which votes are recorded on an electronic ballot as authorized in this article is hereby validated. It is the legislative intent of this subsection to declare that the use of electronic vote counting systems in which votes are recorded on an electronic ballot has, since the enactment of the Election Reform Act of 1983, been an acceptable method of electronic vote counting." Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.