

1 HB262
2 204054-1
3 By Representatives Jones (S), Drummond, Alexander, Grimsley,
4 Hatcher, Jackson, Bracy, Brown (C), Gray, Rafferty and Gaston
5 RFD: Constitution, Campaigns and Elections
6 First Read: 18-FEB-20

SYNOPSIS: Under existing law, a county or municipality may use electronic poll books certified by the Secretary of State.

This bill would provide that electronic poll books may be purchased or leased and may be used until the county commission adopts the use of another electronic poll book, with certain exceptions.

This bill would provide the process for seeking reimbursement of costs associated with the acquisition and use of electronic poll books.

This bill would provide reimbursement as election expenses for training and travel costs of absentee election managers other than clerks and for certain costs related to the acquisition and use of electronic poll books.

A BILL
TO BE ENTITLED
AN ACT

1
2 Relating to elections; to amend Sections 17-4-2.1
3 and 17-16-2, Code of Alabama 1975; to provide further for the
4 use of electronic poll books; and to provide further for the
5 reimbursement of costs incurred by counties in acquiring and
6 using electronic poll books.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 17-4-2.1 and 17-16-2, Code of
9 Alabama 1975, are amended to read as follows:

10 "§17-4-2.1.

11 "(a) The Secretary of State may allow the use of
12 electronic poll books in lieu of the printed lists of
13 qualified voters provided for in Section 17-4-2 and the poll
14 lists provided for in Sections 17-9-11 and 17-13-7. A county,
15 with consent of the county commission and judge of probate,
16 may use electronic poll books in lieu of the printed lists of
17 qualified voters. In addition, the Secretary of State and
18 municipal governing bodies may allow the use of electronic
19 poll books in lieu of the printed lists of qualified voters
20 provided for in Section 11-46-36 or any local law governing a
21 municipal election.

22 "(b) A participating county or municipality may
23 ~~adopt the use of~~ purchase or lease any electronic poll book
24 that ~~has been~~ is certified by the Secretary of State for use
25 in this state. The county or municipality may use the
26 certified electronic poll book until the county commission

1 votes to adopt the use of another certified electronic poll
2 book, subject to subsection (d).

3 "(c) To be certified for use by the Secretary of
4 State, an electronic poll book shall ~~to~~ meet all of the
5 following criteria:

6 "(1) Be secure.

7 "(2) Be compatible with the statewide voter
8 registration system.

9 "(3) Include a failsafe data recovery procedure for
10 information included in the electronic poll book.

11 "(4) Contain the same information as the printed
12 lists provided for in Section 11-46-36 and any local law
13 governing a municipal election and in Section 17-4-2 and the
14 poll lists provided for in Section 11-46-50 and any local law
15 governing a municipal election and in Sections 17-9-11 and
16 17-13-7.

17 "(5) Indicate whether the voter applied for an
18 absentee ballot and the registration status of the voter in
19 the statewide voter registration list.

20 "(6) Provide an electronic process to check in a
21 voter on election day that incorporates the signature
22 requirements set forth in Section 11-46-50 and any local law
23 governing a municipal election and in Section 17-9-11;
24 provided that this process may not be used for checking in a
25 voter who is required to cast a provisional ballot as provided
26 for in Chapter 10 ~~of this title~~, or whose name is not

1 contained in the electronic poll book as an eligible voter for
2 the precinct.

3 "(7) Provide functionality for quickly and
4 accurately uploading voter history into the statewide voter
5 registration list in accordance with Section 17-4-33.

6 "(8) Provide for the retention of the voter data
7 contained in the electronic poll book for the applicable
8 retention period applicable to the records of election, which
9 may be accomplished by archiving the data in electronic format
10 on an external data storage device.

11 "(9) When used in a primary election or primary
12 runoff election, provide for the recording and subsequent
13 printing or exporting of electronic data of names and
14 electronic signatures of the voters participating in the
15 primary election or primary runoff election of each political
16 party.

17 "(10) Comply with additional requirements as
18 determined to be necessary and ~~promulgated~~ adopted by the
19 Secretary of State by rule pursuant to the Administrative
20 Procedure Act.

21 "(d) The Secretary of State shall not decertify an
22 electronic poll book that was certified at the time of
23 purchase or lease by a county or municipality within nine
24 years of its purchase or lease, unless the Secretary of State
25 demonstrates to the county or municipality that the electronic
26 poll book does not meet one or more criteria listed in
27 subdivisions (1) through (9) of subsection (c).

1 Decertification that is prompted by criteria other than an
2 irreparable issue that will compromise the integrity of an
3 election requires a 12-month notice to the county from the
4 Secretary of State to the chief election official.

5 ~~"(d)~~ (e) Electronic poll books may not be populated
6 with data for eligible voters until the 10-day period
7 immediately prior to an election in accordance with Section
8 17-4-2.

9 ~~"(e)~~ (f) The Secretary of State shall develop and
10 provide to each participating county and municipality
11 instructions, directives, and advisories regarding the
12 examination, testing, and use of the electronic poll books.

13 ~~"(f)~~ (g) All expenses and costs incurred by a county
14 commission in carrying out this section ~~may shall~~ be ~~paid from~~
15 ~~funds made available to the Secretary of State under state and~~
16 ~~federal law to pay all such expenses and costs in all~~
17 ~~participating counties, from county general funds, or from~~
18 ~~municipal general funds~~ reimbursed pursuant to Article 1,
19 commencing with Section 17-16-1, of Chapter 16.

20 ~~"(g)~~ (h) The Secretary of State may ~~promulgate~~ adopt
21 rules pursuant to the Administrative Procedure Act to
22 implement ~~the provisions of~~ this section.

23 "§17-16-2.

24 "As used in this chapter, the term "expenses" shall
25 include the following items and any other items approved as
26 reimbursable expenses by the Election Expense Reimbursement
27 Committee pursuant to Section 17-16-2.1:

1 "(1) The compensation and mileage provided by law
2 for election officials.

3 "(2) The compensation provided by law for the clerk
4 or other official acting as absentee election manager.

5 "(3) In instances when the clerk declines to serve
6 as the absentee election manager, the cost of necessary
7 training and associated travel expenses for the individual
8 appointed to carry out the duties of absentee election
9 manager, as approved by the county commission.

10 "~~(3)~~(4) The costs of ballots, supplies, and other
11 materials or equipment necessary for election officials to
12 conduct elections as required by law and as certified by the
13 judge of probate as chief election official of the county.

14 "(5) The costs incurred by the county commission in
15 using electronic poll books pursuant to Section 17-4-2.1,
16 including, but not limited to, the purchase or lease of the
17 electronic poll books, essential support equipment, software
18 updates, populating the electronic poll books prior to each
19 election, required maintenance necessary to ensure the proper
20 use of the electronic poll books for each election, and any
21 other expenses necessary to comply with rules adopted by the
22 Secretary of State pursuant to Section 17-4-2.1.

23 "~~(4)~~(6) The costs of absentee ballots, supplies,
24 postage, and other materials required by law to be furnished
25 to the absentee election manager.

1 "~~(5)~~(7) The cost of preparing and furnishing the
2 lists of qualified electors to the election officials as
3 required by law.

4 "~~(6)~~(8) The cost of publishing any notice or other
5 item related to any election and required by law, including,
6 but not limited to, the publication of notice of any election
7 and any voter lists."

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.