

# HB30 INTRODUCED



1 HB30  
2 VHA1LLP-1  
3 By Representative Wood (D)  
4 RFD: Ways and Means General Fund  
5 First Read: 04-Feb-25  
6 PFD: 19-Aug-24



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SYNOPSIS:

This bill would 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.

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



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29 on the ballot and which is not subject to a recount. Nothing  
30 in this section shall prohibit the judge of probate from  
31 ordering the audit of additional precincts and races. The  
32 order shall include the name of the precincts and the races to  
33 be audited. The order shall authorize the sheriff or other  
34 county authority to provide access to the ballot containers  
35 along with any other necessary election materials, including  
36 electronic data.

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

42 (3) The judge of probate, at noon on the second Friday  
43 after any county and statewide general election, shall select  
44 the date, time, and place of meeting to conduct the  
45 post-election audit and shall appoint an inspector and the  
46 appropriate number of other poll workers required to complete  
47 the audit in the same manner as for any other election. The  
48 notification and publication of these appointments shall be in  
49 the same manner as provided in Section 17-8-2, Code of Alabama  
50 1975. Compensation for poll workers shall be the same as  
51 provided in Section 17-8-12, Code of Alabama 1975.

52 (4) To begin the audit process, the voted ballot  
53 containers subject to the audit shall be delivered, unopened  
54 and still sealed in the original containers, to the inspectors  
55 in charge of the audit by the custodian of the ballot  
56 containers along with any other necessary election materials,



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57 including electronic data.

58 (5) The post-election audit shall be conducted no  
59 earlier than 31 days following the statewide general election,  
60 or the expiration of the time period for filing an election  
61 contest, whichever is less, and shall be completed within 30  
62 days of commencement.

63 (6) At the conclusion of the audit, the ballots shall  
64 be returned to their original containers and sealed. All other  
65 documents and materials related to the audit, including, but  
66 not limited to, inspector and poll worker oaths, poll watcher  
67 oaths, seals and testing materials for any tabulator used in  
68 the audit, and copies of orders of the probate court related  
69 to the audit shall be placed in a separate container labeled  
70 "Record of Audit." The inspector and other poll workers shall  
71 sign the containers and return them to the appropriate  
72 authority for storage with other records related to the  
73 audited election. The judge of probate shall report the  
74 findings to the Secretary of State who shall make all results  
75 from the post-election audit public by posting the results on  
76 the official website of the Secretary of State.

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

79 a. A description of any problems or discrepancies  
80 encountered.

81 b. A description of the likely cause of any problems or  
82 discrepancies encountered.

83 c. Recommendations for corrective or remedial actions.

84 (8) The Secretary of State shall report all findings of



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85 the post-election audit to the Governor and the Legislature  
86 within 30 days of receipt of the audits.

87 (9) Poll watchers may attend and observe the  
88 post-election audit in the same manner as for any other  
89 election, and appointments shall be made in the same manner as  
90 any general election. The judge of probate shall give notice  
91 to the public of the date, time, and location of the audit by  
92 publication in a newspaper of general circulation in the  
93 county or on the county's official website. Accredited members  
94 of the media shall be permitted to be present and observe the  
95 audit being performed.

96 (10) The judge of probate may conduct the post-election  
97 audit by manual tally or by use of precinct ballot counters or  
98 other counters previously tested, certified, and sealed  
99 according to the procedures for testing and certification of  
100 precinct ballot counters prior to the election. The ballot  
101 counter or counters shall have been sealed and not used for  
102 voting during the election subject to the audit.

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

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

107 Section 2. This act shall become effective immediately.