

HB53 INTRODUCED



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



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, the Alabama Electronic Voting Committee is responsible for ensuring that the state's electronic vote counting system meets integrity standards set by law.

This bill would provide that the state's electronic vote counting system must require the use of a paper ballot that is marked and inspected by the voter prior to the ballot being cast and counted.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to voting; to amend Section 17-7-23, Code of Alabama 1975, to require any approved electronic vote counting system used in an election to require the use of paper ballots; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



HB53 INTRODUCED

29 amended to read as follows:

30 "§17-7-23

31 ~~(a) It shall be the duty of the committee to~~ The
32 committee shall ensure the examination and certification of
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 ~~such~~ its equipment for
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 ~~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



HB53 INTRODUCED

57 certification shall pay to the State of Alabama by depositing
58 with the State Treasury for distribution to reimburse the
59 committee in an amount equal to the actual costs, if any,
60 incurred in examining the system. ~~Such reimbursement~~
61 Reimbursement shall be made whether or not the system is
62 certified. No member of the committee nor any examiner shall
63 have any pecuniary interest in any voting equipment.

64 ~~(3)~~ (c) The committee shall approve only those
65 electronic vote counting systems that ~~are~~ meet both of the
66 following requirements:

67 (1) Are certified by an authorized independent testing
68 authority, or successor entity, as meeting the performance and
69 test standards for electronic voting systems issued by the
70 Federal Election Commission.

71 (2) Require the use of a paper ballot that shall be
72 marked and made available for inspection and verification by
73 the voter before the vote is cast and counted. For purposes of
74 this subdivision, "paper ballot" means a paper ballot marked
75 by the voter by hand or by a disability accessible ballot
76 marking device.

77 ~~(4)~~ (d) After certification of any electronic vote
78 counting system, the Secretary of State shall make and
79 maintain a report on the system, and as soon as practicable
80 shall send a notice of certification and, upon request, a copy
81 of the report to all governing bodies of the counties of the
82 state. Any electronic vote counting system that does not
83 receive certification shall not be adopted or used at any
84 election.



HB53 INTRODUCED

85 ~~(5)~~ (e) After an electronic vote counting system has
86 been certified, any change or improvement in the system shall
87 be certified by the committee prior to the adoption of ~~such~~
88 the change or improvement by any county. The committee shall
89 re-examine the electronic vote counting system to the extent
90 necessary to determine that ~~it~~ the system, as changed or
91 improved, is in compliance with the requirements of this
92 article. If the system, as changed or improved, is not in
93 compliance, the committee shall suspend all sales of the
94 equipment or system in the state until ~~such~~ the equipment or
95 system complies with the requirements of this article.

96 ~~(6)~~ (f) The adoption of an electronic vote counting
97 system in which votes are recorded on an electronic ballot as
98 authorized in this article is hereby validated. It is the
99 legislative intent of this subsection to declare that the use
100 of electronic vote counting systems in which votes are
101 recorded on an electronic ballot has, since the enactment of
102 the Election Reform Act of 1983, been an acceptable method of
103 electronic vote counting."

104 Section 2. This act shall become effective immediately
105 following its passage and approval by the Governor, or its
106 otherwise becoming law.