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SYNOPSIS:

This bill would require the canvassing board of each county to conduct a post-election audit of one randomly selected race in one randomly selected precinct after each 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 canvassing board of each county to conduct a post-election audit of one randomly selected race in one randomly selected precinct after each 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 canvassing board of each county shall conduct a post-election manual audit consisting of a manual tally of all ballots in one randomly selected precinct for one randomly



29 selected race that appeared on the ballot and is not subject
30 to an election contest.

31 (2) The precinct and race shall be randomly selected by
32 the canvassing board at the regularly scheduled meeting to
33 certify election results in any county and statewide general
34 election. Random selection may occur by drawing lots or by
35 computerized random selection such that all precincts and
36 races are included in the selection method. If an election
37 contest is timely filed for the race that was randomly
38 selected for the post-election audit, the judge of probate,
39 before the commencement of the post-election audit, shall
40 randomly select another precinct and race that is not subject
41 to an election contest.

42 (3) If, at the conclusion of the audit, there is a
43 discrepancy of more than one-half of one percent in the
44 results, the canvassing board shall determine if the
45 discrepancy may be reconciled by further review of the
46 official results and the manual tally. If the discrepancy
47 cannot be reconciled, the canvassing board shall report any
48 known cause of the discrepancy at the conclusion of the audit
49 along with the report on findings provided to the Secretary of
50 State.

51 (4) The canvassing board, at the regularly scheduled
52 meeting to certify election results, shall select the date,
53 time, and place of meeting to conduct the post-election audit
54 and shall appoint the appropriate number of poll workers
55 required to complete the audit in the same manner as for any
56 other election. Compensation for poll workers shall be the



57 same as provided in Section 17-8-12, Code of Alabama 1975.

58 (5) To begin the audit process, the canvassing board
59 shall do all of the following:

60 a. File a petition with the circuit court of the
61 county.

62 b. State the specific reason for the petition and
63 include the specific precinct and race to be audited.

64 c. Request a protective order in addition to the relief
65 requested.

66 (6) If the circuit court grants the petition, the judge
67 shall deliver a written order to the respective members of the
68 canvassing board granting the board authority to open the
69 appropriate ballot boxes and provide any other necessary
70 election materials, including electronic data, for the audit
71 to be conducted. The order shall include the name of the
72 precinct and the names of the offices to be audited.

73 (7) The post-election audit shall not commence until
74 the deadline to contest an election has passed. The
75 post-election audit shall be completed within 30 days of
76 commencement. At the conclusion of the audit, the canvassing
77 board shall report the findings to the Secretary of State who
78 shall make all results from the post-election audit public by
79 posting the results on the official website of the Secretary
80 of State.

81 (8) The post-election audit report must include all of
82 the following:

83 a. A description of any problems or discrepancies
84 encountered.



85 b. A description of the likely cause of any problems or
86 discrepancies encountered.

87 c. Recommendations for corrective or remedial actions.

88 (9) The Secretary of State shall report all findings of
89 the post-election audit to the Governor and the Legislature
90 within 60 days of receipt of all audits.

91 (10) Poll watchers may attend and observe the
92 post-election audit in the same manner as for any other
93 election, and appointments shall be made in the same manner as
94 any general election.

95 (c) For purposes of this act, the canvassing board
96 shall be composed of the same members as in general elections
97 and the qualifications to serve or be replaced shall be the
98 same as in general elections.

99 (d) All expenses incurred by any county as a result of
100 the audit shall be reimbursed from federal or state funds made
101 available for use by the Secretary of State.

102 (e) The Secretary of State may adopt rules and
103 prescribe forms to implement this act.

104 Section 2. This act shall become effective on the first
105 day of the third month following its passage and approval by
106 the Governor, or its otherwise becoming law.