SB9 ENROLLED



- 1 MSK6HH-3
- 2 By Senator Chambliss
- 3 RFD: State Governmental Affairs
- 4 First Read: 07-Mar-23
- 5 2023 Regular Session



6 Enrolled, An Act, 7 8 9 Relating to voting; to amend Section 17-7-23, Code of Alabama 1975, to require any approved electronic vote counting 10 system used in an election to require the use of paper 11 12 ballots; and to make nonsubstantive, technical revisions to 13 update the existing code language to current style. 14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. Section 17-7-23, Code of Alabama 1975, is 15 16 amended to read as follows: **"**§17-7-23 17 18 (a) It shall be the duty of the committee to The 19 committee shall ensure the examination and certification of 20 electronic vote counting systems in the following manner: (1) By by publicly examining all makes of electronic 21 vote counting systems submitted and certifying whether such 22 23 the systems comply with the requirements of this section. 24 (2) (b) By inviting The committee shall invite any 25 vendor or company interested in selling an electronic vote 26 counting system in Alabama to submit such its equipment for 27 examination. The vote counting system shall be certified after 28 a satisfactory evaluation and testing has been performed to 29 determine that the equipment meets the requirements of this 30 article and performance and test standards for electronic voting systems issued by the Federal Election Commission. The 31

authorized independent testing authority, or successor entity,

committee may use certification of the equipment by an

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as evidence that the equipment meets the requirements of

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35	Section 17-7-21 and this section, where certification by the
36	independent testing authority, or successor entity, is
37	applicable. For the purpose of assisting in examining $\frac{\text{such}}{a}$
38	system submitted pursuant to this subsection, the committee
39	may employ not more than three individuals who are expert
40	experts in one or more fields of data processing, mechanical
41	engineering, and public administration, who may or may not be
42	state employees and shall require from them a written report
43	of their examination. The vendor submitting a system for
44	certification shall pay to the State of Alabama by depositing
45	with the State Treasury for distribution to reimburse the
46	committee in an amount equal to the actual costs, if any,
47	incurred in examining the system. Such reimbursement
48	Reimbursement shall be made whether or not the system is
49	certified. No member of the committee nor any examiner shall
50	have any pecuniary interest in any voting equipment.
51	$\frac{(3)}{(c)}$ The committee shall approve only those
52	electronic vote counting systems that are meet both of the
53	following requirements:
54	(1) Are certified by an authorized independent testing
55	authority, or successor entity, as meeting the performance and
56	test standards for electronic voting systems issued by the
57	Federal Election Commission.
58	(2) Require the use of a paper ballot that shall be
59	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

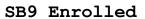


by the voter by hand or by a disability accessible ballotmarking device.

(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.

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 complies with the requirements of this article.

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





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- 91 Section 2. This act shall become effective immediately
- 92 following its passage and approval by the Governor, or its
- 93 otherwise becoming law.



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97	President and Presiding Officer of the Senate				
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102	Speaker of the House of Representatives				
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105	SB9				
106	Senate 04-Apr-23				
107	<u>-</u>				
108	the Senate.				
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110	Senate 05-May-23				
111	I hereby certify that the within Act originated in and passed				
112	the Senate, as amended by Executive Amendment.				
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114	Patrick Harris,				
115	Secretary.				
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120	House of Representatives				
121	Passed: 02-May-23				
122	<u>-</u>				
123	House of Representatives				
124	Passed: 31-MAR-22, as amended by Executive Amendment.				
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129	By: Senator Chambliss				