

SB9 ENROLLED



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



SB9 Enrolled

6 Enrolled, An Act,

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9 Relating to voting; to amend Section 17-7-23, Code of
10 Alabama 1975, to require any approved electronic vote counting
11 system used in an election to require the use of paper
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:

15 Section 1. Section 17-7-23, Code of Alabama 1975, is
16 amended to read as follows:

17 "§17-7-23

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:~~

21 ~~(1) By~~ by publicly examining all makes of electronic
22 vote counting systems submitted and certifying whether ~~such~~
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
31 voting systems issued by the Federal Election Commission. The
32 committee may use certification of the equipment by an
33 authorized independent testing authority, or successor entity,



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34 as evidence that the equipment meets the requirements of
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 ~~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 ~~(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
60 the voter before the vote is cast and counted. For purposes of
61 this subdivision, "paper ballot" means a paper ballot marked



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62 by the voter by hand or by a disability accessible ballot
63 marking device.

64 ~~(4)~~ (d) After certification of any electronic vote
65 counting system, the Secretary of State shall make and
66 maintain a report on the system, and as soon as practicable
67 shall send a notice of certification and, upon request, a copy
68 of the report to all governing bodies of the counties of the
69 state. Any electronic vote counting system that does not
70 receive certification shall not be adopted or used at any
71 election.

72 ~~(5)~~ (e) After an electronic vote counting system has
73 been certified, any change or improvement in the system shall
74 be certified by the committee prior to the adoption of ~~such~~
75 the change or improvement by any county. The committee shall
76 re-examine the electronic vote counting system to the extent
77 necessary to determine that ~~it~~ the system, as changed or
78 improved, is in compliance with the requirements of this
79 article. If the system, as changed or improved, is not in
80 compliance, the committee shall suspend all sales of the
81 equipment or system in the state until ~~such~~ the equipment or
82 system complies with the requirements of this article.

83 ~~(6)~~ ~~The adoption of an electronic vote counting system~~
84 ~~in which votes are recorded on an electronic ballot as~~
85 ~~authorized in this article is hereby validated. It is the~~
86 ~~legislative intent of this subsection to declare that the use~~
87 ~~of electronic vote counting systems in which votes are~~
88 ~~recorded on an electronic ballot has, since the enactment of~~
89 ~~the Election Reform Act of 1983, been an acceptable method of~~



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90 ~~electronic vote counting."~~

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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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB9
Senate 04-Apr-23
I hereby certify that the within Act originated in and passed
the Senate.

Senate 05-May-23
I hereby certify that the within Act originated in and passed
the Senate, as amended by Executive Amendment.

Patrick Harris,
Secretary.

House of Representatives
Passed: 02-May-23

House of Representatives
Passed: 31-MAR-22, as amended by Executive Amendment.

By: Senator Chambliss