

1 HB247
2 189822-2
3 By Representatives Baker and Davis
4 RFD: Constitution, Campaigns and Elections
5 First Read: 18-JAN-18

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8 SYNOPSIS: Under existing law, election recount
9 procedures only apply to limited offices and do not
10 apply to ballot measures.

11 This bill would provide recount procedures
12 for any public office or for a ballot measure.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to election recounts; to amend Section
19 17-16-21, Code of Alabama 1975; to provide election recount
20 procedures for any public office or for a ballot measure.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 17-16-21, Code of Alabama 1975,
23 is amended to read as follows:

24 "§17-16-21.

25 "(a) ~~Any person with standing to contest the~~
26 ~~election under Sections 17-16-40 and 17-16-47 may petition the~~
27 ~~canvassing authority for a recount of any or all precinct~~

1 ~~returns.~~ When the election returns for any public office
2 reflect that a candidate is defeated or a ballot measure is
3 ratified or defeated, a recount of any precinct returns may be
4 requested by any qualified elector for the public office or
5 ballot measure. The time period for requesting a recount
6 begins with the production of the certificate of result and
7 ends 48 hours after the official canvass. ~~of county returns.~~
8 ~~The canvassing authority is the canvassing board in general~~
9 ~~elections and the county executive committee in a party~~
10 ~~primary.~~ For general elections, the canvassing authority is
11 the state canvassing board for state offices and
12 constitutional amendment ballot measures and the county
13 canvassing board for county offices and county referendums.
14 The petitioner must be prepared to pay the cost of the recount
15 and shall give security to cover these costs. The canvassing
16 authority shall set the amount of the security based upon an
17 estimate of actual costs. The costs shall be kept to a minimum
18 by using county personnel or volunteer workers whenever
19 possible. However, the recount must be conducted under the
20 supervision of a trained and certified precinct election
21 official. Representatives of opposing interests shall be given
22 at least 24 hours' notice and shall be invited to participate
23 in the recount.

24 " (b) The recount should be conducted as simply as
25 the type of equipment and local conditions permit provided
26 that the following minimum safeguards are observed. The
27 container or envelope holding the ballots shall be delivered

1 unopened to the inspector in charge of the recount. The
2 sheriff or sheriff's representative shall be present during
3 the recount. The electronic voting machine shall be retested
4 before the recount. The recount shall consist of reading the
5 ballots through the counter. Any ballot that was counted in
6 the original election but is rejected by the counter in the
7 recount shall be counted by hand. Representatives of opposing
8 interests have the right to participate in the hand count, and
9 any unresolved disputes over the interpretation of the voter's
10 intent may be appealed to the canvassing authority.

11 "(c) When the recount has been completed, the
12 ballots shall be returned to their container along with a
13 printout of the recount results. The ballot container shall be
14 sealed and signed by the inspector conducting the recount and
15 the sheriff or sheriff's representative.

16 "(d) If the recount produces a change in precinct
17 totals of sufficient magnitude to alter the result of the
18 election, the outcome shall constitute grounds for an election
19 contest as now prescribed by law. If the recount of the
20 resulting contest alters the result of the election, the cost
21 of the recount shall be borne by the county."

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