

1 HB359
2 167962-4
3 By Representative Polizos
4 RFD: Constitution, Campaigns and Elections
5 First Read: 31-MAR-15

1 or subdivided, if not within a city or incorporated town, and
2 by wards and other subdivisions, if within a city or
3 incorporated town, and no others. An electronic archive in the
4 database for the state voter registration list shall be
5 recorded simultaneously with the printing of each county's
6 list of qualified voters. Each printed list of qualified
7 voters shall contain a printed certification generated by the
8 state voter registration system establishing that the contents
9 of the list are true and correct as of the specified time and
10 date when it was printed. The judge of probate shall deliver
11 or cause to be delivered to the inspectors in each precinct,
12 each district, each ward, or each other subdivision one copy
13 of the list of qualified electors printed for such box or
14 voting place immediately preceding every general, primary, or
15 special election, and the delivered list shall contain only
16 the names of persons qualified to vote at such box or voting
17 place; except, that for purposes of information only, there
18 may be delivered to the inspectors lists prepared for other
19 boxes or voting places. The list published in the newspaper
20 before each primary election shall not be used as the poll
21 list.

22 "Notwithstanding the foregoing, electronic access to
23 the state voter registration list may be utilized in lieu of a
24 printed list in accordance with administrative rules
25 promulgated and implemented by the Secretary of State. The
26 Secretary of State shall send any proposed new rule or
27 amendment to an existing rule by certified mail to each county

1 canvassing board at least 30 days prior to certification of
2 the proposed rule or amendment pursuant to the Administrative
3 Procedure Act.

4 "Both the board of registrars and the judge of
5 probate shall keep a current copy of the qualified elector
6 list for the county open and subject to public inspection."

7 Section 2. Section 17-4-2.1 is added to the Code of
8 Alabama 1975, to read as follows:

9 (a) The Secretary of State may implement a pilot
10 project for the use of electronic poll books in lieu of the
11 printed lists of qualified voters provided for in Section
12 17-4-2 and the poll lists provided for in Sections 17-9-11 and
13 17-13-7. A county, with consent of the county commission and
14 judge of probate, may participate in the project as provided
15 herein. In addition, the Secretary of State and municipal
16 governing bodies may implement a pilot project for the use of
17 electronic poll books in lieu of the printed lists of
18 qualified voters provided for in Section 11-46-36 or any local
19 law governing a municipal election.

20 (b) Participation in the electronic poll book pilot
21 project shall be at the discretion of the Secretary of State
22 but shall be limited to not less than four and not more than
23 eight counties where the county commission and the judge of
24 probate have consented to participate and not more than eight
25 municipalities of varying sizes. The pilot project shall
26 include at least two high population counties, at least one

1 medium population county, and at least one low population
2 county.

3 (c) After the Secretary of State has accepted a
4 county or municipality into the electronic poll book pilot
5 project, the county or municipality may implement electronic
6 poll books in lieu of printed lists of qualified voters and
7 paper poll lists. A participating county or municipality may
8 adopt the use of any electronic poll book that has been
9 certified by the Secretary of State for use in this state.

10 (d) To be certified for use by the Secretary of
11 State, an electronic poll book shall do all of the following:

12 (1) Be secure.

13 (2) Be compatible with the statewide voter
14 registration system.

15 (3) Include a failsafe data recovery procedure for
16 information included in the electronic poll book.

17 (4) Contain the same information as the printed
18 lists provided for in Section 11-46-36 and any local law
19 governing a municipal election and in Section 17-4-2 and the
20 poll lists provided for in Section 11-46-50 and any local law
21 governing a municipal election and in Sections 17-9-11 and
22 17-13-7.

23 (5) Indicate whether the voter applied for an
24 absentee ballot and the registration status of the voter in
25 the statewide voter registration list.

26 (6) Provide an electronic process to check in a
27 voter on election day that incorporates the signature

1 requirements set forth in Section 11-46-50 and any local law
2 governing a municipal election and in Section 17-9-11;
3 provided that this process may not be used for checking in a
4 voter who is required to cast a provisional ballot as provided
5 for in Chapter 10 of this title, or whose name is not
6 contained in the electronic poll book as an eligible voter for
7 the precinct.

8 (7) Provide functionality for quickly and accurately
9 uploading voter history into the statewide voter registration
10 list in accordance with Section 17-4-33.

11 (8) Provide for the retention of the voter data
12 contained in the electronic poll book for the applicable
13 retention period applicable to the records of election, which
14 may be accomplished by archiving the data in electronic format
15 on an external data storage device.

16 (9) When used in a primary election or primary
17 runoff election, provide for the recording and subsequent
18 printing or exporting of electronic data of names and
19 electronic signatures of the voters participating in the
20 primary election or primary runoff election of each political
21 party.

22 (10) Comply with additional requirements as
23 determined to be necessary and promulgated by the Secretary of
24 State by rule pursuant to the Administrative Procedure Act.

25 (e) Electronic poll books may not be populated with
26 data for eligible voters until the 10-day period immediately
27 prior to an election in accordance with Section 17-4-2.

1 (f) The Secretary of State shall develop and provide
2 to each participating county and municipality instructions,
3 directives, and advisories regarding the examination, testing,
4 and use of the electronic poll books.

5 (g) All expenses and costs incurred by the state or
6 any county commission in carrying out the responsibilities and
7 duties required in this section shall be paid by the State of
8 Alabama. All costs associated with this section shall be drawn
9 from funds made available to the Secretary of State under
10 state and federal law to pay all such expenses and costs in
11 all participating counties.

12 (h) The Secretary of State may promulgate rules
13 pursuant to the Administrative Procedure Act to implement the
14 provisions of this section.

15 Section 3. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

16
17
18
19

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 31-MAR-15

Read for the second time and placed
on the calendar with 1 substitute
and..... 30-APR-15

Read for the third time and passed
as amended..... 14-MAY-15

Yeas 67, Nays 31, Abstains 3

Jeff Woodard
Clerk