

1 SB46  
2 210591-2  
3 By Senator Chambliss  
4 RFD: Governmental Affairs  
5 First Read: 11-JAN-22

SYNOPSIS: Under existing law, there is no prohibition against the use of electronic vote counting systems that are capable of connecting to the Internet or cell phone networks, or that possess modem technology.

This bill would prohibit the use of electronic vote counting systems that are capable of connecting to the Internet or cell phone networks, or that possess modem technology.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to electronic vote counting systems; to amend Section 17-7-21, Code of Alabama 1975, to prohibit the use of electronic vote counting systems that are capable of connection to the Internet or cell phone networks, or that possess modem technology.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 17-7-21, Code of Alabama 1975, is  
2 amended to read as follows:

3           "§17-7-21.

4           "(a) The governing body of any county or  
5 municipality or other political subdivision of the state by  
6 adoption of an appropriate resolution, may authorize, adopt,  
7 and direct the use of electronic vote counting systems for use  
8 in all elections held in ~~such~~ the county or municipality or  
9 other political subdivision or any portion thereof; and ~~such~~  
10 the resolution, a copy of which shall be filed with the  
11 Secretary of State, shall specify the particular type of  
12 equipment to be used and a procedure for implementation.

13           "(b) Notwithstanding subsection (a), no electronic  
14 vote counting system shall be used unless it has been  
15 constructed so that it:

16           "(1) Permits and requires voting in secrecy.

17           "(2) Permits each elector to vote at any election  
18 for all persons and offices for whom and for which he or she  
19 is lawfully entitled to vote; to vote for as many persons for  
20 an office as he or she is entitled to vote for; and to vote  
21 for or against any question upon which he or she is entitled  
22 to vote.

23           "(3) Permits the voter at other than primary  
24 elections to vote a straight political party ticket in one  
25 operation.

26           "(4) Permits ~~such~~ the automatic tabulating equipment  
27 to be set to reject all votes for any office or question when

1 the number of votes therefor exceeds the number which the  
2 voter is entitled to cast or when the voter is not entitled to  
3 cast a vote for the office or question.

4 "(5) Is capable of correctly counting votes.

5 "(6) When used in primary elections, counts only  
6 votes for the candidates of one party, rejects all votes for  
7 an office when the number of votes therefor exceeds the number  
8 which the voter is entitled to cast, and rejects all votes of  
9 a voter cast for candidates of more than one party.

10 "(7) At presidential elections, permits each  
11 elector, by one operation, to vote for all presidential  
12 electors of a party or independent candidates for president or  
13 vice president.

14 "(8) Provides a method for write-in voting.

15 "(9) Is capable of accumulating a count of the  
16 specific number of ballots tallied for a precinct;  
17 accumulating total votes by candidate for each office; and  
18 accumulating total votes for and against each question for  
19 such precinct.

20 "(10) Is capable of tallying votes from ballots of  
21 different political parties from the same precinct, in the  
22 case of a primary election.

23 "(11) Is capable of automatically producing precinct  
24 vote totals in printed, marked, or punched form, or a  
25 combination thereof.

26 "(12) Is capable of accurately and correctly  
27 tabulating each vote and having the same so certified.

1                   "(13) Is not capable of connecting to the Internet  
2                   or cell phone networks and does not possess modem technology."

3                   Section 2. This act shall become effective  
4                   immediately following its passage and approval by the  
5                   Governor, or its otherwise becoming law.