

SB9 ENROLLED



1 MSK6HH-2
2 By Senator Chambliss
3 RFD: State Governmental Affairs
4 First Read: 07-Mar-23
5 PFD: 08-Feb-23
6 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to voting; to amend Section 17-7-23, Code of
5 Alabama 1975, to require any approved electronic vote counting
6 system used in an election to require the use of paper
7 ballots; and to make nonsubstantive, technical revisions to
8 update the existing code language to current style.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 "§17-7-23

13 ~~(a) It shall be the duty of the committee to~~ The
14 committee shall ensure the examination and certification of
15 electronic vote counting systems ~~in the following manner:~~

16 ~~(1) By~~ by publicly examining all makes of electronic
17 vote counting systems submitted and certifying whether ~~such~~
18 the systems comply with the requirements of this section.

19 ~~(2) (b) By inviting~~ The committee shall invite any
20 vendor or company interested in selling an electronic vote
21 counting system in Alabama to submit ~~such~~ its equipment for
22 examination. The vote counting system shall be certified after
23 a satisfactory evaluation and testing has been performed to
24 determine that the equipment meets the requirements of this
25 article and performance and test standards for electronic
26 voting systems issued by the Federal Election Commission. The
27 committee may use certification of the equipment by an
28 authorized independent testing authority, or successor entity,



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29 as evidence that the equipment meets the requirements of
30 Section 17-7-21 and this section, where certification by the
31 independent testing authority, or successor entity, is
32 applicable. For the purpose of assisting in examining ~~such a~~
33 system submitted pursuant to this subsection, the committee
34 may employ not more than three individuals who are ~~expert~~
35 experts in one or more fields of data processing, mechanical
36 engineering, and public administration, who may or may not be
37 state employees and shall require from them a written report
38 of their examination. The vendor submitting a system for
39 certification shall pay to the State of Alabama by depositing
40 with the State Treasury for distribution to reimburse the
41 committee in an amount equal to the actual costs, if any,
42 incurred in examining the system. ~~Such reimbursement~~
43 Reimbursement shall be made whether or not the system is
44 certified. No member of the committee nor any examiner shall
45 have any pecuniary interest in any voting equipment.

46 ~~(3)~~ (c) The committee shall approve only those
47 electronic vote counting systems that ~~are~~ meet both of the
48 following requirements:

49 (1) Are certified by an authorized independent testing
50 authority, or successor entity, as meeting the performance and
51 test standards for electronic voting systems issued by the
52 Federal Election Commission.

53 (2) Require the use of a paper ballot that shall be
54 marked and made available for inspection and verification by
55 the voter before the vote is cast and counted. For purposes of
56 this subdivision, "paper ballot" means a paper ballot marked



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57 by the voter by hand or by a disability accessible ballot
58 marking device.

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

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

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



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85 electronic vote counting."

86 Section 2. This act shall become effective immediately
87 following its passage and approval by the Governor, or its
88 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.

Patrick Harris,
Secretary.

House of Representatives
Passed: 02-May-23

By: Senator Chambliss