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, 2 3 4 Relating to voting; to amend Section 17-7-23, Code of 5 Alabama 1975, to require any approved electronic vote counting system used in an election to require the use of paper 6 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: Section 1. Section 17-7-23, Code of Alabama 1975, is 10 11 amended to read as follows: **"**§17-7-23 12 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: (1) By by publicly examining all makes of electronic 16 vote counting systems submitted and certifying whether such 17 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

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	$\frac{(3)}{(c)}$ The committee shall approve only those
47	electronic vote counting systems that are meet both of the
48	<pre>following requirements:</pre>
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

this subdivision, "paper ballot" means a paper ballot marked

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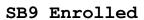


57 by the voter by hand or by a disability accessible ballot
58 marking device.

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

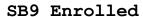
been certified, any change or improvement in the system shall be certified by the committee prior to the adoption of such the change or improvement by any county. The committee shall re-examine the electronic vote counting system to the extent necessary to determine that it the system, as changed or improved, is in compliance with the requirements of this article. If the system, as changed or improved, is not in compliance, the committee shall suspend all sales of the equipment or system complies with the requirements of this article.

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





- 85 electronic vote counting."
- Section 2. This act shall become effective immediately
- following its passage and approval by the Governor, or its
- 88 otherwise becoming law.





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-23 117 By: Senator Chambliss