

HB259 ENGROSSED



1 HB259
2 WU2R59E-2
3 By Representatives Wood (D), Fincher, Paschal, Rehm, Fidler,
4 Hulsey, Rigsby, Underwood, Colvin, Stringer, Starnes,
5 Standridge
6 RFD: Ways and Means General Fund
7 First Read: 28-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to require the judge of probate of each county to conduct a post-election audit after every county and statewide general election to determine the accuracy of the originally reported results of the election.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This section shall be known and may be cited as the Alabama Post-Election Audit Act.

(b) (1) Notwithstanding any other law to the contrary, the judge of probate of each county shall order a post-election audit after every county and statewide general election of all ballots in the one precinct and countywide or statewide race selected by the canvassing board of each county which appeared on the ballot and which is not subject to a recount. Nothing in this section shall prohibit the judge of probate from ordering the audit of additional precincts and races. The order shall include the name of the precincts and the races to be audited. The order shall authorize the sheriff or other county authority to provide access to the ballot containers along with any other necessary election materials, including electronic data.



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29 (2) The canvassing board of each county shall select at
30 noon on the second Friday after any county and statewide
31 general election one precinct, excluding absentee and
32 provisional ballots, and either one statewide or countywide
33 race to be audited by the judge of probate.

34 (3) The judge of probate, at noon on the second Friday
35 after any county and statewide general election, shall select
36 the date, time, and place of meeting to conduct the
37 post-election audit and shall appoint an inspector and the
38 appropriate number of other poll workers required to complete
39 the audit in the same manner as for any other election. The
40 notification and publication of these appointments shall be in
41 the same manner as provided in Section 17-8-2, Code of Alabama
42 1975. Compensation for poll workers shall be the same as
43 provided in Section 17-8-12, Code of Alabama 1975.

44 (4) To begin the audit process, the voted ballot
45 containers subject to the audit shall be delivered, unopened
46 and still sealed in the original containers, to the inspectors
47 in charge of the audit by the custodian of the ballot
48 containers along with any other necessary election materials,
49 including electronic data.

50 (5) The post-election audit shall be conducted no
51 earlier than 31 days following the statewide general election,
52 or the expiration of the time period for filing an election
53 contest, whichever is less, and shall be completed within 30
54 days of commencement.

55 (6) At the conclusion of the audit, the ballots shall
56 be returned to their original containers and sealed. All other



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57 documents and materials related to the audit, including, but
58 not limited to, inspector and poll worker oaths, poll watcher
59 oaths, seals and testing materials for any tabulator used in
60 the audit, and copies of orders of the probate court related
61 to the audit shall be placed in a separate container labeled
62 "Record of Audit." The inspector and other poll workers shall
63 sign the containers and return them to the appropriate
64 authority for storage with other records related to the
65 audited election. The judge of probate shall report the
66 findings to the Secretary of State who shall make all results
67 from the post-election audit public by posting the results on
68 the official website of the Secretary of State.

69 (7) The post-election audit report shall include all of
70 the following:

71 a. A description of any problems or discrepancies
72 encountered.

73 b. A description of the likely cause of any problems or
74 discrepancies encountered.

75 c. Recommendations for corrective or remedial actions.

76 (8) The Secretary of State shall report all findings of
77 the post-election audit to the Governor and the Legislature
78 within 30 days of receipt of the audits.

79 (9) Poll watchers may attend and observe the
80 post-election audit in the same manner as for any other
81 election, and appointments shall be made in the same manner as
82 any general election. The judge of probate shall give notice
83 to the public of the date, time, and location of the audit by
84 publication in a newspaper of general circulation in the



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85 county or on the county's official website. Accredited members
86 of the media shall be permitted to be present and observe the
87 audit being performed.

88 (10) The judge of probate may conduct the post-election
89 audit by manual tally or by use of precinct ballot counters or
90 other counters previously tested, certified, and sealed
91 according to the procedures for testing and certification of
92 precinct ballot counters prior to the election. The ballot
93 counter or counters shall have been sealed and not used for
94 voting during the election subject to the audit.

95 (c) All expenses as defined in Section 17-16-2, Code of
96 Alabama 1975, incurred by any county as a result of the audit
97 shall be reimbursed in full by the Comptroller.

98 (d) The Secretary of State may adopt rules and
99 prescribe forms to implement this act.

100 Section 2. This act shall become effective immediately.



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House of Representatives

Read for the first time and referred28-Feb-24
to the House of Representatives
committee on Ways and Means General
Fund
Read for the second time and placed04-Apr-24
on the calendar:
0 amendments
Read for the third time and passed09-Apr-24
as amended
Yeas 83
Nays 7
Abstains 9

John Treadwell
Clerk