

1 SB108
2 181655-4
3 By Senators Whatley, Ward, Chambliss, Pittman, Holtzclaw and
4 Marsh
5 RFD: Constitution, Ethics and Elections
6 First Read: 07-FEB-17

1 SB108

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4 ENROLLED, An Act,

5 Relating to primary elections; to amend Section
6 17-4-2.1, Code of Alabama 1975, as added by Act 2016-317, 2016
7 Regular Session; to allow for the use of electronic poll books
8 in lieu of the printed lists of qualified voters; to prohibit
9 a voter from voting in a primary runoff election unless the
10 voter voted in the preceding primary election of the party for
11 which the runoff election is being held; and to require the
12 Secretary of State to promulgate rules.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 17-4-2.1, Code of Alabama 1975,
15 as added by Act 2016-317, 2016 Regular Session, is amended to
16 read as follows:

17 "§17-4-2.1.

18 (a) The Secretary of State may ~~implement a pilot~~
19 ~~project for~~ allow the use of electronic poll books in lieu of
20 the printed lists of qualified voters provided for in Section
21 17-4-2 and the poll lists provided for in Sections 17-9-11 and
22 17-13-7. A county, with consent of the county commission and
23 judge of probate, may ~~participate in the project as provided~~
24 ~~herein~~ use electronic poll books in lieu of the printed lists
25 of qualified voters. In addition, the Secretary of State and

1 municipal governing bodies may ~~implement a pilot project for~~
2 allow the use of electronic poll books in lieu of the printed
3 lists of qualified voters provided for in Section 11-46-36 or
4 any local law governing a municipal election.

5 ~~"(b) Participation in the electronic poll book pilot~~
6 ~~project shall be at the discretion of the Secretary of State~~
7 ~~but shall be available to any county where the county~~
8 ~~commission and the judge of probate have consented to~~
9 ~~participate.~~

10 ~~"(c) After the Secretary of State has accepted a~~
11 ~~county or municipality into the electronic poll book pilot~~
12 ~~project, the county or municipality may implement electronic~~
13 ~~poll books in lieu of printed lists of qualified voters and~~
14 ~~paper poll lists.~~

15 "(b) A participating county or municipality may
16 adopt the use of any electronic poll book that has been
17 certified by the Secretary of State for use in this state.

18 ~~"(d)~~ (c) To be certified for use by the Secretary of
19 State, an electronic poll book shall do all of the following:

20 "(1) Be secure.

21 "(2) Be compatible with the statewide voter
22 registration system.

23 "(3) Include a failsafe data recovery procedure for
24 information included in the electronic poll book.

1 "(4) Contain the same information as the printed
2 lists provided for in Section 11-46-36 and any local law
3 governing a municipal election and in Section 17-4-2 and the
4 poll lists provided for in Section 11-46-50 and any local law
5 governing a municipal election and in Sections 17-9-11 and
6 17-13-7.

7 "(5) Indicate whether the voter applied for an
8 absentee ballot and the registration status of the voter in
9 the statewide voter registration list.

10 "(6) Provide an electronic process to check in a
11 voter on election day that incorporates the signature
12 requirements set forth in Section 11-46-50 and any local law
13 governing a municipal election and in Section 17-9-11;
14 provided that this process may not be used for checking in a
15 voter who is required to cast a provisional ballot as provided
16 for in Chapter 10 of this title, or whose name is not
17 contained in the electronic poll book as an eligible voter for
18 the precinct.

19 "(7) Provide functionality for quickly and
20 accurately uploading voter history into the statewide voter
21 registration list in accordance with Section 17-4-33.

22 "(8) Provide for the retention of the voter data
23 contained in the electronic poll book for the applicable
24 retention period applicable to the records of election, which

1 may be accomplished by archiving the data in electronic format
2 on an external data storage device.

3 "(9) When used in a primary election or primary
4 runoff election, provide for the recording and subsequent
5 printing or exporting of electronic data of names and
6 electronic signatures of the voters participating in the
7 primary election or primary runoff election of each political
8 party.

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

12 "~~(e)~~ (d) Electronic poll books may not be populated
13 with data for eligible voters until the 10-day period
14 immediately prior to an election in accordance with Section
15 17-4-2.

16 "~~(f)~~ (e) The Secretary of State shall develop and
17 provide to each participating county and municipality
18 instructions, directives, and advisories regarding the
19 examination, testing, and use of the electronic poll books.

20 "~~(g)~~ (f) All expenses and costs incurred by ~~the~~
21 ~~state or any~~ a county commission in carrying out ~~the~~
22 ~~responsibilities and duties required in this section shall~~ may
23 ~~be paid by the State of Alabama. All costs associated with~~
24 ~~this section shall be drawn~~ from funds made available to the
25 Secretary of State under state and federal law to pay all such

1 expenses and costs in all participating counties, from county
2 general funds, or from municipal general funds.

3 "~~(h)~~ (g) The Secretary of State may promulgate rules
4 pursuant to the Administrative Procedure Act to implement the
5 provisions of this section."

6 Section 2. (a) If an elector votes in a primary
7 election, he or she may vote in a subsequent primary runoff
8 election only if he or she voted in the primary election of
9 the same political party for which the runoff election is
10 being held.

11 (b) The Secretary of State shall promulgate rules to
12 implement this section.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB108
Senate 18-APR-17
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 16-MAY-17

Senate concurred in House amendment 18-MAY-17

By: Senator Whatley