

1 HB201
2 95950-1
3 By Representative Martin
4 RFD: Constitution and Elections
5 First Read: 05-FEB-08

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8 SYNOPSIS: Under existing law, the Alabama Electronic
9 Voting Committee has limited authority regarding
10 electronic voting equipment.

11 This bill would require the Alabama
12 Electronic Voting Committee to develop and
13 implement a process for electronic voting by those
14 voters eligible to vote pursuant to the Uniformed
15 and Overseas Citizens Absentee Voting Act, 42
16 U.S.C. 1973ff (UOCAVA) in Alabama no later than the
17 2012 election cycle.

18 This bill would establish an initiative and
19 pilot program to be implemented in coordination
20 with the Alabama National Guard no later than the
21 2010 election cycle and would establish an advisory
22 commission to assist with the development and
23 implementation of this act.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Section 17-7-26, Code of Alabama 1975,
3 relating to electronic voting; to provide for electronic
4 voting for uniformed and overseas citizens; to establish an
5 advisory commission to assist in the development,
6 implementation, and the administration of all aspects of the
7 electronic voting program; to establish a pilot program no
8 later than the 2010 election cycle; and upon the favorable
9 results and success of the pilot program to establish no later
10 than the 2012 election cycle as a deadline for implementing
11 this program.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 17-7-26, Code of Alabama 1975, is
14 amended to read as follows:

15 "§17-7-26.

16 ~~"The (a) Except as provided in this section, the~~
17 authority of the Alabama Electronic Voting Committee relative
18 to voting equipment shall be limited to the electronic vote
19 counting equipment authorized under the provisions of this
20 article ~~and such committee shall have no authority to examine,~~
21 ~~approve, disapprove, or otherwise affect the use of other~~
22 ~~voting equipment.~~

23 "(b) The authority of the Alabama Electronic Voting
24 Committee shall include, in addition to those duties
25 heretofore set forth, the development, oversight, and
26 implementation of a uniform system of electronic voting for
27 overseas active duty and deployed members of the Armed Forces

1 of the United States, overseas deployed members of the Alabama
2 National Guard, other reserve components, and any person who
3 is otherwise qualified to vote absentee pursuant to the
4 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.
5 1973ff.

6 "(c) No later than the 2012 election cycle, the
7 Alabama Electronic Voting Committee, with the advice and the
8 administrative assistance of the Secretary of State, pursuant
9 to Section 17-7-25, shall institute a statewide initiative
10 providing military and other designated voters the means to
11 cast a ballot through secure and electronic means. The Alabama
12 Electronic Voting Committee, with the advice of the advisory
13 commission, as set forth herein, and the Secretary of State,
14 who is a member of the Alabama Electronic Voting Committee and
15 advisory commission, shall develop, design, implement, and
16 administer all aspects of the initiative.

17 "(d) Members of the Alabama Electronic Voting
18 Committee and the advisory commission shall be inclusive and
19 shall reflect the racial, gender, geographic, urban/rural, and
20 economic diversity of this state.

21 "(e) (1) The advisory commission is hereby created.

22 "(2) Membership of the advisory commission shall
23 include the Chair of the Alabama Electronic Voting Committee,
24 the Secretary of State, a representative of the Alabama
25 Sheriff's Association appointed by that association, a
26 representative of the Alabama Probate Judge's Association
27 appointed by that association, a representative of the Alabama

1 Circuit Clerk's Association appointed by that association, a
2 representative of the Alabama National Guard appointed by the
3 Governor, a representative of the Alabama League of
4 Municipalities appointed by the League, an appointee of the
5 Lieutenant Governor, and an appointee of the Speaker of the
6 House of Representatives. Members of the advisory commission
7 shall be appointed within 30 days after the effective date of
8 this act.

9 "(3) The Chair of the Electronic Voting Committee
10 shall convene an organizational meeting of the commission
11 within 45 days after the effective date of this act.

12 "(4) Members of the advisory commission shall serve
13 without compensation but shall be eligible for reimbursement
14 for necessary and reasonable expenses incurred in the
15 performance of their official duties.

16 "(5) If the majority of the advisory commission
17 deems it necessary, the Chair of the Alabama Electronic Voting
18 Committee shall have the authority to appoint legal advisors
19 or other experts needed to implement this act.

20 "(f) (1) The recommendations of the advisory
21 commission and the findings of the Alabama Electronic Voting
22 Committee shall be binding upon the implementation process.

23 "(2) The Alabama Electronic Voting Committee may
24 utilize the administrative resources of the Office of the
25 Secretary of State in drafting procurement documentation,
26 including, but not limited to, a request for proposal and all

1 administrative rules and procedures needed for the successful
2 implementation of this initiative.

3 "(3) The Alabama Electronic Voting Committee shall
4 utilize the resources of the Department of Finance and the
5 Legislative Fiscal Office to provide recommendations and
6 expertise for procurement procedures and implementation of the
7 initiative, including project management on behalf of the
8 State of Alabama and subscribing counties. All procurement
9 procedures utilized by the Alabama Electronic Voting Committee
10 or its designee shall comply with all laws of the State of
11 Alabama.

12 "(4) The Alabama Electronic Voting Committee shall
13 have the authority to designate the appropriate agency, upon
14 the advice and recommendation of the Director of Finance and
15 the Legislative Fiscal Office, for the procurement of
16 personnel, equipment, hardware and software, and other goods
17 and services necessary to implement this initiative.

18 "(5) The Alabama Electronic Voting Committee shall
19 have the authority to procure all equipment, including
20 hardware and software, to implement this initiative.

21 "(g) To the extent necessary, all costs associated
22 with the development of this initiative shall be drawn from
23 Alabama HAVA funding, funding appropriated to the Secretary of
24 State for elections, and other grants made available to the
25 Secretary of State. If the majority of the advisory commission
26 deems Alabama HAVA funding is necessary, the Secretary of
27 State or the Chair of the State HAVA Committee, or both, shall

1 convene the Alabama HAVA Committee within 30 days to provide
2 an amendment to the current state plan outlining such
3 necessary funding, pursuant to Section 17-2-2. Participating
4 counties shall receive funding from the state for all costs
5 associated with the implementation of the statewide
6 initiative.

7 "(h) The Alabama Electronic Voting Committee shall
8 implement a pilot program with the Alabama National Guard no
9 later than the 2010 election cycle for those counties that
10 register with the Chair of the Electronic Voting Committee,
11 after being given written notice of the project, and
12 expressing an interest in participating in the pilot project.
13 The pilot project shall focus only on providing electronic
14 balloting access to overseas deployed soldiers who are members
15 of the Alabama National Guard and, if feasible, other reserve
16 components."

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.