

ACT #2017- 340

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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*Del Mah*

President and Presiding Officer of the Senate

*Mac McCutchen*

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

**APPROVED** May 22, 2017

By: Senator ~~Whitley~~ 1:30 p.m.

*Kay Ivey*  
**GOVERNOR**

Alabama Secretary Of State

Act Num....: 2017-340  
Bill Num...: S-108

Recv'd 05/22/17 01:46pmSLF

SPONSOR

Whatley

SPONSORS

Ward

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Chambless

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Atman

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Biltzclaw

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Kursh

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB JCS

years 22 nays 7 abstain 0

PATRICK HARRIS, Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS, Secretary

CONFERENCE COMMITTEE

Senate Conferees

HOUSE ACTION

DATE: 4-18 20 17  
RD 1 RFD COAC

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on CASHBURN, CAMPBELL, ELLIS was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, with amend(s) w/sub

This 4 day of May 20 17

Randy J. ... Chairperson

DATE: 04 20 17

RF

RD 2 CAL

DATE: 20

RE-REFERRED RE-COMMITTED

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB JCS

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

JEFF WOODARD