

DRAFT

Alabama Electronic Voting Committee Minutes of the Called Meeting July 31, 2019

The called meeting of the Alabama Electronic Voting Committee was convened by the Honorable Bill English, Chair and Judge of Probate of Lee County, at approximately 2:00pm in the Archives Room of the Alabama State Capitol Building, in Montgomery. Other members present were Alabama Senator Will Barfoot and Ed Packard, representing the Secretary of State. Alabama Representative Matt Fridy and Laura Howell, representing the Attorney General, were absent. Other persons in attendance included Hugh Evans, Clay Helms, and Grace Newcombe, each of the Office of the Secretary of State; and Mark Manganaro, Mark Kelley, and Don Whitman, each of ES&S.

The Committee acknowledged that the meeting had been properly advertised pursuant to the Open Meetings Act.

ROLL CALL AND ACKNOWLEDGEMENT OF QUORUM

Judge English took the roll and acknowledged the attendance of a quorum of the Committee.

APPROVAL OF AGENDA

MOTION BY SENATOR BARFOOT BY SENATOR BARFOOT, SECONDED BY MR. PACKARD TO APPROVE THE AGENDA.

Ayes:	3	Committee Members:	Judge English, Senator Barfoot, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Representative Fridy, Laura Howell

MOTION PASSED.

APPROVAL OF MINUTES FROM OF MARCH 15, 2019

MOTION BY JUDGE ENGLISH, SECONDED BY MR. PACKARD, TO APPROVE THE MINUTES FROM THE MARCH 15, 2019, MEETING OF THE COMMITTEE.

Ayes:	3	Committee Members:	Judge English, Senator Barfoot, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Representative Fridy, Laura Howell

MOTION PASSED.

REVIEW AND CONSIDERATION OF ES&S' EVS 5.2.4.1 VOTING SYSTEM

Mr. Packard presented information related to ES&S' request for the certification hearing for its EVS 5.2.4.1 voting system, including a copy of the test report from Pro V&V, the voting system test laboratory (VSTL) that examined the system.

Mr. Mark Manganaro Of ES&S, presented information about the voting system up for review, including its enhancements compared to the previous version of the voting system, EVS 5.2.4.0.

Enhancements and improvements in the new 5.2.4.1 system include support for the State of Alabama’s method of conducting voting in presidential preference primaries. Mr. Manganaro confirmed that the enhancements are for software and firmware.

MOTION BY JUDGE ENGLISH, SECONDED BY SENATOR BARFOOT, TO FIND THAT ES&S’ EVS 5.2.4.1 VOTING SYSTEM CONFORMS TO THE REQUIREMENTS OF ALABAMA STATE LAW AND BE CERTIFIED FOR SELL AND USE IN THE STATE OF ALABAMA.

Ayes:	3	Committee Members:	Judge English, Senator Barfoot, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Representative Fridy, Laura Howell

MOTION PASSED.

RFP FOR ELECTRONIC VOTING COUNTING SYSTEMS

Mr. Packard presented a Request for Proposals (RFP) for electronic voting counting systems. The RFP is part of a process for updating the list of certified voting systems for use in the State of Alabama.

The Committee briefly discussed the RFP and agreed that time should be provided to all members of the Committee to review the RFP in depth before it is released. Mr. Packard agreed to forward the RFP to all Committee members, including the absent members, so they can review the RFP before its release.

MOTION BY MR. PACKARD, SECONDED BY SENATOR BARFOOT, TO AUTHORIZE THE SECRETARY OF STATE TO RELEASE OF THE RFP ON AUGUST 5, 2019, PENDING NO OBJECTIONS FROM ANY COMMITTEE MEMBERS.

Ayes:	3	Committee Members:	Judge English, Senator Barfoot, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Representative Fridy, Laura Howell

MOTION PASSED.

RESOLUTION BY JUDGE ENGLISH REGARDING SUBJECT MATTER SUBMITTED FOR COMMITTEE REVIEW

Judge English presented a resolution for the consideration of the Committee requiring that any motion to be voted upon by the Committee shall not be permitted unless the proposed action has been presented to the members in writing at least ten (10) days prior to the meeting, provided that this notice requirement may be waived by the unanimous consent of the Committee if it determines such to be in the public interest.

MOTION BY MR. PACKARD, SECONDED BY SENATOR BARFOOT, TO APPROVE THE RESOLUTION INTRODUCED BY JUDGE ENGLISH.

Ayes:	3	Committee Members:	Judge English, Senator Barfoot, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Representative Fridy, Laura Howell

MOTION PASSED.

ADJOURNMENT

With no other business pending, Committee considered its adjournment.

MOTION BY JUDGE ENGLISH, SECONDED BY SENATOR BARFOOT, TO ADJOURN THE JULY 31, 2019, MEETING AT APPROXIMATELY 2:30PM.

Ayes:	3	Committee Members:	Judge English, Senator Barfoot, Mr. Packard
No:	0	Committee Members:	(None)
Abstain:	0	Committee Members:	(None)
Absent:	2	Committee Members:	Representative Fridy, Laura Howell

MOTION PASSED.

Certified Electronic Voting Systems
Alabama Electronic Voting Committee
State of Alabama

Election Systems and Software

Contact:

Mr. Mark Manganero
11208 John Galt Boulevard
Omaha, Nebraska 68137
Phone: 800-247-8683

Systems:

ES&S Unity 3.4.1.0 Election Management System (3/2014)

- ES&S M100 Precinct Counter (firmware release 5.4.4.5)
- ES&S DS200 (firmware release 1.7.0.0)
- ES&S DS850 (firmware release 2.9.0.0)
- Automark A100, A200, A300 (firmware release 1.3.2907)

ES&S EVS 5.2.2.0 (includes the following certified hardware) (5/30/2017)

- ES&S DS200 Precinct Counter 1.2 and 1.3 (firmware release 2.12.2.0)
- ES&S DS450 Central Counter 1.0 (firmware release 3.0.0.0)
- ES&S DS850 Central Counter 1.0 (firmware release 2.10.2.0)
- ExpressVote 1.0 (firmware release 1.4.1.2)
- Automark A100, A200, A300 (firmware release 1.8.6.1)

ES&S EVS 5.3.2.1 (includes the following certified hardware) (4/4/2018)

- ES&S DS200 Precinct Counter 1.3 (firmware release 2.12.3.4)
- ES&S DS450 Central Counter 1.0 (firmware release 3.0.0.4)
- ES&S DS850 Central Counter 1.0 (firmware release 2.10.2.4)
- Automark A100, A200, A300 (firmware release 1.8.6.1)
- ExpressVote 1.0 (firmware release 1.4.1.6)

ES&S EVS 5.2.4.0 (includes the following certified hardware) (3/15/2019)

- ES&S DS200 Precinct Counter (firmware release 2.12.2.0)
- ES&S DS450 Central Counter (firmware release 3.0.0.0)
- ES&S DS850 Central Counter (firmware release 2.10.2.0)
- Automark A100, A200, A300 (firmware release 1.8.6.1)
- ExpressVote 1.0 and 2.0 (firmware releases 1.4.1.7 & 2.4.2.0)

ES&S EVS 5.2.4.1 (includes the following certified hardware) (7/31/2019)

- ES&S DS200 Precinct Counter (firmware release 2.12.5.0)
- ES&S DS450 Central Counter (firmware release 3.0.2.0)
- ES&S DS850 Central Counter (firmware release 2.10.4.0)
- Automark A100, A200, A300 (firmware release 1.8.6.1)
- ExpressVote 1.0 and 2.0 (firmware releases 1.4.1.7 & 2.4.2.0)

**STATE OF ALABAMA
ALABAMA ELECTRONIC VOTING
COMMITTEE**



Request for Proposal FY2019-06
Electronic Vote Counting System

Release Date: August 1, 2019 Noon (Central Standard Time)

Response Due Date: August 29, 2019 Noon (Central Standard Time)

Primary Contact: Ed Packard
(334) 242-4845
ed.packard@sos.alabama.gov

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Section I: GENERAL INFORMATION

1. Purpose and Information

The Alabama Electronic Voting Committee (hereinafter "Committee") solicits proposals from business entities offering the professional services of individuals or companies who possess a high degree of specialized skill and knowledge in the comprehensive development and implementation of a secure electronic vote counting system(s) in the State of Alabama that meets and exceeds the requirements, recommendations, and mandates of all state and federal laws, rules, and regulations. The Committee has determined that the experience and professional qualifications of the service provider are particularly relevant to the provision of these services.

This RFP is issued in accordance with the requirements of Code of Alabama (1975), §17-7-21, and without limitation.

This RFP is not an offer to contract but seeks the submission of proposals from qualified, professional companies that may form the basis for the Committee to certify a secure electronic vote counting system(s) in the State of Alabama. Only after state certification by the Committee shall the selected provider or providers be authorized to implement the secure electronic vote counting system(s) in Alabama's 67 counties with the consent of each participating county's judge of probate and county commission or other proper authority.

Importantly, the proposal submitted to the Committee, in response to this RFP, must meet the requirements, recommendations, and mandates of the Code of Alabama (1975), §17-7-21 and all applicable federal laws, rules, and regulations. All Respondents to this

RFP shall be required to review and fully comply with Code of Alabama (1975), §17-7-21 which is attached to this RFP as Exhibit A hereto.

The Committee reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interests of the State of Alabama. The Committee further reserves the right to amend this RFP in whole or in part without limitation. Any amendments to the RFP shall be made by written addendum and will be mailed and/or electronically forwarded to all vendors who submitted a proposal to this RFP issued on August 1, 2019.

2. Issuing Office & Contact Information

From the date of the issuance of this RFP until the state certification of a secure electronic vote counting system(s), if any, is announced, all inquiries and questions concerning any aspect, component or part of this RFP shall be directed to the point of contact below listed.

During the RFP process, neither the Committee nor other employees of the Secretary of State's office, except the below designated point of contact, should be contacted by any individual or company that intends to submit a response.

All proposals should be submitted in the format provided in Section II to:

Ed Packard

Administrator of Elections

Office of Secretary of State John H. Merrill

600 Dexter Avenue, Suite E-208

Montgomery, Alabama 36130

334-242-4845 – telephone

ed.packard@sos.alabama.gov – electronically

3. Minimum Qualifications

Each Respondent must have successfully implemented a similar solution(s) in other states, countries or political subdivisions thereof. Written certification of these qualifications is required in the response. Each Respondent must employ individuals who possess a high degree of specialized skill and knowledge; as such experience is particularly relevant to the provisions of the required services.

4. Written Proposals

To be considered, each Respondent must submit a complete written proposal in response to the requirements of this RFP. Verbal proposals will not be accepted. Respondents' proposals may be submitted electronically. Proposals should be as thorough and detailed as possible so that the company's capabilities to provide the required services can be properly evaluated.

5. Due Date & Submission

Proposals must be received in the Secretary of State's office on or before August 29, 2019 12:00 Noon Central Standard Time. Proposals received after the due date will not be considered.

It is the responsibility of the Respondent to ensure that its complete proposal is timely delivered and received in the proper office on or before the deadline for responding to this RFP. The Committee will not consider incomplete proposals or any proposals received after the date and time specified herein. The Committee assumes no responsibility for late delivery by the U.S. Postal Service, the State's Central Mail Facility, a commercial courier service, or any other method of delivery selected by the Respondent.

All proposals received by the Committee will be subject to public disclosure in accordance with Alabama public records laws.

During the RFP process, neither the Committee nor other employees of the Secretary of State's office should be contacted by any individual or company that intends to submit a response unless specified herein below:

1. Any questions concerning the RFP must be directed to the Administrator of Elections, Ed Packard.
2. If the individual or company already has an agreement with the Committee or Secretary of State, the individual or company may contact the appropriate member of the Secretary of State's office concerning that agreement only.

The proposal must include a statement as to the period during which the proposal is valid. Respondent is responsible for any costs incurred in developing or submitting a proposal, and/or in presenting information to the Committee.

The proposal must be signed by an official in the responding company who has the authority to bind the company.

6. State Certification of Provider or Providers

The Committee will review and evaluate all proposals. After the review and evaluation of the proposals, the Committee may recommend that it conduct interviews or demonstrations in Montgomery, Alabama or at another location as it determines. Finalists chosen for interviews or demonstrations, if necessary, will be notified. The Committee reserves the right to request further information from finalists. The Committee will select the company or companies the Committee determines, in its sole discretion, to be fully qualified to provide highly specialized professional services and best suited among those submitted proposals to best meet the needs of the State of Alabama. *All proposals received in response to this RFP may be rejected and the Committee may solicit additional proposals or may cancel the RFP completely without making a selection.*

Upon selection, the Committee will certify the selected provider or providers and will inform Alabama's 67 counties, through their Judges of Probate and Chairpersons of the County Commission, of the selected provider or providers.

7. Provider or Providers State Certified by Committee

Only after state certification by the Committee shall the selected provider or providers be authorized to implement the secure electronic vote counting system(s) in Alabama's 67 counties with the consent of each participating county's judge of probate and county commission.

Contractual arrangements or other similar methods of engagement, between a county or and a state certified secure electronic vote counting system, shall be between the county and the vendor providing a state certified secure electronic vote counting system(s). The Committee nor the Secretary of State shall not be a party to any contract or other method of engagement between a county and the vendor providing a state certified secure electronic vote counting system(s).

It is expressly understood that state certification by the Committee applicable to any secure electronic vote counting system(s) shall only apply to the provision of such services in the State of Alabama. Any further use of secure electronic vote counting system(s) in the State of Alabama, and under the authority of Code of Alabama (1975), §17-7-21 and without limitation, shall require further state certification by the Committee for any other future elections in the State of Alabama.

Further, it is expressly understood that, at any time during the state certification period, the Committee may decertify, suspend and/or terminate state certification applicable to a provider or providers for, to include, but not be limited to, failure to adequately perform as determined exclusively by the Committee.

8. Qualification to do Business in Alabama

All companies submitting proposals in response to this RFP must be qualified to transact business in the State of Alabama in accordance with to include, but not be limited to, Code of Alabama 1975, § 10A-1-7.01 et seq., and shall have filed and possess a valid "Application for Registration" issued by the Secretary of State at the time of responding to this RFP.

Section II: PROPOSAL

Proposals received will be evaluated based on the contents of the proposal, including the Respondent's ability to provide the services of individuals who possess a high degree of specialized skill and knowledge, as said experience and professional qualifications are particularly relevant to the provisions of these services. Proposals will also be evaluated on the Respondent's ability to perform the requested services, expertise, and completeness of proposal. The professional services provider shall best meet the needs as expressed in the RFP.

The proposal should include, but is not limited to, the following:

1. Background Information, Administration and Personnel

A. Corporate Overview

1. Provide an overview of the Respondent, including the following:
Corporate profile, including the financial condition of the Respondent, overall business objectives, Respondent's experience, quality control procedures and ownership.
2. Provide an audited financial statement covering the Respondent's most recently concluded fiscal year.
3. Provide any restrictions, consent orders, litigation or mediation involving the Respondent, principals, or key personnel within the past five (5) years; provide prior formal administrative protests or actions such as notices of default, unsatisfactory performance, etc., involving

state or federal government and private companies related to the quality or performance of electronic poll books or related services for any local, county, State or Federal government agency, public or private association, or private company.

4. Provide detailed information on any individuals, or subcontractors your company will partner with to provide services to the Committee.
5. Provide a statement regarding the Respondent's commitment to minority business involvement.

B. Personnel

1. Provide the name, title, contact information and total years' experience of staff members who will be assigned to the professional services required in this RFP.

C. Client Information

1. Provide the organization name, address, contact name and telephone number of other clients for whom similar services described in this RFP are or have been provided.

2. Technical Capability & Certification Requirements

A. Technical Capability

1. Describe the capability of your system that allows "state of the art" services and your commitment to technological advances in the industry.
2. Explain briefly any area of expertise that sets your company apart from other providers as well as your company's resources and institutional stability.

B. Certification Requirements

1. Pursuant to §17-7-21, Code of Alabama (1975), as amended and without limitation, the electronic vote counting system(s) must be designed and constructed so that it:
 - a. Permits and requires voting in secrecy.
 - b. Permits each elector to vote at any election for all persons and offices for whom and for which he or she is lawfully entitled to vote; to vote for as many persons for an office as he or she is

entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote.

- c. Permits the voter at other than primary elections to vote a straight political party ticket in one operation.
- d. Permits such automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or question.
- e. Is capable of correctly counting votes.
- f. When used in primary elections, counts only votes for the candidates of one party, rejects all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast, and rejects all votes of a voter cast for candidates of more than one party.
- g. At presidential elections, permits each elector, by one operation, to vote for all presidential electors of a party or independent candidates for president or vice president.
- h. Provides a method for write-in voting.
- i. Is capable of accumulating a count of the specific number of ballots tallied for a precinct; accumulating total votes by candidate for each office; and accumulating total votes for and against each question for such precinct.
- j. Is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.
- k. Is capable of automatically producing precinct vote totals in printed, marked, or punched form, or a combination thereof.
- l. Is capable of accurately and correctly tabulating each vote and having the same so certified.

2. **The electronic vote counting system must be deployable without modems installed.**

3. The electronic vote counting system must be deployable with a ballot box that is not collapsible.
4. The electronic vote counting system must be successfully examined and certified by a voting system test laboratory (VSTL) as meeting the 2002 or later EAC Voluntary Voting System Guidelines (see §17-7-23, Code of Alabama (1975) as amended and attached hereto as Exhibit B).
5. The electronic vote counting system must be presented for examination and certification by the Committee as meeting the requirements of paragraphs 1 and 2 (see §17-7-23, Code of Alabama (1975) as amended and attached hereto as Exhibit B).
 - a. Please note that if your electronic vote counting system is currently in use in the State of Alabama and was previously certified as meeting the 2002 or later EAC Voluntary Voting System Guidelines when examined by the Alabama Electronic Voting Committee, then your electronic voting system does not need to be presented again for examination and review by the Committee.
6. Help Desk Services
Describe in detail how the Respondent's proposed solution will comply with all of the following:
 - 6.1 A Help Desk must be provided for county and state election administration personnel every day of the year.
 - 6.2 Help Desk must be available, at a minimum, for participating counties and the state every day of the year from 6:00 a.m. to 11:59 p.m. (Central Standard Time).
 - 6.3 Help Desk must provide support at a minimum by toll-free telephone and email.
 - 6.4 Respondent will maintain Help Desk statistics on help request volume, resolution, and response time, and provide reports to the Committee and/or Secretary of State and/or county Judges of Probate upon request.

7. Training

Describe in detail how the Respondent's proposed solution will comply with all of the following:

7.1 The Respondent shall provide training on the use and administration of the system to all appropriate elections personnel and poll workers.

7.2 Prior to each of the elections for four (4) years [forty-eight (48) months] in the State of Alabama, training shall be provided in person with follow-up training available online, at the option of the state and/or county election personnel.

8. Disaster Recovery

Describe in detail how the Respondent's proposed solution will comply with all of the following:

8.1 The Respondent should have a disaster recovery plan and a secondary system available for use in case a disaster causes primary system degradation and/or loss of availability.

9. Update Information

Describe in detail how the Respondent's proposed solution will comply with all of the following:

9.1 The Respondent shall notify the Committee and Secretary of State of any updates to the system. Any update that changes the system's ability to comply with any of the technical capabilities or required services could result in the system being required to be recertified or being decertified by the Committee.

3. Price Proposal

A. Overview

1. Each response should provide prices for professional services (including software) and the recommended hardware necessary for implementation of the system as a unit price.

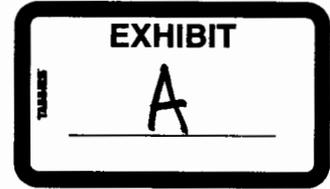
2. Further, prices are to be stated separately for items within categories as follows, with a total for each category and a grand total.

- 1.1 Design
- 1.2 Development
- 1.3 Implementation
- 1.4 Training
- 1.5 Maintenance
- 1.6 System Support
- 1.7 Disaster Recovery
- 1.8 Recommended Hardware

Section III: SYSTEM FAILURES

The Respondent must provide details on any failures in any state, county, or political subdivision that have affected users' ability to use its secure electronic vote counting system(s). Respondent is advised, and placed on notice, that its failure to provide full, comprehensive, adequate and truthful information regarding this question will be grounds for disqualification.

WESTLAW



Code of Alabama

Title 17. Elections. (Refs & Annos)

§ 17-7-21. Requirements for approval of system.

AL ST § 17-7-21 Code of Alabama Title 17. Elections. (Approx. 2 pages)

Ala.Code 1975 § 17-7-21

§ 17-7-21. Requirements for approval of system.

Currentness

(a) The governing body of any county or municipality or other political subdivision of the state by adoption of an appropriate resolution, may authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such county or municipality or other political subdivision or any portion thereof; and such resolution, a copy of which shall be filed with the Secretary of State, shall specify the particular type of equipment to be used and a procedure for implementation.

(b) Notwithstanding subsection (a), no electronic vote counting system shall be used unless it has been constructed so that it:

- (1) Permits and requires voting in secrecy.
- (2) Permits each elector to vote at any election for all persons and offices for whom and for which he or she is lawfully entitled to vote; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote.
- (3) Permits the voter at other than primary elections to vote a straight political party ticket in one operation.
- (4) Permits such automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or question.
- (5) Is capable of correctly counting votes.
- (6) When used in primary elections, counts only votes for the candidates of one party, rejects all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast, and rejects all votes of a voter cast for candidates of more than one party.
- (7) At presidential elections, permits each elector, by one operation, to vote for all presidential electors of a party or independent candidates for president or vice president.
- (8) Provides a method for write-in voting.
- (9) Is capable of accumulating a count of the specific number of ballots tallied for a precinct; accumulating total votes by candidate for each office; and accumulating total votes for and against each question for such precinct.
- (10) Is capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.
- (11) Is capable of automatically producing precinct vote totals in printed, marked, or punched form, or a combination thereof.

(12) Is capable of accurately and correctly tabulating each vote and having the same so certified.

Credits

(Acts 1983, 2nd Ex. Sess., No. 83-200, p. 374, § 3; § 17-24-3; amended and renumbered by Act 2006-570, p. 1331, § 39.)

Editors' Notes**COMMENT**

No substantive change was made to this section.

Notes of Decisions (1)

Ala. Code 1975 § 17-7-21, AL ST § 17-7-21

Current through Act 2019-93, and Acts 2019-95 through 2019-540.

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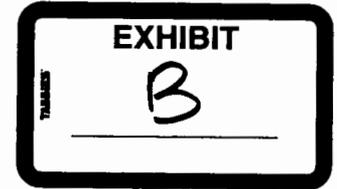
WESTLAW

Code of Alabama

Title 17. Elections. (Refs & Annos)

§ 17-7-23. Examination and certification of equipment.

AL ST § 17-7-23 Code of Alabama Title 17. Elections. (Approx. 2 pages)



Ala.Code 1975 § 17-7-23

§ 17-7-23. Examination and certification of equipment.

Currentness

It shall be the duty of the committee to ensure the examination and certification of electronic vote counting systems in the following manner:

- (1) By publicly examining all makes of electronic vote counting systems submitted and certifying whether such systems comply with the requirements of this section.
- (2) By inviting any vendor or company interested in selling an electronic vote counting system in Alabama to submit such equipment for examination. The vote counting system shall be certified after a satisfactory evaluation and testing has been performed to determine that the equipment meets the requirements of this article and performance and test standards for electronic voting systems issued by the Federal Election Commission. The committee may use certification of the equipment by an authorized independent testing authority, or successor entity, as evidence that the equipment meets the requirements of Section 17-7-21 and this section, where certification by the independent testing authority, or successor entity, is applicable. For the purpose of assisting in examining such system, the committee may employ not more than three individuals who are expert in one or more fields of data processing, mechanical engineering, and public administration, who may or may not be state employees and shall require from them a written report of their examination. The vendor submitting a system for certification shall pay to the State of Alabama by depositing with the State Treasury for distribution to reimburse the committee in an amount equal to the actual costs, if any, incurred in examining the system. Such reimbursement shall be made whether or not the system is certified. No member of the committee nor any examiner shall have any pecuniary interest in any voting equipment.
- (3) The committee shall approve only those electronic vote counting systems that are certified by an authorized independent testing authority, or successor entity, as meeting the performance and test standards for electronic voting systems issued by the Federal Election Commission.
- (4) 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.
- (5) After an electronic vote counting system has been certified, any change or improvement in the system shall be certified by the committee prior to the adoption of such change or improvement by any county. The committee shall re-examine the electronic vote counting system to the extent necessary to determine that it, 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 in the state until such equipment or system complies with the requirements of this article.

(6) 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 electronic vote counting.

Credits

(Acts 1983, 2nd Ex. Sess., No. 83-200, p. 374, § 5; Act 99-663, 2nd Sp. Sess., p. 121, § 1; § 17-24-5; amended and renumbered by Act 2006-570, p. 1331, § 39.)

Editors' Notes**COMMENT**

No substantive change was made to this section.

Ala. Code 1975 § 17-7-23, AL ST § 17-7-23

Current through Act 2019-93, and Acts 2019-95 through 2019-540.

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