Resolution

STATE OF ALABAMA
JEFFERSON COUNTY
CITY OF CLAY
RESOLUTION 2012-12

**A RESOLUTION ESTABLISHING THE USE OF ELECTRONIC
VOTE COUNTING DEVICES AND THE USE OF ELECTRONIC
BALLOT MARKING DEVICES**

WHEREAS, Chapter 7 of Title 17 of the Alabama Code of 1975 and the regulations adopted pursuant thereto by the Alabama Electronic Voting Committee, provide for the use of Electronic Vote Counting Systems and Electronic Automatic Ballot Marking machines; and

WHEREAS, Section 17-7-21 of the *Code of Alabama, 1975* provides that a municipality may, in its discretion, by adoption of an appropriate resolution, authorize, adopt and direct the use of electronic vote counting systems for use in all elections held in such municipality; and

WHEREAS, the City of Clay, Alabama, leases all voting equipment from Jefferson County General Services currently utilizing the use of Election Systems and Software M100 Precinct Ballot Counters (the "Ballot Counters") and Election Systems and Software AutoMARK Voter Assist Terminals ballot-marking device (the "AutoMARK devices") for use in City Elections; systems which comply with Section 17-7-21 of the *Code of Alabama, 1975* and any regulation adopted pursuant thereto, is hereby authorized for the disabled individual ballot marking, reporting, counting, and tabulating of any and all election results; and

WHEREAS, the Mayor and Council agree it would be in the best public interest to continue leasing said equipment from Jefferson County General Services and further that all elections held subsequent to the passage of this Resolution continue the use of the above described Ballot Counters and AutoMARK devices.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAY, ALABAMA AS FOLLOWS:

1. That for all municipal elections held subsequent to the passage of this Resolution, the use of the Election Systems and Software M100 Precinct Ballot

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Counters shall be used for the reporting, counting and tabulating of any and all municipal election results; and

2. That for all municipal elections held subsequent to the passage of this Resolution, the use of the Election Systems and Software AutoMARK Voter Assist Terminals ballot-marking device shall be used to assist disabled individuals to mark ballots; and

3. If any part, section or subdivision of this Resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding; and

4. This Resolution shall become effective immediately upon adoption and publishing/posting as required by state law.

BE IT FURTHER RESOLVED, that the Mayor of the City of Clay is hereby directed to file a copy of this Resolution with the Alabama Secretary of State as provided in Section 17-7-21 of the Code of Alabama, 1975.

ADOPTED and APPROVED this the 2nd day of July, 2012.

Ed McGuffie   Attest: Bobby Christmas
Mayor   City Clerk

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CERTIFICATION:

I, Bobby Christmas, as City Clerk of the City of Clay, Alabama, hereby certify that the above and foregoing copy of one (1) Resolution is a true and correct copy of such Resolution that was duly adopted by the City Council of the City of Clay, Alabama, on the 2nd day of July 2012, as same appears in the official records of said City.

Posted at City Hall, Clay Post Office, Chalkville Regions Bank and the Seniors Center all being in the City of Clay this the 3rd day of July 2012.

Bobby Christmas
City Clerk / Treasurer