

AN ACT  
RELATING TO ELECTIONS – POST-ELECTION TABULATION AUDITS

SECTION 1

Post-election tabulation audits.

- 1) The general assembly hereby finds, determines, and declares that auditing of election results is necessary to ensure effective election administration and public confidence in the election results. Further, risk-limiting audits provide a more effective manner of conducting audits than traditional audit methods in that risk-limiting audit methods typically require only limited resources for election contests with wide margins of victory while investing greater resources in close contests.
- 2) Commencing in 2018 the election board in conjunction with local boards is authorized to conduct risk-limiting audits after all statewide primary, general and special elections in accordance with the requirements of this section. Commencing in 2020 the election board in conjunction with local boards must conduct post-election risk-limiting audits for all federal and gubernatorial elections for both the primaries and general elections in accordance with requirements in this section.
- 3) The audit program shall be conducted as follows:
  - a) The election board shall determine what additional local, statewide and federal contests are subject to a risk-limiting audit;
  - b) For each contest being audited, the election board in conjunction with the local boards will set the risk limit, but the risk limit may be no larger than 10%, providing a 90% chance of detecting and correcting an ~~incorrect~~ original tabulation ~~that produces an~~ incorrect ~~result~~;
  - c) The election board shall provide notice pursuant of the time and place of the random selection of the audit units to be manually tallied and of the times and places of the audits;

**Deleted:** result where the

**Deleted:** result was

d) The election board shall make available to the public a report of the unofficial final tabulated vote results for the contest, including the results for each audit unit in the contest, prior to the random selection of audit units to be manually tallied and prior to the commencement of the audit;

e) The election board shall make available to the public the statistical basis for the selection of the random samples so that the public can check the process;

Deleted: size

f) The election board in conjunction with the local boards shall conduct the audit upon tabulation of the unofficial final results;

g) The election board in conjunction with the local boards shall conduct the audit in public view by manually interpreting the actual ballots that the voters themselves verified, not an image or a duplicated ballot or a barcode associated with the ballot; and

h) All ballots including in-polling place, absentee, provisional, machine counted, hand counted—must be subject to audit.

Deleted: –

i) The audit must be complete prior final certification of the election results.

j) The vote counts according to the manual tallies of each audited unit and if applicable a full manual tally of the ballots cast using the voting system shall replace the vote counts reported for the purpose of determining the official contest results.

Deleted: If a risk-limiting audit of a contest leads to a full manual tally of the ballots cast using the voting system, the

Deleted: that

Deleted: tally

4) For purposes of this section, the following terms have the following meanings:

a) "Audit unit" means a precinct, a set of ballots,(such as all the ballots tabulated on one vote tabulating device or a batch of ballots), or a single ballot. A precinct, a set of ballots, or a single ballot may be used as an audit unit for purposes of this section only if all of the following conditions are satisfied:

i) The relevant vote tabulating device is able to produce a report of the votes cast in the precinct, set of ballots, or single ballot;

ii) Each ballot is assigned to not more than one audit unit;

b) "Contest" means an election for an office or for a measure;

c) "Risk-limiting audit" means a manual tally employing a statistical method that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the vote tabulating system for the audited contest. A risk-limiting audit shall begin with a hand tally of the votes in one or more audit units until there is strong statistical evidence that the electoral correctly represents the audited ballots. In the event that counting additional audit units does not provide strong evidence that the tabulation is correct, the audit shall continue until there has been a full manual tally such that the electoral outcome correctly represents the audited ballots for the contest.

**Deleted:** and shall continue to hand tally votes in additional audit units

**Deleted:** outcome is

**Deleted:** statistical

**Deleted:** electoral outcome

**Deleted:** to determine the correct electoral outcome of the audited contest

d) "Unofficial final results" means election results tabulated;

e) "Tabulation audits" verify that the votes expressed by voters and recorded by the election system are tabulated accurately enough to determine the correct outcome when all voter verified paper ballots that are eligible to be counted are made available for the audit and each anonymously represents a unique elector.

**Deleted:** means verifying

**Deleted:** on voter verified paper ballots made available for the audit are counted and

5) The results of all inputs to the audit prior to the selection of samples for any audits conducted under this section shall be published on the website of the secretary of state within forty-eight (48) hours of the audit's completion. If the audit involved a manual tally of one or more entire precincts, then the names and numbers of all precincts audited and a comparison of the vote tabulator results with the hand counts for each precinct shall be published with the audit results on the website. Similarly, if the audit units are sets of ballots or single ballots, a comparison of the unofficial final results and the audit results shall be published on the website.

6) Any audit required under this section shall not commence for any election subject to a recount until the conclusion of said recount.

7) The secretary of state shall promulgate rules, regulations, and procedures necessary to implement this section.

8) In connection with the promulgation of the rules, the secretary shall consult recognized statistical experts including statistical experts with experience in election auditing, equipment vendors, and county clerk and recorders, and shall consider best practices for conducting risk-limiting audits.

## SECTION 2

This act would authorize the election board to establish a post-election risk-limiting audit program to improve the accuracy of election results.

1) This act would take effect upon passage.