

2017 -- H 5704 SUBSTITUTE A

LC001568/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO ELECTIONS --POST-ELECTION AUDITS

Introduced By: Representatives Ajello, Regunberg, Chippendale, Craven, and Tanzi

Date Introduced: March 01, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 17-19 of the General Laws entitled "Conduct of Election and  
2 Voting Equipment, and Supplies" is hereby amended by adding thereto the following section:

3 **17-19-37.4. Post-election audits.**

4 (a) The general assembly hereby finds, determines, and declares that auditing of election  
5 results is necessary to ensure effective election administration and public confidence in the  
6 election results. Further, risk-limiting audits provide a more effective manner of conducting  
7 audits than traditional audit methods in that risk-limiting audit methods typically require only  
8 limited resources for election contests with wide margins of victory while investing greater  
9 resources in close contests.

10 (b) Commencing in 2018 the board in conjunction with local boards is authorized to  
11 conduct risk-limiting audits after all statewide primary, general and special elections in  
12 accordance with the requirements of this section. Commencing in 2020 the state board in  
13 conjunction with local boards must conduct risk-limiting audits after the presidential preference  
14 primary, and general elections in accordance with requirements in this section.

15 (c) The audit program shall be conducted as follows:

16 (1) The state board shall determine what local, statewide and federal contests are subject  
17 to a risk-limiting audit;

18 (2) The state board shall provide notice pursuant of chapter 46 of title 42 of the time and  
19 place of the random selection of the audit units to be manually tallied and of the times and places

1 of the audits:

2 (3) The state board shall make available to the public a report of the vote tabulating  
3 device results for the contest, including the results for each audit unit in the contest, prior to the  
4 random selection of audit units to be manually tallied and prior to the commencement of the  
5 audit;

6 (4) The state board in conjunction with the local boards shall conduct the audit upon  
7 tabulation of the unofficial final results as provided in §§17-19-36 and 17-19-37; and

8 (5) The state board in conjunction with the local boards shall conduct the audit in public  
9 view by manually interpreting the ballots according to rules established by the state board in  
10 accordance with chapter 45 of title 42.

11 (d) If a risk-limiting audit of a contest leads to a full manual tally of the ballots cast using  
12 the voting system, the vote counts according to that manual tally shall replace the vote counts  
13 reported pursuant to §§17-19-36 and 17-19-37 for the purpose of determining the official contest  
14 results pursuant to §§17-22-5.2 and 17-22-6.

15 (e) For purposes of this section, the following terms have the following meanings:

16 (1) "Audit unit" means a precinct, a set of ballots, or a single ballot. A precinct, a set of  
17 ballots, or a single ballot may be used as an audit unit for purposes of this section only if all of the  
18 following conditions are satisfied:

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

21 (ii) Each ballot is assigned to not more than one audit unit.

22 (2) "Contest" means an election for an office or for a measure.

23 (3) "Risk-limiting audit" means a manual tally employing a statistical method that  
24 ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full  
25 manual tally would show an electoral outcome that differs from the outcome reported by the vote  
26 tabulating system for the audited contest. A risk-limiting audit shall begin with a hand tally of the  
27 votes in one or more audit units and shall continue to hand tally votes in additional audit units  
28 until there is strong statistical evidence that the electoral outcome is correct. In the event that  
29 counting additional audit units does not provide strong statistical evidence that the electoral  
30 outcome is correct, the audit shall continue until there has been a full manual tally to determine  
31 the correct electoral outcome of the audited contest.

32 (4) "Unofficial final results" means election results tabulated pursuant §§17-19-36 and  
33 17-19-37.

34 (f) The results of any audits conducted under this section shall be published on the

1 website of the state board within forty-eight (48) hours of being accepted by the state board. If the  
2 audit involved a manual tally of one or more entire precincts, then the names and numbers of all  
3 precincts audited and a comparison of the vote tabulator results with the hand counts for each  
4 precinct shall be published with the audit results on the website.

5 (g) Any audit required under this section shall not commence for any election subject to a  
6 recount pursuant to §§17-19-37.1, 17-19-37.2, and 17-19-37.3 until the conclusion of said  
7 recount.

8 (h) The state board shall promulgate rules, regulations, and procedures in accordance  
9 with chapter 45 of title 42 necessary to implement this section.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would authorize the board of elections to establish a post-election risk-limiting
- 2   audit program to improve the accuracy of election results.
- 3           This act would take effect upon passage.

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