

2017 -- S 0413

LC001550

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: Senators Sheehan, Cote, Raptakis, DiPalma, and Kettle

Date Introduced: March 02, 2017

Referred To: Senate 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 races with wide margins of victory while investing greater
9 resources in close races.

10 (b) Commencing in 2018 the board is required to conduct risk-limiting audits after all
11 primary, general and special elections in accordance with the requirements of this section.

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

13 (1) The board shall determine what local, multijurisdictional, statewide and federal
14 contests are subject to a risk-limiting audit;

15 (2) The board shall provide at least a five (5) day public notice of the time and place of
16 the random selection of the audit units to be manually tallied and of the times and places of the
17 audit;

18 (3) The board shall make available to the public a report of the vote tabulating device
19 results for the contest, including the results for each audit unit in the contest, prior to the random

1 selection of audit units to be manually tallied and prior to the commencement of the audit;

2 (4) The state board in conjunction with the local boards shall conduct the audit upon
3 tabulation of the unofficial final results as provided in §§17-19-36 and 17-19-37 and complete the
4 audit within seven (7) days after the election; and

5 (5) The board in conjunction with the local boards shall conduct the audit in public view
6 by hand without the use of electronic scanning equipment according to rules established by the
7 state board.

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

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

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

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

18 (ii) The elections official is able to match the report described in subsection (i) of this
19 section with the ballots corresponding to the report for purposes of conducting an audit pursuant
20 to this section.

21 (iii) 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 device 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 state board shall promulgate rules, regulations and procedures necessary to

1 [implement this section.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ELECTIONS --POST-ELECTION AUDITS

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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