

2019 -- H 5275

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT,
AND SUPPLIES

Introduced By: Representatives Ajello, Craven, McEntee, Chippendale, and Walsh

Date Introduced: February 01, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 17-19-37.4 of the General Laws in Chapter 17-19 entitled "Conduct
2 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

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 the requirements in this section.

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

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

18 (2) The state board shall provide notice pursuant to chapter 46 of title 42 of the time and

1 place of the random selection of the audit units to be manually tallied and of the times and places
2 of the audits;

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

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

9 (5) The state board, in conjunction with the local boards, shall conduct the audit in public
10 view by manually interpreting the ballots according to rules established by the state board in
11 accordance with chapter 35 of title 42.

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

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

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

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

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

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

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

33 (4) "Unofficial final results" means election results tabulated pursuant to §§ 17-19-36 and
34 17-19-37.

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

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

9 (h) The state board shall promulgate rules, regulations, and procedures in accordance
10 with chapter 35 of title 42 necessary to implement this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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- 1 This act would include the general assembly elections in the risk-limiting audits within
- 2 the jurisdiction of the board of elections.
- 3 This act would take effect upon passage.

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