

2023 -- H 5385

LC000477

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representatives Place, Rea, Newberry, Nardone, and Roberts

Date Introduced: February 03, 2023

Referred To: House State Government & Elections

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 election  
6 results. Further, risk-limiting audits provide a more effective manner of conducting audits than  
7 traditional audit methods in that risk-limiting audit methods typically require only limited resources  
8 for election contests with wide margins of victory while investing greater resources in close  
9 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 accordance  
12 with the requirements of this section. Commencing in 2020, the state board, in conjunction with  
13 local boards, must conduct risk-limiting audits after the presidential preference primary and general  
14 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, and federal contests are subject  
17 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 device  
4 results for the contest, including the results for each audit unit in the contest, prior to the random  
5 selection of audit units to be manually tallied and prior to the commencement of the 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 35 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; and

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

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

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

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

7 (h) In addition to the post-election audit procedures previously created in this section, the  
8 following audit shall be performed:

9 (1) Before the election results are certified, pursuant to this chapter, the board of elections  
10 shall conduct a post-election risk-limiting audit of the mail ballot voter signature verification  
11 accuracy of the return mail ballot envelopes received for the local, statewide and federal contests,  
12 selected by the board, utilizing the ballot audit selection process created by this section.

13 (2) If the risk-limiting audit of the signatures on the mail ballot envelopes cast in the audited  
14 contest reveals that the number of signatures on the mail ballot envelopes that should not have been  
15 verified, exceeds the margin of victory in the selected contest, then a new special election shall be  
16 held for such contest, before its election results are certified.

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

19 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 create a new additional post-election risk-limiting audit of voted mail
- 2 ballots, focusing on voter signature verification.
- 3           This act would take effect upon passage.

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