



General Assembly

February Session, 2014

Raised Bill No. 348

LCO No. 1932



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

AN ACT CONCERNING POST-ELECTION AUDITS.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 9-320f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 (a) Not earlier than the fifteenth day after any election or primary
4 and not later than two business days before the canvass of votes by the
5 Secretary of the State, Treasurer and Comptroller, for any federal or
6 state election or primary, or by the town clerk for any municipal
7 election or primary, the registrars of voters shall conduct [a manual] an
8 audit of the votes recorded in not less than [ten] five per cent of the
9 voting districts in the state, district or municipality, whichever is
10 applicable. Such [manual] audit shall be noticed in advance and be
11 open to public observation. Any election official who participates in
12 the administration and conduct of an audit pursuant to this section
13 shall be compensated by the municipality at the standard rate of pay
14 established by such municipality for elections or primaries, as the case
15 may be.

16 (b) The voting districts subject to the audit described in subsection
17 (a) of this section shall be selected in a random drawing by the
18 Secretary of the State and such selection process shall be open to the
19 public. [The offices subject to the audit pursuant to this section shall
20 be, (1) in the case of an election where the office of presidential elector
21 is on the ballot, all offices required to be audited by federal law, plus
22 one additional office selected in a random drawing by the Secretary of
23 the State, but in no case less than three offices, (2) in the case of an
24 election where the office of Governor is on the ballot, all offices
25 required to be audited by federal law, plus one additional office
26 selected in a random drawing by the Secretary of the State, but in no
27 case less than three offices, (3) in the case of a municipal election, three
28 offices or twenty per cent of the number of offices on the ballot,
29 whichever is greater, selected at random by the municipal clerk, and
30 (4) in the case of a primary election, all offices required to be audited
31 by federal law, plus one additional office, if any, but in no event less
32 than twenty per cent of the offices on the ballot, selected in a random
33 drawing by the municipal clerk.]

34 (c) [If a selected voting district has an office that is subject to
35 recanvass or an election or primary contest pursuant to the general
36 statutes, the Secretary] If three voting districts wholly or partially
37 located in a municipality have been selected for audit under subsection
38 (b) of this section for a single election or primary and another voting
39 district located wholly or partially in such municipality is selected, the
40 Secretary of the State shall select an alternative district, pursuant to the
41 process described in subsection (b) of this section.

42 (d) The [manual] audit described in subsection (a) of this section
43 shall consist of the [manual] tabulation of [the] all paper ballots cast
44 and counted by each voting tabulator subject to such audit. Such
45 tabulation of such paper ballots shall be on a voting tabulator that is
46 different from the voting tabulator used for the primary or election day
47 tabulation of such ballots. Once complete, the vote totals established
48 pursuant to the [manual tabulation] audit conducted in accordance

49 with this subsection shall be compared to the results reported by the
50 voting tabulator on the day of the election or primary. The results of
51 the [manual tabulation] audit conducted in accordance with this
52 subsection shall be reported on a form prescribed by the Secretary of
53 the State which shall include the total number of ballots counted, the
54 total votes received by each candidate in question, the total votes
55 received by each candidate in question on ballots that were properly
56 completed by each voter and the total votes received by each candidate
57 in question on ballots that were not properly completed by each voter.
58 Such report shall be filed with the Secretary of the State who shall
59 immediately forward such report to The University of Connecticut for
60 analysis. The University of Connecticut shall file a written report with
61 the Secretary of the State regarding such analysis that describes any
62 discrepancies identified. After receipt of such report, the Secretary of
63 the State shall file such report with the State Elections Enforcement
64 Commission.

65 (e) For the purposes of this section, a ballot that has not been
66 properly completed will be deemed to be a ballot on which (1) votes
67 have been marked by the voter outside the vote targets, (2) votes have
68 been marked by the voter using a manual marking device that cannot
69 be read by the voting tabulator, or (3) in the judgment of the registrars
70 of voters, the voter marked the ballot in such a manner that the voting
71 tabulator may not have read the marks as votes cast.

72 (f) Notwithstanding the provisions of section 9-311, the Secretary of
73 the State shall order a discrepancy recanvass of the returns of an
74 election or primary for any office if a discrepancy, as defined in
75 subsection (o) of this section, exists where the margin of victory in the
76 race for such office is less than the amount of the discrepancy
77 multiplied by the total number of voting districts where such race
78 appeared on the ballot, provided in a year in which the Secretary of the
79 State is a candidate for an office on the ballot and that office is subject
80 to an audit as provided by this section, the State Elections Enforcement
81 Commission shall order a discrepancy recanvass if a discrepancy, as

82 defined by subsection (o) of this section, has occurred that could affect
83 the outcome of the election or primary for such office.

84 (g) If The University of Connecticut report described in subsection
85 (d) of this section indicates that a voting tabulator failed to record
86 votes accurately and in the manner provided by the general statutes,
87 the Secretary of the State shall require that the voting tabulator be
88 examined and recertified by the Secretary of the State, or the
89 Secretary's designee. Nothing in this subsection shall be construed to
90 prohibit the Secretary of the State from requiring that a voting
91 tabulator be examined and recertified.

92 (h) The audit report filed pursuant to subsection (d) of this section
93 shall be open to public inspection and may be used as prima facie
94 evidence of a discrepancy in any contest arising pursuant to chapter
95 149 or for any other cause of action arising from such election or
96 primary.

97 (i) If the audit officials are unable to reconcile the [manual] audit
98 count conducted in accordance with subsection (d) of this section with
99 the electronic vote tabulation of the primary or election day count and
100 discrepancies, the Secretary of the State shall conduct such further
101 investigation of the voting tabulator malfunction as may be necessary
102 for the purpose of reviewing whether or not to decertify the voting
103 tabulator or tabulators in question or to order the voting tabulator to
104 be examined and recertified pursuant to subsection (g) of this section.
105 Any report produced by the Secretary of the State as a result of such
106 investigation shall be filed with the State Elections Enforcement
107 Commission and the commission may initiate such further
108 investigation in accordance with subdivision (1) of subsection (a) of
109 section 9-7b as may be required to determine if any violations of the
110 general statutes concerning election law have been committed.

111 (j) The individual paper ballots used at an election or primary shall
112 be carefully preserved and returned in their designated receptacle in

113 accordance with the requirements of section 9-266 or 9-310, whichever
114 is applicable.

115 (k) Nothing in this section shall be construed to preclude any
116 candidate or elector from seeking additional remedies pursuant to
117 chapter 149.

118 (l) After an election or primary, any voting tabulator may be kept
119 locked for a period longer than that prescribed by sections 9-266, 9-310
120 and 9-447, if such an extended period is ordered by either a court of
121 competent jurisdiction, the Secretary of the State or the State Elections
122 Enforcement Commission. Either the court or the Secretary of the State
123 may order an audit of such voting tabulator to be conducted by such
124 persons as the court or the Secretary of the State may designate,
125 provided the State Elections Enforcement Commission may order such
126 an audit under the circumstances prescribed in subsection (f) of this
127 section. If the machine utilized in such election or primary is an optical
128 scan voting system, such order to lock such machine shall include the
129 tabulator, memory card and all other components and processes
130 utilized in the programming of such machine.

131 (m) The Secretary of the State may adopt regulations, in accordance
132 with the provisions of chapter 54, as may be necessary for the conduct
133 of the [manual] audit tabulation of the paper ballots described in
134 subsection [(a)] (d) of this section and to establish guidelines for
135 expanded audits when there are differences between the [manual and]
136 audit counts and the primary or election day tabulator counts.

137 (n) Notwithstanding any provision of the general statutes, the
138 Secretary of the State shall have access to the code in any voting
139 machine whenever any problem is discovered as a result of the audit
140 described in subsection (a) of this section.

141 (o) As used in this section, "discrepancy" means any difference in
142 vote totals between tabulator and [manual] audit counts in a voting
143 district that exceeds one-half of one per cent of the lesser amount of the

144 vote totals between the tabulator used for the primary or election day
145 tabulation and [manual] audit counts where such differences cannot be
146 resolved through an accounting of ballots that were not marked
147 properly in accordance with subsection (e) of this section, "state
148 election" means "state election", as defined in section 9-1, and
149 "municipal election" means a municipal election held pursuant to
150 section 9-164.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2014	9-320f

Statement of Purpose:

To streamline the post-election audit process.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]