



General Assembly

Substitute Bill No. 472

February Session, 2022



AN ACT CONCERNING THE RECOMMENDATIONS OF THE RISK-LIMITING AUDITS WORKING GROUP.

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

1 Section 1. (NEW) (*Effective January 1, 2024*) (a) Not earlier than the
2 fifteenth day after any state election and not later than two business
3 days before the canvass of votes by the Secretary of the State, Treasurer
4 and Comptroller, commencing on a day designated by the Secretary, the
5 registrars of voters shall conduct a risk-limiting audit of such election.
6 Each such audit shall be noticed in advance and be open to public
7 observation. Any election official who participates in the administration
8 and conduct of an audit pursuant to this section shall be compensated
9 by the municipality at the standard rate of pay established by such
10 municipality for elections.

11 (b) (1) Except as provided in subdivision (2) of this subsection, the
12 offices subject to a risk-limiting audit pursuant to this section shall be
13 (A) the office of presidential elector, if applicable, (B) all applicable state
14 offices, as defined in section 9-372 of the general statutes, (C) at least one
15 representative in Congress, selected in a random drawing by the
16 Secretary of the State, (D) at least five per cent, in the aggregate, of the
17 offices of state senator and state representative, selected in a random
18 drawing by the Secretary, and (E) any other office required to be audited

19 by federal law. Whenever an office is randomly selected by the Secretary
20 under this subsection, the selection process shall be open to the public.

21 (2) (A) If an office of representative in Congress is subject to recanvass
22 or an election contest pursuant to the general statutes, the Secretary of
23 the State shall ensure such office is included in the office or offices
24 selected under subparagraph (C) of subdivision (1) of this subsection.

25 (B) If an office of state senator or state representative is subject to
26 recanvass or an election contest pursuant to the general statutes, the
27 Secretary of the State shall ensure such office is included in the offices
28 selected under subparagraph (D) of subdivision (1) of this subsection.

29 (c) Prior to the day designated by the Secretary of the State for the
30 commencement of the risk-limiting audit described in subsection (a) of
31 this section, the registrars of voters shall submit to the Secretary the
32 ballot manifests created under section 3 of this act.

33 (d) The risk-limiting audit described in subsection (a) of this section
34 shall be conducted in accordance with instructions and procedures
35 prescribed by the Secretary of the State, which instructions and
36 procedures shall be consistent across all offices. The risk limit for each
37 such audit shall be not more than five per cent. The results of each audit
38 conducted pursuant to this section, including any such audit that
39 produces an outcome of "INCONCLUSIVE" as described in subsection
40 (e) of this section, shall be reported on a form and in a manner
41 prescribed by the Secretary. Such reported results shall be filed with the
42 Secretary, who shall immediately forward such reported results to The
43 University of Connecticut for analysis. The University of Connecticut
44 shall submit to the Secretary a written report regarding such analysis
45 that describes any concerns identified. After receipt of such written
46 report, the Secretary shall transmit to the State Elections Enforcement
47 Commission a copy of such written report.

48 (e) In the event a risk-limiting audit conducted pursuant to this
49 section for a particular office produces an outcome of

50 "INCONCLUSIVE", the Secretary of the State shall order a manual
51 recount of all ballots cast for such office.

52 (f) If the written report submitted by The University of Connecticut
53 under subsection (d) of this section indicates that a voting tabulator
54 failed to record votes accurately and in the manner provided by the
55 general statutes, the Secretary of the State shall require that the voting
56 tabulator be examined and recertified by the Secretary, or the Secretary's
57 designee. Nothing in this subsection shall be construed to prohibit the
58 Secretary from requiring that a voting tabulator be examined and
59 recertified.

60 (g) The audit results reported to the Secretary of the State pursuant to
61 subsection (d) of this section shall be open to public inspection and may
62 be used as prima facie evidence of an irregularity in any contest arising
63 pursuant to chapter 149 of the general statutes or for any other cause of
64 action arising from such election.

65 (h) If the audit officials are unable to reconcile the results from an
66 audit described in subsection (a) of this section with the outcome of the
67 person declared elected by virtue of having received the greatest
68 number of votes, as determined by the paper ballots, the Secretary of the
69 State shall conduct such further investigation of the voting tabulator as
70 may be necessary for the purpose of reviewing whether or not to
71 decertify the voting tabulator or tabulators in question or to order the
72 voting tabulator to be examined and recertified pursuant to subsection
73 (f) of this section. Any report produced by the Secretary as a result of
74 such investigation shall be filed with the State Elections Enforcement
75 Commission, and the commission may initiate such further
76 investigation in accordance with subdivision (1) of subsection (a) of
77 section 9-7b of the general statutes as may be required to determine if
78 any violations of the general statutes concerning election law have been
79 committed.

80 (i) The individual paper ballots used at an election shall be carefully
81 preserved and returned in their designated receptacle in accordance

82 with the requirements of section 9-266 or 9-310 of the general statutes,
83 whichever is applicable.

84 (j) Nothing in this section shall be construed to preclude any
85 candidate or elector from seeking additional remedies pursuant to
86 chapter 149 of the general statutes.

87 (k) After an election, any voting tabulator may be kept locked for a
88 period longer than that prescribed by sections 9-266, 9-310 and 9-447 of
89 the general statutes, if such an extended period is ordered by either a
90 court of competent jurisdiction, the Secretary of the State or the State
91 Elections Enforcement Commission. Either the court or the Secretary of
92 the State may order an audit of such voting tabulator to be conducted
93 by such persons as the court or the Secretary may designate, provided
94 the State Elections Enforcement Commission may order such an audit
95 under the circumstances described in subsection (e) of this section. If the
96 machine utilized in such election is an optical scan voting system, such
97 order to lock such machine shall include the tabulator, memory card and
98 all other components and processes utilized in the programming of such
99 machine.

100 (l) The Secretary of the State may adopt regulations, in accordance
101 with the provisions of chapter 54 of the general statutes, as may be
102 necessary for the conduct of risk-limiting audits described in subsection
103 (a) of this section and to establish guidelines for expanded audits when
104 the results from such an audit cannot be reconciled with the outcome of
105 the person declared elected by virtue of having received the greatest
106 number of votes, as determined by the paper ballots.

107 (m) Notwithstanding any provision of the general statutes, the
108 Secretary of the State shall have access to the code in any voting machine
109 whenever any problem is discovered as a result of an audit described in
110 subsection (a) of this section.

111 (n) As used in this section:

112 (1) "Risk-limiting audit" means a publicly verifiable auditing

113 procedure that (A) manually examines a statistical sample of paper
114 ballots which reflect the intents of the voters having cast such ballots,
115 (B) produces an outcome of either "ACCEPTABLE" or
116 "INCONCLUSIVE", and (C) guarantees a specified risk limit;

117 (2) "Risk limit" means the maximum probability that an audit would
118 produce an outcome of "ACCEPTABLE" when there is a disagreement
119 between the person declared elected and the person who received the
120 greatest number of votes as determined by the paper ballots; and

121 (3) "State election" has the same meaning as provided in section 9-1
122 of the general statutes.

123 Sec. 2. Section 9-320f of the 2022 supplement to the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective January*
125 *1, 2024*):

126 (a) (1) Not earlier than the fifteenth day after any [election or] federal
127 or state primary and not later than two business days before the canvass
128 of votes by the Secretary of the State, Treasurer and Comptroller, [for
129 any federal or state election or primary,] or (2) not earlier than the
130 fifteenth day after any municipal election or primary and not later than
131 two business days before the canvass of votes by the town clerk, [for any
132 municipal election or primary,] the registrars of voters shall conduct a
133 manual audit, or [, for an election or primary held on or after January 1,
134 2016,] an electronic audit authorized under section 9-320g, as amended
135 by this act, of the votes recorded in not less than five per cent of the
136 voting districts in the state, district or municipality, whichever is
137 applicable. For the purposes of this section, any central location used in
138 a municipality for the counting of absentee ballots shall be deemed a
139 voting district. Such manual or electronic audit shall be noticed in
140 advance and be open to public observation. Any election official who
141 participates in the administration and conduct of an audit pursuant to
142 this section shall be compensated by the municipality at the standard
143 rate of pay established by such municipality for elections or primaries,
144 as the case may be.

145 (b) The voting districts subject to an audit described in subsection (a)
146 of this section shall be selected in a random drawing by the Secretary of
147 the State and such selection process shall be open to the public. The
148 offices subject to an audit pursuant to this section shall be, (1) [in the
149 case of an election where the office of presidential elector is on the ballot,
150 all offices required to be audited by federal law, plus one additional
151 office selected in a random drawing by the Secretary of the State, but in
152 no case less than three offices, (2) in the case of an election where the
153 office of Governor is on the ballot, all offices required to be audited by
154 federal law, plus one additional office selected in a random drawing by
155 the Secretary of the State, but in no case less than three offices, (3)] in the
156 case of a municipal election, three offices or twenty per cent of the
157 number of offices on the ballot, whichever is greater, selected at random
158 by the municipal clerk, and [(4)] (2) in the case of a [primary election]
159 primary, all offices required to be audited by federal law, plus one
160 additional office, if any, but in no event less than twenty per cent of the
161 offices on the ballot, selected in a random drawing by the municipal
162 clerk.

163 (c) If a selected voting district has an office that is subject to recanvass
164 or an election or primary contest pursuant to the general statutes, the
165 Secretary of the State shall select an alternative district, pursuant to the
166 process described in subsection (b) of this section.

167 (d) The manual or electronic audit described in subsection (a) of this
168 section shall consist of the manual or electronic tabulation of the paper
169 ballots cast and counted by each voting tabulator subject to such audit.
170 Once complete, the vote totals established pursuant to such manual or
171 electronic tabulation shall be compared to the results reported by the
172 voting tabulator on the day of the election or primary. The results of
173 such manual or electronic tabulation shall be reported on a form
174 prescribed by the Secretary of the State which shall include the total
175 number of ballots counted, the total votes received by each candidate in
176 question, the total votes received by each candidate in question on
177 ballots that were properly completed by each voter and the total votes

178 received by each candidate in question on ballots that were not properly
179 completed by each voter. Such [report] reported results shall be filed
180 with the Secretary, [of the State] who shall immediately forward such
181 [report] reported results to The University of Connecticut for analysis.
182 The University of Connecticut shall [file] submit to the Secretary a
183 written report [with the Secretary of the State] regarding such analysis
184 that describes any discrepancies identified. After receipt of such written
185 report, the Secretary [of the State shall file such report with] shall
186 transmit to the State Elections Enforcement Commission a copy of such
187 written report.

188 (e) For the purposes of this section, a ballot that has not been properly
189 completed will be deemed to be a ballot on which (1) votes have been
190 marked by the voter outside the vote targets, (2) votes have been marked
191 by the voter using a manual marking device that cannot be read by the
192 voting tabulator, or (3) in the judgment of the registrars of voters, the
193 voter marked the ballot in such a manner that the voting tabulator may
194 not have read the marks as votes cast.

195 (f) Notwithstanding the provisions of section 9-311, the Secretary of
196 the State shall order a discrepancy canvass of the returns of an election
197 or primary for any office if a discrepancy, as defined in subsection (o) of
198 this section, exists where the margin of victory in the race for such office
199 is less than the amount of the discrepancy multiplied by the total
200 number of voting districts where such race appeared on the ballot,
201 provided in a year in which the Secretary of the State is a candidate for
202 an office on the ballot and that office is subject to an audit as provided
203 by this section, the State Elections Enforcement Commission shall order
204 a discrepancy canvass if a discrepancy, as defined by subsection (o) of
205 this section, has occurred that could affect the outcome of the election or
206 primary for such office.

207 (g) If the written report submitted by The University of Connecticut
208 [report described in] under subsection (d) of this section indicates that a
209 voting tabulator failed to record votes accurately and in the manner
210 provided by the general statutes, the Secretary of the State shall require

211 that the voting tabulator be examined and recertified by the Secretary
212 [of the State,] or the Secretary's designee. Nothing in this subsection
213 shall be construed to prohibit the Secretary [of the State] from requiring
214 that a voting tabulator be examined and recertified.

215 (h) The audit [report filed] results reported to the Secretary of the
216 State pursuant to subsection (d) of this section shall be open to public
217 inspection and may be used as prima facie evidence of a discrepancy in
218 any contest arising pursuant to chapter 149 or for any other cause of
219 action arising from such election or primary.

220 (i) If the audit officials are unable to reconcile the manual or electronic
221 count from an audit described in subsection (a) of this section with the
222 electronic vote tabulation and discrepancies from the election or
223 primary, the Secretary of the State shall conduct such further
224 investigation of the voting tabulator malfunction as may be necessary
225 for the purpose of reviewing whether or not to decertify the voting
226 tabulator or tabulators in question or to order the voting tabulator to be
227 examined and recertified pursuant to subsection (g) of this section. Any
228 report produced by the Secretary [of the State] as a result of such
229 investigation shall be filed with the State Elections Enforcement
230 Commission, and the commission may initiate such further
231 investigation in accordance with subdivision (1) of subsection (a) of
232 section 9-7b as may be required to determine if any violations of the
233 general statutes concerning election law have been committed.

234 (j) The individual paper ballots used at an election or primary shall
235 be carefully preserved and returned in their designated receptacle in
236 accordance with the requirements of section 9-266 or 9-310, whichever
237 is applicable.

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

241 (l) After an election or primary, any voting tabulator may be kept

242 locked for a period longer than that prescribed by sections 9-266, 9-310
243 and 9-447, if such an extended period is ordered by either a court of
244 competent jurisdiction, the Secretary of the State or the State Elections
245 Enforcement Commission. Either the court or the Secretary of the State
246 may order an audit of such voting tabulator to be conducted by such
247 persons as the court or the Secretary [of the State] may designate,
248 provided the State Elections Enforcement Commission may order such
249 an audit under the circumstances prescribed in subsection (f) of this
250 section. If the machine utilized in such election or primary is an optical
251 scan voting system, such order to lock such machine shall include the
252 tabulator, memory card and all other components and processes utilized
253 in the programming of such machine.

254 (m) The Secretary of the State may adopt regulations, in accordance
255 with the provisions of chapter 54, as may be necessary for the conduct
256 of the manual or electronic tabulation of the paper ballots described in
257 subsection (a) of this section and to establish guidelines for expanded
258 audits when there are differences between the manual or electronic
259 counts from the audit described in subsection (a) of this section and
260 tabulator counts from the election or primary.

261 (n) Notwithstanding any provision of the general statutes, the
262 Secretary of the State shall have access to the code in any voting machine
263 whenever any problem is discovered as a result of an audit described in
264 subsection (a) of this section.

265 (o) As used in this section: ["discrepancy"]

266 (1) "Discrepancy" means any difference in vote totals between
267 tabulator counts from an election or primary and manual or electronic
268 counts from an audit described in subsection (a) of this section in a
269 voting district that exceeds one-half of one per cent of the lesser amount
270 of the vote totals between such tabulator counts and such manual or
271 electronic counts where such differences cannot be resolved through an
272 accounting of ballots that were not marked properly in accordance with
273 subsection (e) of this section; ["state election" means "state election", as

274 defined in section 9-1, "municipal election"]

275 (2) "Municipal election" means a municipal election held pursuant to
276 section 9-164; [, "manual"]

277 (3) "Manual" means by hand and without the assistance of electronic
278 equipment; and ["electronic"]

279 (4) "Electronic" means through the use of equipment described in
280 section 9-320g, as amended by this act.

281 Sec. 3. (NEW) (*Effective January 1, 2024*) (a) Except as provided in
282 subsection (b) of this section, not later than seventy-two hours after the
283 close of the polls at each state election:

284 (1) The election officials in each polling place shall create a ballot
285 manifest for such polling place by manually verifying the number of
286 ballots cast that comprise the result publicly announced by the
287 moderator under subsection (a) of section 9-309 of the general statutes
288 and recording such number on such ballot manifest, in accordance with
289 procedures prescribed by the Secretary of the State; and

290 (2) The absentee ballot counters in each central counting location shall
291 create a ballot manifest for such central counting location by manually
292 verifying the number of ballots cast that comprise the result publicly
293 declared by the moderator under subsection (b) of section 9-150b of the
294 general statutes and recording such number on such ballot manifest, in
295 accordance with procedures prescribed by the Secretary of the State.

296 (b) Not later than twenty-four hours after the completion of any
297 recanvass conducted at a state election in a voting district, the recanvass
298 officials shall create a ballot manifest for such district by manually
299 verifying the number of ballots cast that comprise the vote announced
300 by the moderator under subdivision (1) of subsection (c) of section 9-311
301 of the general statutes and recording such number on such ballot
302 manifest, in accordance with procedures prescribed by the Secretary of
303 the State.

304 (c) All ballot manifest creation procedures shall be open to public
305 observation.

306 (d) Immediately after a ballot manifest has been created pursuant to
307 this section, the moderator shall submit such ballot manifest to the
308 registrars of voters.

309 Sec. 4. Section 9-323 of the general statutes is repealed and the
310 following is substituted in lieu thereof (*Effective January 1, 2024*):

311 Any elector or candidate who claims that he is aggrieved by any
312 ruling of any election official in connection with any election for
313 presidential electors and for a senator in Congress and for
314 representative in Congress or any of them, held in his town, or that there
315 was a mistake in the count of the votes cast at such election for
316 candidates for such electors, senator in Congress and representative in
317 Congress, or any of them, at any voting district in his town, or any
318 candidate for such an office who claims that he is aggrieved by a
319 violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-
320 364, 9-364a or 9-365 in the casting of absentee ballots at such election,
321 may bring his complaint to any judge of the Supreme Court, in which
322 he shall set out the claimed errors of such election official, the claimed
323 errors in the count or the claimed violations of said sections. In any
324 action brought pursuant to the provisions of this section, the
325 complainant shall file a certification attached to the complaint indicating
326 that a copy of the complaint has been sent by first-class mail or delivered
327 to the State Elections Enforcement Commission. If such complaint is
328 made prior to such election, such judge shall proceed expeditiously to
329 render judgment on the complaint and shall cause notice of the hearing
330 to be given to the Secretary of the State and the State Elections
331 Enforcement Commission. If such complaint is made subsequent to the
332 election, it shall be brought not later than fourteen days after the election
333 or, if such complaint is brought in response to [the manual tabulation of
334 paper ballots authorized] an audit conducted pursuant to section 9-320f,
335 as amended by this act, or section 1 of this act, such complaint shall be
336 brought not later than seven days after the close of any such [manual

337 tabulation] audit, and in either such circumstance, the judge shall
338 forthwith order a hearing to be had upon such complaint, upon a day
339 not more than five or less than three days from the making of such order,
340 and shall cause notice of not less than three or more than five days to be
341 given to any candidate or candidates whose election may be affected by
342 the decision upon such hearing, to such election official, to the Secretary
343 of the State, to the State Elections Enforcement Commission and to any
344 other party or parties whom such judge deems proper parties thereto,
345 of the time and place for the hearing upon such complaint. Such judge,
346 with two other judges of the Supreme Court to be designated by the
347 Chief Court Administrator, shall, on the day fixed for such hearing and
348 without unnecessary delay, proceed to hear the parties. If sufficient
349 reason is shown, such judges may order any voting tabulators to be
350 unlocked or any ballot boxes to be opened and a recount of the votes
351 cast, including absentee ballots, to be made. Such judges shall
352 thereupon, in the case they, or any two of them, find any error in the
353 rulings of the election official, any mistake in the count of such votes or
354 any violation of said sections, certify the result of their finding or
355 decision, or the finding or decision of a majority of them, to the Secretary
356 of the State before the first Monday after the second Wednesday in
357 December. Such judges may order a new election or a change in the
358 existing election schedule, provided such order complies with Section
359 302 of the Help America Vote Act, P.L. 107-252, as amended from time
360 to time. Such certificate of such judges, or a majority of them, shall be
361 final upon all questions relating to the rulings of such election officials,
362 to the correctness of such count and, for the purposes of this section
363 only, such claimed violations, and shall operate to correct the returns of
364 the moderators or presiding officers so as to conform to such finding or
365 decision.

366 Sec. 5. Section 9-324 of the general statutes is repealed and the
367 following is substituted in lieu thereof (*Effective January 1, 2024*):

368 Any elector or candidate who claims that such elector or candidate is
369 aggrieved by any ruling of any election official in connection with any

370 election for Governor, Lieutenant Governor, Secretary of the State, State
371 Treasurer, Attorney General, State Comptroller or judge of probate, held
372 in such elector's or candidate's town, or that there has been a mistake in
373 the count of the votes cast at such election for candidates for said offices
374 or any of them, at any voting district in such elector's or candidate's
375 town, or any candidate for such an office who claims that such candidate
376 is aggrieved by a violation of any provision of section 9-355, 9-357 to 9-
377 361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at
378 such election or any candidate for the office of Governor, Lieutenant
379 Governor, Secretary of the State, State Treasurer, Attorney General or
380 State Comptroller, who claims that such candidate is aggrieved by a
381 violation of any provision of sections 9-700 to 9-716, inclusive, may bring
382 such elector's or candidate's complaint to any judge of the Superior
383 Court, in which such elector or candidate shall set out the claimed errors
384 of such election official, the claimed errors in the count or the claimed
385 violations of said sections. In any action brought pursuant to the
386 provisions of this section, the complainant shall send a copy of the
387 complaint by first-class mail, or deliver a copy of the complaint by hand,
388 to the State Elections Enforcement Commission. If such complaint is
389 made prior to such election, such judge shall proceed expeditiously to
390 render judgment on the complaint and shall cause notice of the hearing
391 to be given to the Secretary of the State and the State Elections
392 Enforcement Commission. If such complaint is made subsequent to the
393 election, it shall be brought not later than fourteen days after the election
394 or, if such complaint is brought in response to [the manual tabulation of
395 paper ballots authorized] an audit conducted pursuant to section 9-320f,
396 as amended by this act, or section 1 of this act, such complaint shall be
397 brought not later than seven days after the close of any such [manual
398 tabulation] audit and, in either such circumstance, such judge shall
399 forthwith order a hearing to be had upon such complaint, upon a day
400 not more than five nor less than three days from the making of such
401 order, and shall cause notice of not less than three nor more than five
402 days to be given to any candidate or candidates whose election may be
403 affected by the decision upon such hearing, to such election official, the
404 Secretary of the State, the State Elections Enforcement Commission and

405 to any other party or parties whom such judge deems proper parties
406 thereto, of the time and place for the hearing upon such complaint. Such
407 judge shall, on the day fixed for such hearing and without unnecessary
408 delay, proceed to hear the parties. If sufficient reason is shown, such
409 judge may order any voting tabulators to be unlocked or any ballot
410 boxes to be opened and a recount of the votes cast, including absentee
411 ballots, to be made. Such judge shall thereupon, in case such judge finds
412 any error in the rulings of the election official, any mistake in the count
413 of the votes or any violation of said sections, certify the result of such
414 judge's finding or decision to the Secretary of the State before the
415 fifteenth day of the next succeeding December. Such judge may order a
416 new election or a change in the existing election schedule. Such
417 certificate of such judge of such judge's finding or decision shall be final
418 and conclusive upon all questions relating to errors in the rulings of
419 such election officials, to the correctness of such count, and, for the
420 purposes of this section only, such claimed violations, and shall operate
421 to correct the returns of the moderators or presiding officers, so as to
422 conform to such finding or decision, unless the same is appealed from
423 as provided in section 9-325.

424 Sec. 6. Section 9-328 of the general statutes is repealed and the
425 following is substituted in lieu thereof (*Effective January 1, 2024*):

426 Any elector or candidate claiming to have been aggrieved by any
427 ruling of any election official in connection with an election for any
428 municipal office or a primary for justice of the peace, or any elector or
429 candidate claiming that there has been a mistake in the count of votes
430 cast for any such office at such election or primary, or any candidate in
431 such an election or primary claiming that he is aggrieved by a violation
432 of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a
433 or 9-365 in the casting of absentee ballots at such election or primary,
434 may bring a complaint to any judge of the Superior Court for relief
435 therefrom. In any action brought pursuant to the provisions of this
436 section, the complainant shall send a copy of the complaint by first-class
437 mail, or deliver a copy of the complaint by hand, to the State Elections

438 Enforcement Commission. If such complaint is made prior to such
439 election or primary, such judge shall proceed expeditiously to render
440 judgment on the complaint and shall cause notice of the hearing to be
441 given to the Secretary of the State and the State Elections Enforcement
442 Commission. If such complaint is made subsequent to such election or
443 primary, it shall be brought not later than fourteen days after such
444 election or primary, except that if such complaint is brought in response
445 to [the manual tabulation of paper ballots, authorized] an audit
446 conducted pursuant to section 9-320f, as amended by this act, or section
447 1 of this act, such complaint shall be brought not later than seven days
448 after the close of any such [manual tabulation] audit, to any judge of the
449 Superior Court, in which he shall set out the claimed errors of the
450 election official, the claimed errors in the count or the claimed violations
451 of said sections. Such judge shall forthwith order a hearing to be had
452 upon such complaint, upon a day not more than five nor less than three
453 days from the making of such order, and shall cause notice of not less
454 than three nor more than five days to be given to any candidate or
455 candidates whose election or nomination may be affected by the
456 decision upon such hearing, to such election official, the Secretary of the
457 State, the State Elections Enforcement Commission and to any other
458 party or parties whom such judge deems proper parties thereto, of the
459 time and place for the hearing upon such complaint. Such judge shall,
460 on the day fixed for such hearing and without unnecessary delay,
461 proceed to hear the parties. If sufficient reason is shown, he may order
462 any voting tabulators to be unlocked or any ballot boxes to be opened
463 and a recount of the votes cast, including absentee ballots, to be made.
464 Such judge shall thereupon, if he finds any error in the rulings of the
465 election official or any mistake in the count of the votes, certify the result
466 of his finding or decision to the Secretary of the State before the tenth
467 day succeeding the conclusion of the hearing. Such judge may order a
468 new election or primary or a change in the existing election schedule.
469 Such certificate of such judge of his finding or decision shall be final and
470 conclusive upon all questions relating to errors in the ruling of such
471 election officials, to the correctness of such count, and, for the purposes
472 of this section only, such claimed violations, and shall operate to correct

473 the returns of the moderators or presiding officers, so as to conform to
474 such finding or decision, except that this section shall not affect the right
475 of appeal to the Supreme Court and it shall not prevent such judge from
476 reserving such questions of law for the advice of the Supreme Court as
477 provided in section 9-325. Such judge may, if necessary, issue his writ of
478 mandamus, requiring the adverse party and those under him to deliver
479 to the complainant the appurtenances of such office, and shall cause his
480 finding and decree to be entered on the records of the Superior Court in
481 the proper judicial district.

482 Sec. 7. Subsection (a) of section 9-329a of the general statutes is
483 repealed and the following is substituted in lieu thereof (*Effective January*
484 *1, 2024*):

485 (a) Any (1) elector or candidate aggrieved by a ruling of an election
486 official in connection with any primary held pursuant to (A) section 9-
487 423, 9-425 or 9-464, or (B) a special act, (2) elector or candidate who
488 alleges that there has been a mistake in the count of the votes cast at such
489 primary, or (3) candidate in such a primary who alleges that he is
490 aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-
491 361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at
492 such primary, may bring his complaint to any judge of the Superior
493 Court for appropriate action. In any action brought pursuant to the
494 provisions of this section, the complainant shall file a certification
495 attached to the complaint indicating that a copy of the complaint has
496 been sent by first-class mail or delivered to the State Elections
497 Enforcement Commission. If such complaint is made prior to such
498 primary such judge shall proceed expeditiously to render judgment on
499 the complaint and shall cause notice of the hearing to be given to the
500 Secretary of the State and the State Elections Enforcement Commission.
501 If such complaint is made subsequent to such primary it shall be
502 brought, not later than fourteen days after such primary, or if such
503 complaint is brought in response to [the manual tabulation of paper
504 ballots, described in] an audit conducted pursuant to section 9-320f, as
505 amended by this act, or section 1 of this act, such complaint shall be

506 brought, not later than seven days after the close of any such [manual
507 tabulation] audit, to any judge of the Superior Court.

508 Sec. 8. Subsection (b) of section 9-3 of the general statutes is repealed
509 and the following is substituted in lieu thereof (*Effective January 1, 2024*):

510 (b) During any municipal, state or federal election, primary or
511 recanvass, or any audit conducted pursuant to section 9-320f, as
512 amended by this act, or section 1 of this act, the Secretary of the State
513 may issue an order, whether orally or in writing, to any registrar of
514 voters or moderator to correct any irregularity or impropriety in the
515 conduct of such election, primary or recanvass or audit. Any such order
516 shall be effective upon issuance. As soon as practicable after issuance of
517 an oral order pursuant to this subsection, the Secretary shall reduce such
518 order to writing, cite within such order any applicable provision of law
519 authorizing such order and cause a copy of such written order to be
520 delivered to the individual who is the subject of such order or, in the
521 case that such order was originally issued in writing, issue a subsequent
522 written order that conforms to such requirements. The Superior Court,
523 on application of the Secretary or the Attorney General, may enforce by
524 appropriate decree or process any such order issued pursuant to this
525 subsection.

526 Sec. 9. Subdivision (3) of subsection (b) of section 9-229 of the general
527 statutes is repealed and the following is substituted in lieu thereof
528 (*Effective January 1, 2024*):

529 (3) The duties of each regional election monitor shall include, but not
530 be limited to: (A) Holding the regional instructional sessions described
531 in subdivision (2) of this subsection; (B) communicating with registrars
532 of voters to assist, to the extent permitted under law, in preparations for
533 and operations of any election, primary or recanvass, or any audit
534 conducted pursuant to section 9-320f, as amended by this act, or section
535 1 of this act; and (C) transmitting any order issued by the Secretary of
536 the State, pursuant to subsection (b) of section 9-3, as amended by this
537 act.

538 Sec. 10. Subsection (a) of section 9-229b of the general statutes is
539 repealed and the following is substituted in lieu thereof (*Effective January*
540 *1, 2024*):

541 (a) There shall be a regional election monitor within each planning
542 region, as defined in section 4-124i, who shall represent, consult with
543 and act on behalf of the Secretary of the State in preparations for and
544 operations of any election, primary or recanvass, or any audit conducted
545 pursuant to section 9-320f, as amended by this act, or section 1 of this
546 act.

547 Sec. 11. Section 9-320g of the general statutes is repealed and the
548 following is substituted in lieu thereof (*Effective January 1, 2024*):

549 Notwithstanding any provision of this title, the Secretary of the State,
550 in consultation and coordination with The University of Connecticut,
551 may authorize the use of electronic equipment for the purpose of
552 conducting any audit required pursuant to section 9-320f, [for any
553 primary or general election held on or after January 1, 2016] as amended
554 by this act, or section 1 of this act, provided (1) the Secretary of the State
555 prescribes specifications for (A) the testing, set-up and operation of such
556 equipment, and (B) the training of election officials in the use of such
557 equipment; and (2) the Secretary of the State and The University of
558 Connecticut agree that such equipment is sufficient in quantity to
559 accommodate the total number of audits to be conducted. Nothing in
560 this section shall preclude any candidate or elector from seeking
561 additional remedies pursuant to chapter 149 as a result of any
562 information revealed by such process.

563 Sec. 12. (*Effective October 1, 2022*) The Secretary of the State shall
564 establish a pilot program for the conduct of risk-limiting audits at
565 municipal elections in 2023. The Secretary shall randomly select three
566 municipalities for participation in such pilot program, in accordance
567 with the following: (1) One municipality with a population of less than
568 twenty thousand; (2) one municipality with a population of twenty
569 thousand or greater, but less than ninety thousand; and (3) one

570 municipality with a population of ninety thousand or greater. For the
571 purposes of this section, "population" means the estimated number of
572 people according to the most recent version of the State Register and
573 Manual prepared pursuant to section 3-90 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2024</i>	New section
Sec. 2	<i>January 1, 2024</i>	9-320f
Sec. 3	<i>January 1, 2024</i>	New section
Sec. 4	<i>January 1, 2024</i>	9-323
Sec. 5	<i>January 1, 2024</i>	9-324
Sec. 6	<i>January 1, 2024</i>	9-328
Sec. 7	<i>January 1, 2024</i>	9-329a(a)
Sec. 8	<i>January 1, 2024</i>	9-3(b)
Sec. 9	<i>January 1, 2024</i>	9-229(b)(3)
Sec. 10	<i>January 1, 2024</i>	9-229b(a)
Sec. 11	<i>January 1, 2024</i>	9-320g
Sec. 12	<i>October 1, 2022</i>	New section

Statement of Legislative Commissioners:

In Section 1, "or primary" was deleted throughout, "in accordance with" was changed to "as described in" in Subsec. (d), "subsection (g)" was changed to "subsection (f)" in Subsec. (h) and "prescribed" was changed to "described" in Subsec. (k) for accuracy.

GAE *Joint Favorable Subst.*