

## CHAPTER 1

**Section 1.** Section [STATUTE] is enacted to read:

### Definitions.

For purposes of this chapter, the following definitions apply:

- A) “Election” means an election that regularly recurs at fixed dates, the general election at which officers of the federal, state and county governments are elected, the general election held every four years to elect a governor for a full term, or a special election.
- B) “Political subdivision” means a political subdivision of the state that has the power to tax, including a county, a school district, or a municipality.

**Section 2.** Section [STATUTE] is enacted to read:

### Statutory Procedural Election Audits.

- A) The Secretary of State shall be authorized to audit election procedures of the elections held in the counties of this state. The audit shall not create excessive interference with the general duties and responsibilities of the Secretary of State, [insert entities or offices responsible for administering the election such as: local county registrar, election commission, election administrator, county clerk, city secretary, etc.].
- B) The Secretary of State shall audit the election procedures of each county and political subdivision in the state at least once over an eight-year period beginning [date following effective date of statute].
  - 1. Each county and political subdivision eligible to hold or administer an election must register with the Secretary of State.
  - 2. Each county and political subdivision must notify the Secretary of State of the elections to be held 90 days prior to the election date.
  - 3. The Secretary of State shall randomly select the counties and political subdivisions to be audited. The Secretary of State shall select a sufficient number of counties and political subdivisions to ensure all counties and political subdivisions of the state are audited at least once within the eight-year period. No audit shall occur until after the period to contest an election has expired, or if a runoff election occurs, the audit shall occur after the runoff election.
  - 4. A county or political subdivision randomly selected for audit may not be reselected for audit until all counties and political subdivisions have been audited within the eight-year period.
  - 5. No county or political subdivision shall be selected for audit based on race, population, geographical location, or voting trends.

- C) In conducting the procedural audit, the Secretary of State shall audit the following:
1. Accuracy of voter rolls and compliance with list maintenance requirements;
  2. Procedures for testing voting equipment before counting ballots, including but not limited to the ballots used for testing the equipment and the storage and maintenance of such equipment;
  3. Records of ballots distributed, ballots voted, poll book records, and ballots tabulated;
  4. Chain of custody and seal documentation;
  5. Absentee ballots, absentee ballot applications, absentee ballot envelopes, registrar records regarding absentee ballots, and records created and used by the ballot board, to ensure appropriate processing and counting of absentee ballots; and
  6. Provisional ballots, provisional ballot envelopes, and records regarding provisional ballots to ensure compliance with appropriate processing and counting of provisional ballots.
- D) The election official for the county or political subdivision that is audited under this section shall provide documents, records, or access to election equipment upon request by the Secretary of State.
- E) If the election official of the county or political subdivision willfully fails to comply with a request made under subdivision (D) of this section, the Secretary of State may:
1. Find that the county or political subdivision violated subdivision (D).
  2. After making a finding pursuant to (E)(1), the Secretary of State may also elect to withhold reimbursement of state funded election expenses to the county or political subdivision for a period of up to two (2) years.
  3. The Secretary of State shall provide notice, in writing, of a finding under (E)(1) or a finding and election to withhold reimbursement pursuant to (E)(1) and (E)(2) to the county or political subdivision within ten business days of the Secretary of State's determination pursuant to (E)(1) or (E)(1) and (E)(2).
  4. A county or political subdivision may appeal a finding and election to withhold reimbursement pursuant to (E)(1) and (E)(2) to a district court in the county where the state capitol is situated.
- F) If the Secretary of State finds any issues in the audit that could call into question the outcome of an election or cause voters to be disenfranchised, then the Secretary of State, in partnership with the local election officials, shall develop a plan to correct those issues, which shall include additional training and additional reporting to the Secretary of State.
1. In instances of key violations of state or federal law, the local election official charged with administering the election shall propose a solution to the identified issue, in writing, to the Secretary of State. The Secretary of State must notify the local election official in writing whether the proposed solution is accepted or rejected within 15 business days of receipt of the proposed solution. If the proposed solution is rejected, the Secretary of State must state the reasons for rejection of the proposal in its written notification and delineate the solution to the issue that the local election official must use. The Secretary of State is authorized to send staff to the county or political subdivision to observe, assist, and provide additional training to ensure the proposed solution is executed correctly and addresses the issue discovered during the audit.

2. This section does not abrogate or suspend the Secretary of State's duty to refer matters for investigation to law enforcement as otherwise required by the law.
  3. Nothing in this section is intended to supersede, override or replace any existing recount or contest procedures.
- G) The Secretary of State shall develop a post-election audit manual which shall detail the policies and procedures for conducting post-election audits. The post-election audit manual shall not be altered less than ninety (90) days before an election in which the post-election audit manual shall be utilized in conducting a post-election audit.
  - H) No later than one hundred twenty (120) days after an audit begins, unless a county or political subdivision is found to be in violation of subdivision (D), the Secretary of State shall compile a report of the procedural audit conducted and shall submit the report to the Governor, Lieutenant Governor, Speaker of the House of Representatives and Chairs of [relevant Senate and House Committees].
  - I) Prior to submitting the report, the Secretary of State shall allow the local election officials to review the report and provide comments that will be submitted along with the report. The report shall list any major finding which may affect the outcome of the election and whether any voters were disenfranchised, then list out a detailed report of any major or minor findings, along with recommended changes to both county or political subdivision and Secretary of State practices. The report must include information regarding any key violations and remedial efforts undertaken pursuant to (F)(1).
  - J) The Secretary of State shall publish the report of the post-election audit on the Secretary of State's website. Notwithstanding any other provision of law, the contents of the report and documents used to conduct the audit are deemed confidential until official publication of the report.