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SENATE JOINT RESOLUTION NO. 328
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on February 6, 2009)

(Patron Prior to Substitute—Senator Herring)

Directing the Joint Legislative Audit and Review Commission to study postelection audits of voting equipment. Report.

WHEREAS, Virginia has witnessed several close elections in recent years; and

WHEREAS, the majority of states conduct some form of postelection audit to confirm the integrity and accuracy of voting systems, and legislation proposing some form of postelection audit for the Commonwealth has come before the General Assembly each of the last three sessions; and

WHEREAS, the General Assembly added § 24.2-671.1 to the Code of Virginia in 2008 to authorize the State Board of Elections to provide for pilot programs for audits of optical scan tabulators in localities agreeing to participate; and

WHEREAS, there are multiple technical, financial, and legal issues concerning postelection audits that are difficult to address during a legislative session; and

WHEREAS, a careful analysis of postelection audit options will serve to ensure the integrity of elections, voter confidence, and the wise investment of public resources; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study postelection audits of voting equipment.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review alternative procedures and processes for postelection audits; (ii) examine the data, procedures, results, and conclusions of the pilot audit undertaken pursuant to § 24.2-671.1; (iii) estimate the time requirements and costs of postelection audits; (iv) review the experience of postelection audits in other states, (v) consider the statistical confidence of different audit strategies; and (vi) consider the changes that would be required in the Code and procedures for different audit strategies to be effective. In conducting its deliberations, the Joint Legislative Audit and Review Commission shall provide for participation by representatives of the state Democratic Party, the state Republican party, and the Virginia Electoral Board Association, as well as experts in statistical analysis and election audits.

Technical assistance shall be provided by the State Board of Elections and the Virginia Information Technologies Agency. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2009, and for the second year by November 30, 2010, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.