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SENATE BILL NO. 1254

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend and reenact § 24.2-671.1 of the Code of Virginia, relating to annual audit of ballot scanner machines.*

Patron—Obenshain

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-671.1 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-671.1. Audits of ballot scanner machines.**

A. The State Board ~~Department of Elections~~ shall be authorized to conduct a post-election audit annually of ~~one or more the~~ ballot scanner machines in one or more precincts in one or more localities with respect to an election in which the margin between the top two candidates for each office on the ballot exceeds 10 percent, with the consent of the electoral board of the locality, notwithstanding any other provision of law to the contrary in use in the Commonwealth. The localities selected for the audit shall be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The purposes of the audits shall be to study the accuracy of ballot scanner machines.

B. No audit conducted pursuant to this section shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount, unless such audit is being conducted as part of a voting system certification. An audit shall have no effect on the election results.

C. All audits conducted pursuant to this section shall be performed in accordance with the procedures prescribed by the State Board under the supervision and with the cooperation of the local electoral board and general registrar. The procedures established by the State Board shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.

D. At the conclusion of each audit, the local electoral board ~~Department~~ shall announce publicly submit report on the results of the audit of the machines in its jurisdiction to the State Board. The announcement report shall include a comparison of the audited election results and the initial tally for each machine audited, and an analysis of any detected discrepancies.

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