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SENATE BILL NO. 1254

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 10, 2017)

(Patron Prior to Substitute—Senator Obenshain)

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

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~~ coordinate a post-election risk-limiting audit annually of one or more 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~~ purpose 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 by the local electoral boards and general registrars in accordance with the procedures prescribed by the ~~State Board~~ Department under the supervision of the local electoral board. The procedures established by the State Board Department shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.

D. The local electoral boards shall report the results of the audit of the ballot scanner machines in their jurisdiction to the Department. At the conclusion of each audit, the local electoral board Department shall announce publicly the results of the audit of the machines in its jurisdiction submit a report 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.

HOUSE
SUBSTITUTE

SB1254H1