

1 Committee of Conference Report on SB 366-FN, requiring an audit of ballots cast in the 2022
2 primary and general election.

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4 Recommendation:

5 That the Senate recede from its position of nonconcurrency with the House amendment, and
6 concur with the House amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 House, and pass the bill as so amended:

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10 Amend the bill by replacing sections 3-5 with the following:

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12 3 Preliminary Audit; State Primary Election. The secretary of state shall conduct an audit of all
13 AccuVote devices used in at least 2 towns or city wards in the 2022 state primary election. The
14 devices need not be selected at random. The intent of this audit is to identify problems with process
15 to be used in the state general election audit. If the secretary of state is unable to resolve problems
16 detected during the audit of the primary election, he or she may elect to forego the general election
17 audit. If the secretary of state decides to forego the general election audit, he or she shall
18 communicate his or her decision to the senate president, the speaker of the house of representatives,
19 the chairperson of the senate election law and municipal affairs committee, and the chairperson of
20 the house election law committee within 10 days from the date of the primary election.

21 4 State General Election Audit; 2022.

22 I. The secretary of state shall randomly select not less than 4 towns or city wards that used
23 AccuVote devices at the 2022 state general election to be audited. The secretary of state may divide
24 towns or city wards into groups for the selection based on criteria such as the estimated number of
25 election day ballots to be processed. The selection of towns or city wards to be audited shall be non-
26 public and made at least 2 weeks prior to the general election, after the AccuVote memory cards
27 have been programmed.

28 II. The secretary of state shall not announce which towns or city wards have been selected to
29 be audited until at least 12:00 p.m. on election day.

30 III. The audit team shall consist of at least 2 individuals appointed by the secretary of state.
31 One such individual shall have been trained by the secretary of state in the audit process and the
32 use of audit equipment. The other individual, if not trained by the secretary of state in the audit
33 process and the use of audit equipment, shall be an elected election official. The audit team shall
34 scan all of the ballots which were cast and processed by the AccuVote machines in the selected towns

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35 or city wards. The secretary of state may enlist the support of the technical expert as an audit team
36 member to assist with the technology being used.

37 IV. The audit shall be open to the public but no one except audit team members shall be
38 allowed to touch any ballot or any of the audit equipment.

39 V. Results from the scanning of the ballots shall be announced by the audit team at the
40 conclusion of the town or city ward audit.

41 VI. A random sample of not less than 5 percent of the ballots scanned shall be selected and
42 the images of the ballots selected shall be compared with the voters' choices recorded for the ballot.
43 Any differences identified during the comparison shall be documented.

44 VII. The secretary of state shall make the results of the audits available prior to 12:00 p.m.
45 on the Friday after the election. The secretary shall also report the results to the ballot law
46 commission, and the chairs of the house of representatives and senate standing committees with
47 jurisdiction over election law.

48 5 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 366-FN, requiring an audit of
ballots cast in the 2022 primary and general election.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Gray, Dist. 6

Rep. B. Griffin, Hills. 6

Sen. Birdsell, Dist. 19

Rep. W. MacDonald, Rock. 5

Sen. Soucy, Dist. 18

Rep. Bergeron, Hills. 29

Rep. Qualey, Ches. 11