

## §726. Post-election audits

**1. Definition.** For purposes of this section, "eligible election" includes any contested election for state or federal office and any election on a statewide referendum question.

[PL 2021, c. 635, Pt. ZZ, §2 (NEW).]

**2. Authority.** Beginning January 1, 2025, the Secretary of State may conduct post-election audits of selected eligible elections pursuant to this section.

[PL 2021, c. 635, Pt. ZZ, §2 (NEW).]

**3. Post-election audit design.** Post-election audits must be conducted on the basis of statistical principles designed to limit the risk that certified election returns may produce an incorrect outcome. The risk limit must be established by the Secretary of State prior to each eligible election. Auditors shall visually examine each original, paper ballot selected for the audit and shall review the records documenting the chain of custody and secure storage of ballots as well as any additional documents identified by the Secretary of State by rule.

[PL 2021, c. 635, Pt. ZZ, §2 (NEW).]

**4. Selection of elections to be audited.** Eligible elections to be audited must be selected in accordance with criteria established by the Secretary of State by rule.

[PL 2021, c. 635, Pt. ZZ, §2 (NEW).]

**5. Public proceeding.** A post-election audit is a public proceeding as defined in Title 1, section 402, subsection 2. Notwithstanding Title 1, section 403, the Secretary of State may limit the number of members of the public and representatives of the media who may attend if there is insufficient space and the presence of additional individuals would interfere with the conduct of the post-election audit. The public notice required by Title 1, section 406 must be provided at least 24 hours prior to the commencement of the post-election audit.

[PL 2021, c. 635, Pt. ZZ, §2 (NEW).]

**6. Partisan political activities prohibited.** Staff in the Department of the Secretary of State who conduct a post-election audit pursuant to this section may not engage in partisan political activities that create an appearance of partiality with regard to an election administered by the department, including but not limited to making a contribution to a campaign, serving on a political action committee or campaign committee or soliciting votes in support of or in opposition to an issue or candidate appearing on a ballot.

[PL 2021, c. 635, Pt. ZZ, §2 (NEW).]

**7. Rulemaking.** The Secretary of State may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 635, Pt. ZZ, §2 (NEW).]

## SECTION HISTORY

PL 2021, c. 635, Pt. ZZ, §2 (NEW).

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