



# Senate

General Assembly

**File No. 564**

February Session, 2026

Substitute Senate Bill No. 394

*Senate, April 9, 2026*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE RISK-LIMITING AUDITS WORKING GROUP.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2027*) (a) Not earlier than the  
2 fifteenth day after any state election and not later than two business  
3 days before the canvass of votes by the Secretary of the State, Treasurer  
4 and Comptroller, commencing on a day designated by the Secretary, the  
5 registrars of voters shall conduct a risk-limiting audit of such election.  
6 Each such audit shall be noticed in advance and be open to public  
7 observation. Any election official who participates in the administration  
8 and conduct of an audit pursuant to this section shall be compensated  
9 by the municipality at the standard rate of pay established by such  
10 municipality for elections.

11 (b) (1) Except as provided in subdivision (2) of this subsection, the  
12 offices subject to a risk-limiting audit pursuant to this section shall be  
13 (A) the office of presidential elector, if applicable, (B) all applicable state

14 offices, as defined in section 9-372 of the general statutes, (C) at least one  
15 representative in Congress, selected in a random drawing by the  
16 Secretary of the State, (D) at least five per cent, in the aggregate, of the  
17 offices of state senator and state representative, selected in a random  
18 drawing by the Secretary, and (E) any other office required to be audited  
19 by federal law. Whenever an office is randomly selected by the Secretary  
20 under this subsection, the selection process shall be open to the public.

21 (2) (A) If an office of representative in Congress is subject to  
22 recanvass, other than under section 9-311a or 9-311b of the general  
23 statutes, or to an election contest pursuant to any provision of the  
24 general statutes, the Secretary of the State shall ensure such office is  
25 included in the office or offices selected under subparagraph (C) of  
26 subdivision (1) of this subsection.

27 (B) If an office of state senator or state representative is subject to  
28 recanvass, other than under section 9-311a or 9-311b of the general  
29 statutes, or to an election contest pursuant to any provision of the  
30 general statutes, the Secretary of the State shall ensure such office is  
31 included in the offices selected under subparagraph (D) of subdivision  
32 (1) of this subsection.

33 (C) If any office is subject to recanvass under section 9-311a or 9-311b  
34 of the general statutes, or if a candidate was elected to an office without  
35 opposition by another candidate for such office, the Secretary of the  
36 State shall ensure such office is excluded from the offices selected under  
37 subdivision (1) of this subsection.

38 (c) Prior to the day designated by the Secretary of the State for the  
39 commencement of the risk-limiting audit described in subsection (a) of  
40 this section, the registrars of voters shall submit to the Secretary the  
41 ballot manifests created under section 4 of this act.

42 (d) The risk-limiting audit described in subsection (a) of this section  
43 shall be conducted in accordance with instructions and procedures  
44 prescribed by the Secretary of the State not later than January 1, 2027,  
45 which instructions and procedures shall be consistent across all offices

46 subject to such audit. The risk limit for each such audit shall be not more  
47 than five per cent. The results of each audit conducted pursuant to this  
48 section, including any such audit that produces an outcome of  
49 "INCONCLUSIVE" as described in subsection (e) of this section, shall be  
50 reported on a form and in a manner prescribed by the Secretary. Such  
51 reported results shall be filed with the Secretary, who shall immediately  
52 forward such reported results to The University of Connecticut for  
53 analysis. The University of Connecticut shall submit to the Secretary a  
54 written report regarding such analysis that describes any concerns  
55 identified. After receipt of such written report, the Secretary shall  
56 transmit a copy of such written report to the State Elections Enforcement  
57 Commission.

58 (e) In the event a risk-limiting audit conducted pursuant to this  
59 section for a particular office produces an outcome of  
60 "INCONCLUSIVE", the Secretary of the State shall order a manual  
61 recount of all ballots cast for such office.

62 (f) If the written report submitted by The University of Connecticut  
63 under subsection (d) of this section indicates that a voting tabulator  
64 failed to record votes accurately and in the manner provided by title 9  
65 of the general statutes, the Secretary of the State shall require that the  
66 voting tabulator be examined and recertified by the Secretary or the  
67 Secretary's designee. Nothing in this subsection shall be construed to  
68 prohibit the Secretary from requiring that a voting tabulator be  
69 examined and recertified.

70 (g) The audit results reported to the Secretary of the State pursuant to  
71 subsection (d) of this section shall be open to public inspection and may  
72 be used as prima facie evidence of an irregularity in any contest arising  
73 pursuant to chapter 149 of the general statutes or for any other cause of  
74 action arising from such election.

75 (h) If the audit officials are unable to reconcile the results from an  
76 audit described in subsection (a) of this section with the outcome of the  
77 person declared elected by virtue of having received the greatest  
78 number of votes, as determined by the paper ballots, the Secretary of the

79 State shall conduct such further investigation of the voting tabulator as  
80 may be necessary for the purpose of reviewing whether or not to  
81 decertify the voting tabulator or tabulators in question or to order the  
82 voting tabulator to be examined and recertified in accordance with  
83 subsection (f) of this section. Any report produced by the Secretary as a  
84 result of such investigation shall be filed with the State Elections  
85 Enforcement Commission, and the commission may initiate such  
86 further investigation in accordance with subdivision (1) of subsection  
87 (a) of section 9-7b of the general statutes, as may be required to  
88 determine if any violations of the general statutes concerning election  
89 law have been committed.

90 (i) The individual paper ballots used at an election shall be carefully  
91 preserved and returned in their designated receptacle in accordance  
92 with the requirements of section 9-266 or 9-310 of the general statutes,  
93 as applicable.

94 (j) Nothing in this section shall be construed to preclude any  
95 candidate or elector from seeking additional remedies pursuant to  
96 chapter 149 of the general statutes.

97 (k) After a state election, any voting tabulator may be kept locked for  
98 a period longer than that prescribed by sections 9-266, 9-310 and 9-447  
99 of the general statutes, if such an extended period is ordered by a court  
100 of competent jurisdiction, the Secretary of the State or the State Elections  
101 Enforcement Commission. Such court or the Secretary of the State may  
102 order an audit of such voting tabulator to be conducted by such persons  
103 as the court or the Secretary may designate, provided the State Elections  
104 Enforcement Commission may order such an audit where the particular  
105 office in question is that of the Secretary of the State. If the machine  
106 utilized in such election is an optical scan voting system, such order to  
107 lock such machine shall include the tabulator, memory card and all  
108 other components and processes utilized in the programming of such  
109 machine.

110 (l) The Secretary of the State may adopt regulations, in accordance  
111 with the provisions of chapter 54 of the general statutes, for the conduct

112 of risk-limiting audits described in subsection (a) of this section and to  
113 establish guidelines for expanded audits when the results from such a  
114 risk-limiting audit cannot be reconciled with the outcome of the person  
115 declared elected by virtue of having received the greatest number of  
116 votes, as determined by the paper ballots.

117 (m) Notwithstanding any provision of the general statutes, the  
118 Secretary of the State shall have access to the code in any voting machine  
119 whenever any problem is discovered as a result of an audit described in  
120 subsection (a) of this section.

121 (n) As used in this section:

122 (1) "Risk-limiting audit" means a publicly verifiable auditing  
123 procedure that (A) manually examines a statistical sample of paper  
124 ballots that reflect the intents of the voters having cast such ballots, (B)  
125 produces an outcome of either "ACCEPTABLE" or "INCONCLUSIVE",  
126 and (C) guarantees a specified risk limit;

127 (2) "Risk limit" means the maximum probability that an audit would  
128 produce an outcome of "ACCEPTABLE" when there is a disagreement  
129 between the person declared elected and the person who received the  
130 greatest number of votes as determined by the paper ballots; and

131 (3) "State election" has the same meaning as provided in section 9-1  
132 of the general statutes.

133 Sec. 2. Subsection (a) of section 9-320 of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective January*  
135 *1, 2027*):

136 (a) The clerk of each municipality shall, [within ten days after the  
137 municipal election] not later than the last day of the month in which the  
138 municipal election was held, return to the Secretary of the State a  
139 statement of the name, post-office address and term of each person  
140 elected to office in such election. If an elected [town] municipal clerk is  
141 registrar of vital statistics, ex officio, such return shall so indicate. Each  
142 municipal clerk neglecting to make such return shall be fined not more

143 than twenty-five dollars.

144 Sec. 3. Section 9-320f of the general statutes is repealed and the  
145 following is substituted in lieu thereof (*Effective January 1, 2027*):

146 (a) [(1)] Not earlier than the fifteenth day after any federal or state  
147 [election or] primary or any municipal election or primary and not later  
148 than two business days before the canvass of votes by the Secretary of  
149 the State, Treasurer and Comptroller, [and (2) not earlier than the fifth  
150 day after any municipal election or primary and not later than two  
151 business days before the canvass of votes] or by the town clerk, as  
152 applicable, the registrars of voters shall conduct a manual audit, or an  
153 electronic audit authorized under section 9-320g, as amended by this  
154 act, of the votes recorded in not less than five per cent of the voting  
155 districts in the state, district or municipality, whichever is applicable.  
156 For the purposes of this section, any central location used in a  
157 municipality for the counting of absentee ballots, early voting ballots or  
158 same-day election registration ballots shall be deemed a voting district.  
159 Such manual or electronic audit shall be noticed in advance and be open  
160 to public observation. Any election official who participates in the  
161 administration and conduct of an audit pursuant to this section shall be  
162 compensated by the municipality at the standard rate of pay established  
163 by such municipality for elections or primaries, as the case may be.

164 (b) The voting districts subject to an audit described in subsection (a)  
165 of this section shall be selected in a random drawing by the Secretary of  
166 the State and such selection process shall be open to the public. The  
167 offices subject to an audit pursuant to this section shall be, (1) [in the  
168 case of an election where the office of presidential elector is on the ballot,  
169 all offices required to be audited by federal law, plus one additional  
170 office selected in a random drawing by the Secretary of the State, but in  
171 no case less than three offices, (2) in the case of an election where the  
172 office of Governor is on the ballot, all offices required to be audited by  
173 federal law, plus one additional office selected in a random drawing by  
174 the Secretary of the State, but in no case less than three offices, (3)] in the  
175 case of a municipal election, three offices or twenty per cent of the

176 number of offices on the ballot, whichever is greater, selected at random  
177 by the municipal clerk, and [(4)] (2) in the case of a primary, [election,]  
178 all offices required to be audited by federal law, plus one additional  
179 office, if any, but in no event less than twenty per cent of the offices on  
180 the ballot, selected in a random drawing by the municipal clerk.

181 (c) If a selected voting district has an office that is subject to recanvass  
182 or an election or primary contest pursuant to any provision of the  
183 general statutes, the Secretary of the State shall select an alternative  
184 district, pursuant to the process described in subsection (b) of this  
185 section.

186 (d) The manual or electronic audit described in subsection (a) of this  
187 section shall consist of the manual or electronic tabulation of the paper  
188 ballots cast and counted by each voting tabulator subject to such audit.  
189 Once complete, the vote totals established pursuant to such manual or  
190 electronic tabulation shall be compared to the results reported by the  
191 voting tabulator on the day of the election or primary. The results of  
192 such manual or electronic tabulation shall be reported on a form  
193 prescribed by the Secretary of the State which shall include the total  
194 number of ballots counted, the total votes received by each candidate in  
195 question, the total votes received by each candidate in question on  
196 ballots that were properly completed by each voter and the total votes  
197 received by each candidate in question on ballots that were not properly  
198 completed by each voter. Such [report] reported results shall be filed  
199 with the Secretary, [of the State] who shall immediately forward such  
200 [report] reported results to The University of Connecticut for analysis.  
201 The University of Connecticut shall [file] submit to the Secretary a  
202 written report [with the Secretary of the State] regarding such analysis  
203 that describes any discrepancies identified. After receipt of such written  
204 report, the Secretary [of the State shall file such report with] shall  
205 transmit a copy of such written report to the State Elections Enforcement  
206 Commission.

207 (e) For the purposes of this section, a ballot that has not been properly  
208 completed will be deemed to be a ballot on which (1) votes have been

209 marked by the voter outside the vote targets, (2) votes have been marked  
210 by the voter using a manual marking device that cannot be read by the  
211 voting tabulator, or (3) in the judgment of the registrars of voters, the  
212 voter marked the ballot in such a manner that the voting tabulator may  
213 not have read the marks as votes cast.

214 (f) Notwithstanding the provisions of section 9-311, the Secretary of  
215 the State shall order a discrepancy recanvass of the returns of an election  
216 or primary for any office if a discrepancy, as defined in subsection (o) of  
217 this section, exists where the margin of victory in the race for such office  
218 is less than the amount of the discrepancy multiplied by the total  
219 number of voting districts where such race appeared on the ballot,  
220 provided in a year in which the Secretary of the State is a candidate for  
221 an office on the ballot and that office is subject to an audit as provided  
222 by this section, the State Elections Enforcement Commission shall order  
223 a discrepancy recanvass if a discrepancy, as defined by subsection (o) of  
224 this section, has occurred that could affect the outcome of the election or  
225 primary for such office.

226 (g) If the written report submitted by The University of Connecticut  
227 [report described in] under subsection (d) of this section indicates that a  
228 voting tabulator failed to record votes accurately and in the manner  
229 provided by [the general statutes] this title, the Secretary of the State  
230 shall require that the voting tabulator be examined and recertified by  
231 the Secretary, [of the State,] or the Secretary's designee. Nothing in this  
232 subsection shall be construed to prohibit the Secretary [of the State] from  
233 requiring that a voting tabulator be examined and recertified.

234 (h) The audit [report filed] results reported to the Secretary of the  
235 State pursuant to subsection (d) of this section shall be open to public  
236 inspection and may be used as prima facie evidence of a discrepancy in  
237 any contest arising pursuant to chapter 149 or for any other cause of  
238 action arising from such election or primary.

239 (i) If the audit officials are unable to reconcile the manual or electronic  
240 count from an audit described in subsection (a) of this section with the  
241 electronic vote tabulation and discrepancies from the election or

242 primary, the Secretary of the State shall conduct such further  
243 investigation of the voting tabulator malfunction as may be necessary  
244 for the purpose of reviewing whether or not to decertify the voting  
245 tabulator or tabulators in question or to order the voting tabulator to be  
246 examined and recertified [pursuant to] in accordance with subsection  
247 (g) of this section. Any report produced by the Secretary [of the State] as  
248 a result of such investigation shall be filed with the State Elections  
249 Enforcement Commission and the commission may initiate such further  
250 investigation in accordance with subdivision (1) of subsection (a) of  
251 section 9-7b<sub>2</sub> as may be required to determine if any violations of the  
252 general statutes concerning election law have been committed.

253 (j) The individual paper ballots used at an election or primary shall  
254 be carefully preserved and returned in their designated receptacle in  
255 accordance with the requirements of section 9-266 or 9-310, [whichever  
256 is] as applicable.

257 (k) Nothing in this section shall be construed to preclude any  
258 candidate or elector from seeking additional remedies pursuant to  
259 chapter 149.

260 (l) After an election or primary, any voting tabulator may be kept  
261 locked for a period longer than that prescribed by sections 9-266, 9-310  
262 and 9-447, if such an extended period is ordered by [either] a court of  
263 competent jurisdiction, the Secretary of the State or the State Elections  
264 Enforcement Commission. [Either the] Such court or the Secretary of the  
265 State may order an audit of such voting tabulator to be conducted by  
266 such persons as the court or the Secretary [of the State] may designate,  
267 provided the State Elections Enforcement Commission may order such  
268 an audit under the circumstances prescribed in subsection (f) of this  
269 section. If the machine utilized in such election or primary is an optical  
270 scan voting system, such order to lock such machine shall include the  
271 tabulator, memory card and all other components and processes utilized  
272 in the programming of such machine.

273 (m) The Secretary of the State may adopt regulations, in accordance  
274 with the provisions of chapter 54, [as may be necessary] for the conduct

275 of the manual or electronic tabulation of the paper ballots described in  
276 subsection (a) of this section and to establish guidelines for expanded  
277 audits when there are differences between the manual or electronic  
278 counts from the audit described in subsection (a) of this section and  
279 tabulator counts from the election or primary.

280 (n) Notwithstanding any provision of the general statutes, the  
281 Secretary of the State shall have access to the code in any voting machine  
282 whenever any problem is discovered as a result of an audit described in  
283 subsection (a) of this section.

284 (o) As used in this section: [ "discrepancy"]

285 (1) "Discrepancy" means any difference in vote totals between  
286 tabulator counts from an election or primary and manual or electronic  
287 counts from an audit described in subsection (a) of this section in a  
288 voting district that exceeds one-half of one per cent of the lesser amount  
289 of the vote totals between such tabulator counts and such manual or  
290 electronic counts where such differences cannot be resolved through an  
291 accounting of ballots that were not marked properly in accordance with  
292 subsection (e) of this section; [ "state election" means "state election", as  
293 defined in section 9-1, "municipal election"]

294 (2) "Municipal election" means a municipal election held pursuant to  
295 section 9-164; [ "manual"]

296 (3) "Manual" means by hand and without the assistance of electronic  
297 equipment; and ["electronic"]

298 (4) "Electronic" means through the use of equipment described in  
299 section 9-320g, as amended by this act.

300 Sec. 4. (NEW) (*Effective January 1, 2027*) (a) Except in the case of a  
301 recanvass subject to the provisions of subsection (b) of this section, not  
302 later than seventy-two hours after the close of the polls at each state  
303 election, as defined in section 9-1 of the general statutes:

304 (1) The election officials in each polling place shall create a ballot

305 manifest for such polling place in accordance with procedures  
306 prescribed by the Secretary of the State; and

307 (2) The absentee ballot counters in each central counting location shall  
308 create a ballot manifest for such central counting location in accordance  
309 with procedures prescribed by the Secretary of the State.

310 (b) Not later than twenty-four hours after the completion of any  
311 recanvass conducted at a state election in a voting district, the recanvass  
312 officials shall create a ballot manifest for such district in accordance with  
313 procedures prescribed by the Secretary of the State.

314 (c) All ballot manifest creation procedures shall be open to public  
315 observation.

316 (d) Immediately after a ballot manifest has been created pursuant to  
317 this section, the moderator shall submit such ballot manifest to the  
318 registrars of voters.

319 Sec. 5. Section 9-323 of the general statutes is repealed and the  
320 following is substituted in lieu thereof (*Effective January 1, 2027*):

321 Any elector or candidate who claims that he or she is aggrieved by  
322 any ruling of any election official in connection with any election for  
323 presidential electors and for a senator in Congress and for  
324 representative in Congress or any of them, held in his or her town, or  
325 that there was a mistake in the count of the votes cast at such election  
326 for candidates for such electors, senator in Congress and representative  
327 in Congress, or any of them, at any voting district in his or her town, or  
328 any candidate for such an office who claims that he or she is aggrieved  
329 by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive,  
330 9-364, 9-364a<sub>2</sub>, or 9-365 in the casting of absentee ballots at such election,  
331 may bring his or her complaint to any judge of the Supreme Court, in  
332 which he or she shall set out the claimed errors of such election official,  
333 the claimed errors in the count or the claimed violations of said sections.  
334 In any action brought pursuant to the provisions of this section, the  
335 complainant shall file a certification attached to the complaint indicating

336 that a copy of the complaint has been sent by first-class mail or delivered  
337 to the State Elections Enforcement Commission. If such complaint is  
338 made prior to such election, such judge shall proceed expeditiously to  
339 render judgment on the complaint and shall cause notice of the hearing  
340 to be given to the Secretary of the State and the State Elections  
341 Enforcement Commission. If such complaint is made subsequent to the  
342 election, it shall be brought not later than fourteen days after the election  
343 or, if such complaint is brought in response to [the manual tabulation of  
344 paper ballots authorized] an audit conducted pursuant to section 9-320f,  
345 as amended by this act, or section 1 of this act, such complaint shall be  
346 brought not later than seven days after the close of any such [manual  
347 tabulation] audit, and in either such circumstance, the judge shall  
348 forthwith order a hearing to be had upon such complaint, upon a day  
349 not more than five or less than three days from the making of such order,  
350 and shall cause notice of not less than three or more than five days to be  
351 given to any candidate or candidates whose election may be affected by  
352 the decision upon such hearing, to such election official, to the Secretary  
353 of the State, to the State Elections Enforcement Commission and to any  
354 other party or parties whom such judge deems proper parties thereto,  
355 of the time and place for the hearing upon such complaint. Such judge,  
356 with two other judges of the Supreme Court to be designated by the  
357 Chief Court Administrator, shall, on the day fixed for such hearing and  
358 without unnecessary delay, proceed to hear the parties. If sufficient  
359 reason is shown, such judges may order any voting tabulators to be  
360 unlocked or any ballot boxes to be opened and a recount of the votes  
361 cast, including absentee ballots, to be made. Such judges shall  
362 thereupon, in the case they, or any two of them, find any error in the  
363 rulings of the election official, any mistake in the count of such votes or  
364 any violation of said sections, certify the result of their finding or  
365 decision, or the finding or decision of a majority of them, to the Secretary  
366 of the State before the first Tuesday after the second Wednesday in  
367 December. Such judges may order a new election or a change in the  
368 existing election schedule, provided such order complies with Section  
369 302 of the Help America Vote Act, P.L. 107-252, as amended from time  
370 to time. Such certificate of such judges, or a majority of them, shall be

371 final upon all questions relating to the rulings of such election officials,  
372 to the correctness of such count and, for the purposes of this section  
373 only, such claimed violations, and shall operate to correct the returns of  
374 the moderators or presiding officers so as to conform to such finding or  
375 decision.

376 Sec. 6. Section 9-324 of the general statutes is repealed and the  
377 following is substituted in lieu thereof (*Effective January 1, 2027*):

378 Any elector or candidate who claims that such elector or candidate is  
379 aggrieved by any ruling of any election official in connection with any  
380 election for Governor, Lieutenant Governor, Secretary of the State, State  
381 Treasurer, Attorney General, State Comptroller or judge of probate, held  
382 in such elector's or candidate's town, or that there has been a mistake in  
383 the count of the votes cast at such election for candidates for said offices  
384 or any of them, at any voting district in such elector's or candidate's  
385 town, or any candidate for such an office who claims that such candidate  
386 is aggrieved by a violation of any provision of section 9-355, 9-357 to 9-  
387 361, inclusive, 9-364, 9-364a, or 9-365 in the casting of absentee ballots at  
388 such election or any candidate for the office of Governor, Lieutenant  
389 Governor, Secretary of the State, State Treasurer, Attorney General or  
390 State Comptroller, who claims that such candidate is aggrieved by a  
391 violation of any provision of sections 9-700 to 9-716, inclusive, may bring  
392 such elector's or candidate's complaint to any judge of the Superior  
393 Court, in which such elector or candidate shall set out the claimed errors  
394 of such election official, the claimed errors in the count or the claimed  
395 violations of said sections. In any action brought pursuant to the  
396 provisions of this section, the complainant shall send a copy of the  
397 complaint by first-class mail, or deliver a copy of the complaint by hand,  
398 to the State Elections Enforcement Commission. If such complaint is  
399 made prior to such election, such judge shall proceed expeditiously to  
400 render judgment on the complaint and shall cause notice of the hearing  
401 to be given to the Secretary of the State and the State Elections  
402 Enforcement Commission. If such complaint is made subsequent to the  
403 election, it shall be brought not later than fourteen days after the election  
404 or, if such complaint is brought in response to [the manual tabulation of

405 paper ballots authorized] an audit conducted pursuant to section 9-320f,  
406 as amended by this act, or section 1 of this act, such complaint shall be  
407 brought not later than seven days after the close of any such [manual  
408 tabulation] audit and, in either such circumstance, such judge shall  
409 forthwith order a hearing to be had upon such complaint, upon a day  
410 not more than five nor less than three days from the making of such  
411 order, and shall cause notice of not less than three nor more than five  
412 days to be given to any candidate or candidates whose election may be  
413 affected by the decision upon such hearing, to such election official, the  
414 Secretary of the State, the State Elections Enforcement Commission and  
415 to any other party or parties whom such judge deems proper parties  
416 thereto, of the time and place for the hearing upon such complaint. Such  
417 judge shall, on the day fixed for such hearing and without unnecessary  
418 delay, proceed to hear the parties. If sufficient reason is shown, such  
419 judge may order any voting tabulators to be unlocked or any ballot  
420 boxes to be opened and a recount of the votes cast, including absentee  
421 ballots, to be made. Such judge shall thereupon, in case such judge finds  
422 any error in the rulings of the election official, any mistake in the count  
423 of the votes or any violation of said sections, certify the result of such  
424 judge's finding or decision to the Secretary of the State before the  
425 fifteenth day of the next succeeding December. Such judge may order a  
426 new election or a change in the existing election schedule. Such  
427 certificate of such judge of such judge's finding or decision shall be final  
428 and conclusive upon all questions relating to errors in the rulings of  
429 such election officials, to the correctness of such count, and, for the  
430 purposes of this section only, such claimed violations, and shall operate  
431 to correct the returns of the moderators or presiding officers, so as to  
432 conform to such finding or decision, unless the same is appealed from  
433 as provided in section 9-325.

434 Sec. 7. Section 9-328 of the general statutes is repealed and the  
435 following is substituted in lieu thereof (*Effective January 1, 2027*):

436 Any elector or candidate claiming to have been aggrieved by any  
437 ruling of any election official in connection with an election for any  
438 municipal office or a primary for justice of the peace, or any elector or

439 candidate claiming that there has been a mistake in the count of votes  
440 cast for any such office at such election or primary, or any candidate in  
441 such an election or primary claiming that he is aggrieved by a violation  
442 of any provision of sections 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a,  
443 or 9-365 in the casting of absentee ballots at such election or primary,  
444 may bring a complaint to any judge of the Superior Court for relief  
445 therefrom. In any action brought pursuant to the provisions of this  
446 section, the complainant shall send a copy of the complaint by first-class  
447 mail, or deliver a copy of the complaint by hand, to the State Elections  
448 Enforcement Commission. If such complaint is made prior to such  
449 election or primary, such judge shall proceed expeditiously to render  
450 judgment on the complaint and shall cause notice of the hearing to be  
451 given to the Secretary of the State and the State Elections Enforcement  
452 Commission. If such complaint is made subsequent to such election or  
453 primary, it shall be brought not later than fourteen days after such  
454 election or primary, except that if such complaint is brought in response  
455 to [the manual tabulation of paper ballots, authorized] an audit  
456 conducted pursuant to section 9-320f, as amended by this act, or section  
457 1 of this act, such complaint shall be brought not later than seven days  
458 after the close of any such [manual tabulation] audit, to any judge of the  
459 Superior Court, in which he shall set out the claimed errors of the  
460 election official, the claimed errors in the count or the claimed violations  
461 of said sections. Such judge shall forthwith order a hearing to be had  
462 upon such complaint, upon a day not more than five nor less than three  
463 days from the making of such order, and shall cause notice of not less  
464 than three nor more than five days to be given to any candidate or  
465 candidates whose election or nomination may be affected by the  
466 decision upon such hearing, to such election official, the Secretary of the  
467 State, the State Elections Enforcement Commission and to any other  
468 party or parties whom such judge deems proper parties thereto, of the  
469 time and place for the hearing upon such complaint. Such judge shall,  
470 on the day fixed for such hearing and without unnecessary delay,  
471 proceed to hear the parties. If sufficient reason is shown, he may order  
472 any voting tabulators to be unlocked or any ballot boxes to be opened  
473 and a recount of the votes cast, including absentee ballots, to be made.

474 Such judge shall thereupon, if he finds any error in the rulings of the  
475 election official or any mistake in the count of the votes, certify the result  
476 of his finding or decision to the Secretary of the State before the tenth  
477 day succeeding the conclusion of the hearing. Such judge may order a  
478 new election or primary or a change in the existing election schedule.  
479 Such certificate of such judge of his finding or decision shall be final and  
480 conclusive upon all questions relating to errors in the ruling of such  
481 election officials, to the correctness of such count, and, for the purposes  
482 of this section only, such claimed violations, and shall operate to correct  
483 the returns of the moderators or presiding officers, so as to conform to  
484 such finding or decision, except that this section shall not affect the right  
485 of appeal to the Supreme Court and it shall not prevent such judge from  
486 reserving such questions of law for the advice of the Supreme Court as  
487 provided in section 9-325. Such judge may, if necessary, issue his writ of  
488 mandamus, requiring the adverse party and those under him to deliver  
489 to the complainant the appurtenances of such office, and shall cause his  
490 finding and decree to be entered on the records of the Superior Court in  
491 the proper judicial district.

492 Sec. 8. Subsection (a) of section 9-329a of the general statutes is  
493 repealed and the following is substituted in lieu thereof (*Effective January*  
494 *1, 2027*):

495 (a) Any (1) elector or candidate aggrieved by a ruling of an election  
496 official in connection with any primary held pursuant to (A) section 9-  
497 423, 9-425 or 9-464, or (B) a special act, (2) elector or candidate who  
498 alleges that there has been a mistake in the count of the votes cast at such  
499 primary, or (3) candidate in such a primary who alleges that he is  
500 aggrieved by a violation of any provision of sections 9-355, 9-357 to 9-  
501 361, inclusive, 9-364, 9-364a, or 9-365 in the casting of absentee ballots at  
502 such primary, may bring his complaint to any judge of the Superior  
503 Court for appropriate action. In any action brought pursuant to the  
504 provisions of this section, the complainant shall file a certification  
505 attached to the complaint indicating that a copy of the complaint has  
506 been sent by first-class mail or delivered to the State Elections  
507 Enforcement Commission. If such complaint is made prior to such

508 primary such judge shall proceed expeditiously to render judgment on  
509 the complaint and shall cause notice of the hearing to be given to the  
510 Secretary of the State and the State Elections Enforcement Commission.  
511 If such complaint is made subsequent to such primary it shall be  
512 brought, not later than fourteen days after such primary, or if such  
513 complaint is brought in response to [the manual tabulation of paper  
514 ballots, described in] an audit conducted pursuant to section 9-320f, as  
515 amended by this act, or section 1 of this act, such complaint shall be  
516 brought, not later than seven days after the close of any such [manual  
517 tabulation] audit, to any judge of the Superior Court.

518 Sec. 9. Subsection (b) of section 9-3 of the general statutes, as amended  
519 by section 89 of public act 26-1, is repealed and the following is  
520 substituted in lieu thereof (*Effective January 1, 2027*):

521 (b) During any municipal, state or federal election, primary or  
522 recanvass, or any audit conducted pursuant to section 9-320f, as  
523 amended by this act, or section 1 of this act, the Secretary of the State  
524 may issue an order, whether orally or in writing, to any registrar of  
525 voters or moderator to correct any irregularity or impropriety in the  
526 conduct of such election, primary or recanvass or audit. Any such order  
527 shall be effective upon issuance. As soon as practicable after issuance of  
528 an oral order pursuant to this subsection, the Secretary shall reduce such  
529 order to writing, cite within such order any applicable provision of law  
530 authorizing such order and cause a copy of such written order to be  
531 delivered to the individual who is the subject of such order or, in the  
532 case that such order was originally issued in writing, issue a subsequent  
533 written order that conforms to such requirements. The Superior Court,  
534 on application of the Secretary or the Attorney General, may enforce by  
535 appropriate decree or process any such order issued pursuant to this  
536 subsection.

537 Sec. 10. Subdivision (3) of subsection (b) of section 9-229 of the general  
538 statutes is repealed and the following is substituted in lieu thereof  
539 (*Effective January 1, 2027*):

540 (3) The duties of each regional election advisor shall include, but not

541 be limited to: (A) Holding the instructional sessions described in  
542 subdivision (2) of this subsection; (B) communicating with registrars of  
543 voters to assist, to the extent permitted under law, in preparations for  
544 and operations of any election, primary or recanvass, or any audit  
545 conducted pursuant to section 9-320f, as amended by this act, or section  
546 1 of this act; and (C) transmitting any order issued by the Secretary of  
547 the State, pursuant to subsection (b) of section 9-3, as amended by this  
548 act.

549 Sec. 11. Subsection (a) of section 9-229b of the general statutes is  
550 repealed and the following is substituted in lieu thereof (*Effective January*  
551 *1, 2027*):

552 (a) Any regional council of governments organized under the  
553 provisions of sections 4-124i to 4-124p, inclusive, may appoint a regional  
554 election advisor, who shall represent, consult with and act on behalf of  
555 such regional council of governments and any combination of regional  
556 councils of governments or member towns of regional councils of  
557 governments that may seek the assistance of such regional election  
558 advisor. A regional election advisor shall consult and coordinate with  
559 the Secretary of the State to provide such assistance in preparations for  
560 and operations of any election, primary or recanvass, or any audit  
561 conducted pursuant to section 9-320f, as amended by this act, or section  
562 1 of this act.

563 Sec. 12. Section 9-320g of the general statutes is repealed and the  
564 following is substituted in lieu thereof (*Effective January 1, 2027*):

565 Notwithstanding any provision of this title, the Secretary of the State,  
566 in consultation and coordination with The University of Connecticut,  
567 may authorize the use of electronic equipment for the purpose of  
568 conducting any audit required pursuant to section 9-320f, as amended  
569 by this act, [for any primary or general election held on or after January  
570 1, 2016] or section 1 of this act, provided (1) the Secretary of the State  
571 prescribes specifications for (A) the testing, set-up and operation of such  
572 equipment, and (B) the training of election officials in the use of such  
573 equipment; and (2) the Secretary of the State and The University of

574 Connecticut agree that such equipment is sufficient in quantity to  
 575 accommodate the total number of audits to be conducted. Nothing in  
 576 this section shall preclude any candidate or elector from seeking  
 577 additional remedies pursuant to chapter 149 as a result of any  
 578 information revealed by such process.

579 Sec. 13. (*Effective from passage*) The Secretary of the State shall establish  
 580 a pilot program for the conduct of risk-limiting audits at state elections  
 581 in 2026. The Secretary shall randomly select three municipalities for  
 582 participation in such pilot program, provided the Secretary shall select:  
 583 (1) One municipality with a population of less than twenty thousand;  
 584 (2) one municipality with a population of twenty thousand or greater,  
 585 but less than ninety thousand; and (3) one municipality with a  
 586 population of ninety thousand or greater. For the purposes of this  
 587 section, "risk-limiting audit" has the same meaning as provided in  
 588 section 1 of this act and "population" means the estimated number of  
 589 people according to the most recent version of the State Register and  
 590 Manual prepared pursuant to section 3-90 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2027</i>	New section
Sec. 2	<i>January 1, 2027</i>	9-320(a)
Sec. 3	<i>January 1, 2027</i>	9-320f
Sec. 4	<i>January 1, 2027</i>	New section
Sec. 5	<i>January 1, 2027</i>	9-323
Sec. 6	<i>January 1, 2027</i>	9-324
Sec. 7	<i>January 1, 2027</i>	9-328
Sec. 8	<i>January 1, 2027</i>	9-329a(a)
Sec. 9	<i>January 1, 2027</i>	9-3(b)
Sec. 10	<i>January 1, 2027</i>	9-229(b)(3)
Sec. 11	<i>January 1, 2027</i>	9-229b(a)
Sec. 12	<i>January 1, 2027</i>	9-320g
Sec. 13	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In Section 3(a), "or municipal election and" was changed to "or any municipal election or primary and" for accuracy; and in Section 3(l),

"Such court or the Secretary [of the State]" was changed to "Such court or the Secretary of the State", and "as the court or the Secretary of the State may designate" was changed to "as the court or the Secretary [of the State] may designate", for consistency.

**GAE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$	FY 29 \$
Secretary of the State	GF - Cost	340,000	205,000	360,000

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 27 \$	FY 28 \$	FY 29 \$
Various Municipalities	STATE MANDATE <sup>1</sup> - Cost	2,000	None	Up to 50,000

**Explanation**

The bill implements risk-limiting audits (RLAs), beginning with a pilot program in FY 27 and expanding statewide in FY 29. This results in a cost to the Secretary of the State (SOTS) of \$340,000 in FY 27, \$205,000 in FY 28, and \$360,000 annually beginning in FY 29. Additionally, there is an aggregate cost to municipalities of approximately \$2,000 in FY 27, and up to \$50,000 beginning in FY 29.

SOTS costs in FY 27 consist of two one-time costs and annual costs. One-time FY 27 costs are expected to be: (1) \$200,000 to support program development; and (2) \$15,000 for licensing the pilot program. The program development costs, which are paid for by SOTS but ultimately borne by the University of Connecticut Center for Voting Technology

<sup>1</sup> State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

and Research, are associated with developing and testing auditing software and processes and conducting the pilot program audits.

Annual SOTS costs are expected to be: (1) \$125,000 beginning in FY 27 for the program's ongoing maintenance and upkeep; (2) \$80,000 beginning in FY 28 to support risk-limiting audit software licensing; and (3) \$155,000 beginning in FY 29 for equipment replacement costs.

The cost to municipalities is associated with the additional labor costs to implement risk-limiting audits. The bill establishes a limited pilot program in FY 27 for three municipalities, before expanding RLA applicability in FY 29. The exact cost will depend on whether a statewide race qualifies for risk-limiting audits and on the number of other races subject to them.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future, subject to inflation and the number of risk-limiting audits carried out annually.

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**OLR Bill Analysis****sSB 394*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE RISK-LIMITING AUDITS WORKING GROUP.*****SUMMARY**

This bill implements risk-limiting audits (RLAs) for state elections but, generally, maintains the existing post-election audit process for federal and state primaries and municipal elections. RLAs are publicly verifiable auditing procedures that manually examine a statistical sample of paper ballots and guarantee a specified risk limit, which the bill caps at 5%.

To accomplish this, the bill establishes the general scope and procedures for RLAs, such as (1) outlining election officials' duties and the affected public offices; (2) requiring the creation of ballot manifests; and (3) applying existing provisions for post-election audits to RLAs (such as those on using electronic equipment and voting tabulators and how to address election contests). The bill requires the secretary of the state (SOTS) to prescribe instructions and procedures for doing the audits. It also allows her to adopt related regulations.

The bill establishes a pilot program to do RLAs of state elections in 2026. It requires SOTS to randomly select three municipalities for the program, with one for each of the following population ranges, as estimated in the most recent State Register and Manual: (1) less than 20,000; (2) 20,000-89,999; and (3) 90,000 or greater (§ 13).

Additionally, current law requires regular post-election audits for municipal elections and primaries to occur no earlier than five days after an election and no later than two business days before the town clerk's canvass for votes. Instead, under the bill, the audits for municipal elections must occur at least 15 days after the election or primary instead

of five.

Lastly, the bill makes minor, technical, and conforming changes to existing election audit statutes, such as requiring a copy, rather than the original, of UConn's analysis to be submitted to the State Elections Enforcement Commission (SEEC).

EFFECTIVE DATE: January 1, 2027, except the pilot program is effective upon passage.

## **RISK-LIMITING AUDIT SCOPE**

### ***Definitions***

The bill requires registrars of voters to do RLAs for state elections, instead of the current post-election audit process. Federal and state primaries, as well as municipal elections and primaries, remain subject to existing auditing requirements (see BACKGROUND).

Under the bill, an RLA is a publicly verifiable auditing procedure that (1) manually examines a statistical sample of paper ballots that reflect the intents of the voters who cast the ballots, (2) produces an outcome of either "ACCEPTABLE" or "INCONCLUSIVE", and (3) guarantees a specified risk limit.

The "risk limit" is the maximum probability that an audit would produce an outcome of "ACCEPTABLE" when there is a disagreement between the person declared elected and the person who got the most votes as determined by the paper ballots (in other words, the percentage chance an RLA will fail to catch that the reported results are incorrect). The bill caps the risk limit for RLAs at 5% (presumably, SOTS will set the specific limit in her prescribed procedures or in regulation; see below).

### ***Covered Offices***

Under the bill, an RLA must be done on the election outcomes for the following offices:

1. presidential elector;

2. all state offices for which all electors of the state may vote, including governor, lieutenant governor, SOTS, treasurer, comptroller, attorney general, and senator in Congress;
3. at least one representative in Congress, selected by random draw;
4. at least 5% of the General Assembly, selected by random draw; and
5. any other office for which federal law requires an audit.

However, the bill excludes a contest from an RLA if (1) the candidate ran unopposed or (2) it is subject to recanvass because of a close or tie vote (in practice, close or tie votes already require a full recount). If an office for a Congressional representative or state legislator is subject to recanvass or an election contest, SOTS must ensure that office is selected for an RLA. The bill requires the random draws to be open to the public.

## **RISK-LIMITING AUDIT PROCEDURES**

### ***Pre-Audit Ballot Manifests***

The bill requires election officials to create ballot manifests for use at RLAs following procedures established by SOTS and open to public observation. Although undefined by the bill, a “ballot manifest” is generally a detailed description of how ballots are stored and organized, listing, at minimum, the physical location of every ballot cast in the election so that individual ballots or batches of ballot cards can be found, retrieved, and examined manually.

Under the bill, a ballot manifest must be created as outlined in procedures SOTS provides. The manifests must be created by:

1. election officials in each polling place within 72 hours after the polls close;
2. ballot counters in each central counting location for absentee, early voting, and same-day election registration ballots within 72 hours after the polls close; and
3. recanvass officials within 24 hours after completing any

recanvass in a voting district for a state election.

Under the bill, the moderator must submit a ballot manifest to the registrars of voters immediately after creating it. The registrars must then submit it to SOTS before the designated day to begin an RLA.

### ***Designated Day***

Like post-election audits for federal and state races, the bill requires SOTS to designate a day for an RLA to begin, which must be at least 15 days after a state election but at least two business days before the canvass of votes. Each audit must have advance notice and be open to the public.

### ***Conducting an Audit***

Under the bill, registrars of voters do the RLAs. SOTS must prescribe instructions and procedures for doing them by January 1, 2027, consistent for all offices subject to these audits. The bill also allows her to adopt associated regulations and set guidelines for expanded audits when audit results cannot be reconciled with the outcome of the person declared elected by having the greatest number of votes, as determined by the paper ballots (the “reported results”).

If an RLA for a particular office is “INCONCLUSIVE,” the secretary must order a manual recount of all ballots cast for that office. She may also issue an order, as under current law, to correct any irregularity or impropriety from an RLA.

### ***Reporting Results***

As under current law, all audit results, including RLAs, must be filed with SOTS on a form she prescribes. SOTS must immediately forward the results to UConn, which must analyze them and submit a written report describing any identified concerns to SOTS. She must then send SEEC a copy of UConn’s written report.

### ***Electronic Equipment and Voting Tabulators***

The bill extends several of existing law’s provisions on using electronic equipment and voting tabulators in post-election audits to

also cover RLAs (CGS §§ 9-320f & 9-320g). Principally, it:

1. allows SOTS, after consulting with UConn, to authorize the use of electronic equipment;
2. requires her to have access to the code in any voting machine whenever there is a problem due to an RLA;
3. directs her or her designee to examine and recertify a tabulator if UConn's analysis indicates that it failed to record votes accurately and as required by state law;
4. requires carefully preserving and returning paper ballots used in an RLA in their designated receptacle (such as returned to the ballot box, securely sealed, and locked);
5. requires SOTS, if audit officials cannot reconcile the audit results with the reported results, to investigate voting tabulators as needed to determine if they must be (a) decertified or (b) examined and recertified; and
6. authorizes SOTS, SEEC, or a court with competent jurisdiction to issue an order after a state election to keep a voting tabulator locked for longer than law requires.

The bill allows either the court or SOTS to order an audit of the voting tabulator by people they designate, but SEEC may order an audit if SOTS is the office in question. If SOTS produces a report on an investigation of a voting tabulator, it must be filed with SEEC, which may investigate further to determine if there was an election law violation.

Under the bill, if the machine in question is an optical scan voting system, an order to lock it must include the tabulator, memory card, and all other parts and processes used in its programming.

## **ELECTION OFFICIALS**

### ***Reporting to SOTS***

By law, each municipal clerk must give SOTS a statement with the names, post office addresses, and terms of each person elected to office in a municipal election. The bill requires this statement to be filed by the last day of the month in which the election was held, instead of within 10 days after the election as under current law.

### ***Compensation***

Under the bill, municipalities must compensate election officials who participate in implementing an RLA at the municipality's standard rate of pay for elections.

### ***Regional Election Advisors***

As with post-election audits, the bill requires regional election advisors to consult and coordinate with SOTS in the preparation for and operation of RLAs, including communicating with and helping registrars of voters.

## **ELECTION COMPLAINTS AND EVIDENCE**

Like post-election audits, the bill requires RLA-reported results to be open to public inspection and allows them to be used as prima facie evidence of an irregularity for a contested election or other cause of action from an election.

The bill also specifies that (1) an action or complaint may be brought in response to any state election audit, not just the manual tabulations of paper ballots, and (2) its RLA provisions do not preclude a candidate or elector from seeking other existing remedies for contested elections.

## **BACKGROUND**

### ***Post-Election Audit Procedure***

Under current law, SOTS must audit at least 5% of the state's voting districts (meaning polling locations), selected at random after a federal, state, or municipal regular election or primary. Audits must be noticed in advance and open for public observation. Registrars of voters must do the audits by hand unless SOTS, in consultation with UConn, authorizes them to be done electronically (CGS § 9-320f).

During the audit, registrars tally the paper ballots cast by voters and counted by each optical scan voting tabulator subject to the audit. They compare their results to the reported results. Registrars must report the audit results on an SOTS-prescribed form with the total number of ballots counted and the total votes for each audited candidate, broken down by whether the ballot was properly or improperly completed.

After a post-election audit, SOTS must order a recount (a recanvass) for an office if there is a discrepancy that could affect its outcome. (If SOTS is a candidate on the ballot that is subject to an audit, SEEC orders the recount.) For this purpose, a “discrepancy” is a difference between the voting tabulator and audit vote counts that exceeds 0.5% of the lower total, where the difference cannot be resolved through an accounting of ballots that were improperly marked (CGS § 9-320f(f) & (o)).

**BACKGROUND**

***Related Bill***

sHB 5001, §§ 45-57, reported favorably by the Government Administration and Elections Committee, among other things, has substantially identical provisions.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/20/2026)