



# NASS

National  
Association of  
Secretaries of State

Updated 9/25/2007

State	1. Does your state require any type of post-election audit (not recount)?	1B. If not, do you anticipate one being required within the next year?	2. If so, does the audit involve ballots, voting machines, ballot counters or all of the above?
Alabama	No.	No.	
Alaska	Yes.	n/a	Ballots.
Arizona	Yes.	n/a	All of above.
Colorado	Yes.	n/a	All of above.
Connecticut	Yes - new Public Act 07-194		All of the above
Delaware	Yes.	n/a	All of above.
Georgia	No.	No.	
Idaho	No.	No.	
Illinois	Yes.	n/a	All of above.
Iowa	No.	No.	Each jurisdiction in Iowa (each county) runs an audit log tape on each piece of equipment and it is stored by each county for the required amount of time...there is no "auditing" of ballots or scrutiny of the audit log tapes.
Kansas	No.	No.	
Louisiana	No, but we run audits when requested by candidates.	No.	If requested, it is of electronic voting machines.
Maine	No.	Unknown.	
Maryland	Yes (2 kinds, post election and system verification)	n/a	The audits involve reports printed from the voting units and the central database with election results.
Michigan	No.	Yes.	
Minnesota	Yes.	n/a	Hand Count of Ballots
Mississippi	No.	Under review, but unsure if it will happen within the next year.	



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Nebraska	No.	No.	
Nevada	Yes (VVPT audit)	n/a	The VVPAT audit refers to the device attached to the mechanical recording device and the paper it prints to record all votes.
New Hampshire	No.	No.	
New Mexico	Yes.	n/a	paper ballots
North Carolina	Yes	n/a	All of above.
North Dakota	No.	Yes.	
Pennsylvania	Yes.	N/A	Ballots.
South Carolina	No.	No.	
South Dakota	No.	No.	
Texas	Yes.		DRE audit log data and optical scan ballots
Vermont	No (but conducted a voluntary audit are possible)	No.	The Secretary of State chose to do an audit this past November of 4 polling places. We had volunteer election officials recount the ballots.
Washington	Yes.	n/a	All of above.
West Virginia	Yes.	n/a	All of above.
Wisconsin	Yes.	n/a	All of above.
Washington, DC	No.	No.	
American Samoa	No.	No.	

as of August 30,  
2008



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State	3. What percentage of your ballots, voting machines, ballot counters, precincts or counties must be audited?
Alabama	
Alaska	1 precinct from each house district (of which there are 40). The precinct must account for at least 5% of ballots cast in that house district.
Arizona	Four or five races in two percent of the precincts in the county or two precincts, whichever is more. Four or five races in 1% of the early ballots that are submitted. The races to be counted include one federal race, on statewide candidate race, one ballot measure, and one legislative race. In Presidential election years, the Presidential race is included
Colorado	For polling place and Early Voting devices it's 5% of all machines used (DRE and Optical Scan) - 100% of the ballots; for Absentee Ballots it's at least one scanner - 5% of ballots but not less than 500 ballots; if less than 500 absentee ballots counted then it's 20% of all ballots. For each device selected it's two races.
Connecticut	registrars must conduct a manual audit of at least 10% of the state's voting districts, selected through random drawing.
Delaware	Statewide
Georgia	
Idaho	
Illinois	5%
Iowa	
Kansas	
Louisiana	Not required.
Maine	
Maryland	With the post-election audit, 100% of precincts must be audited. For the system verification, at least 10% of the precincts in each county must be verified.
Michigan	
Minnesota	2-4 precincts per county based on county population. Number of precincts escalates if discrepancies greater than 1/2 of 1% are found.
Mississippi	



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State	3. What percentage of your ballots, voting machines, ballot counters, precincts or counties must be audited?
Nebraska	
Nevada	If a county has a population of 100,000 or more, they must randomly select a number of mechanical recording devices equal to 2% of the number of mechanical recording devices with attached VVPATS used in the election or not less than 20, whichever is greater. If a county has a population less than 100,000, they must randomly select a number of mechanical recording devices equal to 3% or not less than 4, whichever is greater. There is no limit on counties if they wish to check a larger percentage of their voting machines.
New Hampshire	
New Mexico	2%
North Carolina	Currently 260 sample precincts are selected at random and hand counted.
North Dakota	
Pennsylvania	A county board of elections must conduct a random statistical sample of 2% of the ballots cast in the county or 2,000 ballots, whichever number is fewer.
South Carolina	
South Dakota	
Texas	One percent of the election precincts, or in three precincts, whichever is greater.
Vermont	No requirement. We selected 4 polling places which is about 2% of our polling places and about 2% of votes cast.
Washington	Political party observers may request a manual recount of three precincts on Election Day. Up to 4% of disability access units are audited after Election Day—one fourth of the devices selected require the paper record to be tabulated manually. All counties must reconcile the number of ballots counted and rejected with the final results.
West Virginia	5% of the ballots, and each precinct is reviewed during the canvass.
Wisconsin	The law does not specify a percent. We do at least 5 reporting units (precincts or combined precincts) for each type of voting system. We are auditing 77 out of 3,563 reporting units
Washington, DC	
American Samoa	



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State	4. Who is responsible for conducting the audit?	5. Who receives and "approves" the audit results?
Alabama		
Alaska	Director of the State of Alaska Division of Elections	Director of the State of Alaska Division of Elections
Arizona	County Officer in Charge of Elections	The County Officer in Charge of Elections needs to sign off on the audit results. The results of the handcounts are provided to the Secretary of State who shall make those results publicly available on the Secretary of State website.
Colorado	The county clerk and recorders in conjunction with the Elections Canvass Board.	Secretary of State
Connecticut	Local registrars of voters	Registrars file the audit report with the Secretary of State who then forwards to University of Connecticut for analysis. UCONN describes any discrepancies in a written report to the SOS. The SOS files report with the State Elections Enforcement Commission.
Delaware	The Court of Canvass. It is composed of a special convening of the Delaware Judiciary in each county directed by Delaware's President Judge and the offices of each county's Prothonotary.	The court of canvass.
Georgia		
Idaho		
Illinois	The local election authority (county clerk or executive director).	Local Election Authority
Iowa		
Kansas		
Louisiana	Secretary of State.	At Request of Candidates.
Maine		
Maryland	The local boards of election and the election directors are responsible for conducting both the post-election audit and the system verification.	Each local board is required to submit a report of the system verification to the State Administrator.
Michigan		
Minnesota	Municipal Election Officials	County Auditor, Secretary of State, and State Canvass Board.
Mississippi		



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State	4. Who is responsible for conducting the audit?	5. Who receives and "approves" the audit results?
Nebraska		
Nevada	County Clerks	Board of Commissioners for that county.
New Hampshire		
New Mexico	County Clerks	Secretary of State
North Carolina	County Board of Elections	NC State Board of Elections
North Dakota		
Pennsylvania	Each county board of elections is responsible for conducting the random statistical sample within its respective county.	The county board of elections.
South Carolina		
South Dakota		
Texas	County general custodian of elections.	Texas Secretary of State receives the audits, but there are not standards for either approval or rejection.
Vermont	Secretary of State.	Secretary of State
Washington	The County Auditor.	The County Canvassing Board.
West Virginia	Board of Canvassers	The election is certified by the Board of Canvassers after the audit.
Wisconsin	Most of the audits are conducted by the municipality. The State Elections Board is conducting 10 of the audits.	The State Elections Board receives and reviews the results.
Washington, DC		
American Samoa		



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State	6. Who has authority to order additional audits or a recount if the original audit shows "discrepancies"?
Alabama	
Alaska	If the director finds a discrepancy of more than 1% between the results of the hand count and the count certified by the election board, the director shall conduct a hand count of the whole district.
Arizona	The expansion of the audit and handcount are built into Arizona Statute. If the precinct hand county results are greater than the designated margin, the handcount is doubled. If the handcount is still greater than the designated margin, the entire jurisdiction is handcounted.
Colorado	Secretary of State
Connecticut	Secretary of State
Delaware	The court of Canvass is final.
Georgia	
Idaho	
Illinois	The Court.
Iowa	
Kansas	
Louisiana	Secretary of State
Maine	
Maryland	For the post-election audit, Maryland law requires that the voting units be audited until the cause of the discrepancy has been determined.
Michigan	
Minnesota	Mandatory if discrepancies greater than 1/2 of 1% are found.
Mississippi	



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State	6. Who has authority to order additional audits or a recount if the original audit shows "discrepancies"?
Nebraska	
Nevada	There is nothing in the regulations that officially spells out this authority. It is however implied into the county clerk's oversight and also implied that if the SoS requests/recommends additional audits be conducted, counties will cooperate.
New Hampshire	
New Mexico	Law not clear, but will be addressed in 2007 legislative session.
North Carolina	NC State Board of Elections
North Dakota	
Pennsylvania	Whenever a discrepancy appears in the returns of any local election district, the county board of elections must summon the election officers of the district to conduct a recount of the ballots cast in the election district. Said recount may only be conducted after the county board of elections has given notice, in writing, to each candidate and to the county chair of each party or political body affected by the recount. (See section 1404(e) of the Pennsylvania Election Code.) In addition, three registered voters of any local election district may file a petition for a recount alleging that an error, although not apparent on the face of the returns, was committed in the computation of the returns.
South Carolina	
South Dakota	
Texas	Sec. 127.202 of TEC states that the secretary of state or a designee may conduct a manual or automatic count of any portion of any number of ballots from any precinct in which the electronic voting system was used. However, it isn't specifically mentioned for the SOS to conduct this if the audit showed discrepancies
Vermont	Secretary of State
Washington	The county canvassing board may recanvass the ballots before certifying the election.
West Virginia	The election cannot be certified if there are discrepancies, state law requires that all discrepancies are corrected. A recount can be requested by candidates and affected party on issue questions.
Wisconsin	The State Elections Board has the authority to order or conduct additional audits. The audit is separate from the recount process.
Washington, DC	
American Samoa	





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State	7. Who pays for the audit?
Alabama	
Alaska	The State of Alaska, Division of Elections
Arizona	The counties
Colorado	County Clerk and Recorder
Connecticut	Municipalities
Delaware	The state.
Georgia	
Idaho	
Illinois	Election Jurisdiction
Iowa	
Kansas	
Louisiana	Assessed against party asking for the recount was correct or error would not have changed the result of the election.
Maine	
Maryland	The local board of elections is responsible for the costs associated with both audits.
Michigan	
Minnesota	Municipality of original audit. State if escalates to audit of every precinct in the district.
Mississippi	



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State	7. Who pays for the audit?
Nebraska	
Nevada	Audits are conducted at the county level by the respective county clerks. Generally county covers costs if any, however, if vendor support is needed, it could possibly involve some indirect payment from SoS, although this has yet to happen.
New Hampshire	
New Mexico	Counties.
North Carolina	The Counties
North Dakota	
Pennsylvania	The county board of elections bears the cost of the random statistical sample.
South Carolina	
South Dakota	
Texas	County.
Vermont	Secretary of State
Washington	It is part of the cost of the election and paid for by all districts participating in the election.
West Virginia	The canvass is done by the county commission in most instances and paid for by county funds. If a recount is requested, that is paid for by the candidate if the ending result does not change.
Wisconsin	The State Elections Board pays for the audit.
Washington, DC	
American Samoa	



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State	8. What is the methodology for auditing ballots, voting machines and ballot counters?
Alabama	
Alaska	Precinct ballots are audited by election workers who hand count the ballots. If a discrepancy of more than 1% is found in any race, the district must be hand counted.
Arizona	Unsure what is meant by question
Colorado	Machines are selected at random by Secretary of State, the information is passed on to the counties within 24 hours of the polls closing and the counties have the canvass period to complete the audits. The report is a result of hand count of paper ballots (V-VPAT records for DRE's) to the electronic count from the specific machine. Canvass board members must sign off on the report verifying the results match. Results of audit are posted on our website: <a href="http://www.elections.colorado.gov/DDefault.aspx?tid=850&amp;vmid=-1">http://www.elections.colorado.gov/DDefault.aspx?tid=850&amp;vmid=-1</a> .
Connecticut	manual tally of the paper ballots cast and counted by each voting machine subject to the audit. Voting machines locked for 14 days after an election unless a court, SOS or enforcement commission orders them locked longer. Court or SOS could designate someone to audit machines except during recanvass when enforcement commission only authorized. Opti xcan voting machines include tabulator, memory card, all other components and processes used to program them.
Delaware	Section 6. Said presiding election officer of each election district, following the close of the polls on the day of the general election, shall deliver the copy of each voting machine recording tape containing the signatures of the election officers present at the opening and closing of the polls from each voting machine assigned to his or her district and one copy of the voting machine certificate, made and certified by law, together with the ballot box or ballot boxes containing absentee ballots and other papers required by law to be placed therein, to the Prothonotary of the Superior Court of the county, who at 10 o'clock a.m. on the second day after the election present the same to the said Court, and the said Court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said Court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by determining the aggregate number of votes for each office given in the election districts of the county and for every person who received votes for each office.
Georgia	
Idaho	
Illinois	DRE -- The test shall be conducted by counting the votes marked on the permanent paper record of each ballot cast with the results prepared by the DRE on election day. OS---Test the computer program in the selected precincts. Run election day ballots back through the tabulators and compare results.
Iowa	
Kansas	
Louisiana	An audit on an electronic voting machine is a diagnostic report of every action on the machine from start to finish for an election.
Maine	
Maryland	If there is a discrepancy in the post-election audit, the local board would audit the voting unit. This includes printing the ballot images from the central database and hand counting the ballots (or contests) in question. If the hand count does not reconcile the discrepancy, a review of the audit log would be conducted to determine what activities occurred on the voting unit during voting.
Michigan	
Minnesota	Manual count of ballots cast for President (or Governor), U.S. Senator and U.S. Representative. For each office, ballots are separated by candidate and counted in piles of 25 and results announced. Audit must be completed at least 2 days before the State Canvass Board meets. Results are forwarded to County Auditor; from County Auditor to Secretary of State; Secretary of State to Canvass Board. Revised totals are incorporated into canvassed results. Discrepancies greater than 1/2 of 1 % automatically trigger more precincts to be audited in the municipality. Results of additional precincts audited may trigger audit of all precincts in the county. Results of county-wide audit may trigger congressional-wide or statewide audit.
Mississippi	



State	8. What is the methodology for auditing ballots, voting machines and ballot counters?
Nebraska	
Nevada	During the Post-Election Certification Audit, each vote cast for each candidate and on each measure which was electronically recorded on the selected mechanical voting device is compared to each vote cast for each candidate and on each measure which was recorded on the attached VVPAT.
New Hampshire	
New Mexico	Not addressed yet, first audit in 2007.
North Carolina	2 or more precincts per county, selected at random by a statistician. The counting by hand is done by two bi-partisan teams of 3-4 for each precinct that present an equal number from each political party.
North Dakota	
Pennsylvania	The random statistical sample must be conducted either manually or by means of a mechanical or electronic device different than that used for the specific election.
South Carolina	
South Dakota	
Texas	The precinct(s) and race(s) are randomly chosen by the Secretary of State Office (SOS) and the counties are not given this information until after the election. The count must include Election Day votes, early voting in-person votes, and early voting by mail votes that have been electronically tabulated by an optical scanner or direct recording electronic (DRE). If more than one electronic voting system is used for a precinct, the manual count will include counts from all systems. The actual paper ballot will be counted for optical scan systems. The cast vote records (ballot images) shall be printed and hand counted, like a paper ballot, for DRE systems. NOTE: Some of our large counties have been permitted to audit the DRE results tapes, printed at the precinct, and compare their results with the report generated by their central accumulator voting system in their central office.
Vermont	Hand count of ballots in same manner as hand count is done when the polls are closed.
Washington	100% of voting machines and ballot counters are tested prior to Election Day. Political party observers may request a manual recount of three precincts on Election Day. Up to 4% of disability access units are audited after Election Day—one fourth of the devices selected require the paper record to be tabulated manually. All counties must reconcile the number of ballots counted and rejected with the final results.
West Virginia	A manual recount of the ballot is done for electronic systems. Tabulators are tested and examined again after the election and before certification. Each precinct is reviewed and all ballots are accounted for during this process. Any discrepancies are corrected and a record is kept.
Wisconsin	The audit consists of a hand count of four election contests from the November 7, 2006 general election. A minimum of 50 reporting units are randomly selected by the State Elections Board staff on the day following the election for audit by municipal election officials. Additional reporting units are selected for audit by the State Elections Board staff and to ensure that at least 5 reporting units for each voting system used in more than 5 reporting units is included in the audit.
Washington, DC	
American Samoa	



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State	9. Is the audit automatic or does someone or something trigger an audit?	10. Does the audit have any legal significance?
Alabama		
Alaska	Automatic	If the audit reveals a discrepancy of more than 1% in any race, the Division is legally required to hand count the entire district.
Arizona	Automatic	Yes
Colorado	The Secretary of State initiates the audit within 24 hours of the close of polls.	Yes, the audit verifies and confirms the acceptance of electronic votes.
Connecticut	Automatic	Results may be used as prima facie evidence of a discrepancy in any challenge to the conduct of an election or for any other cause of action arising from the election.
Delaware	The audit is required to certify the election. Elections that are not statewide or federal are certified by a canvass of the results by a Board of Election for each County.	Certifies the election.
Georgia		
Idaho		
Illinois	Automatic	No.
Iowa		
Kansas		
Louisiana	Candidate Request.	An audit could be used as evidence in an election contest suit.
Maine		
Maryland	Automatic	No.
Michigan		
Minnesota	automatic	The canvass is not completed and time for notice of a contest of election does not begin to run until all audits have been completed. Voting system may need to be recertified by Secretary of State. Vendor may forfeit performance bonds.
Mississippi		



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State	9. Is the audit automatic or does someone or something trigger an audit?	10. Does the audit have any legal significance?
Nebraska		
Nevada	Post election VVPAT audit certification is mandatory after every election in every county.	The county clerk and the respective Board of Commissioners must provide a post audit certification to the SoS. This involves the reporting of any discrepancies found. This VVPAT audit and certification is conducted to ensure that the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device. The audit is an additional component of the county's overall logic and accuracy obligations.
New Hampshire		
New Mexico	automatic	Not at this time.
North Carolina	Mandated Audit	If the audit hand count differs from the original count, the audit hand count controls unless there is reason to believe that audit hand count is not accurate.
North Dakota		
Pennsylvania	The random statistical sample is automatic. It must be conducted as part of the county board of elections' computation and canvass of election returns.	The significance of the random statistical sample is more practical than legal. Its intent is to ensure that the machinery used for the counting of ballots is working properly.
South Carolina		
South Dakota		
Texas	The audit is not automatic. Our office sends a notice to all counties informing them that a partial manual recount will be required or non-required whenever there is a general election for state and county officers, primary election, or election on a proposed amendment to the state constitution or other statewide measure.	No.
Vermont	Secretary of State decides whether to conduct a voluntary audit.	No.
Washington	Automatic, except for the manual count of three precincts selected by political party observers on election day.	Not directly. The county canvassing board may use the results to recanvass the election prior to certifying. After certification, only a recount or a lawsuit would cause further steps to be taken.
West Virginia	triggered by the audit if there is a discrepancy of greater than 1% of all votes cast with each of the random 5% of the total precincts as chosen.	Yes, it can be contested and legal decisions are made in determining provisional ballots, etc...
Wisconsin	Automatic	The audit may bring to light issues that have legal consequences, but it does not change the outcome of the election
Washington, DC		
American Samoa		



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State	11. When did your state begin requiring an audit?
Alabama	
	Legislation passed in 2005, performed in 2006.
Arizona	2006
Colorado	2005
Connecticut	First audit based on new state law will be September 07
Delaware	Not available.
Georgia	
Idaho	
Illinois	Since 1983 for in-precinct systems.
Iowa	
Kansas	
Louisiana	Do not require audits.
Maine	
Maryland	We think both audits started in 1988.
Michigan	
Minnesota	2006
Mississippi	



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State	11. When did your state begin requiring an audit?
Nebraska	
Nevada	Nevada was the first state to require a voter verifiable paper audit trail printer on all mechanical recording devices. Both the VVPAT devices and the respective post election audit have been in place since implementation of the electronic voting machines beginning with the 2004 election cycle.
New Hampshire	
New Mexico	Passed in 2006, effective 2007.
North Carolina	2006
North Dakota	
Pennsylvania	The random statistical sample has been a requirement of Pennsylvania Law since 1980.
South Carolina	
South Dakota	
Texas	1987
Vermont	No requirement, but authority was given in 2003.
Washington	Audit of the disability access units was enacted in 2005. All other audit requirements have been in place prior to HAVA.
West Virginia	It is unclear when the auditing during the canvass began, the best guess is around 1960s, however the current process began in 1996.
Wisconsin	2006
Washington, DC	
American Samoa	