Post-Election Audits: Protecting Election Integrity

Routine, Transparent and Paper-Backed Processes Support Voter Trust

Managing a well-designed, trustworthy election process is a top priority for election administrators in every size jurisdiction across the U.S. In today's charged atmosphere, it is also important to foster public confidence in the election process – from voter registration to hardware/software to ballot counts. Routine and transparent audits can be one of an election office's strongest tools in supporting voter confidence and protecting against misinformation and disinformation.

This paper highlights best practices and the advantages of a proper, paper-based audit.

A KEY PIECE OF ELECTION SECURITY

The audit is one of many protections for election integrity. The most common security measures include:

- **Chain of custody.** The transfer of materials from one person or place to another is documented by placing numbered seals on equipment and ballot boxes. Each time a ballot container, voting machine, poll book or other key equipment is opened or moved, the serial number and who had access is recorded.

- **Dual record of tabulations.** Voting sites typically have both paper ballots and a ballot tabulator that counts the votes. Once the polls are closed, dual records of each precinct's results – one paper and at least one electronic – are preserved.

- **Paper audit trail.** The best approach. If any discrepancies occur, election officials can turn to the voter-verified paper ballots to confirm votes cast with a hand count.

- **Poll books.** Used to balance the number of voters who checked into a polling place with the number of ballots cast.[1]

> # True Audits
>
> True audits do not have a political agenda — they are nonpartisan, objective and scientifically sound … true audits help voters have justified confidence that their ballots were counted as cast and contribute to a secure, trusted election system.
>
> –Verified Voting
>
> Statement Sept. 24, 2021

---

[1] Behind the Curtain of Post-Election Canvassing, Audits, and Certification, Bipartisan Policy Center, 2021. https://bipartisanpolicy.org/explainer/behind-the-curtain-of-elections/

Additional security measures that help voter confidence and add to the ease of auditability may include cameras in the tabulating room, two-person requirements for access to voting equipment and tabulation rooms, unique user IDs for all voting system software, reviewing all software logs before and after tabulation, and random hash validations of voting system software and firmware before, during and after an election.

Recount vs. Audit

Recounts are not the same as audits. Recounts depend on the margin of difference and include all ballots in a particular race. Losing candidates who have reason to believe there was an error in ballot counting should seek a recount, not an audit.

COMMON TYPES OF AUDITS

Though there is no official national standard on election audits, almost every state requires some form of post-election review of procedures and final count tally, sometimes only under certain circumstances.[2] Local jurisdictions are responsible for executing audits.[3] In best-case scenarios, election officials build voter confidence through rigorous review of audit reports and by communicating results to the public.

Risk-Limiting Audits are gaining popularity among election officials, but most states only require traditional audits that call for reviewing a predetermined percentage of precincts or total votes.

Guides from trusted experts are available to assist election officials. The U.S. Election Assistance Commission, for example, offers a comprehensive guide with key considerations for designing and conducting audits. Additionally, the Bipartisan Policy Center's Task Force on Elections developed Bipartisan Principles for Election Audits.

According to the Bipartisan Policy Center, the most common audits include:

Performance audits review the actions of poll workers and election officials. Reviews may include worker training, conducting logic and accuracy tests, encrypting electronic pollbook data, documentation of provisional ballots, and proper handling of ballot containers.

Traditional audits (precinct results audits) are the most familiar and a regular part of canvassing and certification in many states. A randomly selected number or percentage of precincts is chosen for a second count. Usually there is a hand count of one ballot contest. Discrepancies may lead to additional counts to determine the scope of any problem.

---

[2] Post-Election Audits, National Conference of State Legislatures, 2019. https://www.ncsl.org/re search/elections-and-campaigns/post-election-audits635926066.aspx

[3] Ibid

Risk-Limiting Audits (RLAs) use a method of statistical sampling designed specifically for elections to determine whether the outcome of an election was correctly determined and reported. If a pre-determined confidence level is not reached, a greater percentage of ballots is audited until the set confidence level is reached.[4]

EDUCATING THE PUBLIC THROUGH TRANSPARENCY

> "Be as accessible and transparent as possible. Invite reporters and the public in to see what you do. And do it now, before the heat of the mid-term elections."
>
> —Pam Fessler, NPR, July 2021

Accountability and transparency go hand-in-hand, advises the Bipartisan Policy Center Task Force: "Regardless of how well an audit is run, its results aren't likely to be trusted if it occurs behind closed doors."

The Task Force recommends observation procedures to:

- Inform and educate the public about how audits work.

- Ensure the audit is conducted in accordance with the established methodology and laws.

- Ensure that those conducting audits are accountable for mistakes or malfeasance.

All audit findings, including steps to address discrepancies, should be clearly communicated to the public. Proactive communication and education can help avoid mis- and dis-information.

WHAT ABOUT SO-CALLED "FORENSIC" AUDITS?

Though the term "forensic audit" has been popularized since 2020, there is no clear definition or established metrics for the term related to election integrity. The word "forensic" typically implies an investigation into illegal activity, and proponents of the term use it to purposely denigrate the validity of a certified election.

Reviews of elections claiming to include some form of forensic investigation have been called for in Arizona, Michigan, Pennsylvania, Wisconsin, Texas and in many individual counties across the country. These reviews, driven by partisan motivations, are designed with a starting assumption that fraud or other irregularities have occurred and must be

---

The Best Time for an Audit

Audits should be performed before canvassing and certification are completed, otherwise an audit that finds significant errors cannot affect the official results. The Bipartisan Policy Center Task Force recommends expanding the certification period to 14 days, allowing time to identify errors and resolve discrepancies.
To ensure trust, the Task Force recommends results be considered final by the federal Safe Harbor [5] deadline 35 days after the election.

---

[4] Bipartisan Principles for Election Audits, Bipartisan Policy Center, 2021. https://bipartisanpolicy.org/report/bipartisan-principles-for-election-audits/

[5] Ibid.

HART *intercivic*™
www.hartintercivic.com

uncovered, rather than a non-partisan review of whether the reported outcome was accurately tabulated.

"Forensic" audits have no standard protocols and do not resemble the types of audits recognized by professionals in the election community. Usually funded by special interests or pushed by one party, these are not independent, detached or logic-based audits

For example, the most hyped review, in Arizona's Maricopa County, cast a shadow over the integrity of the county's election even though it eventually purported to validate the certified results.[6] By failing to uphold security standards, especially related to the chain of custody of election equipment, this unregulated review forced Maricopa County to spend millions for new technology after Arizona Secretary of State Katie Hobbs decertified any device handled by reviewers.

So-called forensic audits create confusion and erode voter confidence, rather than support it.

NOT YET USING A VOTER VERIFIABLE PAPER AUDIT TRAIL?

A verifiable paper system can work in several ways: hand marked paper ballot placed in a secure ballot box, touchscreen voting that prints a record to be fed into a scanning device for tabulation, or by mail and absentee votes scanned at a central location. Audits can be done by hand count or through digital tabulation.

"A voter-verified auditable paper record is the first, and perhaps most important step in building resiliency," said Sam Derheimer, Chair of the Department of Homeland Security's Election Infrastructure Sector Coordinating Council (EI-SCC).

"Paper ballots give voters and election officials greater peace of mind that election results can be trusted," he said.
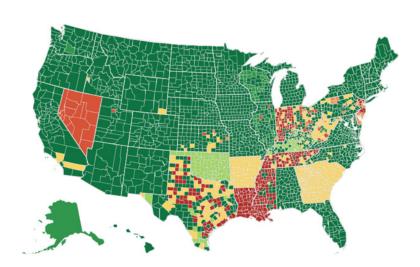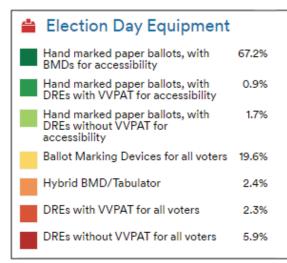
Benefits of using a paper-based system

- A paper record of every vote cast

- Software independent auditability

- Ability to recover votes in the event of technical failure

- Equipment failure is less likely with newer voting systems

- Multiple records that prevent hacking

---

[6] Explainer: As Arizona election 'audit' ends, new ones begin, PBS News Hour, 2021. https://www.pbs.org/newshour/politics/explainer-as-arizona-election-audit-ends-new-ones-begin

HART *intercivic*™
www.hartintercivic.com

Most states have adopted paper trail solutions; however, some jurisdictions are still using direct-recording electronic voting machines (DREs), often citing budgetary reasons. Localities still using DREs are increasingly scrutinized for the lack of paper-trail accountability.

🗳 Election Day Equipment	
Hand marked paper ballots, with BMDs for accessibility	67.2%
Hand marked paper ballots, with DREs with VVPAT for accessibility	0.9%
Hand marked paper ballots, with DREs without VVPAT for accessibility	1.7%
Ballot Marking Devices for all voters	19.6%
Hybrid BMD/Tabulator	2.4%
DREs with VVPAT for all voters	2.3%
DREs without VVPAT for all voters	5.9%

Source: www.verifiedvoting.org/verifier

"If you have waited to move to a voter-verifiable paper audit trail, the time is now," said Peter Lichtenheld, longtime election operations expert. "You should move quickly to a paper trail and make internal audits that follow state code, law and rule the standard of every election operation."

ULTIMATELY, VOTER CONFIDENCE IS AT STAKE

True logical audits can help to build voter confidence in elections, just like certification testing, logic and accuracy testing and hash validation.

We can build voter confidence in the security and accuracy of elections when the U.S. public takes part in these processes and looks at the results to see that our elections are well run by our local election officials, are well documented, and that winners really did win.

About Hart

Working side-by-side with election professionals for more than 100 years, Hart is committed to helping advance democracy one election at a time. Hart's mission fuels our passionate customer focus and a continuous drive for technological innovation. The result is Verity® – truly different election technology. Reimagined from the inside out, Verity Voting promises to provide jurisdictions with a future-proof investment in secure, transparent voting.

15500 Wells Port Drive | Austin, TX 78728
www.hartintercivic.com | info@hartic.com | 800.223.HART

HART *intercivic*™
www.hartintercivic.com