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0	 League of Women Voters of Connecticut	0  Connecticut <b>COMMON CAUSE</b> <i>Holding Power Accountable</i>
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# Report and Feedback November 2010 Connecticut Post-Election Audit Observation

By

The Connecticut Citizen Election Audit Coalition

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[www.CTElectionAudit.org](http://www.CTElectionAudit.org)

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## Executive Summary

After the November 2010 municipal election, Connecticut conducted its seventh large-scale post-election audit<sup>1</sup>. This was also the Connecticut Citizen Election Audit Coalition's seventh large audit observation. The coalition includes the League of Women Voters of Connecticut, Connecticut Common Cause, Connecticut Citizen Action Group, and Connecticut Voters Count. The purpose of the observation was to demonstrate citizen interest in the process, increase citizen involvement in elections, provide feedback to the Secretary of the State and the Connecticut Legislature on the audit process, and provide the public with information necessary to determine their confidence in our elections.

By law, the Secretary of the State is required, in each election, to select at random 10% of Connecticut's voting districts to participate in post-election audits and select races for audit, *"...in the case of an election where the office of Governor is on the ballot, all offices required to be audited by federal law, plus one additional office selected in a random drawing by the Secretary of the State, but in no case less than three offices,..."* In this election, for the first time, the Secretary chose to audit the race for Governor and randomly select two races for audit<sup>2</sup>.

In this report, we conclude, based on our observations and analysis of audit reports submitted to the Secretary of the State that the November post-election audits still do not inspire confidence because of the continued:

- failure in the integrity of the random district selection process,
- lack of standards for determining need for further investigation of discrepancies,
- weaknesses in the ballot chain of custody, and
- lack of consistency, reliability, and transparency in the conduct of the audit.

Compared with previous reports of the post-election audits:

- The bulk of our general observations and concerns remain.
- As we cautioned in our August report, the accuracy of counting and completion of forms has slipped back to that seen in other November post-election audits.
- The level of discrepancies reported has increased over the November 2009 post-election audits.

Among our greatest concerns are the discrepancies between machine counts and hand-counts reported to the Secretary of the State by municipalities. In many cases, these discrepancies are not thoroughly and reasonably explained. In some cases the

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<sup>1</sup> In this document we will frequently use the term "audit" when we mean "post-election audit" or "post-election audit counting session". Technically we believe that the whole process encompassing everything from the preservation of records, random drawings, counting in municipalities, the report by the University of Connecticut, and the evaluation of that report by the Secretary of the State would be the "audit". However, for readability we will usually follow the common practice of using "audit" to refer to parts of the whole.

<sup>2</sup> In the only other similar election, when Presidential Electors were on the ballot in Nov 2008, the Secretary chose to audit all five races on the ballot, rather than choose or randomly select races.

explanations make no sense or contradict the data in municipalities' reports. We believe that the lack of organization, planning, and ad-hoc counting procedures used by many municipalities were not sufficient to count accurately and efficiently. We find no reason to attribute all errors to either humans or machines.

In our August 2010 Report, we noted a newly recognized problem: *"the inaccurate list of districts used in the random selection process which is required by law to be based on all of the districts used in the election. This directly impacts the integrity and credibility of the entire post-election audit."* Once again, in the November 2010 random selection, without extensive investigation, an advocate quickly discovered a district missing from the list of districts in the random drawing.

In this report we note another inadequacy in the audit law. One district initially selected was not audited because ballots were impounded based on a complaint to the State Election Enforcement Commission. The audit law states: *"If a selected voting district has an office that is subject to recanvass or an election or primary contest pursuant to the general statutes, the Secretary shall select an alternative district."* However, since this was not an "election contest" it did not apparently require an alternate district be selected. This represents a new formula for an individual to preclude auditing of a specific district to avoid the discovery of an error or fraud. Our existing recommendations to improve the law, had they been enacted by the Legislature, would have eliminated this opportunity.

We note continuing failures to follow audit and chain-of-custody procedures. We emphasize that this report does not question any individual's integrity. However, a safe, credible system of security procedures should not permit a single individual to have any extended opportunity to handle records and ballots unobserved.

Neither the random selection of races nor investigations of discrepancies after the audits are required to be public or noticed to the public. The extent to which they are not noticed, not made public, or are prohibitively difficult to observe, impacts the integrity and credibility of the entire post-election audit.

## Recommendations

In our previous reports, the Coalition made recommendations to the legislature and the Secretary of the State to improve the post-election audit laws, by providing for an independent audit board, improved chain-of-custody procedures, and improved audit procedures. The latest version of those recommendations is contained in our August 2010 report which have been updated and included in Appendix C of this report.

Audit procedures continue to present challenges for elections officials. We observed several failures to follow prescribed procedures. Compared to previous observations, we noted less difficulty in implementing efficient and accurate counting methods, and less inaccurate or incomplete reporting. We continue to strongly recommend that best practices for effective counting procedures be established. Coalition members and observers would welcome the opportunity to contribute to the development of such best practices<sup>3</sup>.

Even in these challenging economic times, many of our recommendations can be implemented to strengthen the post-election audits, make them more comprehensive, and provide a more efficient process with enhanced integrity without significant additional expense.

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<sup>3</sup> In the spring of 2010 the Secretary of the State's Office initiated a committee to review and recommend changes to the audit procedures. The committee included two representatives of Coalition members and a total of four registrars. Unfortunately, after two meetings, extensive review, and extensive recommendations, the Secretary of the State's Office, due to time constraints, was only able to make a few changes to the existing procedures.

## I. Introduction

After the November 2010 municipal election, Connecticut conducted its seventh large-scale post-election audit. This was also the Connecticut Citizen Election Audit Coalition's seventh large audit observation.

The coalition includes the League of Women Voters of Connecticut, Connecticut Common Cause, Connecticut Citizen Action Group, and Connecticut Voters Count. The purpose of the observation was to demonstrate citizen interest in the process, increase citizen involvement in elections, provide feedback to the Secretary of the State and the Connecticut Legislature on the audit process, and provide the public with information necessary to determine their confidence in our elections.

By law, the Secretary of the State is required, in each election, to select at random 10% of Connecticut's voting districts to participate in post-election audits and select races for audit, *"...in the case of an election where the office of Governor is on the ballot, all offices required to be audited by federal law, plus one additional office selected in a random drawing by the Secretary of the State, but in no case less than three offices,..."* In this election, for the first time, the Secretary chose to audit the race for Governor and randomly select two races for audit<sup>4</sup>.

The audit counting sessions were required to be conducted between November 17, 2010 and November 22, 2010. Eighty-four (84) districts were selected for audits from the list of districts not exempt from the audits due to close vote recanvasses<sup>5</sup>. The districts performing audits were located in fifty-five (55) municipalities. Coalition volunteers invested sixty-two (62) days observing (39) of these counting sessions, providing feedback on the process to the Coalition. These volunteer citizen-observers provided invaluable information making this report possible. Observers frequently attended audits on short notice, several observing multiple audits, and accommodating schedule changes.

### ***A. Audit Timing Particularly Challenging to Coalition and Officials***

This year the audits were particularly challenging for the Coalition, our observers, and election officials. In this election the law mandated that the audits be completed two days prior to certification, requiring that all municipal counting must all be completed between November 17<sup>th</sup> and 22<sup>nd</sup>, where in previous large scale audits there was often a period of two to three weeks for the counting. In addition, the districts for audit were

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<sup>4</sup> In the only other similar election, when Presidential Electors were on the ballot in Nov 2008, the Secretary chose to audit all five races on the ballot, rather than choose or randomly select races.

<sup>5</sup> The Connecticut post-election audit law exempts districts with close vote recanvasses from the audit along with any districts subject to a contested election. Alternate districts are selected in the random drawing, in case towns have neglected to report recanvasses to the Secretary of the State or if subsequent election contests exempt additional districts. This November three alternate districts replaced three districts with unrecognized recanvasses at the time of the random drawing.

chosen just two days prior to the start of the counting period, on November 15, 2010, while in past elections the selection has occurred six or seven days prior to the audit period.

The short time for completion and the short time interval after the drawing, caused challenges for the Coalition, our observers, and election officials. Several audits occurred on November 17<sup>th</sup> and 18<sup>th</sup> which violated the Secretary of the State's procedures which require three business days notice to the public and the Secretary of the State's office.

We appreciate the cooperation and assistance of the Connecticut Secretary of the State's office with this project. We also found Connecticut's registrars of voters welcoming to our participation and candid in generously answering our interview questions.

## ***B. Citizen Observation: Challenges and Limitations***

Over the course of seven post-election audits we have continuously improved our forms, training materials, and conference call training sessions. For this audit we made very few changes from our most recent observation of the August Primary Election.

We do not claim that all of our raw data is completely accurate, that observers saw everything, or that they interpreted each question consistently. Some of our observations are incomplete because, for example, some audits had to be continued into a second day when observers were not available to cover. However, when taken as a whole, the observations tell a collective story that is quite consistent and valuable.

The Coalition initially planned for and signed up observers for a longer counting period. Based on the shorter counting period and short notices, we were unable to cover as many of the municipalities as we were able to in past audits, and had to cover more than we would like with a single observer. Of eleven (11) scheduled on the first day, November 17<sup>th</sup>, we were only able to cover three (3). Our observers stepped up to the challenge such that we were able to cover thirty-nine (39) of fifty-seven (57) counting sessions. In comparison, last year we were able to cover forty-two (42) of forty-eight (48) counting sessions.

Without our volunteer observers willing to invest a day of their time, available for short-notice scheduling, and observing to the best of their ability, nobody but local election officials would know how post-election audits are conducted in Connecticut. Our observers care about democracy and ensuring that measures are in place to protect the integrity of our elections.<sup>6</sup>

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<sup>6</sup> Upon request of any registrar of voters, the Coalition would be pleased to discuss Coalition observation reports and provide feedback applicable to their municipality. In several municipalities, registrars asked observers to provide their feedback at the end of the counting session.

## C. Purpose of Connecticut's Random, Post-Election Audits

As stated in the Office of the Secretary of the State's Post-Election Audit Procedures:

*The primary purpose of the hand count audit is to assess how well the optical scan voting machines functioned in an actual election and to ensure that votes cast using these machines are counted properly and accurately.*

*The Principles and Best Practices for Post-Election Audits*<sup>7</sup> includes the following definition and benefits (purposes):

*Well-designed and properly performed post-election audits can significantly mitigate the threat of error, and should be considered integral to any vote counting system. A post-election audit in this document refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark. Such audits are arguably the most economical component of a quality voting system, adding a very small cost for a large set of benefits.*

*The benefits of such audits include:*

- *Revealing when recounts are necessary to verify election outcomes*
- *Finding error whether accidental or intentional*
- *Deterring fraud*
- *Providing for continuous improvement in the conduct of elections*
- *Promoting public confidence in elections*

## D. Background

All coalition reports covering this and previous audit observations are available at <http://www.CTElectionAudit.org>

The Observation Report form, the Observer Code of Conduct, and detailed data behind the statistics in this report are also available at <http://www.CTElectionAudit.org>

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<sup>7</sup> *Principles and Best Practices for Post-Election Audits*: <http://www.electionaudits.org/principles>, These *Principles and Best Practices* can be used as a benchmark to compare post-election audits to an ideal. This document is a follow-on to the definition from the 2007 Post-Election Audit Summit referenced in our previous reports.



## II. Analysis

In this report, we conclude, based on our observations and analysis of audit reports submitted to the Secretary of the State that the November post-election audits still do not inspire confidence because of the continued:

- failure in the integrity of the random district selection process,
- lack of standards for determining need for further investigation of discrepancies,
- weaknesses in the ballot chain of custody, and
- lack of consistency, reliability, and transparency in the conduct of the audit.

Compared with previous reports post-election audits:

- The bulk of our general observations and concerns remain.
- As we cautioned in our August report, the accuracy of counting and completion of forms has slipped back from the August primary audit to that seen in other November post-election audits.
- The level of discrepancies reported has increased over the November 2009 post-election audits.

Among our greatest concerns are the discrepancies between machine counts and hand-counts reported to the Secretary of the State by municipalities. In many cases, these discrepancies are not thoroughly and reasonably explained. In some cases the explanations make no sense or contradict the data in municipalities' reports. We believe that the lack of organization, planning, and ad-hoc counting procedures used by many municipalities were not sufficient to count accurately and efficiently. We find no reason to attribute all errors to either humans or machines.

### ***A. Integrity of the Random District Drawing***

A new concern uncovered this year is the inaccurate list of districts used in the random selection process which is required by law to be based on all of the districts in use for the election or primary. This directly impacts the integrity and credibility of the entire post-election audit.

In our November 2009 Report:

We noted that the public has no reliable mechanism for checking the accuracy of the districts used in the random selection process. Checking with the Secretary of the State's Office indicated that they do not have a list of districts that is guaranteed to be up to date.

In our August 2010 Report:

We noted that our concerns were realized in this [August 2010] audit when non-existent and ambiguously identified districts were chosen to be audited. The selection process also may not have included some districts used in the election.

Once again, in the November 2010 random selection an advocate, without extensive investigation, quickly discovered a district missing from the list of districts in the random drawing. Even though the Secretary of the State believed that Bridgeport would voluntarily audit twelve (12) districts in the Governor's race, wisely the Bridgeport districts were included in the drawing. However, Bridgeport had twenty-five (25) districts in the election and only twenty-four (24) were included in the list of those in the drawing supplied to us by the Secretary of the State's Office.

When districts move or are identified in various ways – with and without district numbers, with and without polling place location - it can be challenging or almost impossible to verify that the list of polling places for the drawing is accurate or that the selected district is actually the one audited.

After the fact, it is possible to discover non-existent districts that were selected, but it would be quite challenging to identify districts not included in the selection list from the 169 towns. In either case, there is no current, established legal or procedural means to restore the integrity of an audit based on a discovered inaccuracy.

An accurate, verifiable list of districts for selection is critical to the integrity of the audit. Missing or incorrectly specified districts can be the result of error or deliberate action on the part of election officials. If all discovered inaccuracies in the list are dismissed as errors, then the opportunity is opened for cover-ups, for fraud or for steering the audit away from particular districts.

### ***B. Procedures Unenforceable, Current Laws Insufficient***

As we have noted in previous reports, discussions with representatives of the Secretary of the State's Office and the State Elections Enforcement Commission (SEEC) indicate that many, if not all, of the post-election audit procedures, including those covering chain-of-custody, are unenforceable. There is no incentive for following the procedures and no penalty for disregarding them.

We note that the adherence to prescribed chain-of-custody and ballot security procedures varies widely among audited districts. Laws that govern the sealing of ballots, memory cards, and tabulators after an election are unclear. Ballots are not uniformly maintained in secure facilities and access to these storage facilities is not reliably logged or recorded, even though two individuals are required to be present when these facilities are accessed. In many towns, each registrar could have individual, unsupervised access to the sealed ballots, and in many towns, several other individuals have such access. The lack of uniform security of the ballots diminishes confidence in the integrity of the ballots which are the basis for the data reported in an audit.

We emphasize that this report does not question any individual's integrity. However, a safe, credible system of security procedures would not enable a single individual to have any extended opportunity to access ballots unobserved.

### ***C. Procedures Are Not Being Followed, Understood***

The Secretary of the State's Office continues to publish incrementally improved audit procedures for each election, often basing those improvements on suggestions from Coalition members. However, they are frequently not followed, are not enforced, and, as noted previously, may not be enforceable. Additionally, the procedures still lack detailed guidance in efficient methods of counting that provide accurate and observable results. See Section D below.

In early 2010 the Secretary of the State's Office initiated a joint effort between representatives of their office, the Registrars of Voters Association of Connecticut (ROVAC), Coalition representatives and others. Unfortunately, after two meetings, extensive review, and extensive recommendations, the Secretary of the State's Office, due to time constraints, was only able to make a few changes to the existing procedures. We applaud the motivation for the initiative and would like it to reach full fruition.

Our observations indicate that some towns do a good job of using the procedures in the audit, following each step in order, and enhancing them with effective detailed counting methods. However, in other towns, there is no evidence that election officials are referencing or following the procedures. Some who attempt to follow the steps do not seem to understand them and appear to be reading the procedures for the first time at the start of the session.

Problems uncovered in this observation include: notification issues, incorrectly completed forms, chain-of-custody problems, transparency, and actions contrary to procedures and the law.

#### Notification to Selected Towns and to the Public

Although we recognize an improvement in notification of towns by the Secretary of the State's Office, some towns reported they had not been officially notified of their selection for audit for several days after the random district selection.

In past observations we have noted improvements by election officials in providing advance notice of the audit schedule, informing the Secretary of the State's Office of that schedule, and, in turn, improvements in that office informing the Coalition. However, things went differently this time:

This year the audits were particularly challenging for the Coalition, our observers, and election officials. In this election the law mandated that the audits be completed two days prior to certification, specifying that all municipal counting must all be completed between November 17<sup>th</sup> and 22<sup>nd</sup>, where in previous large scale audits there was often a period of two to three weeks for the counting. In addition, the districts for audit were chosen just two days prior to the start of the counting period, on November 15, 2010, while in past elections the selection has occurred six or seven days prior to the audit period.

Several audits occurred on November 17<sup>th</sup> and 18<sup>th</sup> which violated the Secretary of the State's procedures which require three business days notice to the public and the Secretary of the State's office.

#### Incorrectly Completed Forms and Incomplete Audit Counting

Reviewing the seventy (70) district reports submitted to the Secretary of the State, we note that:

- Six (6) reporting forms were not accurately completed. Without complete information, it is difficult to create comprehensive statistics or to depend on the audits as a vehicle for assessing the voting machines' accuracy and correct programming.
  - Two (2) towns did not fill in the appropriate columns on the form.
  - Two (2) towns did not provide overall ballot count totals counted as part of the audit, as required, or filled in obviously incorrect numbers for the overall count.
  - Two (2) towns filled in multi-page reports for the same district with different ballot counts on each page, including one with obvious counting errors.
  - Three (3) towns did not fill in all columns on the reports, e.g. they supplied tape counts and vote totals not separated between undisputed and questionable votes.
- Four (4) towns demonstrated a lack of understanding of questionable votes
  - One (1) town reported negative questionable votes to balance their numbers.
  - Three (3) towns explained discrepancies by calling them "questionable ballots." However, two of these listed no questionable ballots and the other listed very few compared to the thirty (30) they referenced in their explanation.
  - Several towns did not fill in the column for questionable votes. In those towns, we assumed they found none.
- One (1) town reported higher vote counts than ballots, stating that some of the ballots might have been read twice. This same town also reported one number for unknown votes, not associating them with either of the cross-endorsed candidates in the race.
- One (1) town attributed differences to an error in their hashmark sheets.
- Twelve (12) towns explained differences by either "Hand count errors," "Human errors" or similar vague language. This is an increase from none in August 2010 and almost equal to the thirteen (13) towns using this vague explanation in November 2009.

Selected quotes from official audit report forms and our commentary in brackets:

*Questionable Ballots were read by the scanner differently. As to what the Audit workers read them as being.* [But they reported no questionable votes on the form]

*3 Questionable votes – voter intent was for Jepsen* [No questionable votes listed on report for any candidate]

*These differences are extremely small and any discrepancies are well within the expected margin of human error [Biggest difference is 9 vs. 6. We are unaware of any recognized/established level of expected human error.]*

*The attributed vote difference(s) ...can be attributed to disputed ballots not being processed by the optical scanner OR human error in the manual counting of ballots. [Short 10 ballots in hand count]*

*Speculation that difference between hand count and tabulator tape was inclusion of several ballots from auxiliary bin [We question that hypothesis, since it would be difficult for 5 extra ballots to produce less votes for several candidates than the tape]*

*We put aside 30 very questionable ballots...Apparently some were read by the machine, some were not [But none listed on the form as questionable. Several vote count differences]*

*All differences can be accounted for by the questionable ballots [But they only list 3 on the form whereas there are differences up to 12.]*

*Given the large number of ballots in the district, and the number of teams that were working in the audit, we believe the differences are entirely related to human counting error. In addition, our tally sheets had a misalignment of name with tally column which may have lead some tallies being put in the wrong spot. [We would expect them to fix their forms and count again.] This is the most likely cause of the only "major" discrepancy, Dean vs. Jepsen [Dean off by 14 votes, Jepsen off by 8 votes. The number of ballots is also off by 12 and several other differences in votes are off by as many as 7]*

*11 off [one candidate for Gov] race because eventually they were counted by workers they were not sure if the machine actually counted it [but that would be an explanation, if it only happened in one race for one candidate but counts are off in several other races]*

*Counting errors. Not separated into questionable votes. Totals are close [off by up to 25 votes. We do not classify that as close.]*

Images of the actual official Audit Reports supplied from the Secretary of the State's Office can be viewed at: <http://ctelectionaudit.org/official-audit-reports/>

## **C.1 A Really Questionable Audit In One Municipality**

One municipality audited three districts. In all three districts, the town reported differences in votes. In one of those districts, they reported 147 fewer ballots in the hand count and 11 fewer in another district, when compared to the machine count. Overall in the three districts in this municipality, the difference in the vote counts in the audit for Governor for Foley, Malloy, and Marsh were lower than those reported on election night by 34 votes (14%), 174 votes (23%) and 3 votes (28%), respectively.

Selected quotes from official audit report forms and our commentary in brackets:  
:

*Seventy-four (74) ballots counted by hand had no votes for offices of Governor, State Senate, or Attorney general* [We do not understand how that would change any ballot totals downward and make a difference in the expected vote count]

*There were a high number of write-in ballots on tape of one hundred ninety-one (191) for the office of Assembly District for State Representative* [ Write-ins for State Rep have nothing to do with the races being audited, since votes on write-in ballots for other races are counted by the machine]

*There were (15) fifteen write-ins on tape. There was (1) hand-counted ballot in the mix of valid ballots inserted into the tape* [That might explain a portion of the ballot count difference, but the difference is 11 votes short in the hand count, not 15. Write-ins are supposed to be part of the audit, so if they did not count them, they should have.. If a hand-counted ballot was counted by the scanner, it could have been included in the hand count and would then not effect the results of the audit. If it was not counted, it could explain a difference nor more than one in each race, while differences in this district ranged from 6 to 15. We wonder what happened on election night that one ballot was counted by hand and by scanner, and if it was not counted in the audit, how it was identified.]

## **C.2 Five Audit Municipal Audit Reports Not Submitted To Date**

As of the date of this report, more than three months after the election, more than two months after the completion of the audit counting period, according to the Secretary of the State's Office, five (5) municipalities have yet to submit the required audit reports of the counts in their audits. We have requested copies of these reports from the Secretary of the State's Office several times, and our understanding is that they have repeatedly asked for those reports but have been unsuccessful. While there is no time requirement in the law for sending such reports to the Secretary, this too long to wait for voting integrity to be accomplished.

The Coalition has chosen to issue the report without those five towns in the interest of providing timely information to the public and the legislature. When such information becomes available, if it significantly changes the results we will provide an addendum.

### Multiple Chain of Custody Concerns

In several observations<sup>8</sup>, observers expressed concerns with the chain of custody in the several ways. Overall, in eight (8) municipalities, observers expressed overall concerns with the chain of custody. In November 2009 eleven (11) observations expressed concerns and in August 2010 eight (8) observations expressed concerns.

Selected observer comments<sup>9</sup>:

*The bags had been opened and resealed again with different seals and the sheet recording the original seals had been "lost" amidst the other papers and ballots in a large number of envelopes. When we arrived at the audit a good 25 minutes early, all seals had been broken and several workers were well along in the process of counting ballots into stacks of 25. When we left, the town vault was locked up and the registrars did not have a key, so the sealed bags of ballots were simply locked in an office overnight until the vault would be accessible the next day. The report with the original seal numbers were "lost" in among all the envelopes from other districts/races according to the registrars. They said they had had to open things and reseal with different seals because they thought they were going to do a recount of a close race in their district. [The Coalition does not understand how a predicted recanvass would be a reason for unsealing ballots; it would seem to be a reason to make sure ballots were sealed and preserved.]*

*Boxes of ballots were in the room when I arrived, but unopened. They had run out of bags and used sealed cardboard boxes, with seals taped to the box using seal tapes*

*Ballots were briefly left with just one person (or with observers only) in the room on more than one occasion*

*One seal bound paired zipper handles; one bound web carrying straps but not zipper*

*here is a photo...It is the bag of ballots which registrar delivered to the room. Note that seal was already broken. Only 1 registrar delivered the bag*

### Transparency

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<sup>8</sup> Although we observed a total of thirty (39) counting sessions, we did not observe every attribute of every audit: some questions did not apply in some audits, observers could not fully observe audits that continued beyond one day etc.

<sup>9</sup> All comments by observers in this document have been edited for length, for grammar, and to make the meanings clear.

The Secretary of the State's Audit Procedures state that observers should be allowed to view every aspect of the proceedings. Once again, we point out that the random selection of races is performed in a separate event from the audit and, unlike the counting session, the race drawing is not required by law to be public. However, a public drawing requirement appears in the Secretary of the State's Post-Election Audit Procedures. We applaud the Secretary of the State for holding the race drawing publicly for this audit.

All aspects of the audit and as much as possible of the entire selection process should be transparent, open to the public, and publicized in advance in an easily accessed announcement.

One additional problem in the procedures and the law is that there is no formal public notification process when one of the audits is legally cancelled and an alternate selected to audit. The Coalition and the public are often unable to discover when one audit is cancelled and another town notified to conduct an audit in time to observe the audit.

Overall, of thirty-nine (39) counting sessions observed, only two (2) observations noted concerns with transparency.

In one municipality, our observer noted:

*There was no way to check the accuracy of the counts and no recounts were attempted when there were discrepancies discovered at the end when totals were added up. The supervisor referred frequently to the paragraph in the Audit Procedure Manual regarding observers being allowed to observe only, not have access to copies of the forms.*

Yet the Secretary of the State's Audit Procedure Manual says:

*The State of Connecticut is committed to an open, public, and transparent process. Public Act 07-194 specifically provides that the audit "shall be open to public inspection." This means that observers should be allowed to view every aspect of the proceedings, including being close enough: (1) to actually see ballots as they are being counted; (2) to see tally sheets as they are being marked and when they are complete; (3) **to see report forms to be sent to the Office of the Secretary of the State;**...*



In late January, after the November 2008 audit, and again after the November 2009 audit, there were post-audit investigations conducted by the Secretary of the State's Office, recounting ballots in several towns where large discrepancies were reported or reports were incomplete. Those investigations were not announced publicly and not open to public observation. The transparency and confidence in the official state audit report would be enhanced if such investigations were announced and open to the public.

### ***D. Guidance, Training, and Attention to Counting Procedures Inadequate, Inconsistently Followed***

#### Audit Organization and Counting Procedures:

Observers expressed concerns that many of the audits were not well organized. Out of thirty-nine (39) audits observed, the observers noted the following:

- In eleven (11) audits, observers had concerns that the auditing was not well organized.
- In seven (7) audits, observers had concerns with the integrity of the counting and totaling process.
- In twelve (12) audits, observers had concerns that the manual count was inaccurate.
- In twelve (12) audits, observers had concerns that the results on the reporting forms were inaccurate.
- In eleven (11) audits with counts that did not originally match, the votes or ballots were not recounted a second time.

#### Need for Dual Verification

Observers noted that audit counting procedures requiring "two eyes," i.e., dual verification of counts, were frequently ignored. When a large number of ballots are counted by a single individual, miscounts can require tiring recounts and unnecessary investigation. When single individuals count hundreds of ballots or votes, errors are almost inevitable.

- When using the *hash mark* counting method, in twelve (12) observations a second official did not verify that votes *were read* accurately by the first official or that hash marks *were recorded* accurately.
- When counting ballots, in seven (7) observations a second official did not verify ballot counts.

#### Blind Counting

Blind counting is a method of counting without pre-conceived knowledge of the expected outcome. When counting teams know the tabulator totals or know the differences between their counts and the machine totals, there is a natural human tendency to make the hand count match the machine count. This risks taking shortcuts and seeking cursory explanations for discrepancies which, in turn, lowers the credibility of the process and undermines confidence in the audit results.

- In sixteen (16) observations, counters were aware of ballot or race counts from the election while they were counting.
- In twenty-four (24) observations, when counts were off, counters were informed of the level of difference while they were recounting.

When election officials know the election totals or the differences between manual and machine counts, there is a tendency to accept any explanation or any new count that reduces the difference without an additional verification.

Some observers' comments:

*All in all, I thought the recount process was well-organized and thought out. There were a lot of people on hand, and a lot of double-checking. As a former accountant, I have no concerns with the process I observed; It could be used as a model for others*

*Two team members working independently, checking each other's work ONLY if there was a discrepancy with the machine tally. This makes the assumption that the machine tallies are correct (or more correct than human counting). Observed incorrect grouping of batches, placing votes in the pile for the wrong candidate, counting votes without verifying that the vote was correct*

*We were given a copy of the moderator's report from election day, but not the tapes. The numbers on the election day report do not appear to agree with those recorded on the audit report form, but we are not sure we are able to understand how these are recorded well enough to see whether the discrepancies are real*

*As part of the training registrar told the counters: "Ballot count should match the tape*

*One counter hadn't arrived when the instructions were given. they did explain that the goal was to match machine ballots they counted to the totals from the machines. [The goal should be to count the ballots and votes accurately.]*

*One team used the stacking method. Another team flipped through the each batch once for each race/party counting aloud and recording the total. Both were looking at the race as one flipped through the ballots. The other two teams had one person calling all three races and the other hashing.*

*The number of ballots was originally off and the registrar announced that they were over by ten and that they were looking for where they were over by ten. When votes were counted the entire group discussed discrepancies*

*They recounted the team totals which resulted in improved, though not exact matches. They explained the differences as being due to human error. Since so few teams actually rechecked their counts I am sure they are right*

*Counters' tallies were totaled after counters were excused. a lot of time was spent trying to account for discrepancies. I did not understand all the whispering and did not want to intrude with a lot of questions. At one point we heard a supervisor talk of "averaging". I Don't know why there were no questionable votes on the audit reports*

*There was no real attempt to have the reader or the hash-marker observed by a 2nd person. Theoretically, they could have checked on each other but that did not appear to be happening. There was no way to check the accuracy of the counts and no recounts were attempted when there were discrepancies discovered at the end when totals were added up*

*Some races & candidate totals matched and some did not. Some tallies were off by as much as 5 votes. No effort was made to reconcile these differences.*

*They made an effort to use sharp people, and they were, uniformly sharp.*

#### Confusion in Definitions of Ballots with Questionable Votes

There continues to be confusion in the definitions of "ballots with questionable votes" (marks that the machine may have misread) and those ballots that should be considered "undisputed":

- On the official reporting form, some towns fail to classify any ballots as having any questionable votes. Other towns classify many ballots as questionable, when clearly the machine counted the vast majority of those votes.
- There is often confusion between differences in voters' intent that would not be recognized by the scanner and marks that may or may not have been read by machine.
- Observers report a wide variety of interpretations, counting methods, and classification methods. In some towns counting ballots with questionable votes are left to individual teams; in others they are counted by the supervisors; in others there is a general discussion at the end of the counting where all officials agree that they saw enough questionable votes to explain all differences; often the frustration and uncertainty of questionable ballot counting leads to much confusion in the totaling of votes.

There is a need for further examples of questionable votes, clarification of ambiguities, and instructions on how to classify and count questionable votes in the procedures.

Some observers' notes<sup>10</sup>:

*The Registrar and counters discussed how far they were off. They talked around the conference table with counters until all agreed that all differences were based on questionable ballots they had seen during the counting (they had left them in the piles, one team had counted them along with other votes, and the other team had not counted them). Just did not seem to get the purpose of classification of questionables and the need to judge them objectively. Questionable votes were determined only when one race was determined to be questionable. Differences were resolved considering 12 questionable ballots and six write-in ballots that were included in the audit.*

*Questionables, left in stacks and discussed to justify as difference in the end.*

*Ballots initially deemed "questionable" were not separately tallied for Audit Report. Instead, votes were attributed to candidates and "Questionable" figure on Audit Report was calculated as the mathematical result needed to "balance" the Machine Totals*

*In one race, two questionable votes were kept aside until votes were totaled, then the two in question would be assigned "wherever they were needed " to make the totals accurate. I never saw a supervisor decide how to count questionable votes...At the end of the audit, any discrepancies were attributed to human error, although there was discussion about machine error... in the discussion at the end the active supervisor said ballots with "pinprick marks" that were counted by the teams should have gone in the questionable pile. That might explain why one candidate was off by +10, while [unlikely to explain why] an opponent was off by -14 votes.*

Counting Write-In Votes and Cross-Endorsed Candidates

Two years ago we noted a high degree of confusion and lack of training of counters in counting cross-endorsed candidates. This year, as last year, we can report great improvement in this area. This year we note no less accuracy in counting cross-endorsed candidate votes than those for other candidates.

However, we note a wide variety of classifying and counting methods. Most towns report all votes for a candidate for each party and for the “unknown” category which is the most straight-forward way to check results with the scanner tapes. Many towns either count all votes together for all parties and others lump “unknown” votes with those for one party or the other. This is another area where additional standards, procedures, and training are required.

Ballots with write-in votes caused confusion in past audits. Some officials seem to lack an understanding of how write-in votes are counted by the scanner and how they should be counted by hand in the audit. In this audit we noted only one town attributing counting differences to write-in ballots.

### III. Audit Statistics

#### A. Ballot Count Accuracy

Among our greatest concerns are the discrepancies in data where no thorough or reasonable explanation is provided by election officials. The table below shows all districts with ballot count discrepancies. In twelve (12) of these districts the scanner counted more ballots than reported as counted by hand; in six (6) of these districts, the scanner counted fewer ballots than were counted by hand.

Nov 2010			
Scanner Counted Ballots	Hand Counted Ballots	Difference	Percent Difference
2409	17	-2392	-99.3%
943	796 <sup>11</sup>	-147	-18.5%
772	761	-11	-1.4%
1206	1216	10	0.8%
1292	1284	-8	-0.6%
364	362	-2	-0.5%
1982	1972	-10	-0.5%
1432	1438	6	0.4%
1956	1948	-8	-0.4%
386	385	-1	-0.3%
1213	1216	3	0.2%
2036	2041	5	0.2%
1269	1266	-3	-0.2%
1718	1714	-4	-0.2%
1477	1480	3	0.2%
1414	1412	-2	-0.1%
845	844	-1	-0.1%
1183	1182	-1	-0.1%

<sup>11</sup> 2/12/2011 in the original version of this report the ballot counts in this row were reversed and the difference in the line above did not have the minus “-“ sign.

Table 1: Discrepancies in Numbers of Ballots Counted by  
Hand vs. Counted by Scanner<sup>12</sup> in Eighteen Districts, November **2010** Audits

We have omitted reports from the table where zero ballots were reported for one or the other of the two counts.

Based on observer reports, we do not believe that all of the hand counts are accurate because of the questionable counting methods observed. On the other hand, because of these differences, we also have no basis to conclude that the scanners counted all ballots accurately.

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<sup>12</sup> The law and audit procedures often use the term “Tabulator” to refer to election machines. We use the terms “Scanner” or “Optical Scanner” to make the report clearer.

In general, when compared to the November 2009 report except for two extreme cases, there is little difference in the performance of the optical scanners and the election officials in counting ballots:

Nov 2009			
Scanner Counted Ballots	Hand Counted Ballots	Difference	Percent Difference
919	904	15	1.6%
1315	1298	17	1.3%
771	762	9	1.2%
1164	1169	-5	0.4%
492	494	-2	0.4%
1046	1050	-4	0.4%
1007	1004	3	0.3%
677	679	-2	0.3%
1362	1366	-4	0.3%
449	450	-1	0.2%
1900	1904	-4	0.2%
961	963	-2	0.2%
762	763	-1	0.1%
861	860	1	0.1%
2046	2044	2	0.1%
1877	1876	1	0.1%
3357	3358	-1	0.0%

Table 2: Discrepancies in Numbers of Ballots Counted by Hand vs. Counted by Scanner<sup>13</sup> in Seventeen Districts, November **2009** Audits

<sup>13</sup> The law and audit procedures often use the term “Tabulator” to refer to election machines. We use the terms “Scanner” or “Optical Scanner” to make the report clearer.



**B. Vote Count Accuracy**

Even considering confusion over ballots with questionable votes, an analysis of the district reports submitted to the Secretary of the State indicates that vote count discrepancies remain.

Nov 2010					
Col C Machine Totals (tape)	Col D Undisputed Vote Totals	Col E Questionable Vote Totals	Col F Overall Hand Count Totals (D+E)	Difference	Percent Difference
776	569	37	606	170	21.9%
759	559	36	595	164	21.6%
695	513	30	543	152	21.9%
881	936	0	936	-55	6.2%
139	99	6	105	34	24.5%
113	81	3	84	29	25.7%
888	917	0	917	-29	3.3%
84	56	2	58	26	31.0%
692	717	0	717	-25	3.6%
452	476	0	476	-24	5.3%
745	767	0	767	-22	3.0%
689	668	0	668	21	3.0%
40	21	1	22	18	45.0%
674	692	0	692	-18	2.7%
914	899	0	899	15	1.6%
726	712	0	712	14	1.9%
1023	1007	2	1009	14	1.4%
1639	1625	0	1625	14	0.9%
1292	1279	0	1279	13	1.0%
796	809	0	809	-13	1.6%
562	550	0	550	12	2.1%
55	43	0	43	12	21.8%
871	883	0	883	-12	1.4%
1300	1311	0	1311	-11	0.8%
645	625	10	635	10	1.6%
23	12	1	13	10	43.5%
1422	1412	0	1412	10	0.7%
559	569	2	571	-10	1.8%

Table 3: Candidate counts where Hand-Counted Votes and Machine-Counted Votes Show Discrepancies of 10 Or More Votes **2010** Audit.

The table on the previous page presents, by number and percentage, vote differences greater than 10 between hand-counted votes and machine-counted votes when all ballots with questionable votes are included<sup>14</sup> and all votes for cross-endorsed candidates are totaled.

Based on observer reports, we do not believe that all of the hand counts are accurate because of the questionable counting methods observed. On the other hand, because of these differences, we also have no basis to conclude that the scanners counted all votes accurately.

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<sup>14</sup> This is the most favorable interpretation of the audit reports, giving every benefit of the doubt to the accuracy of machine counts and the accuracy of hand counts. When Total Hand Count Totals is less than or equal to the Machine Totals, then the Questionable Vote Totals are included. When Undisputed Totals is greater than or equal to the Machine Totals then all Questionable Vote Totals are excluded. In the remaining cases enough Questionable Vote Totals are included to make the difference zero.

In general, when compared to November 2009, the November 2010 data shows a much worse performance in counting votes by the optical scanners, election officials, or both than in 2010:

Nov 2009					
Col C Machine Totals (tape)	Col D Undisputed Vote Totals	Col E Questionable Vote Totals	Col F Overall Hand Count Totals (D+E)	Difference	Percent Difference
2042	2103	0	2103	-61	3.0%
612	541	11	552	60	-9.8%
1045	1088	0	1088	-43	4.1%
556	518	11	529	27	-4.9%
932	910	0	910	22	-2.4%
1488	1466	0	1466	22	-1.5%
1453	1435	0	1435	18	-1.2%
1279	1263	0	1263	16	-1.3%
1140	1124	0	1124	16	-1.4%
992	976	0	976	16	-1.6%
1323	1309	0	1309	14	-1.1%
1198	1184	0	1184	14	-1.2%
1420	1407	0	1407	13	-0.9%
588	567	8	575	13	-2.2%
267	253	2	255	12	-4.5%
1067	1055	0	1055	12	-1.1%
2083	2072	0	2072	11	-0.5%
496	480	5	485	11	-2.2%
775	760	4	764	11	-1.4%
465	439	16	455	10	-2.2%
387	373	4	377	10	-2.6%
973	963	0	963	10	-1.0%
552	532	10	542	10	-1.8%

Table 4: Candidate counts where Hand-Counted Votes and Machine-Counted Votes Show Discrepancies of 10 Or More Votes **2009** Audit.

The following table shows the number of candidate counts with various levels of count differences between the optical scanners and the hand counts, considering ballots with questionable votes:<sup>15</sup>

Nov 2010		
Count Difference	Number of Candidate Counts	% Of All Counts
0	317	57.3%
1-3	147	26.6%
4-6	36	6.5%
7-9	25	4.5%
>=10	28	5.1%
<b>Total</b>		100.00%
<b>Average Difference:</b>	3.2 votes	

Table 5: Distribution by Difference of Candidate Counts between Hand-Counted Votes and Machine-Counted Votes **2010** Audit.

Looking at the data this way and comparing with 2009, we see that 2009 differences were not only less, but based on a significantly larger number of total counts:

Nov 2009		
Count Difference	Number of Candidate Counts	% Of All Counts
0	427	56.6%
1-3	233	30.9%
4-6	57	7.6%
7-9	14	1.9%
<sup>16</sup> >=10	23	3.1%
<b>Total</b>	754	100.00%
<b>Average Difference:</b>	1.6 votes	

Table 6: Distribution by Difference of Candidate Counts between Hand-Counted Votes and Machine-Counted Votes **2009** Audit.

<sup>15</sup> This table and the following table provide data similar to that provided by the University of Connecticut in analyzing the November 2008 post-election audit, available at: <http://voter.engr.uconn.edu/voter/wp-content/uploads/2008-Nov-Hand-V10.pdf>

<sup>16</sup> The original 2009 report has this as >10, it is correctly >=10

Using the same data as the previous table, omitting small counts with small differences<sup>17</sup>, this table also shows the number of candidate counts with various levels of percentages of differences between the optical scanners and the hand counts, considering ballots with questionable votes:

Nov 2010		
Range of % of Count Difference	% Of All Counts In Range	Number of Candidate Counts
0	52.7%	242
> 0 and < 0.5 %	20.5%	94
0.5 % and < 1.0 %	9.6%	44
1.0 % and < 2.0 %	7.2%	33
2.0 % and < 5.0 %	6.3%	29
5.0 % and < 10.0 %	1.3%	6
10.0 % and greater	2.4%	11
<b>Total</b>	100.0%	459
<b>Average Difference %</b>	0.59%	

Table 7: Distribution by Difference of Significant Candidate Counts (30 or more votes) between Hand-Counted Votes and Machine-Counted Votes  
By Ranges Of Percent **2010** Audit.

We note that if we were to trust these counts as an accurate representation of the optical scanner's counting:

- For over 27% of candidate vote counts, the machine count difference is greater than 0.5% which is the maximum level for requiring a close vote recanvass. For statewide races the threshold is significantly lower since the maximum difference for an automatic recanvass is 2000 votes, which represents a much lower percentage than the usual 0.5%.

We do not believe that all of these counts are accurate. But we have no reason to believe that all the hand count differences can be attributed to human counting error. For public confidence it would seem important that all unsatisfactorily or unexplained discrepancies between machine counts and official, final audit results should be significantly lower than the maximum threshold for automatic recanvasses.

We continue to support investigations and recounting in public of all unsatisfactorily explained differences over an agreed upon threshold per count.

<sup>17</sup> The table omits candidate counts with tape counts less than 30 votes that have differences less than 3 votes.

Looking at the data this way and comparing with 2009, we observe the same trend as in the previous charts:

Nov 2009		
Range of % of Count Difference	% Of All Counts In Range	Number of Candidate Counts
0	55.3%	380
> 0 and < 0.5 %	19.5%	134
0.5 % and < 1.0 %	9.3%	64
1.0 % and < 2.0 %	11.4%	78
2.0 % and < 5.0 %	3.2%	22
5.0 % and < 10.0 %	1.2 %	8
10.0 % and greater	0.0 %	0
<b>Total</b>	100.0%	686
<b>Average Difference %</b>	0.37%	

Table 8: Distribution by Difference of Significant Candidate Counts (30 or more votes) between Hand-Counted Votes and Machine-Counted Votes  
By Ranges Of Percent **2009** Audit.

### C. “Questionable” Votes and “Undisputed” Ballots

Observations and comments from election officials indicate confusion about classifying “undisputed ballots” and about counting “questionable votes.”<sup>18</sup> An undisputed ballot is a ballot with no apparent problem or questionable votes on it. A questionable vote is a mark on a ballot that may not have been read properly by the optical scanner. Audits exhibited a variety of interpretations of what constitutes “undisputed” and “ballots with questionable votes.” Audit statistics confirm these observations.

The following table has some examples of candidate counts with the largest percentages of questionable votes. Note that, in general, the optical scanners seem to have counted accurately many of the votes classified by officials as questionable.

Nov 2010				
Col C Machine Totals (tape)	Col D Undisputed Vote Totals	Col E Questionable Vote Totals	Col F Overall Hand Count Totals (D+E)	Percent Questionable
776	569	37	606	4.8%
318	303	14	317	4.4%
137	131	6	137	4.4%
696	664	29	693	4.2%
338	330	11	341	3.3%
927	899	30	929	3.2%
316	308	10	318	3.2%
900	872	26	898	2.9%
819	799	23	822	2.8%

Table 9. Examples of Candidate Counts with the Largest Percentage of Questionable Votes **2010** Audit

<sup>18</sup> Part of the confusion comes from as the terms “Undisputed Ballots” and “Questionable Votes.” One term refers to ballots, the other to votes, where the process must focus at different times between classifying ballots and classifying votes. Also the terms can add to the confusion between votes which might have been read two different ways by the scanner and votes that should have been read one way by the scanner, yet that reading would not accurately reflect the voter’s intent.

Compared with 2009 this area shows improvement in that significantly fewer votes are classified as questionable, since observations show that officials often classify too many votes as questionable and the results of counting show that most votes classified as questionable are indeed counted by the scanners. We also note that, on average, audits reported 0.46% of votes as questionable votes in 2010 vs. 2% in 2009.

Nov 2009				
Col C Machine Totals (tape)	Col D Undisputed Vote Totals	Col E Questionable Vote Totals	Col F Overall Hand Count Totals (D+E)	Percent Questionable
68	58	9	67	13.2%
335	291	42	333	12.5%
975	857	118	975	12.1%
235	218	17	235	7.2%
629	589	42	631	6.7%
196	182	13	195	6.6%
647	605	41	646	6.3%
170	160	10	170	5.9%
1621	1557	70	1627	4.3%

Table 10. Examples of Candidate Counts with the Largest Percentage of Questionable Votes **2009** Audit (one example per town)

### Reference Statistics:

Detailed base data can be found at: <http://www.CTElectionAudit.org>



## Appendix A: On Site Supervisor Interviews

One page of our observation report forms, titled *Interview On Site Supervisor(s)*, is used to gain information on several aspects of the election and post-election audit processes.

UConn memory card audit reports<sup>19</sup> and anecdotal reports<sup>20</sup> indicated significant problems with memory cards malfunctioning with what UConn characterizes as “Junk Data.” Our survey results are consistent with other reports.

We asked election officials about memory card problems experienced. Our survey indicates similar levels of problems as reported in the UConn<sup>21</sup> testing of memory cards:

<b>Question Asked Officials</b>	<b>Nov 2010 YES</b>	<b>Aug 2010 YES</b>	<b>Nov 2009 YES</b>
Were there any memory card problems during pre-election testing or on Election Day? (% of those answering)	56%	46%	41%

Table 6: Memory card problems reported by officials

As in previous observations, comments by officials indicated that they would like to eliminate the audit, remove from eligibility municipalities that have recently been audited and/or reduce the number of districts audited in municipalities with many districts.

Unfortunately, the integrity of the audit requires a random selection with no districts exempted from selection. In a 10% audit, according to basic mathematics, municipalities with more than 10 districts should not be surprised if they are almost always selected to audit several districts.

Registrars also requested more training and more guidance in counting procedures.

The Coalition strongly agrees with the need for more training, whether provided by the Secretary of the State, ROVAC, or concerned registrars and citizens.

We asked a new question this time about the IVS system.

- Nine (9) towns reported problems on Election Day with the IVS system for persons with disabilities.

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<sup>20</sup> See: <http://www.ctvoterscount.org/?p=111> for summary and links to reports from Dori Smith of TalkNationRadio.

<sup>21</sup> UConn VoTeR Center: <http://voter.engr.uconn.edu/voter/Reports.html>. Due to the nature of the collection/selection of cards for the UConn, studies they do not represent a true random sample of the memory cards.

What surprised us was that a number of towns reported that the IVS system had a very long response time, in hours. Other towns reported symptoms consistent with that problem.

We also asked supervisors, usually registrars, for suggestions on improving the process of the audits and our observations. Here are their comments as reported by observers<sup>22</sup>:

*Had problem with IVS, initial setup, long response 5:30am - 10:30am*

*Had problems getting reply from IVS [taking hours]*

*Phone line not working – [seems like other problems with IVS with slow response discussed with same observer in another town].*

*The fax machines [for the IVS], tested prior to the Election, didn't work after being transported to the polling places. A personal fax machine was brought to polling place from Registrar's home*

*On Election day there was a problem with one IVS line. Apparently the Sec. of State process for IVS line registration had changed and [the registrars] thought the line was registered while it was not. It was registered and working by 9AM*

*The Registrar's suggested that the lottery [random selection] process was flawed in that some towns may never be audited and others audited year after year. They suggest that another process should be in place that would guarantee that every town eventually gets audited*

*Registrars upset by the short notice with little time to prepare for the audit*

*Would like to get rid of cross-endorsing because it is confusing people. Would like to see results of these audits given greater publicity in order to show the public that the new voting scanners are quite accurate – [Registrar] says the general perception among voters is that they are not as good as the older machines*

*More time, at least 5 business days suggested! 2. Use independent scanner for audit instead of hand count; if problem, then hand count. 3. UCONN should provide memory cards rather than LHS; It would save taxpayers some money and registrars time.*

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<sup>22</sup> All comments transcribed by observers, have been edited for length, for grammar, and to make meanings clear.

## Appendix B: Statistics from Observation Reports

Question	Yes	No	NA / Not Observed
Were the ballots delivered to the site by at least two individuals?	55%	8%	37%
Were the ballots under the observation of at least two individuals at all times during the observation?	79%	13%	8%
Were you permitted to observe that ballot container seals were not tampered with?	79%	5%	16%
Were the ballot container seals intact?	79%	8%	13%
Were you able to see the seals and the seal numbers on the Moderator's Return?	76%	8%	16%
Did the supervisor review the state audit procedures with the counting team?	58%	29%	13%
Did the supervisor clarify procedures for everyone before beginning to count ballots?	68%	21%	11%
Did supervisor review the ballot and vote counting procedures in detail with the counting team(s)?[e.g. The role of each person on a team. Size of batches? Two officials should check each vote and hashmark etc.]	61%	26%	13%
Was the total number of BALLOTS counted before the VOTES were counted for races?	74%	21%	5%
Were the ballots counted by each team such that a 2nd election official verified each count?	69%	18%	13%
If multiple teams counted ballots, was the totaling independently verified by a second election official?	55%	16%	29%
IF HASHMARKING USED: Did a second official observe that each vote was read accurately?	45%	32%	24%
IF HASHMARKING USED: Did a second official make duplicate hashmarks OR observe that each hashmark was recorded accurately?	45%	32%	24%
IF STACKING/PILES USED: Was the vote counting process such that two election officials verified each vote was stacked as marked?	15%	10%	74%
IF STACKING/PILES USED: Were the stacks of ballots counted such that two election officials verified that each stack was counted accurately?	21%	10%	69%
IF HASHMARKING USED: Were you permitted to see that each vote was read accurately?	76%	0%	24%
IF HASHMARKING USED: Were you permitted to see that each hashmark was recorded accurately?	76%	0%	24%
IF STACKING/PILES USED: Were you permitted to see that each vote was placed in a correct stack?	37%	3%	61%
IF STACKING/PILES USED: Were you permitted to see that the count of ballots in piles was accurate?	39%	3%	58%
Were counters kept unaware of the election totals for the ballots or races they were counting until counting and recounting each race was finally complete?	58%	42%	0%
If initial counts were off, were counters kept unaware of the exact and approximate level of difference? [e.g. No indication was given of the amount the count was off]	34%	63%	3%

November 2010 Connecticut Post-Election Audit Observation

<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>NA / Not Observed</b>
Were votes on questionable ballots ruled upon separately race by race for reporting as questionable votes in the Audit Report? [Rather than all votes on every questionable ballot classified as questionable]	76%	18%	5%
Were votes on such ballots ruled upon prior to the tallying of votes for each race AND counts not adjusted based on knowledge of the results of the total count for each race?	74%	13%	13%
Did elections officials find a match between machine counts and manual counts the first time they tried?	21%	74%	5%
Did elections officials try to resolve mismatched counts by counting again?	53%	28%	20%
Did elections officials try to resolve mismatched counts by changing counting teams?	20%	55%	25%
Did elections officials resolve mismatched counts by the end of the audit?	31%	40%	29%
Were you able to confirm that hashmarks for each team and batch were tallied accurately? (i.e You could confirm that the number of hashmarks matched the total for each group of hashmarks.)	69%	5%	26%
Were you able to confirm that the number of ballots from multiple teams/batches was tallied accurately?	80%	5%	15%
Were you able to confirm that the number of votes from multiple teams/batches was tallied accurately?	90%	5%	5%
Did elections officials record counts, including unresolved discrepancies if any, on official forms by the end of the audit?	95%	0%	5%
Were you given an opportunity to have a copy or make a copy of the official forms?	85%	8%	8%
Could you confirm that ballots were returned to their proper containers?	80%	5%	15%
Were the ballot containers resealed?	83%	2%	15%
Were seal numbers recorded correctly on forms?	64%	0%	36%
Do you have any concerns over the way the room was laid out?	7%	57%	37%
Do you have any concerns that the auditing was not well-organized?	21%	52%	27%
Do you have any concerns with the integrity of the counting and totaling process?	11%	50%	39%
Do you have any concerns that the manual count was inaccurate?	19%	42%	39%
Do you have any concerns that the officially reported information is inaccurate?	29%	60%	12%
Do you have any concerns with the transparency/observability of the process?	4%	78%	17%
Do you have any concerns with the chain-of-custody?	14%	47%	40%
(*) Were there any ballot related problems on election day?			
(*) Were there any problems with the IVS voting system for persons with disabilities? Were they all setup and working correctly?	20%	60%	20%
Were there any memory card problems during pre-election testing or on election day?	43%	34%	23%
(*) Were there any other significant events, ballot problems, scanner problems or occurrences before during or after the election of note?	16%	64%	20%

## **Appendix C: Recommendations**

Each of our previous reports included recommendations and updated recommendations to the Legislature and the Secretary of State.

### **I. Independent Audits**

The current system of the conduct of audits by individual towns lacks consistency, accuracy, and professionalism. A nonpartisan, independent audit board or professional team of independent auditors should conduct the audits.

However, if audits continue to be conducted by local officials, we recommend the measures below to improve the security and integrity of Connecticut's election outcomes. Many of these same recommendations would apply if an independent audit board were established, with the board performing many of the audit functions now performed or recommended by the Secretary of the State.

### **II. Audit Selection, Notification and Reporting**

\* This section would also apply to independently-conducted audits

#### **A. Amend PA 07-194 on selection and notification to:**

1. require that the Secretary of the State randomly select the races to be audited during the same public event as the random selection of districts and require local drawing of races be announced and held publicly in each selected municipality. In elections where federal and/or constitutional statewide offices appear on the ballot, at least one such race should be randomly selected from those federal races on the ballot and one race selected from statewide races on the ballot.
2. require that races randomly selected for audit be chosen by the Secretary of the State for all districts.
3. require that towns selected for audit be officially notified of their selection in a legally acceptable form, including an immediate posting of the list of audit sites on the Secretary of the State's Website.
4. require that towns provide ample notice of the scheduling and location of post-election audits to the Secretary of the State and on their municipal websites or local newspapers. We urge the Secretary of State's office to review how other states are establishing and publicizing the schedule of audits and race selection to ensure maximum public notice and transparency.

**B. Amend PA 07-194 to mandate deadlines for:**

1. random selection of audit locations
2. completion of audits
3. municipalities to report audit results to the Secretary of the State's office

**C. Amend PA 07-194 on reporting to:**

1. mandate a deadline for completion of required reports from UConn and require that those reports include statistical data on deviations from the standards set in the audit law and reports on any incomplete or missing audit data
2. mandate timely publication of a final comprehensive report of each statewide audit and require that the report include local statistics and analysis from local audit report forms, elections officials' and observers' (if any) observations, and conclusions regarding the effectiveness of the audit. The report should be readily available to the public

**D. Amend PA 07-194 on reporting to:**

require that audit reports be compared to the machine tapes and election night or final amended reports to assure that the correct machine tape counts are recorded.

### **III. General Provisions**

A. Procedures that will yield trusted audits must be specified in law or regulation and must be made enforceable by the State Elections Enforcement Commission. Procedures should also provide a mechanism for the Secretary of State's office to report irregularities to appropriate authorities such as the State Elections Enforcement Commission.

**B. The Secretary of State's Office should:**

1. establish mechanisms and controls to audit the audits (log, detect and take action on errors) to assure that prescribed methods are followed. Audit reports that are incomplete or contain obvious or unexplained discrepancies should be rejected by the Secretary of State's office and corrective action taken by election officials.
2. increase competency of registrars and election officials in election audits through mandatory educational programs that include security, audit organization, and conduct; the steps and details of the audit procedures; counting methods; and organizing and supervising the audit teams.

C. Amend PA 07-194 to:

1. mandate investigation and independent analysis of data discrepancies which are not thoroughly and reasonably explained .
2. require that copies of the Moderators' Returns, and machine tapes, be present at the audit for review.
3. mandate that all ballots in all elections remain sealed until thirty days after all audits and audit investigations are complete. They should be released only after the Secretary of the State's notification in writing that the audit and investigations are complete. During that period ballots should only be unsealed temporarily for the purpose of recounts, audits, and state investigations – and resealed whenever audits, recounts, and investigations are complete or continued.
4. resolve the conflicting demands for any extended audit investigations with the need for re-programming of memory cards in preparation for new elections or referenda.
5. limit the role that candidates can perform in the post-election audit process. Opposed candidates, even if they are sitting registrars, should not supervise or have official roles in post-election audits. The Secretary of State's office should develop procedures to identify who will supervise and have an official role in audits in cases of this kind of conflict.
6. set forth specific and enforceable criteria for chain of custody, access logs, and secure storage facilities for ballots, memory cards, and machines. The Secretary of the State's office should establish a system of random unannounced inspections of storage facilities and access logs.

**IV. Audit Procedures**

A. The Secretary of the State should provide detailed guidance on methods of auditing that are efficient, transparent, specific, and accurate. National efforts should be reviewed, such as California's recently adopted audit procedures, the audit practices of Minnesota, recommendations of the Brennan Center, and the *Principles and Best Practices for Post Election Audits*<sup>23</sup>.

B. The Secretary of State should amend procedures to:

1. remove the subjectivity associated with the identification of what constitutes an undisputed ballot and a ballot containing a questionable vote.

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<sup>23</sup> <http://www.electionaudits.org/principles>

2. require all tallies be performed in public and audit reports be filled out as part of the actual public audit and displayed publicly at the end of the audit along with the tally sheets.
3. require that the results of all original manual counts and repeated counts, when necessary, be reported to the Secretary of the State's Office.

## **V. Public Involvement**

Observers' rights should be established in law. As long as observers don't interfere with the hand counting process, the public should be allowed to observe and verify all phases of the election audit from district and race selection through any follow-up investigation.

## **VI. Random District Selection Integrity**

In order that the random district selection is publicly verifiable and more accurate, with mechanisms for re-establishing audit integrity in the case of errors discovered:

### **A. Amend Sec. 9-50b to:**

require registrars to maintain an accurate list of districts with the Secretary of the State for inclusion in the Central Voter Registration System (CVRS), with each district identified by a unique district number for the municipality

### **B. Amend Sec 9-314 to:**

1. require the Head Moderator to submit copies of each district Moderator's Return totals and copies of all closing scanner tapes from the election or primary with the Head Moderator's Return shortly after the election or primary to the Secretary of the State. Provisions for later amended returns should also be included based on errors or corrections discovered. Each district should be identified by unique district number for the municipality as listed in the CVRS.
2. require the Secretary of the State to make available a copy of the District Moderators' Reports and Head Moderator's Reports for public review.

**C. Remove Sec. 9-322a, which requires the district results from the Municipal Clerk sixty (60) days after the election or primary.**



D. Amend PA 07-194 to:

1. require the Secretary of the State to make available a copy of an extract of districts from the CVRS for public review at the random district drawing.
2. require that each district in the drawing be identified by municipality and by the unique district number listed in the CVRS and the district reports.
3. require in the case of errors discovered after the drawing or in the list of districts for random selection (omissions, non-existent districts, or ambiguities), that they must be, by law, resolved in a way that restores the integrity of the audit. For instance, when selected districts are ambiguous, audit integrity could be restored by auditing all possible districts implicated by such ambiguities; when districts are omitted from the drawing, integrity could be restored by auditing those districts.