





0 <b>Connecticut Citizen Election Audit Coalition</b>	
0 	0 
0 	0 

**Report and Feedback**  
**November 2011**  
**Connecticut**  
**Post-Election Audit Observation**

By

The Connecticut Citizen Election Audit Coalition

January 26, 2012

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

## Table of Contents

Executive Summary .....	3
Recommendations .....	5
I. Introduction .....	6
A. Citizen Observation: Challenges and Limitations .....	7
B. Purpose of Connecticut’s Random, Post-Election Audits.....	7
C. Background .....	8
II. Analysis .....	9
A. Integrity of the Random District Drawing .....	9
B. Procedures Unenforceable, Current Laws Insufficient .....	11
C. Procedures Are Not Being Followed, Understood.....	11
C.1 Notification To Selected Towns And To The Public.....	12
C.2 Four Official Audit Reports Not Available, To Date.....	13
C.3 Missing, Incorrectly Completed Forms and Incomplete Audit Counting.....	13
C.4 Multiple Chain-of-Custody Concerns .....	15
C.5 Transparency .....	15
D. Guidance, Training, and Attention to Counting Procedures Inadequate, Inconsistently Followed .....	16
D.1 Audit Organization and Counting Procedures: .....	16
D.2 Need for Dual Verification .....	16
D.3 Blind Counting.....	17
D.4 Confusion in Definitions of Ballots with Questionable Votes.....	18
D.5 Counting Write-In Votes and Cross-Endorsed Candidates.....	19
III. Audit Statistics .....	20
A. Ballot Count Accuracy.....	20
B. Vote Count Accuracy .....	21
C. “Questionable” Votes and “Undisputed” Ballots.....	24
Appendix A: On Site Supervisor Interviews .....	26
Appendix B: Statistics from Observation Reports.....	29
Appendix C: Recommendations .....	32
I. Independent Audits.....	32
II. Audit Selection, Notification and Reporting.....	32
III. General Provisions .....	33
IV. Audit Procedures .....	34
V. Public Involvement .....	35
VI. Random District Selection Integrity .....	35

## Executive Summary

After the November 2011 municipal election, Connecticut conducted its eighth large-scale post-election audit<sup>1</sup>. This was also the Connecticut Citizen Election Audit Coalition's eighth 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.

**Readers of past reports will note little change in our observations and conclusions; little progress by officials in improving post-election audit integrity; and little change in our recommendations which have been, for the most part, not addressed by current and past Legislatures and Secretary of the State's Offices.**

**In the interest of transparency and public information, for the first time, we have posted on the web, available to all, the official municipal reports and data used to compile this report.**

<http://www.CTElectionAudit.org/ResultsDisplay.aspx>

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

- Lack of integrity in the random district selection and race selection processes.
- Lack of consistency, reliability, and transparency in the conduct of the audit.
- Discrepancies between machine counts and hand-counts reported to the Secretary of the State by municipalities and the lack of standards for determining need for further investigation of discrepancies.
- Weaknesses in the ballot chain-of-custody.

Most of our general observations and concerns remain the same as reported in previous reports. However, in this round of audit observations, we note that:

- Reported discrepancies have decreased, approximating the Nov 2009 post-election audit discrepancies.
- A significant increase in memory card problems have been reported.

---

<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.

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 a municipal election, three offices or twenty per cent of the number of offices on the ballot, whichever is greater, selected at random by the municipal clerk,..*"

Once again, in the November 2011 random selection, without investigation, we discovered, according to local registrars, **two districts selected for audit were not included in the election. This despite the passing of a bill in 2011 by the General Assembly, at the request of the Secretary of the State, that was supposed to help remedy this situation.**

**In two towns, for a total of ten selected districts, officials did not select and audit the full three races required by the law.** While likely unintentional, if such situations are not investigated and remedied when they occur, they provide an opportunity for errors or deception.

**Among our greatest concerns are the discrepancies between machine counts and hand-counts reported to the Secretary of the State by municipalities.** We can find no acceptable explanation for attributing these discrepancies either to humans or to the voting machines. In many cases, these discrepancies are not thoroughly and reasonably explained. In other 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. Therefore, we believe that the procedural guidelines provided by the Secretary of the State still need further clarification and improvement.

The Secretary of the State should expect officials to be able to organize audits to produce accurate hand counts, but not, in normal circumstances, to have the skills to analyze and explain differences between accurate hand counts and machine counts. Such differences should be investigated by technicians, with appropriate expertise, such as the University of Connecticut VoTeR Center

**Audit and chain-of-custody procedures are not followed.** This report does not question any individual's integrity. However, a safe, credible system of security procedures should not permit a single individual any extended opportunity to handle records and ballots unobserved.

**Random selection of races and investigations of discrepancies after the audits should be required to be public or noticed to the public.** The extent to which they are not noticed, not made public, or are difficult for the public to observe, compromises 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. The Coalition continues to urge Connecticut officials to:

- improve audit procedures by providing clearer guidance to local officials
- tighten up chain-of-custody procedures, and
- establishment an independent audit board.

Detail recommendations are included in Appendix C of this report.

Audit procedures continue to present challenges for elections officials. We observed several failures to follow prescribed procedures. 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 and to complete the 2010 effort that was initiated by the previous Secretary of the State's Office.

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.

## I. Introduction

After the November 2011 municipal election, Connecticut conducted its eighth large-scale post-election audit. This was also the Connecticut Citizen Election Audit Coalition's eighth 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 purposes of our observations are 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.

Coalition volunteers invested 44 days observing 29 counting sessions, providing feedback on the process to the Coalition. Observers frequently attended audits on short notice, observed multiple audits, and accommodated last minute changes to the audit schedule. Without the service from these volunteers, Connecticut's audits would take place with no observation and this report would not be possible.

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 a municipal election, three offices or twenty per cent of the number of offices on the ballot, whichever is greater, selected at random by the municipal clerk,..."*

The audit counting sessions were required to be conducted between November 23, 2011 and December 6, 2011. 73 districts were selected for audits from the list of districts not exempt from the audits due to close vote recanvasses<sup>2</sup>. The districts performing audits were located in 42 municipalities.

In addition to the November 2011 post-election audit, there were two other post-election audits in 2011 – after the September 2011 Primary and the May 2011 Elections. The Coalition observed those audits but based on their size and consistency with past observations we chose not to create formal reports.

---

<sup>2</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 five districts were replaced on the list resulting in a total of 42 towns rather than the original 44.

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

Through past experience in observing audits, we have continuously improved our forms, training materials, and conference call training sessions. For this audit we made very few changes from the November 2010 observation.

We recognize that there may be occasional errors in our raw data derived from observations. However, when taken as a whole, the observations tell a collective story that is quite consistent and provides valuable feedback for continuing education of elections officials.

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>3</sup>

## **B. 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>4</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*

---

<sup>3</sup> Upon request of any registrar of voters participating in the audit, the Coalition would be pleased to discuss Coalition observation reports and provide feedback applicable to their municipality.

<sup>4</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.

## **C. 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>

## II. Analysis

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

- Lack of integrity in the random district selection and race selection processes.
- Lack of consistency, reliability, and transparency in the conduct of the audit.
- Discrepancies between machine counts and hand-counts reported to the Secretary of the State by municipalities and the lack of standards for determining need for further investigation of discrepancies.
- Weaknesses in the ballot chain-of-custody.

Most of our general observations and concerns remain the same as reported in previous reports. However, in this round of audit observations, we note that:

- Reported discrepancies have decreased, approximating the Nov 2009 post-election audit discrepancies.
- A significant increase in memory card problems has been reported.

One of our greatest concerns is 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 nor investigated. 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. As a result, we have no means to determine whether discrepancies should be attributed to either human error or to our voting machines. Therefore, we believe that the procedural guidelines provided by the Secretary of the State still require further clarification and improvement.

The Secretary of the State should expect officials to be able to organize audits to produce accurate hand counts, but not, in normal circumstances, to have the skills to analyze and explain differences between accurate hand counts and machine counts. Such differences should be investigated by technicians, with appropriate expertise, such as the University of Connecticut VoTeR Center.

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

A new concern uncovered last 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 the 2011 legislative session the General Assembly passed a law, at the Secretary of the State's request, to address this issue. The law required that all towns submit a list of districts in the election to the Secretary of the State, such that the Secretary of the State's

Office could use that list to create the list of polling places in the drawing. For whatever reason, that system is not working, or is not being used, to provide an accurate list for the random selection.

In this observation:

In discussions with registrars in Weston and Essex we found that both towns had only one polling place used for this election, yet two polling places from each town were included in the drawing.

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.

In our November 2010 Report

..an advocate, without extensive investigation, quickly discovered a district missing from the list of districts in the random drawing...Bridgeport had twenty-25 districts in the election and only 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, with many towns not posting districts on the web - it can be challenging or almost impossible for citizens 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 when towns are not able to count such districts, 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***

We noted in previous reports, discussions with representatives of the Secretary of the State's Office and the State Elections Enforcement Commission (SEEC) indicated that many, if not all, of the post-election audit procedures, including those covering chain-of-custody, are unenforceable. Early in 2011 the Executive Director of the SEEC stated that he believed that such procedures are enforceable. However, at least one member of the General Assembly disagreed – without a court test of an enforcement action, enforceability remains in doubt. 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 for extended periods undetected, 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 audits.

We emphasize that this report does not question any individual's integrity. However, a secure, credible chain-of-custody procedures would preclude the opportunity for a single individual to have any extended access to ballots unobserved.

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

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

In past years, the Secretary of the State's Office published incrementally improved audit procedures for each election, often basing those improvements on suggestions from Coalition members. We noticed no improvements in 2011. The procedures are still 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.

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 local audit.

## **C.1 Notification To Selected Towns And To The Public**

Unfortunately, the only requirement in the law is that towns notify the public in advance, with no deadline or notice requirement. For example, a single notice on the door of the Registrars' Office, posted fifteen minutes prior to the counting session would meet the requirements of the law. The Secretary of the State's procedures do require three business days advance notice notification to the Secretary's Office.

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.

For this audit, we recognize that the Secretary of the State's Office held the random drawing well in advance of the audit start, providing adequate time for towns to plan and schedule audits in advance. Most towns were aggressive in quickly setting dates for counting sessions and providing that information to the Coalition well in advance of the audits.

However, it remained difficult to obtain all dates in advance<sup>5</sup>. Although towns are required to notify the Secretary of the State's Office and provide public notification three days in advance, the Office was only able to inform us of one audit prior to our contacting towns to ask for the dates. In two instances, towns did not give the required three day notice and made it impossible for the Coalition to observe those audits.

- One town insisted, prior to the holiday weekend that they would not schedule the date of the audit until after the drawing on the 28<sup>th</sup>. When we called on morning of the 29<sup>th</sup> they said the audit was underway – making it impossible that they could have scheduled it and given the three days notice to the public required by procedures
- Another town said they would set the date late on the Wednesday before Thanksgiving, but when we called on the Monday after they said they held the counting session on Saturday – which could have provided only one business day notice. They said they could not notify the Secretary of the State's Office because the Secretary's Office was closed.

Another challenge is that there is no way for the public to be made aware of towns which are selected for audit, later exempted, and then an alternate selected. This happened several times during this audit. Typically, after several tries on several days we were able to contact local officials for audit dates, only to find that they were exempt and replaced by an alternate. We then needed to contact the Secretary of the State's Office to determine the alternate substitute – sometimes counting sessions are completed by the time we are able to determine and contact the alternate municipality.

---

<sup>5</sup> In some municipalities registrars are very part time and difficult for the Coalition to contact. Some post office hours as seldom as one hour on one day a week. Sometimes those hours are not posted, not followed, or vary. Often registrars provide home numbers or email addresses on the web or municipal clerks can assist in making contact, but it can take days to make actual contact. Sometimes when we try emails, but some are not returned or rejected as no longer existent. We know of no requirement for email, voice mail, or that our voice messages or emails be returned.

## **C.2 Four Official Audit Reports Not Available, To Date**

We appreciate the assistance of the Secretary of the State's Office in providing us with copies of the official municipal audit reports. The process improved, from our view, this year with the reports scanned and emailed to us promptly, rather than paper copies. Unfortunately, as of this date, four official reports from three municipalities have not been sent to us (or apparently received by the Secretary's Office). In each of those cases, observers obtained unofficial reports which have been used in our calculations.

## **C.3 Missing, Incorrectly Completed Forms and Incomplete Audit Counting**

Reviewing the 69 official district reports submitted to the Secretary of the State, we note that:

- 14 reporting forms were not accurately completed, making it difficult . to create comprehensive statistics or to depend on the audits as a vehicle for assessing the voting machines' accuracy and correct programming.
  - 10 forms did not have all columns filled on the reports or columns not correctly filled in e.g. they supplied tape counts and undisputed counts but no total count.
  - 3 forms contained math errors.
  - 1 for did not have ballot counts – they filled the form in with total vote counts by hand and scanner instead
  - 1 did not provide counts for one candidate in an audited race
- 5 towns demonstrated a lack of understanding of questionable votes
  - 1 town indicated in comments that differences were explained by questionable ballots, but even including all reported questionable ballots differences remained of 4, 8, and 40 votes
  - 3 towns indicated in comments that they had questionable votes, but did not report them all on the forms
  - 1 town indicated in comments that differences were explained by questionable votes but undisputed count was higher than tape count.
  - Several towns did not fill in the column for questionable votes. In those cases, we assumed they found none.
  - Several towns did not fill in the undisputed or the total hand count columns. In those cases we assumed the missing column from the others.
- 1 town with 2 districts audited two races and two questions where the law requires auditing of three races
- 1 town with 8 districts audited one race where the law requires auditing three races
- 1 town explained vote differences because write-in ballots were not counted in the audit, however, the ballot counts matched for the hand and tape counts.
- 1 town said that counters counted “undisputed ballots that the scanner did not read”
- 1 town the count varied because of “possible machine misread – acceptable level”
- 3 towns indicated the reported differences were of an “acceptable level for human counting” etc. Where no such standard has been established.
- 14 towns explained differences by either “Hand count errors,” “Human errors” or similar vague language.

We recommend that the two towns claiming possible machine errors should be taken seriously and be cause for a technical investigation.

Incomplete data should be taken seriously. The state should not accept incomplete forms and insist that they be filled out correctly and, where necessary, counting be completed or redone. Every inadvertent error in following the law is an opportunity for an election error or malfeasance to remain undetected.

Officials should be expected to count accurately. An official level of acceptable differences should be defined in law. It should be unacceptable to have reports indicating acceptable levels of differences when none have been established.

Selected quotes from official audit report forms and [our commentary in brackets]<sup>6</sup>:

*“Differences are explained by questionable ballots”* [There remain differences of 4, 8, and 40, even considering those questionable ballots.]

*“Due to human error on the part of the Moderator at the polls, the ballots containing write-in votes were placed into and incorrect envelope, thus these votes were not counted during the audit.”* [But the audit hand ballot count matches the tape count from election night!]

*“It appears that perhaps 1 ballot was not read by the machine as the ovals were too light.”* [It also appears that they did not count it as questionable]

*“2 ballots marked outside oval. 5 ballots where ovals not completely filled in.”* [This may explain questionables, but not machine count difference, since the undisputed count is higher than tape totals.]

*“RE: Undisputed - count varied by 1,2,3,or 4 votes due to possible machine misread - level acceptable”* [What is acceptable level? Not defined as far as we know.]

*“Three separate teams counted the ballots and their numbers are added up. Total appears to be within expectation for human error.”* [But what is that expectation? Is the reported error of 7 votes (1.4%) acceptable?]

*“Human Error – ‘We are not machines’”*

Images of the actual official Audit Reports supplied from the Secretary of the State’s Office along with our complied data a reports can be viewed at:  
<http://www.CTEectionAudit.org/ResultsDisplay.aspx>

---

<sup>6</sup> Official comments in this document are edited for grammar and spelling.

#### **C.4 Multiple Chain-of-Custody Concerns**

In several observations<sup>7</sup>, observers expressed concerns with the chain-of-custody in the several ways. In 5 municipalities observers expressed general concerns with the chain-of-custody. This is about the same percentage (17%) as the two most recent observations with 14% and 18% concerns.

A larger concern is that, in many towns, single individuals may access the ballots undetected for extended periods of time. In 41% of towns surveyed in this audit, a single individual can access the ballot storage. In other towns, even though policies require more than one person to access ballots, there are little protections to prevent a single person from accessing the ballot storage.

Selected observer comments and their record of official responses to survey questions<sup>8</sup>:

*The ballots are stored as are most town records in file cabinets with a single file cabinet style lock within a single large open room. Despite a very attractive "logging" book they sign together when opening the file cabinet, there is no barrier to a single person opening the cabinet alone*

*Only one individual returned ballots.*

*Nothing to prevent just one Registrar opening it - each has a key locked in his desk. Their office is kept locked.*

*The 2 registrars; there is one shared key, policy and tradition dictate that they access ballots together.*

#### **C.5 Transparency**

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.

Overall, of 29 counting sessions observed, only 2 observations noted concerns with transparency.

In one municipality, our observer noted:

*The two registrars resolved the discrepancies by themselves and not as a result of recounting by the counters. As we observed, it was not apparent to us how the two registrars resolved the ballots and races discrepancies after the*

---

<sup>7</sup> Although we observed a total of thirty (29) 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>8</sup> All comments by observers in this document have been edited for length, for grammar, and to make the meanings clear.

*counters had left. They were in a huddle and were unable to discern what they were doing and how they came up with their explanation of differences. Until the counters left, all procedures were totaling transparent and easily observable.*

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.

Difficulties in discovering the dates, times, locations of audit counting sessions and alternate substitutions present obstacles to observing all of the counting sessions.

Selection of races to be audited are not legally required to be announced or made public. Although many are, transparency and integrity would be enhanced if they were legally required to be public and to be made the first event of the counting session, rather than a separate event.

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

##### **D.1 Audit Organization and Counting Procedures:**

Observers expressed concerns that many of the audits were not well organized. Observers noted the following problems, several of which occurred within the same audit:

- In 8 audits, observers had concerns that the auditing was not well organized.
- In 6 audits, observers had concerns with the integrity of the counting and totaling process.
- In 9 audits, observers had concerns that the manual count was inaccurate.
- In 2 audits, observers had concerns that the results on the reporting forms were inaccurate.
- In 5 audits with counts that did not originally match, the votes or ballots were not recounted a second time.

##### **D.2 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 16 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 6 observations a second official did not verify ballot counts.

### D.3 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 15 observations, counters were aware of ballot or race counts from the election while they were counting.
- In 16 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:

*Read the Procedures at beginning of audit but left it up to individual counting teams to devise their own methods of keeping batches, counting, recording.*

*It was obvious that the teams were well prepared. There were no questions in the course of the count, none of the confusion I had seen in other locations.*

*Went over procedure in general but did not specify method or role of individual workers*

*The registrars told the counters that it was all up to them. On registrar was not involved because "her husband was on the ballot". As the audit progressed and counts did not match, at various times, various members of the team read parts of the procedures and made attempts to influence the procedures the team was using.*

*There were times when piles were swapped for counting by another person, or a 2nd person helped another recount third or fourth time, but it was predominantly fast inaccurate counting repeated until desired result or acceptably close in their mind.*

*Ballot counting - no one aware initially, but when it was off they knew by how much when they recounted. Race counting-did not go through ballots again.*

*After the initial counting of the ballots, counters were told how many ballots they were off and that they needed to recount. They kept recounting until their count matched the machine number.*

*Moderator always told counters how many votes were needed plus or minus to make the manual count match the machine count for each race and candidate that didn't initially match - this would happen even after several counts of the same race for the same candidate - occasionally when a match finally occurred, the counting was stopped for the remainder of the race for that candidate*

#### **D.4 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.

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

Some observers’ notes:

*All ballots were checked during counting of ballots for bad or questionablke marks and none were found for the races being audited, though there were a few noticed in other races. Well handled.*

*A bit disorganized here as each team kept its own group of questionables and had to find place for them on tally sheets.*

*The unquestionable votes on questionable ballots were not considered until the vote totals were compared to the tabulator result and didn't match. Then those votes were used to adjust the total. the remaining questionable votes were then listed as questionable on the SOTS report.*

## **D.5 Counting Write-In Votes and Cross-Endorsed Candidates**

Three 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.

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 and debate among officials on how write-ins are counted on election day.

From the observer:

*They spent lots of time debating if machine had read votes on write-in races, one registrar assumed that the machine read every vote in race except write-in or would automatically count write-in bubble for the one registered write-in candidate.*

### III. Audit Statistics

#### A. Ballot Count Accuracy

Among our greatest concerns are the discrepancies reported. The table below shows all districts with ballot count discrepancies. In 10 of these districts the scanner counted more ballots than reported as counted by hand; in 6 of these districts, the scanner counted fewer ballots than were counted by hand.

Nov 2011			
Scanner Counted Ballots	Hand Counted Ballots	Difference	Percent Difference
208	205	3	1.4 %
349	346	3	0.9 %
1278	1269	9	0.7 %
361	359	2	0.6 %
269	270	-1	-0.4 %
310	309	1	0.3 %
711	713	-2	-0.3 %
859	861	-2	-0.2 %
987	989	-2	-0.2 %
1103	1101	2	0.2 %
2154	2152	2	0.1 %
1092	1093	-1	-0.1 %
1190	1191	-1	-0.1 %
1209	1208	1	0.1 %
1385	1384	1	0.1 %
1459	1458	1	0.1 %

Table 1: Discrepancies in Numbers of Ballots Counted by Hand vs. Counted by Scanner<sup>9</sup> in Eighteen Districts, November **2011** Audits

We have omitted reports from the table for one town apparently reported total number of votes rather than ballots.

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.

<sup>9</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 2010 and November 2009 reports except for two extreme cases in November 2010, there was only moderate, if any, improvement in the performance of the optical scanners and the election officials in counting ballots in November 2011.

**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 2011					
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
531	485	6	491	40	7.5 %
62	76	1	77	-14	-22.6 %
75	62	0	62	13	17.3 %
404	386	5	391	13	3.2 %
77	64	0	64	13	16.9 %
50	63	1	64	-13	-26.0 %
1686	1672	2	1674	12	0.7 %
688	679	0	679	9	1.3 %
971	959	3	962	9	0.9 %
83	74	0	74	9	10.8 %
963	951	3	954	9	0.9 %
1559	1547	3	1550	9	0.6 %
53	62	1	63	-9	-17.0 %
916	903	5	908	8	0.9 %
700	660	32	692	8	1.1 %
189	182	0	182	7	3.7 %
402	392	3	395	7	1.7 %
400	391	2	393	7	1.8 %
1084	1074	3	1077	7	0.6 %
503	496	0	496	7	1.4 %
910	897	6	903	7	0.8 %

Table 2: Candidate counts where Hand-Counted Votes and Machine-Counted Votes Show Discrepancies of 7 Or More Votes **2011** Audit. <sup>10</sup>

<sup>10</sup> In 2011, there were about 50% fewer ballots counted in as counted in 2010 and about 15% fewer in 2011 than in 2009.

The table on the previous page presents, by number and percentage, vote differences greater than 7 between hand-counted votes and machine-counted votes when all ballots with questionable votes are included<sup>11</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.

In general, the November 2011 data shows a performance in counting votes by the optical scanners, election officials, or both, improved over in 2010, but the 2011 was worse than 2009 .

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>12</sup>

Nov 2011		
Count Difference	Number of Candidate Counts	% Of All Counts
0	498	56.1%
1-3	306	34.5%
4-6	62	7.0%
7-9	14	1.6%
>=10	7	0.8%
<b>Total</b>		100.00%
<b>Average Difference:</b>	1.12 votes	

Table 3: Distribution by Difference of Candidate Counts between Hand-Counted Votes and Machine-Counted Votes **2011** Audit.

Looking at the data this way and comparing with 2010 and 2009, we observe that 2011 shows significant improvement even considering that there were fewer votes counted overall.

<sup>11</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.

<sup>12</sup> This table and the following two tables provide data similar to that provided by the University of Connecticut in analyzing post-election audit data. We use the same groupings to facilitate comparisons between our report and theirs.

Using the same data as the previous table, omitting small counts with small differences<sup>13</sup>, the following 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 2011		
Range of % of Count Difference	Number of Candidate Counts	% Of All Counts In Range
0	498	56.1%
> 0 and < 0.5 %	167	18.8%
0.5 % and < 1.0 %	128	14.4%
1.0 % and < 2.0 %	57	6.4%
2.0 % and < 5.0 %	23	2.5%
5.0 % and < 10.0 %	4	0.5%
10.0 % and greater	10	1.3%
<b>Total</b>		100.0%
<b>Average Difference %</b>		0.28%

Table 4: Distribution by Difference of Significant Candidate Counts (30 or more votes) between Hand-Counted Votes and Machine-Counted Votes By Ranges Of Percent **2011** Audit.

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

- For over 25% of candidate vote counts, the machine count difference is greater than or equal to 0.5% which is the maximum level for requiring a close vote recanvass.

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 a prior agreed upon threshold per count.

These counts do show an improvement in optical scanner and human counting from past years.

<sup>13</sup> The table omits candidate counts with tape counts less than 30 votes that have differences less than 3 votes.

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

Observations and comments from election officials indicate confusion about classifying “undisputed ballots” and about counting “questionable votes.”<sup>14</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. Comparing Column C and Column F, in general, we observe the optical scanners seem to have counted accurately many of the votes classified by officials as questionable.<sup>15</sup>

Nov 2011				
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
407	385	22	407	5.4%
615	580	32	612	5.2%
359	344	15	359	4.2%
443	424	18	442	4.1%
958	930	31	961	3.2%
661	650	15	665	2.3%
713	702	15	717	2.1%
754	742	14	756	1.9%
953	937	17	954	1.8%

Table 5. Examples of Candidate Counts with the Largest Percentage of Questionable Votes **2011** Audit

This is consistent with the 2010 audits where results improved over 2009, yet on average, 2011 audits reported 0.77% questionable votes vs. 0.46% 2010 and 2% in 2009. 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.

<sup>14</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.

<sup>15</sup> <sup>15</sup> We display at most one count per district audited. Many other counts in the same districts had similar percentages of overvotes.

**Reference Statistics:**

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

## 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>16</sup> and anecdotal reports<sup>17</sup> indicated significant problems with memory cards malfunctioning with what UConn characterizes as “Junk Data.” Our survey results are consistent with other anecdotal reports that the memory card problems may be increasing and significantly greater than previously realized.

We asked election officials about memory card problems experienced. Compared with past surveys our sample indicates a significant increase in memory card problems. Anecdotal accounts indicate that the percentage of memory card problems may be higher than those reported in the UConn<sup>18</sup> testing of memory cards. Many problems with memory cards are discovered in pre-election testing and many of those cards replaced by the vendor before pre-election testing is completed:

<b>Question Asked Officials</b>	<b>Nov 2011 YES</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 the Observation Report question)	90%	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.

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 last year about the IVS system.

- In 2011, 34% of towns reported problems on Election Day with the IVS system for persons with disabilities. In 2010, 20% reported such problems.

<sup>17</sup> See: <http://www.ctvoterscount.org/?p=111> for summary and links to reports from Dori Smith of TalkNationRadio.

<sup>18</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.

In 2011 one of the towns reported that the IVS system had a very long response time. This is an ongoing problem that needs to be addressed. In 2010 several towns reported this same problem – that is a response time in hours!

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>19</sup>:

*Due to the snow storm outages so close to voting day, it was not possible to completely install the IVS voting system - Secretary of the State gave permission to use the old way of helping disabled individuals to vote*

*8 of 32 memory cards had problems during testing. No problems on election day...Machines would stick and reject ballots and had to be turned over and rescanned. Ballots wouldn't drop after being accepted and had to open machine to unjam.*

*6 of 28 bad cards. IVS, one test reply never came back.*

*3 of the 20 cards didn't work in pre-election testing; they were sent back and new ones returned... No problems with IVS...With such a long ballot, it took at least 30 min. for 1 ballot.*

*Three memory cards didn't work and went back to UConn. An individual needing IVS equipment (line outage) relied on a companion to vote for them.*

*21 of 72 memory cards DOA. Two districts of AB ballots had to be reprinted due to bad timing marks.*

*Half [of memory cards] were sent back to be reprogrammed prior to the election.*

*If a town has done an audit in the last election there should be some way to get them out of it the next election. The state should have to pay for this mandate. Should always have a major race be part of the audit-"it's easier" (?) There should be some way to make it faster. Can't someone make a program so we can check it with the machines?*

*It would be easier for the Registrars if they could get someone from SOTS on phone to talk through audit procedures and answer questions rather than only having a piece of paper to refer to. As the Registrars are not in the office every day, it is not helpful to leave a message with SOTS for a return call. Even though they are trained generally on audit procedures, as audits are done only occasionally, it would be helpful to get a "refresher" once they are actually selected for audit.*

---

<sup>19</sup> All comments transcribed by observers, have been edited for length, for grammar, and to make meanings clear.

*A tally sheet designed by the state. and more detailed instructions.*

*Use computerized auditing as demonstrated last year.*

*Why is this still being done? We know the machines are more reliable. [Our municipality], because it has 10 districts, has been asked to do audits every election. It's expensive. (This is also the reason they wouldn't consider going to teams of 4). This is an unfunded mandate.*

*Both registrars don't see the need for audits. Think they are too costly.*

*The registrars commented on the effectiveness of the pre-audit conference call conducted by the office of the Secretary of State.*

*One Registrar would like more feedback on how they are doing. They want to be told if they are doing everything correctly - don't even know if someone would tell them if there are problems.*

*State should pay for audits. Small % statewide. More time to do, plan, and recruit people e.g. select districts sooner.*

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 at least one district and those with more than 20 districts almost always selected to audit at least two districts.

## Appendix B: Statistics from Observation Reports

2011 Question	Yes	No	Not Obsd
Opening Chain-of-custody & Ballot Transport - Were the ballots delivered to the site by at least two individuals?	17	1	11
Opening Chain-of-custody & Ballot Transport - Were the ballots under the observation of at least two individuals at all times during the observation?	25	1	3
Opening Chain-of-custody & Ballot Transport - Were you permitted to observe that ballot container seals were not tampered with?	25	1	3
Opening Chain-of-custody & Ballot Transport - Were the ballot container seals intact?	25	0	4
Opening Chain-of-custody & Ballot Transport - Were you able to see the seals and the seal numbers on the Moderator's Return?	27	1	1
Training and Orientation - Did the supervisor review the state audit procedures with the counting team?	16	7	6
Training and Orientation - Did the supervisor clarify procedures for everyone before beginning to count ballots?	22	4	3
Training and Orientation - 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.]	17	9	3
BALLOT counting - Was the total number of BALLOTS counted before the VOTES were counted for races?	28	1	0
BALLOT counting - Were the BALLOTS counted by each team such that a 2nd election official verified each count?	21	8	0
BALLOT counting - If multiple teams counted BALLOTS, was the totaling independently verified by a second election official?	19	3	7
Counting methods for votes in RACES, by one or more teams of counters.	18	5	5
Double Checking By Officials? (Answer this question based on all the counting and counting teams you actually observed): - IF HASHMARKING USED: Did a second official observe that each vote was read accurately?	9	16	4
Double Checking By Officials? (Answer this question based on all the counting and counting teams you actually observed): - IF HASHMARKING USED: Did a second official make duplicate hashmarks OR observe that each hashmark was recorded accurately?	9	16	4
Double Checking By Officials? (Answer this question based on all the counting and counting teams you actually observed): - IF STACKING/PILES USED: Was the vote counting process such that two election officials verified each vote was stacked as marked?	8	5	16

November 2011 Connecticut Post-Election Audit Observation

2011 Question	Yes	No	Not Obsd
Double Checking By Officials? (Answer this question based on all the counting and counting teams you actually observed): - IF STACKING/PILES USED: Were the stacks of ballots counted such that two election officials verified that each stack was counted accurately?	7	6	16
Transparency and Observability? - IF HASHMARKING USED: Were you permitted to see that each vote was read accurately?	25	0	4
Transparency and Observability? - IF HASHMARKING USED: Were you permitted to see that each hashmark was recorded accurately?	25	0	4
Transparency and Observability? - IF STACKING/PILES USED: Were you permitted to see that each vote was placed in a correct stack?	11	0	17
Transparency and Observability? - IF STACKING/PILES USED: Were you permitted to see that the count of ballots in piles was accurate?	11	0	17
Blind Counting. - 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?	14	15	
Blind Counting. - If initial counts were off, were counters kept unaware of the exact and approximate level of difference? [	10	16	3
Ballots with "Questionable" Markings That Might Not Have Been Read Correctly By The Machine. - Were votes on questionable ballots ruled upon separately race by race for reporting as questionable votes in the Audit Report?	25	3	0
Ballots with "Questionable" Markings That Might Not Have Been Read Correctly By The Machine. - 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?	19	8	0
Discovering and resolving mismatches: - Did elections officials find a match between machine counts and manual counts the first time they tried?	5	24	0
Discovering and resolving mismatches: - Did elections officials try to resolve mismatched counts by counting again?	21	5	3
Discovering and resolving mismatches: - Did elections officials try to resolve mismatched counts by changing counting teams?	7	18	4
Discovering and resolving mismatches: - Did elections officials resolve mismatched counts by the end of the audit?	11	16	2
Tally procedures and tallying transparency: - Were you able to confirm that hashmarks for each team and batch were tallied accurately?	23	1	5
Tally procedures and tallying transparency: - Were you able to confirm that the number of ballots from multiple teams/batches was tallied accurately?	25	1	3
Tally procedures and tallying transparency: - Were you able to confirm that the number of votes from multiple teams/batches was tallied accurately?	25	2	2
Verifying and copying report forms: - Did elections officials record counts, including unresolved discrepancies if any, on official forms by the end of the audit?	27	1	1

November 2011 Connecticut Post-Election Audit Observation

2011 Question	Yes	No	Not Obsd
Verifying and copying report forms: - Were you given an opportunity to have a copy or make a copy of the official forms?	27	1	1
Verifying and copying report forms: - Did the BALLOT counts on the signed optical scanner tape(s) printed at the end of election-day match the tape ballot count reported on the audit report form(s)?	25	1	1
Verifying and copying report forms: - Did the RACE counts on the signed optical scanner tape(s) printed at the end of election-day match the machine tape race counts reported on the audit report form(s)?	23	2	1
Closing Chain-of-custody - Could you confirm that ballots were returned to their proper containers?	28	1	0
Closing Chain-of-custody - Were the ballot containers resealed?	28	0	1
Closing Chain-of-custody - Were seal numbers recorded correctly on forms?	27	1	1
Overall Concerns - Do you have any concerns over the way the room was laid out?	4	25	0
Overall Concerns - Do you have any concerns that the auditing was not well-organized?	8	21	0
Overall Concerns - Do you have any concerns with the integrity of the counting and totaling process?	6	23	0
Overall Concerns - Do you have any concerns that the manual count was inaccurate?	9	20	0
Overall Concerns - Do you have any concerns that the officially reported information is inaccurate?	2	25	2
Overall Concerns - Do you have any concerns with the transparency/observability of the process?	2	27	0
Overall Concerns - Do you have any concerns with the chain-of-custody?	5	24	0
Election Events - Were there any memory card problems in pre-election testing or on election day?	26	3	0
Election Events - Were there any problems with the IVS voting system for persons with disabilities? Were they all setup and working correctly?	10	17	2
Election Events - Were there any other significant events, ballot problems, scanner problems or occurrences before during or after the election of note?	5	23	1

Table 7: Statistics from Observation Reports

## **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**

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

1. In elections where federal and/or constitutional statewide offices appear on the ballot, 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, 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. for municipal elections and primaries require that races randomly selected for audit be chosen by the Secretary of the State for all districts, or, at least, require local drawing of races be announced and held publicly in each selected municipality.
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 report of 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. Require that the report include local statistics and analysis from local audit report forms, elections officials' and observers' (if any) comments, 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 final election results (including amended results, if applicable) 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 over legally defined limits 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>20</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.

---

<sup>20</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.

## **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. 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 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 clarifying the ambiguity. When districts are omitted from the drawing, integrity could be restored by auditing those districts.