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Report and Feedback
November 2012
Connecticut
Post-Election Audit Observation

By

The Connecticut Citizen Election Audit Coalition

February 28, 2013

www.CTElectionAudit.org

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Executive Summary

After the November 2012 Federal election, Connecticut conducted its eleventh large-scale post-election audit¹. This was also the Connecticut Citizen Election Audit Coalition's eleventh 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, in a presidential election, randomly select three offices for audit in each of those districts. This November Secretary Merrill chose the offices of President, U.S. Representative, and Registrar of Voters. Some selected districts did not have a race in the election for Registrar of Voters and instead audited the office of U.S. Senator.

Readers of past reports will note many similarities previous 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.

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.
- 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.

¹ 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.

The greatest concerns raised by the audit of the November 2012 election are:

- **Inaccurate drawing list:** Rather than an increasingly accurate random drawing list, our verified sample of differences points to a dramatic decrease in accuracy and increased uncertainty in the integrity of the drawing, rendering the audit highly flawed from the start. Without an accurate list, there cannot be a true 10% random audit.
- **One municipality discovered a significant error,** 151 ballots double counted because write-in votes were read into the scanner a second time. The audit discovered the error which should have been discovered and corrected as part of the normal election closing and reporting processes.²
- **Ballot count discrepancies:** There were many differences between machine counts and hand counts reported to the Secretary of the State by municipalities. -we can find no acceptable all of these discrepancies either to humans or to the voting machines]. In many cases, these discrepancies are not reasonably explained. In other cases, the explanations make no sense or contradict the data in municipalities' reports. Whether these discrepancies are the result of human or voting machine errors is unknown.
- **Audit and chain-of-custody procedures are not followed.** We do 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.

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 public and 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. Investigations involving counting ballots or votes should be open to public observation and effectively announced to the public.

² This was a human error causing a scanner counting error. Human errors resulting in machine counting errors are one type of problem audits of machine counts are intended to find, should they occur. Similar human errors would be incorrect election programming or incorrectly maintained scanners. Discovering such errors should result in future process improvements to limit recurrences.

Official audit report images and data calculated from those reports are available for viewing at <http://www.CTElectionAudit.org>

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
- establish an independent audit board.

With this report:

- **We add a recommendation, that all originally machine counted ballots be subject to be counted in the audit.** Currently only those ballots originally counted by machine in polling places are audited. We recommend that machine counted Absentee Ballots and Election Day Registration ballots also be audited. They represent a growing percentage of votes cast.

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 2012 Federal election, Connecticut conducted its eleventh large-scale post-election audit. This was also the Connecticut Citizen Election Audit Coalition's eleventh 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 47 days observing 38 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 without public 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, in a presidential election, randomly select three offices for audit in each of those districts. This November Secretary Merrill chose the offices of President, U.S. Representative, and Registrar of Voters. Some selected districts did not have a race in the election for Registrar of Voters and instead audited the office of U.S. Senator.

The audit counting sessions were required to be conducted between November 21, 2012 and December 3, 2012. In the random drawing, 75 districts were selected for audits from the list of districts not exempt from the audits due to close vote recanvasses³. The districts performing audits were located in 56 municipalities.

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 past observations.

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.

³ 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.

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.⁴

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*⁵ 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*

C. Background

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

⁴ 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.

⁵ *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

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.
- 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 in contrast to those earlier in 2012, we note:

- A significantly higher inaccuracy of the districts included in the random audit drawing.
- The discovery of a human error in one town resulting in a 151 ballot inaccurate machine count.

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 organization, planning, and ad-hoc counting procedures used by many municipalities were not sufficient to count accurately and efficiently and 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 continue to require further clarification and improvement.

The public and 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. Investigations involving counting ballots or votes should be open to public observation and effectively announced to the public, in advance.

A. Integrity of the Random District Drawing

For several years, we have noted concerns with inaccuracies in the 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.

In this observation, we initially noted a dramatic difference in the number of districts drawn in the April Presidential Primary, August Primary, and November Election.

This directly impacts the integrity and credibility of the entire post-election audit:

- Districts missing from the drawing are exempt from the audit and can result in less than 10% of the actual districts being selected.
- Districts ambiguously defined or the addition of nonexistent districts enable local election officials to select which districts to audit defeating the purpose of random selection. This can add costs and work if many extra districts are selected.

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 ignored or dismissed as errors, then the opportunity is opened for cover-ups, for fraud, or for steering the audit away from particular districts.

In the 2011 legislative session the General Assembly passed a law, at the Secretary of the State's request, to address the random drawing accuracy issue. The law required that all towns submit a list of districts in the election in advance to the Secretary of the State, such that the Secretary of the State's Office could use that list to create the list in the drawing. For whatever reason, despite passage of this law, the list for the random selection of districts for the audit of the November election was not accurate.

Evaluating the rate of accuracy of the districts in the drawing would entail extensive research to determine the actual number of districts in each town in the state and those exempt from selection, in many cases contacting often very part-time registrars to determine the number of actual districts used in each town for a particular election. The districts are listed on the web sites of some towns, but not others. The definition of district for the audits is clear, yet some towns seem to use the word district for other purposes, necessitating further evaluation and research to develop complete, accurate information.

In past observations, Since November 2009, without extensive research, the Coalition uncovered one to three discrepancies in the list either from checking a few towns or by towns indicating problems with a non-existent or ambiguously defined district, selected in the drawing.

In this observation, we initially noted a dramatic difference in the number of districts drawn in the April Presidential Primary, August Primary, and November Election: 60, 53, and 75 respectively.

What could explain these differences without there being discrepancies in the drawing?

- Districts with recanvassed contests or contested elections are exempt from selection, yet they still count toward the number used to determine the 10%.
- Districts that use paper ballots only in an election, counting them by manually, are also exempt from the audit. By our estimates approximately 17 towns likely used paper only in August; that does would not explain the difference of at least 211 districts necessary to require an increase of 22 districts selected in November vs. August.
- In the past year, the trend has been for towns to consolidate districts to reduce expenses. We therefore accepted the Secretary of the State's Office explanation that most of the reductions in April and August were due to that consolidation.
- Adding to the consolidation trend was State and Federal redistricting in 2012, which anecdotally accelerated the consolidation as towns reduced districts prior to the August Primary. This would not explain an increase in districts from August to November.
- There was some confusion and delays in redistricting in time for the August Primary. It may well be that many towns did not update the number of districts in time for the mandatory 30 day advance filing with the Secretary of the State's Office. Once again, such delays and confusion would tend to increase the number of districts correctly or incorrectly included in the August list and decrease the number in November – the opposite effect from that observed.

In researching for this report, we first compared town-by-town the number of districts in the drawing between August and November, ignoring any towns with zero districts in either drawing, which were likely exempt from the audit, and also accounting to the extent possible for recanvasses which would also have exempted districts:

- There were 9 towns with a total of 11 fewer districts in the November drawing, several can be attributed to recanvasses in November, and it is likely that several are due to redistricting.
- There were 50 towns with 127 more districts in the November drawing, several are likely due to recanvasses in August.

We researched several towns on the list with increased districts in the November drawing and also learned of errors when we called towns to determine the date and time of their audit:

- Ward 5 was selected for audit in Danbury. According to a Danbury registrar, there are three districts in Ward 5. In the November drawing list, Ward 5 occurred only once.
- According to the town's website and published ballots there are 13 districts in Meriden, 16 were included in the drawing, a non-existent district was selected for audit.

- Milford had 10 districts in the August drawing and 8 in the November drawing. According to a Milford registrar, a district selected for audit was formerly a single district now split into two, thus both should have been in the drawing and identified uniquely.
- Glastonbury had 6 districts in the August drawing and 9 in the November drawing. Due to redistricting the town has 7 districts, i.e. two fewer districts than were in the drawing.
- Manchester had 8 districts in the August drawing and 7 in the November drawing. According to the town's web site it has 8 districts.
- Vernon had 4 districts in the August drawing and 5 in the November drawing. According to the town's website it has 4 districts.

We also discussed additional differences in the lists with several registrars. These interviews call into question the entire level of accuracy of the August and November drawings.

- Hartford: 24 voting districts, 11 in Aug Drawing, 15 in Nov Drawing, yet the only recanvass was 2 districts in August.
- Middletown: 14 voting districts in 9 polling places. 9 in August drawing, 12 in November drawing when 1 was recanvassed.⁶
- New Britain: 17 polling places, 12 in August drawing, 11 in November Drawing, no recanvasses.
- Bridgeport: 24 polling places, 20 in August drawing, 19 in November Drawing, no recanvasses.
- Meriden: 13 polling places, 6 in August drawing, 16 in November Drawing, no recanvasses.

Rather than an ever more accurate random drawing list, our verified sample of differences points to a dramatic decrease in accuracy and increased uncertainty in the integrity of the drawing.

The audit is based on a 10% random sample of all districts in an election. The integrity of the audit requires that the list of districts be complete and accurate. Otherwise, too few districts may be audited, In the case of ambiguously named or non-existent districts, officials may choose districts to audit, rather than the possibility of all districts being subject to random selection and audited.

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-

⁶ District 14 was recanvassed in November, yet the districts not included in the Nov drawing were 3 and 10, not 14 which had the recanvass.

custody, are unenforceable. Early in 2011 the [now former] Executive Director of the SEEC stated that he believed that such procedures are enforceable. The enforceability remains in doubt. There is no incentive for following the procedures and no penalty for disregarding them. We note that a bill has been submitted to the Legislature in 2013 to require that directives and procedures of the Secretary of the State be enforceable.

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, 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: 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 2012. 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. Frequently effective counting procedures are coupled with ad-hoc, disorganized totaling procedures which cause frustration for officials, inaccuracy, and make it difficult to observe the correspondence from team or batch counting results to final totals.

C.1 Notification To Selected Towns And To The Public

Unfortunately, the only requirement in the law is that towns notify the public of an audit counting session 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 to the Secretary's Office.

As in past observations, we have noted continuing 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. Overall, for this audit the Coalition noted very good cooperation from registrars with the Coalition, apparently with the Secretary of the State's Office, and the Secretary of the State's Office promptly forwarding the Coalition a significant number of audit notifications.

The audit counting by law can begin on the 15th day after each election and primary with the random drawing of districts usually held several days in advance of that date. However, for this election the Secretary of the State's Office held the random drawing on November 20th, just two days before the counting was to begin. This was an improvement over the August Primary, when the drawing was held one day after counting was to begin. Lack of time between the drawing and counting can cause confusion and otherwise unnecessary scrambling by election officials and coalition observers.

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, last year with the reports scanned and emailed to us promptly, rather than paper copies. Unfortunately, as of this date, four official reports from one municipality and one page of another report have not been sent to us (and apparently have not been received by the Secretary's Office).

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

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

- Several report 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:
 - In 9 reports the number of ballots counted by hand was not filled in or was filled in incorrectly.
 - In 1 report the number of ballots was obviously incorrect because the number was 20,000 too high.
 - In 3 reports some columns were not completed and/or incorrectly completed.
 - In 1 report, there was 1 minor arithmetic error.
 - 1 report was missing counts for one candidate.
 - In 2 reports a negative count of questionable votes was reported.

In summary 22 of 75 (29%) of reports were either missing, missing data, or incorrectly filled in. In 18 of the 71 submitted reports (25%) there were errors making it impossible determine if machines had functioned properly. This is only a slight improvement over the August audits when the numbers were 40% and 31% respectively.

What basis is there to trust audits when 29% of reports are not available or missing data critical to the audit?

Incomplete data should be taken seriously. The Secretary of the State should not accept incomplete forms and should insist that they be filled out correctly and, where necessary, perform investigations counting ballots or votes again. These investigations should be announced publicly in advance for public observation. Every difference 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 established in law or by the Secretary of the State. 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 brackets⁷:

“Human Error in Counting” [19 reports from 18 towns, we continue to question the basis on which officials can distinguish between hand counting errors and machine errors]

“Act of God” [Even if not meant literally, a reason to audit and investigate for possible fraudulent intervention or malfunction, and to take differences seriously.]

“During the hand count we credited Romney with votes that the tabulator called blank...Votes for Courtney working family were credited to Courtney Democrat in the hand counting. [If they counted incorrectly they should have recounted and reported accurately. Or maybe they have uncovered a machine error.]

“Differences within the margin of error” [Two towns. No such margin has been established by the Secretary of the State.]

Images of the actual official town Audit Reports supplied from the Secretary of the State’s Office along with our compiled data from those reports can be viewed at: <http://www.CTElectionAudit.org>

C.4 One Audit Identified A Significant Error In The System

One audit reported a significant error, 151 write-in ballots were apparently read through the scanner twice. This error was not discovered even though the number of voters checked-in did not balance with the count of ballots reported.

This is a serious type of error: Failure to check, report, and where possible, correct differences between machine counts and ballot counts. Such errors should be routinely corrected in the election system – the manual and machine system.

Finding errors of this nature is one of the benefits of auditing, helping officials learn of problems, and provides the opportunities to prevent them in the future by increasing efforts to faithfully follow procedures and built-in checks.

According to the official report:

“We are trying to check the discrepancy with the Moderator. It appears that she fed the write-in ballots through twice. 151 Write-in ballots were sent through the machine a second time

⁷ Official comments in this document are edited for grammar and spelling.

C.4 Multiple Chain-of-Custody Concerns

In several observations⁸, observers expressed concerns with the chain-of-custody in several ways. In 11 municipalities observers expressed general concerns with the chain-of-custody. This is a greater percentage (27%) than the in three most recent observations where 17%, 14%, and 18% of observers expressed concerns.

A larger concern is that, in many towns, single individuals may access the ballots undetected for extended periods of time. In 62% 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 few protections in place to prevent a single person from accessing the ballot storage.

Selected observer comments and their record of official responses to survey questions⁹:

At the end of the audit, all officials had left two of the rooms with no one present, leaving ballots unguarded in one of the rooms.

Two of three containers opened before official start time, one that was opened after was a plastic box sealed with useless numberless seals that easily could have been removed and replaced.

I didn't know it at the time, but the two ballot bags were already in the room. I was the only person in there for 5 or 10 minutes

Ballots were in 3 cardboard boxes with tamper [evident] tape to seal them.

Ballots in cardboard box and one regular case. Cardboard box had seal under transparent tape. Could easily have been sealed on another box after opening, so seal had no effect.

Moderator's Return did not note seal numbers

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 38 counting sessions observed, only 2 observations noted concerns with transparency.

⁸ Although we observed a total of thirty (38) 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.

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

Observers noted:

The two registrars alone broke seals, opened ballot containers and counted total number of ballots before the scheduled start of the audit.

They made long lists of numbers for each candidate not identified by batch, added by non-printing calculator, had teams recount stacks and did additions and subtractions to previous totals to get final results. Hard to trust and believe they did not make errors in the process, favoring reaching a better and better result.

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, which frequently occurred within the same audits:

- In 7 audits, observers had concerns that the auditing was not well organized.
- In 7 audits, observers had concerns with the integrity of the counting and totaling process.
- In 8 audits, observers had concerns that the manual count was inaccurate.
- In 4 audits, observers had concerns that the results on the reporting forms were inaccurate.
- In 8 audits with hand counts that did not match the machines, the votes or ballots were not recounted a second time.

Two observer comments:

The ROV is very nice, but has no use for this process and doesn't understand it. ...The second day of counting began with no sign of the ROV, though bags were already in the room and she may have been involved in getting them there. But teams slowly got ready and then just started in on their own, each team doing it differently.

Registrars instructed officials to double count, but did not. Registrars also formed a counting team, and did not check themselves.

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 to count votes, in 18 observations a second official did not verify that votes *were read* accurately by the first official; in 21 observations hash marks *were not double checked by a second official*.
- When using the *stacking* counting method to count votes, in 5 observations a second official did not verify that votes *were stacked* accurately by the first official; in 6 observations ballots *were not counted by a second official*.
- When counting ballots, in 9 observations a second official did not verify ballot counts.

From an observer:

One counter found it difficult to keep up with hashmark markings, so was assisted by another team member to "Just copy her markings".

D.3 Blind Counting

Blind counting is a method of counting without pre-conceived knowledge of the expected outcome. When counting teams know the machine 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 11 observations, counters were aware of ballot or race counts from the election while they were counting.
- In 19 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 any additional verification.

From an observer:

Counters were advised of incorrect totals and amount needed to correct them before recounting

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 machine and marks that may or may not have been read by the machine.
- Two towns reported negative questionable votes – a clear misunderstanding of their definition and purpose.

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 official audit report notes:

All effort efforts were made to insure accuracy of voters intent. [Contrary to the intent and procedures of the audit]

[Differences] accounted for in questionable vote totals. [Contradicts report where undisputed and questionable in several cases fall short of machine totals]

Some observer comments:

The audit report shows "2" under "Questionable Vote Totals. I believe that this was entered only as a result of a 2-vote discrepancy between machine-tape count and human-count, whereas the discrepancy could not be found/explained upon repeated inspection/counting, i.e. there were no instances of particular ballots which contained undetermined contents.

Any ballots that counters thought might be questionable were given to the registrars. The registrars determined that very few were actually questionable. However, in their reporting they listed ALL in the questionable column. The official in charge said it made it easier to fill out the report form, and he didn't seem to think it made any difference!

When discrepancies occurred, the questionable pile was raided to resolve these discrepancies. Sometimes questionables were listed separately in column e(?) and added to unquestionable, but more often they were reunited with unquestioned ballots for the final tally.

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

Four years ago we noted a high degree of confusion and lack of training of counters in counting cross-endorsed candidates. This year, as in recent years, 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. In this audit though, several towns attributed small errors to confusions with cross-endorsed.

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 machine and how they should be counted by hand in the audit. Write-ins did not present problems in this year

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 11 of these districts the scanner counted more ballots than reported as counted by hand; in 7 of these districts, the scanner counted fewer ballots than were counted by hand. In 9 of these districts it seems obvious that the officials misunderstood the form and did not correctly indicate the hand count total from the audit.

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 and incorrectly completed reports, we also have no basis to conclude that the scanners counted all ballots accurately.

In general, when compared to the reports from November 2009 through November 2012 there was little, if any, improvement.

Nov 2012			
2608	0	2608	100.00%
2565	2	2563	99.90%
2544	0	2544	100.00%
2363	0	2363	100.00%
1873	0	1873	100.00%
1791	0	1791	100.00%
1050	0	1050	100.00%
840	0	840	100.00%
784	0	784	100.00%
2034	2077	-43	-2.10%
6482	6457	25	0.40%
3020	3008	12	0.40%
4872	4876	-4	-0.10%
3518	3522	-4	-0.10%
1533	1529	4	0.30%
1200	1197	3	0.30%
2405	2402	3	0.10%
2275	2272	3	0.10%
1602	1604	-2	-0.10%
821	819	2	0.20%
3638	3640	-2	-0.10%
3110	3111	-1	0.00%
1350	1349	1	0.10%
2021	2022	-1	0.00%
842	841	1	0.10%
448	447	1	0.20%
1604	1605	-1	-0.10%
1810	1809	1	0.10%
2223	2222	1	0.00%

Table 1: Discrepancies in Numbers of Ballots Reported by Hand vs. Counted by Scanner¹⁰ in Eighteen Districts, November **2012** Audits

¹⁰ 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

Nov 2012					
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
1424	1348	0	1348	76	5.30%
1487	1410	1	1411	76	5.10%
1191	1120	2	1122	69	5.80%
1088	1022	2	1024	64	5.90%
952	999	0	999	-47	-4.90%
735	688	2	690	45	6.10%
4067	4025	0	4025	42	1.00%
964	933	1	934	30	3.10%
1613	1581	2	1583	30	1.90%
1167	1109	29	1138	29	2.50%
1259	1225	10	1235	24	1.90%
1198	1158	20	1178	20	1.70%
1311	1278	14	1292	19	1.40%
1757	1773	0	1773	-16	-0.90%
936	914	9	923	13	1.40%
1124	1094	18	1112	12	1.10%
1592	1581	0	1581	11	0.70%
1109	1094	4	1098	11	1.00%
1644	1622	12	1634	10	0.60%
517	504	3	507	10	1.90%
617	607	0	607	10	1.60%
1284	1268	6	1274	10	0.80%
981	990	4	994	-9	-0.90%
1750	1702	39	1741	9	0.50%
77	85	0	85	-8	-10.40%
1669	1654	7	1661	8	0.50%
1488	1459	21	1480	8	0.50%
2236	2228	0	2228	8	0.40%
1021	1013	0	1013	8	0.80%
576	555	13	568	8	1.40%
1092	1078	6	1084	8	0.70%

Table 2: Candidate counts where Hand counted Votes and Machine-Counted Votes Show Discrepancies of 8 Or More Votes **2012** Audit. ¹¹

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 included¹² and all votes for cross-endorsed candidates are totaled.

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.

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 2012 data shows a performance in counting votes were little improved. In 2012 there were less differences reported than in 2011, yet higher differences numerically and percent of differences than those reported in 2011

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:¹³

Nov 2012		
Count Difference	Number of Candidate Counts	% Of All Counts
0	419	64.1
1-3	169	25.8%
4-6	31	4.7%
7-9	13	2.0%
>=10	22	3.4%
Total		100.00%
Average Difference:	1.8 votes	

Table 3: Distribution by Difference of Candidate Counts between Hand counted Votes and Machine-Counted Votes **2012** Audit.

¹² 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.

¹³ 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 UConn's past reports.

Using the same data as the previous table, omitting small counts with small differences¹⁴, 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 2012		
Range of % of Count Difference	Number of Candidate Counts	% Of All Counts In Range
0	419	68.5%
> 0 and < 0.5 %	127	19.4%
0.5 % and < 1.0 %	27	4.1%
1.0 % and < 2.0 %	20	3.1%
2.0 % and < 5.0 %	18	2.8%
5.0 % and < 10.0 %	24	3.7%
10.0 % and greater	19	2.9%
Total		100.0%
Average Difference %		0.29%

Table 4: Distribution by Difference of Significant Candidate Counts between Hand counted Votes and Machine-Counted Votes
By Ranges Of Percent **2012** Audit.

We have no basis to 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.

We continue to support investigations and recounting in public of all unsatisfactorily explained differences over a prior agreed upon threshold per count, for example 0.5% which is the threshold for triggering recanvasses.

¹⁴ 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.”¹⁵ 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.¹⁶

Nov 2012				
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
2291	2220	74	2294	3.20%
2621	2549	72	2621	2.70%
2634	2558	70	2628	2.70%
2322	2268	53	2321	2.30%
1941	1886	52	1938	2.70%
1801	1752	52	1804	2.90%
792	742	49	791	6.20%
1562	1516	48	1564	3.10%
1778	1747	43	1790	2.40%
1392	1357	41	1398	2.90%
3236	3196	40	3236	1.20%
3208	3163	39	3202	1.20%
1750	1702	39	1741	2.20%
1456	1419	38	1457	2.60%
1616	1603	32	1635	2.00%
1296	1268	32	1300	2.50%
3023	2985	31	3016	1.00%
998	973	30	1003	3.00%

Table 5. Examples of Candidate Counts with the Largest Percentage of Questionable Votes **2012** Audit

¹⁵ 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.

Overall 0.50% of votes were classified as questionable. In 2011, 2010 and 2009, 0.77%, 0.46% and 2% of votes were classified as questionable, respectively. 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.

In some cases, officials reported a number of negative questionable votes, to balance the number totals exactly between machine and hand counts. In some cases, we also see many exact counts where the total hand counted votes (including questionable votes) exactly equal the machine totals, which in some cases from observation we know indicate a misunderstanding of the procedure that all questionable votes should be reported and that the questionable number on reports is not intended to be a factor to make numbers equal, but instead to allow for votes that might or might not have been counted by the machine.

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 reports¹⁷ and anecdotal reports¹⁸ 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 continuing level of problems. 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:

Question Asked Officials	Nov 2012 YES	Aug 2012 YES	Apr 2012 YES	Nov 2011 YES	Nov 2010 YES	Aug 2010 YES	Nov 2009 YES
Were there any memory card problems during pre-election testing or on Election Day? (% of those answering the Observation Report question)	63%	50%	66%	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. Several requested that the Coalition provide suggested procedures and forms for counting.

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. In November

¹⁸ See: <http://www.ctvoterscount.org/?p=111> for summary and links to reports from Dori Smith of TalkNationRadio.

2012 only 5% of registrars reported IVS problems. Perhaps this will prove to be an ongoing positive improvement.

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 observers¹⁹:

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.

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

¹⁹ All comments transcribed by observers, have been edited for length, grammar, punctuation, and to make meanings clear.

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 10 or more districts should not be surprised if they are almost always selected to audit at least one district and those with 20 or more districts almost always selected to audit at least two districts.

Appendix B: Statistics from Observation Reports

2012 Question	% Yes ²⁰	Yes	No	Not Obsd
Were the ballots delivered to the site by at least two individuals?	88%	22	3	16
Were you permitted to observe that ballot container seals were not tampered with?	95%	36	2	3
Were the ballot container seals intact?	97%	36	1	4
Were you able to see the seals and the seal numbers on the Moderator's Return?	86%	31	5	5
Did the supervisor review the state audit procedures with the counting team?	73%	27	10	4
Did the supervisor clarify procedures for everyone before beginning to count ballots?	79%	31	8	2
Did the supervisor review the ballot and vote counting procedures in detail with the counting teams?	78%	29	8	4
Was the total number of BALLOTS counted before the VOTES were counted for races?	70%	28	12	0
Were the BALLOTS counted by each team such that a 2nd election official verified each count?	77%	31	9	0
If multiple teams counted BALLOTS, was the totaling independently verified by a second election official?	81%	26	6	7
IF HASHMARKING USED: Did a second official observe that each vote was read accurately?	45%	15	18	7
IF HASHMARKING USED: Did a second official make duplicate hashmarks OR observe that each hashmark was recorded accurately?	36%	12	21	7
IF STACKING/PILES USED: Was the vote counting process such that two election officials verified each vote was stacked as marked?	64%	9	5	26
IF STACKING/PILES USED: Were the stacks of ballots counted such that two election officials verified that each stack was counted accurately?	54%	7	6	27
IF HASHMARKING USED: Were you permitted to see that each vote was read accurately?	100%	37	0	4
IF HASHMARKING USED: Were you permitted to see that each hashmark was recorded accurately?	100%	37	0	4
IF STACKING/PILES USED: Were you permitted to see that each vote was placed in a correct stack?	93%	14	1	25
IF STACKING/PILES USED: Were you permitted to see that the count of ballots in piles was accurate?	88%	15	2	23
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?	73%	30	11	0

²⁰ % Yes of those answering Yes or No.

If initial counts were off, were counters kept unaware of the exact and approximate level of difference?	52%	21	19	1
Were votes on questionable ballots ruled upon separately race by race for reporting as questionable votes in the Audit Report?	79%	31	8	2
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?	77%	30	9	2
Did elections officials find a match between machine counts and manual counts at the end of the initial count of each races?	10%	4	36	1
Did elections officials try to resolve mismatched counts by counting again?	79%	31	8	2
Did elections officials try to resolve mismatched counts by changing counting teams?	43%	16	21	3
Did elections officials resolve mismatched counts by the end of the audit?	35%	12	22	4
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.)	97%	34	1	3
Were you able to confirm that the number of ballots from multiple teams/batches was tallied accurately?	90%	36	4	0
Were you able to confirm that the number of votes from multiple teams/batches was tallied accurately?	89%	34	4	0
Did elections officials record counts, including unresolved discrepancies if any, on official forms by the end of the audit?	97%	32	1	3
Were you given an opportunity to have a copy or make a copy of the official forms?	86%	31	5	1
Did the BALLOT counts on the optical scanner tape(s) printed on election-night match the tabulator tape ballot count transcribed on the audit report form(s)?	81%	26	6	1
Did the RACE counts on the optical scanner tape(s) printed on election-day match the machine tape race counts transcribed IN COLUMN 'C' on the audit report form(s)	72%	21	8	2
Were the ballots under the observation of at least two individuals at all times during the observation?	85%	33	6	0
Could you confirm that ballots were returned to their proper containers?	97%	36	1	1
Were the ballot containers resealed?	89%	33	4	0
Were seal numbers recorded correctly on forms?	91%	32	3	2
Do you have any concerns over the way the room was laid out?	7%	3	38	0
Do you have any concerns that the auditing was not well-organized?	17%	7	34	0
Do you have any concerns with the integrity of the counting and totaling process?	17%	7	34	0
Do you have any concerns that the manual count was inaccurate?	20%	8	32	1

Do you have any concerns that the officially reported information is inaccurate?	10%	4	35	2
Do you have any concerns with the transparency/observability of the process?	5%	2	39	0
Do you have any concerns with the chain-of-custody?	27%	11	30	0
[Is only one person required to access ballots?]	62%	18	11	11
Were there any memory card problems in pre-election testing or on election day?	63%	25	15	1
Were there any problems with the IVS voting system for persons with disabilities? (Or were some not setup?)	5%	2	38	1
Were there any other significant events, ballot problems, scanner problems or occurrences before during or after the election of note?	13%	5	35	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 the 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 the 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.

require that all originally machine counted ballots be counted in the audit. i.e. including machine counted Absentee Ballots and Election Day Registration Ballots.

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 the 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 the 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*²¹.

B. The Secretary of the 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.
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.

²¹ <http://www.electionaudits.org/principles>

C. 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.