

0 <b>Connecticut Citizen Election Audit Coalition</b>	
0 	League of Women Voters of Connecticut
0 	Connecticut COMMON CAUSE Holding Power Accountable
0 	Connecticut Citizen Action Group
0 	CTVotersCount.org because Connecticut voters count

# Report and Feedback August 2008 Connecticut Election Audit Observation

By

The Connecticut Citizen Election Audit Coalition

October 14, 2008

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

## Table of Contents

Introduction .....	3
Coalition Refines Process and Goals .....	3
A Different Election – Different Circumstances .....	4
Purpose of Connecticut’s Random, Post-Election Audits.....	5
Background .....	5
Discussion and Recommendations.....	6
Summary .....	6
Procedures Are Not Being Followed, Understood.....	7
Detailed Counting Procedures are Needed.....	9
Current Procedures Are Insufficient .....	10
Procedures Alone Are Insufficient.....	13
New Questions Provide Useful Information .....	14
Audit Statistics .....	15
All Recommendations .....	16
Progress Against November 2007 and February 2008 Recommendations.....	16
Additional Recommendations February 2008 .....	21
Appendix B – Audit Observer Report Forms.....	25
Appendix C – Observer Evaluation Form.....	31
Appendix D – Official Audit Procedures.....	32

## Introduction

After the August 2008 presidential primary election, Connecticut conducted its third large scale post-election audit<sup>1</sup>. This was also The Connecticut Citizen Election Audit Coalition's third audit observation. The Coalition was formed to organize citizens to observe the audits. The Coalition for the August election included the League of Women Voters Connecticut, Common Cause Connecticut, 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 legislature on the process and its contribution to confidence in our elections, and provide the public with information necessary to determine their confidence in our elections.

By law, the Secretary of the State is required to randomly select 10% of districts in each election and primary for post-election audit. On August 19<sup>th</sup>, , Secretary Bysiewicz unexpectedly choose to select 1/3 of the districts in the election for the audit, more than tripling the number of districts selected and significantly increasing the number of counting sessions for observation.

The audit counting sessions were conducted between August 27, 2008 and September 10, 2008. Forty-six (46) citizens observed twenty-seven (27) of the thirty-three (33) audited towns, providing feedback on the process to the coalition. Volunteer citizen-observers provided invaluable information, often attending audits on short notice, several attending multiple audits, and accommodating schedule changes.

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

We appreciate the cooperation and assistance of the Connecticut Secretary of the State's Office with this project. We found Registrars welcoming to our participation and candid in generously answering our new interview questions. We also welcome back and appreciate the return of the League of Women Voters, Connecticut to the Coalition – with their support several additional new observers volunteered to participate.

### ***Coalition Refines Process and Goals***

There were several changes, including new questions and goals, in this post-election audit observation:

- We wanted to have at least two observers at each counting session.

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

In the February Primary post-election audit we stretched ourselves too thin, with too many observations by one person. Often a single observer can miss a critical detail and we wanted to avoid making an observation's accuracy dependent on one person. We would strive for quality over quantity.

- We asked more detailed questions, with Yes/No answers.

In previous observations both our intentions and the observation reports were not specific in several areas. Our goal was to collect more detailed information on specific points and have observations that would be more uniform and comparable.

- We added a Supervisor's Interview page to the observation report forms.

Previous observations had raised questions about the chain-of-custody of ballots and their storage; The University of Connecticut (UConn) reports and anecdotal evidence indicated possible wide-spread problems with memory cards, wet ballots, jams, and inoperable tabulators. We wanted to survey the actual level of such incidents. We also used this form to provide an opportunity for registrars to provide feedback on the audit and observation processes.

- The Audit Procedures changed moderately.

After the November Election we provided extensive suggestions to the Secretary of the State's Office to improve the audit procedures. For February, many of our suggestions were taken and other improvements were made by the Secretary of the State's Office. Prior to the August Primary we provided several small suggested improvements to the procedures – almost all were accepted.

- We had a higher level of automation.

For February we added the capability for several people to jointly update an online web scheduling and tracking system for observation assignments. For August we added the capabilities to track observer training, confirmations, reminders, and report submission. We also added the capability to automatically estimate distances between observers' homes and audit locations. All this saved time and provided the opportunity to do a better job of coordination.

### ***A Different Election – Different Circumstances***

- Unlike the February Presidential Primary, the August Primary included multiple contests for potential audit. Where multiple primary races occurred in selected districts, municipal clerks were required to randomly select a race for audit.
- Most districts in the primary consisted of less than 200 ballots, the smallest we are aware of being 12 ballots and the largest 626. In contrast, the Presidential Primaries had a much

larger turnout. The November 2007 election audited three races, with some districts auditing more than 2500 ballots per district. The counting of ballots in August 2008 primary represented much less of a challenge than past audits, or than in November 2008 where there will be three races to be counted and a huge turnout expected.

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

As stated in the Office of the Secretary of the State's 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 recently published: *Principles and Best Practices for Post-Election Audits*<sup>2</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*

## **Background**

The audit procedures published by the Secretary of the State on August 20, 2008 are included in Appendix D of this report.

For more detailed background information, please refer to the Introduction to our previous observation reports available at <http://www.CTElectionAudit.org>.

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<sup>2</sup> Principles and Best Practices for Post-Election Audits: [http://www.electionaudits.org/files/best%20practices%20final\\_0.pdf](http://www.electionaudits.org/files/best%20practices%20final_0.pdf), 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.

# Discussion and Recommendations

## Summary

### **In the February 08 Report, we noted:**

*We report the good news that procedures have been significantly improved and that discrepancies noted in the counts in February post election audit were much lower than November. We are also pleased to report that, for the most part, registrars fully supported the portion of the procedures providing significantly improved observation opportunities for observers...*

*Unfortunately, now that procedures have been improved, the audit observations have exposed the lack of understanding of those procedures, lack of understanding of the principles behind the procedures, lack of attention to those procedures, and apparent lack of ability for election officials to follow those procedures.*

*Some audit teams performed well and followed procedures. Many failed in one or more ways. A chain is only as strong as its weakest link. Election confidence and integrity is dependent on the integrity of each municipality and district involved. In turn, each district's integrity is dependent on each procedure being followed in the chain of custody, pre-election testing, election closing, and auditing.*

*No matter why procedures are not followed, each failure is an opportunity for well intentioned officials to be exploited by the rare individual bent on illegally changing election results or an opportunity for an error to occur and go unnoticed.*

*The February audit observations leave us with the information necessary to vouch for the accuracy of the hand-counting results we observed. However, many of the audits, as observed, leave us uncertain as to whether an error or fraud would have been detected in an audited race where we were not present to observe. We also question the security of the chain of custody to protect the integrity of ballots before the audits and to protect the integrity of ballots and tabulators after the audits such that further audits and investigations could effectively be performed.*

### **Today we conclude:**

**Despite continued improvements to the published procedures, the August post-election audit observations do not inspire increased confidence. We continue to observe that voters make few errors and that properly programmed and functioning tabulators count votes accurately. However, the lack of standards and detailed guidance, and the lack of consistency, reliability, and transparency in the conduct of the audit continues.**

**Our further focus on the chain-of-custody surfaced another potential concern in audit credibility. We find potential risks to the integrity of and confidence in the reported results of post-election audits based on the lack of uniformly secure ballot storage and access. Looking forward, we doubt the current ad-hoc counting procedures used by most**

**municipalities will prove sufficient to accurately and efficiently count ballots considering the expected volume in the November 2008 election**

To provide the necessary transparency, rigor, controls, and consistency in future post-election audits, additional recommendations for improvement of the process are offered, along with related discussion. We also provide an update on the status and progress on the recommendations in our November and February reports.

We are pleased to report that observers were particularly complimentary of the conduct of the audits in two towns<sup>3</sup>.

***Procedures Are Not Being Followed, Understood***

The Secretary of the State's Office published moderately improved audit procedures. They are more clear, consistent, and complete than those used last November. However, they were frequently not followed, not enforced, and in many cases may not be enforceable. They continue to lack detailed guidance in methods of counting.

This observation found 2 areas of significant improvement on the part of local officials: For the first time we noted no instances where audits were started prior to the published audit start time. We noted no instances where ballots were left unattended during the audit.

Our observations also indicate that some towns do a good job of using the procedures in the audit, following each step in order. For many towns, however, there is no evidence that town officials are referencing or following the procedures. Some who attempt to follow the steps do not seem to understand them or seem to be reading the procedures for the first time at the start of the session.

The types of errors uncovered in this Observation included incorrectly completed forms, lack of appropriate notice, seal numbers that didn't match, failure to reseal ballots at conclusion of audit, decisions and actions contrary to procedures and the law, and breakdowns in security.

In thirteen (13) of thirty-three (33) audits, report forms were not accurately completed. This represents an improvement from February. Many of these errors represent misunderstanding of the term "Hand Count" to mean ballots counted by hand and on Election Day. (The hand count entries on the form are intended for votes and ballots counted in the audit, not those not counted manually on Election Day.)

In spite of the required three business days notice to the Secretary of the State and many calls to registrars, we were unable to determine dates, times, and locations of all audits with sufficient advanced notice. In several cases local election officials said that they notified the Secretary of the State's Office, yet the Secretary of the State's Office had no record of the call. Many towns advertized the audit in local newspapers and on the town web site. Others only publicized the audit by notices posted at town hall or simply on the registrars' office door. No matter the cause

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<sup>3</sup> We have continued our practice from previous reports of not naming towns.

or the legality, this makes it quite challenging to find audit dates and to schedule observers. The audits are not just for the residents of the individual towns; they are part of evaluating election integrity for the whole state.

Several towns noted that seal labels on ballot containers did not match those recorded in the Moderator's Report. We observed no cases where the procedure to immediately notify the Secretary of the State's Office was followed.

Seven towns failed to follow the procedure to reseal the ballots at the completion of the counting. Others carefully noted that the audit report form should ask for the new seal number.

In one municipality, all ballots from all districts were mixed after the election so that counting the ballots in only the selected districts was not possible. The Secretary of the State's Office approved their plan to count all of the ballots town-wide for one race of the registrars' choosing. They chose the primary with the smallest number of votes to audit. Although, counting the entire town for one race is a reasonable alternative, there are two problems here:

- Ballots were not maintained properly sealed, segregated by district
- The race to be audited should have been randomly selected by the municipal clerk as required by statute. Such a directive provides a way to avoid auditing a particular race. It also provides a formula for others to plan a way to avoid auditing a particular race in the future.

In another municipality, the municipal clerk chose two offices for audit, State Senate and State Representative. The registrars' subsequently chose one race from those two. The statute calls for the municipal clerk to select one race.

In a third municipality a tabulator was left in the registrars' office unattended during the audit.

Counters and supervisors in fourth municipality did not follow the procedure to recount when numbers do not match on the 1<sup>st</sup> count. When counts were off by two or four ballots, the supervisor said that was ok and reported the hand count results in the machine count and the hand count columns in the report. In another case two counters counted the same pile and were off by two votes from each other, instead of recounting they checked the tape result before deciding which count was accurate.

We also note that in one municipality, at least two of the seven moderators' reports were filled in pencil. We do not believe that reports maintained in pencil are sufficient records especially for checking seal numbers.

During the audit in one municipality, the audit report forms were not filled out. They were typed sometime after the audit and e-mailed several days later. The observers thus did not have an opportunity to determine whether the forms were filled out correctly and whether the forms contained the results from the machine tapes and from the counting teams. Also in the same community, the municipal clerk did not follow the procedure to select on race randomly per district and selected only one race randomly for the entire town.

## ***Detailed Counting Procedures are Needed***

For the first time we asked supervisors how the counting procedures that they used were developed. Most answered they used the Secretary of the State's procedures, which in our opinion do not describe counting methods in detail.

Some towns indicated that they follow their years of experience counting absentee ballots.

The Secretary of the State's Procedures state: *Counting procedures should insure that all ballot counts, vote marks, and hash marks are read or verified by two eyes, that is by two people of opposing parties or representatives of opposing slates or candidates in primaries. When ballots are counted, they should be independently counted by two people or counted jointly one at a time. When ballots are stacked by candidate two people must verify that all ballots in a stack are correctly classified. When votes are read a second election official should verify that the call matches the mark being read. When hash marks are recorded either two officials should make and reconcile hash mark sheets or a second official must observe that hash marks are made for the correct candidate.*

Our observers continue to note that counting and ballot reading are often accomplished by single individuals with no check and balance. We have two concerns with this:

- It is an opening for a single individual to create inaccurate or fraudulent results. This also compromises the integrity and credibility of the process of counting
- When a large number of ballots are counted, as expected this November, such processes can easily lead to miscounts and require unnecessary recounts or investigations.

The Secretary of the State's Procedures state: *observers should be allowed to view every aspect of the proceedings, including being close enough: (1) to actually see ballots as they are being counted; (2) to see tally sheets as they are being marked and when they are complete;*

Observers continued to report that counting procedures frequently made it difficult for them to verify that votes, and especially piles, were counted accurately.

In the August 2008 audit all towns provided unlimited access to our observers. However, many counting procedures did not provide observers sufficient ability to verify votes and counts. Often two election individuals did not verify votes and counts. In the majority of cases teams had access to Election Day totals during the counting and were often informed of exact differences between their counts and the originally reported counts.

Audit supervisors continued to make statements such as "Our job is to prove the machine counted accurately" or "The count is off by x votes for candidate y" giving a goal for the counters to find an exact error in their counting. Election officials are often focused on exactly matching machine counts, rather than accurately determining the votes in a hand count. Obviously it is a relief when everything matches perfectly, yet that increases the challenge to overcome the natural tendency to overemphasize matching numbers rather than accuracy.

One municipality answered that they use written procedures submitted and approved previously by the Secretary of the State's Office for a recount. Yet, we observed no copies of the procedures present and that the two counting teams each used different and unreliable counting

procedures for the seven districts counted – including a variation in procedures used for different districts by the same team.

The counting of ballots with questionable votes continues to challenge supervisors and counters. Many supervisors are under the impression that “if the machine counted it, then it is not questionable because the machine rejects questionable ballots”. Some towns continue to classify many ballots as questionable and others only when the counts indicate a difference between the machine and hand count totals. Meanwhile, in most cases the optical-scanners count accurately most of the votes that are pre-classified as questionable.

We have heard many local election officials say that it is difficult or impossible to hand count votes accurately. Despite this view, other states<sup>4,5</sup> have proven procedures in place and have successfully counted large numbers of ballots. Last fall in East Haven, a recount was performed that resulted in a large discrepancy. However, with some thought, election officials planned, organized, and executed an accurate second recount, which was also more efficient than the original inaccurate count.

Some other states have also had embarrassing, broadly publicized, counting experiences. The time to act in developing, choosing, and training officials in effective procedures should be before the need arises – before unfortunate and unnecessary public embarrassment.

**The current haphazard ad-hoc processes are insufficient, inefficient, and are likely to break down in larger elections such as the upcoming presidential election, just as they did in the 2007 November Municipal election.** (See our November 2007 report and associated statistics).

### ***Current Procedures Are Insufficient***

In one audit, the moderators’ reports and the tabulator tapes were not present at the audit so seal numbers and counts could not be verified from the original documents. The procedures should be changed to require that the moderators’ reports, and one original tabulator tape be present at audits. The seal numbers should be verified against the original moderator’s reports, the audit report forms should be filled in directly from the tape, and the moderators’ reports should be checked against the tapes.

We note at least five instances where the race being audited was that of Registrar of Voters. In four of those instances the supervisor of the audit was one of the candidates. We believe that in each of these towns access to the ballots and tabulators was available to each of these candidates without supervision, before the election, after the election, and continues to this day. We do not question the integrity of any of them. We question the confidence the public can have in an election and audit where a candidate has such unfettered access. We question a system that

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<sup>4</sup> California has had a manual count for many years. Counties have developed their own effective procedures for manual counting. See the San Mateo County official Election Observer Handbook, PP 16-17 for an overview of their procedures. Available at: <http://www.shapethefuture.org/documents/Election-Observer-Handbook.pdf>

<sup>5</sup> Anthony Stevens, Assistant Secretary of the State of New Hampshire has developed and analyzed counting techniques. See his presentation materials: [http://www.democracyfornewhampshire.com/files/Hand\\_count\\_training\\_D-fest\\_July\\_5\\_2007.pdf](http://www.democracyfornewhampshire.com/files/Hand_count_training_D-fest_July_5_2007.pdf)

would expose an individual to the potential questions that could arise if a significant discrepancy, error, or suspected fraud were found.

We started calling registrars two days after the random drawing to determine the dates, times, and locations of the audits. Many found out about their selection from us or by reading the newspaper. One town did not learn of their selection until our call on September 2<sup>nd</sup>, thirteen days after the selection. The Secretary of the State's Office notified the towns by means of an e-mail. E-mail addresses change, e-mails can be lost in transit, or incorrectly classified as spam. A more reliable means of notification should be employed in addition to e-mail.

Once again, we point out that the random selection of races is performed in a separate event from the audit counting by the municipal clerk in each selected municipality. Unlike the counting session the race drawing is not required to be public. We cannot vouch for the integrity of the race selection. All aspects of the audit and as much as possible of the entire election process should be transparent, open to the public, and publicized in advance in an easily accessed announcement. Ease of observation and audit credibility would be enhanced if the race selection were either part of the counting sessions or part of the Secretary of the State's random selection of districts.

**Recommendation #12 (Revised Aug):** PA 07-194 should be amended to clarify the selection of races to be audited. In all cases of race selection, the law should be amended such that the Secretary of the State will select the races to be audited in each district, selecting for each district separately, during the same public event as the random selection of districts. In elections where federal and/or constitutional statewide offices appear on the ballot, we recommend that at least one federal and/or statewide race be selected.

**Recommendation #26:** The law should be changed to require that original copies of the Moderators' Reports and machine tapes, should be required to be present at the audit for review.

### ***Chain-Of-Custody Practices and Law are Insufficient***

We asked several survey questions about the chain of custody. Previous audits had shown instances where ballots were left unattended. We had anecdotal conversations with registrars indicating that ballots were not always transported by at least two individuals and complaints that towns did not provide sufficient secure facilities. We wanted to assess the actual situation. We were surprised by the result.

We are pleased to report that this observation found no instances where ballots were left unattended or left out of the control of at least two election officials.

As noted in another section of this report about 25% of towns did not reseal the ballots at the end of the audit and several instances of unsealed or incorrect seal numbers were noted.

In all but three instances of registrars interviewed, access to the ballots was clearly and regularly available to multiple single individuals. In three instances, access by a single individual was possible but avoided. In three instances, the ballots were under the control of the town clerk with

either access by the town clerk, all individuals on the town clerk's office, or by the registrars. Most towns provide vaults, locked rooms, or cabinets in the registrar's office. In one instance ballots are kept in a cabinet in the hallway. In another, ballots are kept in a cabinet in the custodian's office in a school. In many cases the key is available to anyone on the registrars' staff.

Measures to provide ballot security and audit credibility might include:

- Two individuals of opposing parties or representing opposing candidates accompany and be present with ballots whenever they are transported or otherwise not secure in a secure facility.
- Any access to ballots and storage facilities containing ballots – before, during, and after an election – voted, spoiled, or blank ballots – be allowed only to at least two opposing individuals. All access to ballots and facilities be logged and recorded in ways that are difficult to destroy or compromise after the fact.
- Keys, locks, facilities, and controls be such that it would be very difficult for access to ballots to be accomplished without two appropriate individuals present.
- Protection of all ballots until all possibilities for contests, audit expansion, official investigations, and official research are concluded.

In addition, appropriate security beyond the above might include:

- Approval of locks and facilities by an entity based on common security practices for similar situations.
- Specified access logs and requirements for their retention.
- Unannounced inspections of secure facilities, ballots, and records.
- Statutory authority and penalties for violations.

**We are not questioning any individual's integrity; however, we do not believe a secure system is one that relies on single individuals with opportunity to alter records. The lack of uniform security of the ballots diminishes confidence in the integrity of the ballots counted in an audit.**

Other jurisdictions<sup>6</sup> have solved this problem. It will be a challenge in Connecticut with ballots stored in individual towns – most states manage elections by county and use county facilities to store ballots and equipment for many voting districts. We must also remember that facilities and procedures are not sufficient, the entire chain-of-custody, the election process, oversight, and enforcement are all important. Ballots have been lost or improperly sealed even when stored in vaults with video surveillance and guards<sup>7</sup>.

The challenge and exposure are also increased by the significant time delays in Connecticut between the election, random selection, and audit events.

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<sup>6</sup> For example, See the San Mateo County official Election Observer Handbook, P 6. Available at: <http://www.shapethefuture.org/documents/Election-Observer-Handbook.pdf>

<sup>7</sup> For example, Puma Arizona, September 2008. See: <http://www.bradblog.com/?p=6363>

**Recommendation #23:** The law should be changed to limit the role that candidates can perform in the post-election audit process. Opposed candidates, even if they are sitting registrars, should not physically handle election equipment, ballots, or original records such as moderator reports, after the election. They should not have access to equipment or ballots. They should not supervise or have official roles in post-election audits, closing the polls, or have access to ballots after the election.

**Recommendation #24:** The law should be changed to require at least two officials from different parties be required for access to tabulators, memory cards, and ballots and that two officials from different parties always be present with tabulators, memory cards, and ballots when they are not secured in a specified secure facility protected from access. The criteria for secure facilities to require dual access and to prevent breaches by individual officials and compromising security must be specified, enforceable, and enforced

**Recommendation #25:** As part of the audit responsibility or separately, we recommend a system of random unannounced inspections of storage facilities and access logs.

### ***Procedures Alone Are Insufficient***

As we stated in our February report:

*Procedures that are not followed are clearly not sufficient. Procedures must be understandable, easy to follow, observable, audited, and enforced.*

*No matter why procedures are not followed, each failure is an opportunity for well intentioned officials to be exploited by the rare individual bent on illegally changing election results or an opportunity for an error to occur and go unnoticed.*

*In discussions with the Secretary of the State's Office and representatives of the State Elections Enforcement Commission, it is clear that many, if not all, procedures are inherently unenforceable.*

*In particular there is confusion in the law and procedures about the time for which ballots, memory cards, and tabulators must be under seal. It is questionable if ballots, memory cards, and tabulators are actually required to be under seal after fourteen days, while audits cannot start until the fifteenth day after the election.*

As a result of the continued lack of consistence in the conduct of August Primary audits, we continue to recommend that the state develop an enforcement mechanism to ensure consistent, repeatable, application of post-election audit procedures.

## New Questions Provide Useful Information

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

Questions, findings, and recommendations on chain-of-custody are covered in a separate section of this document, *Chain-Of-Custody Practices and Law are Insufficient*.

UConn memory card audit reports<sup>8</sup> and anecdotal reports<sup>9</sup> indicated significant problems with memory cards malfunctioning with what UConn characterizes as “Junk Data”. We wanted to estimate the frequency of such problems. Eight of twenty-seven towns observed reported memory card problems before the August primary, seven towns or 26% had problems with one to four “bad cards”. In one case a candidate’s name was misspelled in the memory card. Our results confirm the other reports that the problem of “junk data” memory cards is much more frequent than what we would expect of relatively simple electronic components.

We wanted to determine the level of problems with tabulators on election day such as wet ballots, excessive jams, or other such problems. No such problems were reported in our interviews.

We also asked supervisors, usually registrars, for suggestions on improving the process of the audits or our observations, here are their comments as reported by observers<sup>10</sup>:

- Concerns about clarity of determining and accounting for questionable ballots
- Pay auditors mileage
- Ever growing audit paperwork intimidating
- Feels scanners less accurate than levers
- IVS lots of \$, with low use, why have video instructions for the Blind?
- IVS is problem and too little usage
- Space on forms for new re-seal numbers
- Don’t open all polling places for the primary
- Concerned that counts don’t match, would like to know from UConn, Why?
- Storage facilities need to improve
- Town should fund registrar’s attendance at state registrars’ convention
- Believe auditing by machine would be sufficient
- Do audits by different machine
- The Coalition should tell us in advance when observers are coming
- Don’t keep picking our town because few times of proving it works is enough.

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<sup>8</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 cards sent to towns. Since the cards sent to UConn should have been pre-election tested, many “junk data” cards should have been eliminated from the UConn sample. Or “junk data” cards detected by UConn could have become bad after pre-election testing, possibly during the shipment to UConn.

<sup>9</sup> See: <http://www.ctvoterscount.org/?p=111> for summary and links to reports from Dori Smith of TalkNationRadio.

<sup>10</sup> Comments have been edited for length, for grammar, and to make meanings clear.

- Just one audit proves the machine works, should not have to do more.
- Towns audited one election should get a pass in the next election.
- Form for swearing in counting officials, similar to one on election day
- For larger audits would like exact instructions, spreadsheet to estimate number of workers required
- When there is a recount, there should not be an audit
- SOTS guidelines should cover specific guidelines for sort and stack, and to compare hash marks every 25 ballots.
- More privacy in booths
- Legal size privacy folders

We have comments on several of these points (in parenthesis):

- Feels scanners less accurate than levers (*A belief but as far as we know unproven*)
- Do audits by different machine (*A widely held belief, yet counting the same votes with another machine of the same type with a duplicate memory card would only detect a few of the many potential errors. Auditing assisted by another type of machine might be possible, however, any such process would need to be assessed and recommended by security experts and computer scientists*)
- The Coalition should tell us in advance when observers are coming (*We have heard this previously. We had thought that information in the procedures covering observers and our calls find out dates, would be sufficient. Also we wonder why or how the process would be different if we are or are not expected.*)
- Don't keep picking our town because few times of proving it works is enough. (*We understand this is a widely held belief, yet incorrect because the machines and memory cards are subject to errors and fraud anew for each election*)
- Just one audit proves the machine works, should not have to do more.
- Towns audited one election should get a pass in the next election. (*Problems can happen anew in every election. Would be an open door to tampering in the next election*)
- Legal size privacy folders (*We believe this is within the registrar's responsibility to choose*)

## Audit Statistics

We are pleased to report that the very few discrepancies were found during the audits were all small. We will leave the computation of the statistics to University of Connecticut VoTeR Center, which will prepare a report for the Secretary of the State.

In one town with a very low number of votes a discrepancy was found where the only reasonable explanation seemed to be (by officials and our observer) that a ballot with a mark only in one candidate's name (not bubble) was counted for another candidate. We referred this issue to the Secretary of the State's Office, suggesting an investigation by UConn might be appropriate for learning purposes.

## All Recommendations

### ***Progress Against November 2007 and February 2008 Recommendations***

The observation reports of the November 2007 and February 2009 elections contained 22 recommendations to the Secretary of the State and the Legislature. Since the observations, substantial progress has been made in several areas. Below we review the progress on each of the recommendations.

**Recommendation #1:** The Secretary of the State should provide detailed guidance on methods of auditing that are efficient, transparent, specific, and accurate. These methods should address adequate space, sufficient staffing, ways to detect and prevent human error, procedures for handling questionable ballot markings, recording requirements, and security measures. National efforts, such as California's recently adopted audit procedures, New Jersey's proposed audit law (passed by both houses of the legislature), and the Pew Center's current research to determine "best practices," should be investigated for possible assistance in this regard. Additionally, we believe that the specificity and clarity of Connecticut's recently-revised Recanvass Procedures should be emulated for the Audit Procedures.

**Feb Audit-:** This recommendation still applies. Registrars continue to use a variety of methods with significant variation in accuracy, observability, and efficiency. It is difficult to compare counting the simple presidential primary ballots to the more difficult municipal ballots, however, it seems that the change in procedures to require a ballot count and the suggestion to count ballots first, did contribute to more accurate, organized, and efficient counting.

**Aug Audit:** We have dedicated a section of this report to this issue and in the light of further developments and information,

**Recommendation #2:** Mechanisms and controls should be put in place to audit the audits to assure that rigorous methods and controls are employed and followed.

**Feb Audit:** This recommendation still applies. Audits were not rigorous, with many procedural and security inadequacies. Many audits resulted in incomplete and incorrectly filled in forms, which as far as we are aware, with one exception, were accepted. We are aware of additional controls in place by the Secretary of the State's Office to track reports as they are received.

**Aug Audit:** We note moderate improvements in following procedures in August, but the need for enhanced controls and enforcement mechanisms remain.

**Recommendation #3:** The procedures and forms should be reviewed for clarity, reviewed for consistency, tested, and reissued before the February 2008 Primary audits. For example, columns on the audit report should be labeled (a), (b), (c), etc. and referenced as such in Questions #1 and #2. The procedures and the reporting forms should be consistent in requesting the seal number from the ballot bag. Expressly stating in procedures that optical scanners should not be brought to the audit would also help eliminate this problem. The procedures should articulate that the law does not require auditing central count voting machines.

**Aug Audit:** In February, The Secretary of the State's Office published significantly improved audit procedures, implementing many suggestions from the Coalition. The procedures are now consistent, useful, and accurate. Based on the improved procedures, additional minor improvements have been identified. The majority of our recommendations for Aug were accepted. We have identified additional minor improvements.

**Recommendation #4:** N/A (Accomplished before Feb Audit)

**Recommendation #5:** N/A (Accomplished before Feb Audit)

**Recommendation #6:** Deadlines should be mandated for audit completion and for reporting results to the Secretary of State's office.

**Feb Audit:** Our understanding is that towns provided audit reports on a timely basis to the Secretary of the State's Office. Reporting deadlines should be mandated in procedures and the law.

**August Audit:** Recommendation continues

**Recommendation #7:** Procedures for implementing PA 07-194 should be amended to remove the subjectivity associated with the identification of what constitutes an undisputed ballot and a questionable ballot.

**Feb Audit:** Procedures and the law continue to require the separation and identification of questionable ballots. With examples added to the procedures, there are now fewer questionable ballots identified. However, this remains an area of ongoing failure to follow procedures, confusion, and misinterpretation by election officials. This area needs ongoing attention, reevaluation, and education.

**Aug Audit:** Recommendation continues.

**Recommendation #8:** PA 07-194 should be amended to mandate further investigation of a report of a significant number of questionable ballots which exceed thresholds to be established by the Secretary of State's office.

**Feb Audit:** The law in this area is not anticipated to be changed in 2008. In addition there is confusion about the time that ballots and tabulators need to be sealed. The law

should be changed (see Recommendation #22) to clearly mandate that all ballots and tabulators (not just those in audited districts) be sealed until it is determined that, based on the audit results, no further investigation will be necessary. This includes resealing ballots after they have been unsealed for audits, recounts, or other reasons.

**Aug Audit:** We urge the legislature to change the law in 2009

**Recommendation #9:** The audit race selection and the audit itself, should be public events. 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.

**Feb Audit:** We urge the legislature to change the law in 2008 to require race selection to be public and to mandate a minimum notification period to the Secretary of the State's office. While procedures were changed to require three business days notice of the audits to the Secretary of the State's Office, several audits were conducted without notice to the Coalition either by information from the Secretary of the State's office or responses to our requests for information to registrars. Several audit locations and times were changed without notice.

**Aug Audit** We urge the legislature to make these changes in the law in 2009

**Recommendation #10:** Once "best practices" are identified per above [Recommendation #9], they should be codified into law to ensure that these events are subject to public notification requirements.

**Aug Audit:** Recommendation continues.

**Recommendation #11:** When the machine and the manual counts disagree, registrars should first re-check tally sheets and re-calculate results. If discrepancies remain and the recount has not been conducted and verified for accuracy using a "double entry" or best management practice system, complete recounts should be performed until totals of two manual recounts agree exactly. The results of all re-counts and original counts should be reported to the Secretary of the State's Office.

**Aug Audit:** Recommendation continues.

We did observe that, in most cases, a discrepancy did result in additional counts.

**Recommendation #12:** PA 07-194 should be amended to clarify the selection of races to be audited. For this race selection, the law should clarify that municipal clerks will select three races to be audited in each district. In elections where federal and/or constitutional statewide offices appear on the ballot, we recommend that at least one federal or statewide race be selected.

**Feb Audit:** No change. Still recommended.

**Aug Audit:** Recommendation continues.

**Recommendation #12 (Revised Aug):** PA 07-194 should be amended to clarify the selection of races to be audited. In all cases of race selection, the law should be amended such that the Secretary of the State will select the races to be audited in each district, selecting for each district separately, during the same public event as the random selection of districts. In elections where federal and/or constitutional statewide offices appear on the ballot, we recommend that at least one federal and/or statewide race be selected.

**Recommendation #13** The Secretary of the State's Office should establish, if not already in place, controls to log and detect errors, such as the incorrect number of races audited, huge discrepancies without explanation, incorrect or missing seal numbers, and incorrectly completed or missing forms. We further recommend that a mechanism be established for the Secretary of State's office to report irregularities to appropriate authorities such as the State Elections Enforcement Commission.

**Feb Audit:** We have indications that some logging of errors has been instituted by the Secretary of the State's Office. However, many forms missing ballot counts and others incorrectly filled in apparently have been accepted as final and correct. We remain optimistic that changes in the law in 2008 will provide additional powers and responsibilities for the Secretary of the State and the State Election Enforcement Commission, that will empower them to enforce procedures.

**Update Aug:** We recommend that these changes in the law be made in 2009.

**Recommendation #14:** As long as they don't interfere with the hand counting process, observers, by law, should be able to stand anywhere behind or in front of counters so that they can see ballots as they are counted and see hash marks as they are recorded.

**Feb Audit:** Significant progress. The audit procedures now provide sufficient observation roles for observers. In most cases election officials followed those procedures. The procedures' observation roles should be made law, so that they can be enforced.

**Aug Audit:** Recommendation continues.

**Recommendation #15:** By regulation or enforceable procedure, all totals should be tallied in public. Audit Reports should be required to be filled out as part of the actual public audit and displayed publicly at the end of the audit along with the tally sheets.

**Feb Audit:** Significant progress. In most cases the observation roles in the revised procedures were followed, allowing observers to observe and verify tallying, in some cases they were not.

**Aug Audit:** Recommendation continues.

**Recommendation #16:** The Secretary of State's Office should establish a clear threshold which will trigger additional investigation and analysis where discrepancies exist. PA 07-194 should be amended to mandate further investigation and independent analysis to determine the cause of discrepancies between machine and hand count results that exceed this threshold. By law, the use of this trigger should be mandatory in all audits of elections and primaries after June 2008.

**Feb Audit:** The law is not anticipated to be changed in this area in 2008.

**Aug Audit:** We recommend that changes in the law be made in 2009

**Recommendation #17:** The Secretary of the State's Office must resolve the conflicting demands for any extended audit/forensics with the need for re-programming of memory cards in preparation for new elections. By law, all ballots in all elections should remain sealed until thirty days after all audits 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. By law, all voting machines and their memory cards should remain sealed for the same period as ballots and only unsealed temporarily for the purpose of state investigations.

**Feb Audit:** No progress. The law is not anticipated to be changed in this area in 2008. There is confusion in this area both on the part of registrars and in the law. Many believe that ballots do not have to remain sealed beyond fourteen days after the election (where audits cannot start until 15 days after an election). Without a clear mandate in law, it is doubtful if any sealing of ballots or tabulators can or will be enforced beyond a court order or fourteen days.

**Aug Audit:** The procedures were updated to incorporate resealing the ballots until released by the Secretary of the State, however, we note several instances where these procedures were not followed. This must be clarified in the law and enforced (see recommendation #22).

**Recommendation #18** By law, the Secretary of State's office should publish a final comprehensive report of each statewide audit in a timely manner. The report should include, at minimum, statistics gathered from local audit report forms and a statistical analysis of the reported data. We further recommend that the report include observations from local elections officials and observers (if any), and conclusions regarding the effectiveness of the audit. The report should be readily available to the public.

**Feb Update:** There was a statistical analysis published by the University of Connecticut that substantially confirmed the data and statistics provided by the Coalition. It was readily available to the public.

**Aug Update:** A report of the February Post-Election Audit was posted October 1<sup>st</sup>, 2008.

## ***Additional Recommendations February 2008***

**Recommendation #19:** In addition to detailed procedures there is a need for principles to be described and followed such as: Whenever ballots are transported and not in secure facilities they must be accompanied or under the observation of at least two election officials, of different parties, at all times. Whenever ballots may be subject to a recount or audit they must be sealed and held in secure facilities. Whenever ballots are sealed or unsealed the old and new seals must be recorded. Whenever ballots are unsealed the seal must be checked against the last recorded seal, and any variances reported immediately to the Secretary of the State. Whenever ballots are counted, each ballot must be observed by at least two individuals. Whenever ballots are counted, each ballot and batch must be counted by at least two individuals. Whenever hash marks are made, each must be observed by at least two individuals. Counters should not be privy to totals that their assigned ballots must equal. Counters may be told that counts do not match, but must not be told the amount or direction of the variations in counts

**Aug Audit:** These recommendations were largely incorporated into the published audit procedures. We noted many instances where the counting procedures employed fell short of these standards.

**Recommendation #20:** Training of registrars and election officials in several areas is needed: the principles to follow in security, audit organization, and conduct; the steps and details of the audit procedures; counting methods; and organizing and supervising the audit teams.

**Recommendation #21:** Standards and minimum procedures that will provide for trusted audits must be specified in law. These laws must be taken seriously by election officials, easily followed, observed, and enforced.

**Recommendation #22:** All ballots, tabulators, and memory cards should legally be required to remain under seal until no longer needed for possible audit investigations and released by the appropriate audit authority. ? When temporary unsealing for counting or investigation is necessary an unbroken log of seals must legally be maintained. It should also be legally required that ballots and tabulators be kept in appropriately secure facilities and accompanied at all times outside of such facilities by at least two opposing election officials, with appropriate transportation logs maintained.

**Recommendation #23:** The law should be changed to limit the role that candidates can perform in the post-election audit process. Opposed candidates, even if they are sitting Registrars, should not physically handle election equipment, ballots, or original records such as moderator reports, after the election. They should not have access to equipment or ballots. They should not supervise or have official roles in post-election audits, closing the polls, or have access to ballots after the election.

**Recommendation #24:** The law should be changed to require at least two officials from different parties be required for access to tabulators, memory cards, and ballots and that two officials from different parties always be present with tabulators, memory cards, and ballots when they are not secured in a specified secure facility protected from access. The criteria for

secure facilities to require dual access and to prevent breaches by individual officials and compromising security must be specified, enforceable, and enforced.

**Recommendation #25:** As part of the audit responsibility or separately, we recommend a system of random unannounced inspections of storage facilities and access logs.

**Recommendation #26:** The law should be changed to require that original copies of the Moderators' Reports, and machine tapes, should be required to be present at the audit for review.

## Appendix A– Selected Observer Comments

### Selected Observer Comments<sup>11</sup> On The Audit Observations:

- One audit official was a novice and not properly trained. Her partner did not count well and they did not count as a team.
- We shared our copy of the procedures with the candidate, so that she know the role of observers and the expected process.
- I was surprised to learn that the person who was alone, setting up the documents and bags for the audit was actually one of the candidates in the race being audited.
- The State Representative race was counted in error [in one district].
- The Registrars explained some bags have just Republican ballots, others just Democratic, and others mixed.
- There were a variety of ways used by each team for counting.
- The problem I had with the audit was that both Registrars were on the ballot.
- Select more qualified people to perform the audit counting.
- The registrar explained that two seals would not match because the bags hand to be opened to retrieve the Moderators' Reports.
- Election officials really what to do a good job. They just aren't there yet.
- Everyone seemed helpful and honest. Experienced counters.
- People trying hard to work together.
- Officials should explain process as they proceed.
- The supervisor explicitly addressed the role of the observers and said it was ok to look over someone's shoulder.
- Well done – she did work through the audit exactly and explain steps as they moved through them.
- It makes the registrars and officials very aware of the importance of what they are doing.
- I was told there were no questionable ballots because the machine rejects all those that are questionable.

### Selected Observer Comments<sup>12</sup> On Our Process And Forms:

Best thing about this program is:

- Election officials are made aware that the public wants verifiable election results.
- Opportunity to observe the process first hand and talk to people to learn and exchange information.
- Better communication to the Registrars that we are coming and our purpose.
- That it exists!
- Gives auditors and observers opportunity to see and meet officials in other towns.

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<sup>11</sup> Comments have been edited for length. for grammar, and to make meanings clear.

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- I really enjoyed being part of this process
- First hand observation of the process.
- Keeping the integrity of the process.
- Transparency.
- Providing oversight and seeing how different towns present themselves.

One thing I would improve to make the program better:

- Could improve process by providing more background material to observers.
- More space for responses on forms.
- I wonder if the questions could be numbered to make it easier to make comments.
- Tight spaces to write in.
- Questions very detailed, maybe too lengthy.
- Less wordy.
- Informing people that observers were coming.
- More volunteer observers.
- I did not feel comfortable conducting the interview with the onsite supervisors.
- For best audit practices to be developed.
- The more experience we volunteers have the better.
- Having done it once, it is far less intimidating.

We revised our observation report forms significantly for the August observation. Observer feedback rated the forms lower compared with other aspects of our program, and compared to their feedback from earlier observations.

**Based on that feedback, for November:**

- We will be reorganizing the forms to make the questions clearer, better grouping on the pages.
- We are considering other clearer formats that will add a page or two of space to cover the same or a few less questions.
- We are considering an online survey tool which provides common printed forms and online survey type input as an alternative.
- We are working with others planning observations in other states. The group is looking at several formats for forms and will likely secure the help of professional survey designers to make the forms and use a survey tool as well – we may have the benefit of their resulting common forms and/or formats.

**Appendix B – Audit Observer Report Forms**

## **VOLUNTEER OBSERVER REPORT (Page 1)**

### **Instructions:**

1. Refer all media inquiries to (860)-918-2115. Use this number for questions during the day.
2. Fill in the Observer Report, attach additional pages with additional comments if needed, and add Observer Evaluation Forms.
3. Ask to see the official Audit Report at the end of the audit and copy the results to the form at the end of the Secretary of the State's Audit Procedures, at the end of this package. Better still, ask for a copy of the report. (Note: Official procedures are provided for background information purposes only.)
4. Sign each page of the Observer Report.
5. One observer verbally report results immediately after the audit to: (860)-918-2115
6. Mail the Observer Report and the Observer Evaluation Forms to:  
Audit Coalition c/o L. Weeks, 334 Hollister Way West, Glastonbury, CT 06033  
Or e-mail to [Update@CTElectionAudit.org](mailto:Update@CTElectionAudit.org) Replace boxes  with X's  
Copy available at <http://www.CTElectionAudit.org/ObserverForms2008.rtf>

### **Checklist:**

#### **Prior to the Audit Observation (within 48 hours before the observation)**

- Review the Observer Code Of Conduct
- Review the Observer Report Forms
- Pack a copy of the Observer Kit (Code of Conduct, Audit Procedures, Report Forms)
- Pack a notebook and pens
- Pack observer name badge
- Create and pack directions to the observation location
- Plan extra time to be sure to arrive at least 10 minutes before the observation is scheduled to begin

#### **During the observation**

- Introduce yourself to the person in charge (on site supervisor, usually a Registrar)
- Observe the security of the ballots in the room or their delivery to the room
- Ask to see the seal number on the ballot bag and the seal number on the moderator's report, copy them to the report
- Observe the opening training, orientation, and organization of the observation
- When convenient to the person in charge, go over the "Interview On Site Supervisor" section of the Report
- Observe how the number of ballots is counted and if you are able to verify that they are counted accurately
- Observe the classifying of questionable ballots and votes
- Observe the counting of the votes, how they are counted, and if you are able to verify that they are counted accurately
- Take notes for your later reference
- Occasionally review/check Observer Report form and complete applicable items
- Observe the accumulating of the results from the counters and the comparison with the results on election night, and if you are able to verify that the counters results were accurately totaled and compared

#### **At the completion of the counting**

- Ask for a copy of or to make a copy of the report which will be turned in to the Secretary of the State
- Ask to see a copy of the optical scanner totals tape(s) signed on election night
- Verify that the totals on the election night tape match those on the form to be submitted to the Secretary of the State
- Complete any remaining items in the Observer Report
- One observer call in a summary status to 860-918-2115

#### **After the completion of the counting (within 48 hours)**

- Complete your report forms, comments, and mail, or fill in and e-mail word document (available online)

**VOLUNTEER OBSERVER REPORT (Page 2)**

<b>Identification, Start, and Orientation</b>		
<b>Your Name (observer):</b>	<b>Your Phone:</b>	
<b>Names of other Coalition observers:</b>		
<b>Time Audit Scheduled To Start:</b>	<b>Time Audit Actually Started: (if started early explain in comments)</b>	<b>Time You Arrived:</b>
<b>Number of Non-Coalition Observers:</b>	<b>If known, who did the other observers represent? (Party? Or Candidate?)</b>	
<b>(please explain any 'no' answers in comments)</b>		
<input type="checkbox"/> yes <input type="checkbox"/> no <b>Were the ballots under the observation of at least two election officials when you arrived and/or delivered by at least two individuals?</b>		
<input type="checkbox"/> yes <input type="checkbox"/> no <b>Were you permitted and able to observe that the ballot bag seal(s) were not tampered with?</b>		
<input type="checkbox"/> yes <input type="checkbox"/> no <b>Were the ballot bag seal(s) intact?</b>		
<input type="checkbox"/> yes <input type="checkbox"/> no <b>Were you able to see the ballot bag seal #(s) and the seal #(s) recorded in the moderators' report(s)?</b>		
<input type="checkbox"/> yes <input type="checkbox"/> no <b>Did all the seal #(s) match?</b>		
<b>Ballot bag seal #(s):</b>	<b>Moderators' report(s) seal #(s):</b>	
<input type="checkbox"/> yes <input type="checkbox"/> no <b>Did the supervisor review the Secretary of the State's Audit Procedures with the counting officials?</b>		
<input type="checkbox"/> yes <input type="checkbox"/> no <b>Did the supervisor train or review the counting procedures with the counting officials?</b>		
<b>Describe (and if required continue in comments):</b>		

<b>Comments</b>
<b>(use additional pages as necessary):</b>

<b>I believe this report to be accurate and factual, to the best of my knowledge and understanding:</b>		
<b>Post-Election Audit Town/City:</b>	<b>Date:</b>	<b>Observer Signature:</b>

**VOLUNTEER OBSERVER REPORT (Page 3)**

<b>Interview On Site Supervisor(s)</b>
<b>(Note:</b> Ask to talk to/interview the one site supervisor at a convenient time. Answering all the questions on this form is option, however, it will help us understand the election officials views and challenges with the process. It is fine to share this form with them.)
<b>Name and Title of On Site Audit Supervisor(s):</b>
<b>Districts Audited?</b>
<b>Races Audited:</b>
<b>By whom, when, and how were the offices to be audited selected?</b>
<b>When was the counting session date and time determined? When was the Secretary of the State’s Office notified? How else was the public notified of the date, time and place of the counting session?</b>
<b>Where were the ballots stored after the election? Under what access and security? Who has access to the secured facility containing the ballot bag?</b>
<b>How were the ballots transferred to storage after the election? <input type="checkbox"/>yes <input type="checkbox"/>no Were they secured in the facility on election night?</b>
<b>How and when were the ballots transferred to the counting site?</b>
<b>(please explain any ‘no’ answers in comments, on any report page or additional page(s)) <input type="checkbox"/>yes <input type="checkbox"/>no Were the ballots under supervision of two officials at all times when not in the secure facility? <input type="checkbox"/>yes <input type="checkbox"/>no Were there any ballot related problems on election day? <input type="checkbox"/>yes <input type="checkbox"/>no Were there optical scanner related problems on election day? <input type="checkbox"/>yes <input type="checkbox"/>no Were there any memory card problems during pre-election testing or on election day? <input type="checkbox"/>yes <input type="checkbox"/>no Were there any other significant events, actions, or occurrences before during or after the election that could affect integrity or where procedures could not be or were not followed?</b>
<b>How were the ballot and vote counting procedures developed? Were any election officials trained in the counting or audit procedures prior to today?</b>
<b>Does the On Site Supervisor have any suggestions to improve the process or any other comments?</b>

<b>I believe this report to be accurate and factual, to the best of my knowledge and understanding:</b>		
<b>Post-Election Audit Town/City:</b>	<b>Date:</b>	<b>Observer Signature:</b>

**VOLUNTEER OBSERVER REPORT (Page 4)**

<b>Observing And Verifying The Counting</b>		
<b>Total # of election officials:</b>	<b># of counting teams</b>	<b># on smallest counting team</b>
<p>(please explain any 'no' answers in comments)</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Were you permitted/able to observe that the number of ballots were counted accurately?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Were you permitted/able to see the ballots to verify that votes were counted accurately?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no If applicable, were you permitted/able to see that hash marks were recorded accurately?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no If applicable, were you permitted/able to see that hash marks were totaled accurately?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no If applicable, were you permitted/able to see that counts from multiple teams were totaled accurately?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Was the vote counting process such that two election officials did verify each vote was counted as marked?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no If applicable, was the hash marking process such that two officials made hash marks or a second official observed that marks were made for the correct candidates?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no If applicable, did two counting officials verify that hash marks were totaled accurately?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no If applicable, did two counting officials verify that counts from multiple teams were totaled accurately?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no If applicable, were piles of ballots counted/verified by at least two election officials?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Was the number of questionable votes determined prior to counting votes for a race?</p> <p>(please explain any 'yes' answers in comments)</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Before completion of counting, were counters made aware of or able to determine the results from election night?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Before completion of counting, were counters made aware of or able to determine level of difference between their counts and those on election night?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Was the number of questionable votes determined/changed after counting the votes for a race?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Were any races, or votes recounted because results did not match originally reported results?</p> <p>Please explain the counting methods and room layout in comments, paying special attention to how two counters ("two-eyes") verified each vote, hash mark, hash mark total, and/or pile count.</p>		

<b>Summarizing and Verifying The Result</b>	
<b>Time Audit Complete:</b>	<input type="checkbox"/> yes <input type="checkbox"/> no <b>Ballot bags resealed? reseat #(s):</b>
<p>(please explain any 'no' answers in comments)</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Were you permitted/able to observe the signed optical scanner tape(s) from election night?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Were you permitted/able see and copy the forms to be reported to the Secretary of the State?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Did the totals on the actual tape match the tape totals on the form for the Secretary of the State?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Were you permitted/able to verify that the manual count totals on the report form matched those from totals accurately accumulated from the counting teams?</p> <p>(please explain any 'yes' answers in comments)</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Do you have any concerns with the integrity of the counting and totaling process?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Do you have any concerns that the manual count was inaccurate?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Do you have any concerns that the reported information is inaccurate?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Do you have any concerns with the transparency/observability of the process?</p> <p><input type="checkbox"/>yes <input type="checkbox"/>no Do you have any concerns with the chain-of-custody?</p>	

<b>I believe this report to be accurate and factual, to the best of my knowledge and understanding:</b>		
<b>Post-Election Audit Town/City:</b>	<b>Date:</b>	<b>Observer Signature:</b>

**VOLUNTEER OBSERVER REPORT (Page 5)**

<b>Additional Comments</b>
(use additional pages as necessary):

<b>I believe this report to be accurate and factual, to the best of my knowledge and understanding:</b>		
<b>Post-Election Audit Town/City:</b>	<b>Date:</b>	<b>Observer Signature:</b>

**Appendix C – Observer Evaluation Form**

*For Questions 1 through 3, please indicate the extent you agree or disagree with each statement, where A = Strongly Agree, B = Agree, C = Neither Agree nor Disagree, D = Disagree, E = Strongly Disagree*

1. Overall, this program will help improve the audit process.	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
2. I believe that this program was effective in explaining what was required of me and other observers.	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
3. The forms were easy to understand and complete. (Note: This refers to the Observer Team Report)	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
4. The best thing about this program is...					
5. The one thing that would make the program better is...					

**Appendix D – Official Audit Procedures**

Office of the Secretary of the State  
Post-Election Audit Procedures  
Optical Scan Voting Equipment  
(For use in audits following August 12, 2008 Primary)

**PURPOSE**

Pursuant to Public Act 07-194, mandatory post-election hand count audits are to be conducted by Registrars of Voters in ten percent (10%) of the voting districts randomly selected to participate. These audits shall be open to public inspection. This document outlines the procedures to be employed in conducting any such audits.

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.

Please note: This is not a recount where the focus is reviewing each ballot to determine voter intent in rendering a final vote count. Rather, the audit tests whether the machines accurately counted ballots that were properly marked. Therefore, a critical part of the audit process is to separate ballots into groups: (1) ballots that are properly marked by voters (i.e., marked in such a way that one would expect the optical scan machine to be able to scan and read such ballots); and (2) ballots that one expects would not be read by the machine (e.g., voter circles a candidate's name, places a check mark next to a candidate's name).

## **CHAIN-OF-CUSTODY AND COUNTING PRINCIPLES**

Whenever ballots are outside of secure storage they should at all times be under the supervision of at least two election officials of opposing parties or candidates in a primary: This includes when they are stored and transported from the polling place after the election; When they are transported to the audit facility and room; and during and after the audit until they are returned to the secure storage.

Ballots, memory cards, and tabulators must remain under seal and in secure storage from the time of pre-election testing until they are no longer needed for potential audits or audit investigations and they are released by the Secretary of the State. This includes districts not selected for audits, since the ballots and equipment may be needed for further investigations. Tabulators should remain under seal and in secure facilities, even between elections. The exceptions to these procedures are for use of ballots and the equipment for pre-election, election, and auditing requirements.

Counting procedures should insure that all ballot counts, vote marks, and hash marks are read or verified by two eyes, that is by two people of opposing parties or representatives of opposing slates or candidates in primaries. When ballots are counted, they should be independently counted by two people or counted jointly one at a time. When ballots are stacked by candidate two people must verify that all ballots in a stack are correctly classified. When votes are read a second election official should verify that the call matches the mark being read. When hash marks are recorded either two officials should make and reconcile hash mark sheets or a second official must observe that hash marks are made for the correct candidate.

## **GETTING READY FOR THE AUDIT**

### **1. SELECTION OF OFFICES**

Once the municipalities are identified by the random drawing, the offices on the ballot that will be subject to the audit must be identified as follows:

One office, but in no event less than twenty per cent of the number of offices on the ballot selected at random by the *municipal clerk*;

**Please notify the Office of the Secretary of the State of the random drawing date and location(s) at least three business days in advance of the selection.** The selected date must also be made publicly available. Any number of means may be used (posting notice in Town Hall and outside the Registrars' office, posting notice on the municipality's website or newspaper advertisement).

**Note: The random selection could be held at the start of the audit or at an earlier date, time, and location of the municipal clerk's choice.**

**Note: If more than one district is selected in a municipality, then the random selection of offices should be conducted for each district.**

**Note: The random selection is of an office, if there is more than one Primary race for that office, they will each be counted as part of the audit. (e.g. If the office of State Representative is chosen then if there is were both a Democratic and Republican Primary then both must be counted. )**

## **2. SELECTION OF AUDIT TIME AND PLACE**

Each municipality may set its audit date individually. Audits may be conducted on or after August 27, 2008 and must be completed no later than September 10, 2008. **Please notify the Office of the Secretary of the State of the audit date and location(s) at least three business days in advance of the audit.** The selected date must also be made publicly available. Any number of means may be used (posting notice in Town Hall and outside the Registrars' office, posting notice on the municipality's website or newspaper advertisement).

## **3. SELECTION OF AUDIT PERSONNEL**

The Registrars of Voters have the responsibility for identifying appropriate workers to conduct the hand count audit. These individuals do not have to be the same individuals who worked at the polls on Election or Primary Day, but should be familiar with the procedures for counting paper ballots. Assistance for the audit may be solicited from municipalities not involved in an audit. If possible, poll workers from the Republican and Democratic Parties (in an election) or from opposing slates (in a primary) should be equally represented. If this is not possible, other appropriate poll workers may be used. The individuals selected are required to take an oath before performing their required duties.

## **4. DELIVERY OF THE AUDIT MATERIALS**

**NOTE: Only those ballots that were counted by the optical scan voting machine in the district will be included in the audit. Absentee ballots counted centrally or by hand are not included in the audit.**

On the day of the audit, all ballot materials must be delivered to the audit location by two individuals of separate political parties or opposing slates (in a primary), if possible. Optical scanners are not part of the audit and should not be brought to the audit location.

All audit procedures shall be open to public inspection and administered by the Registrars of Voters. **Ballots should remain sealed and secure and no activities related to the audit should begin until the announced time of the audit.**

## **CONDUCTING THE AUDIT**

### **Step 1: Confirm Security of the Ballots**

When the audit begins, audit workers shall first examine the seal or protective tape on each of the ballot depository containers. **This seal number should be checked by two individuals, written down on the attached forms, announced publicly, and then compared to the number recorded on the moderator's report.**

If any of the seals referred to above have been broken, or are different from that applied on Election or Primary night, the Registrars shall immediately notify the Elections Division of Office of the Secretary of the State.

## **Step 2: Determine which ballots are to be included in the Audit**

Once the balloting materials have been removed from their respective containers, all ballots shall be reviewed and sorted by two individuals from opposite political parties or opposing slates (in a primary), if possible, to determine which ballots will be part of the audit.

**NOTE: Only those ballots that were counted by the optical scan voting machine in the district will be included in the audit. That includes: all ballots taken from the machine-read main section of the ballot bin; and all write-in ballots taken from the machine-read, write-in section of the ballot bin.**

**Any ballots counted by hand on Election or Primary Day are not included in the audit. Absentee ballots counted centrally are not included in the audit. These ballots should be secured and put aside to ensure that they are not included in the audit.**

## **Step 3: Count Total Number of Ballots and Separate Democratic and Republican Ballots**

Count Total Number of Ballots: The total number of paper ballots read by each optical scan machine should be recorded and used as a check to assure that all ballots counted by the machine are included in the audit. This number can be determined by a separate count of the number of ballots before counting the votes, perhaps while carefully separating the ballots into batches to be counted by teams. This number should be the same as the number printed on the tabulator tape at the close of the polls.

For the Primary, ballots read by the optical scanner must be separated by color between the Democratic and Republican Primaries, and then Steps 4 and 5 below should be followed for each race/party selected for audit. The separation can be accomplished as part of counting the total number of ballots by counting the number of ballots in each party's primary and then totaling those numbers.

## **Step 4: Sorting the Ballots**

Each ballot shall be examined by two individuals from opposite political parties (in an election) or slates (in a primary). In case of a disagreement, the Registrars of Voters shall make the final decision on categorizing ballots.

The ballots should be assigned to one of the following two categories:

“Undisputed Ballots” - The first category of ballots includes those ballots that both individuals agree should have been read by the optical scan voting machine. In other words, a review of the ballot in question reveals that each oval is completely filled in, there are no apparent problems, voter errors, unusual markings or noticeable stray marks in or **around any of the races to be audited**. This shall include any write-in ballots and over-voted ballots.

“Ballots with Questionable Votes”—Ballots that contain problems, voter errors (e.g., circling a candidate’s name), stray or unusual markings **in any of the races being audited** should be placed in this category because such problems, errors or markings may have interfered with the optical scan machine’s count. Here, audit workers agree that the ballots may not have been read by the optical scan voting machine.

## **Step 5: Counting the Ballots**

Count the Total for Each Candidate: Once the ballots are separated, the audit workers shall count the votes for each candidate in each of the audited races on each ballot—first, from the Undisputed Ballots, i.e., ballots with no questionable markings; next, from the Ballots with Questionable Votes, i.e., **where questionable markings appear for the particular race and candidate**. The audit workers will keep separate vote totals for each candidate from both categories of ballots.

Note: In order to minimize tallying errors, it is recommended that audit workers sub-divide ballots into “batches” for ease of counting and for detecting human tallying errors. Batch size may vary, but experience shows that batches of no more than 50 ballots are easiest to manage and track. It may also be useful to assign two workers, from different parties if possible, to tally--make "hash marks" for -- each batch and to reconcile their subtotals after completing each batch of ballots. Each batch of ballots should be numbered and separate tally sheets prepared for each batch. The batches and their respective tally sheets should remain separate in order to make reconciliation, if necessary, easier for audit workers.

## **REPORTING BALLOT TOTALS**

The results of this manual audit shall be recorded on the attached form. Do not leave any space empty. Incomplete forms will not be accepted. For each candidate in each office being audited, the total hand count of “Undisputed Ballots” should be recorded in Column D on the attached form and the total hand count of “Questionable Votes” should be recorded in Column E.

## **HANDLING DISCREPANCIES**

If Column C (the machine total) is different from Column F (the overall hand count total), then every effort should be made to investigate and explain why such is the case, including conducting a second hand count, if necessary. Any difference should be reported to the Secretary of the State.

If the results of the audit reveal any unexplained deviations or errors, The University of Connecticut (UConn VoTeR Center), at the request of the Registrars or Secretary of the State, shall examine the machines that apparently produced incorrect results to determine if such errors were caused by the optical scan voting machine.

## **CLOSING THE AUDIT**

At the completion of the audit, all ballot materials shall be resealed and returned to a secure location and the optical scanners shall remain sealed until such time as the Secretary of the State notifies each municipality that the voting machine seals can be removed and the memory cards can be reprogrammed for any future election.

## **CONTINUATION OF THE AUDIT AT ANOTHER TIME**

If the audit is to be continued in another session, the following steps should be taken to ensure the security of **the ballots**:

- (1) The ballots should be resealed in the bag and opened again at the start of the subsequent session;
- (2) New seal numbers must be recorded at the end of one session and the start of the next;
- (3) Observers present and the Secretary of the State's office should be notified at the end of the session of the date, time and location of the continuation of the audit; and
- (4) All audit materials should be delivered under the supervision of at least two election officials of opposing parties or candidates in a primary to the normal secure location during the interim period between audit sessions.

## **ROLE OF OBSERVERS**

The State of Connecticut is committed to an open, public, transparent process. Public Act 07-194 specifically provides that the audit "shall be open to public inspection." This means that observers should be allowed to view every aspect of the proceedings, including being close enough: (1) to actually see ballots as they are being counted; (2) to see tally sheets as they are being marked and when they are complete; (3) to see report forms to be sent to the Office of the Secretary of the State; (4) to be able to verify that the counts from tally sheets are properly added and conform to the totals on the report forms; (5) to be able to verify the seal number(s) and observe the condition of the seals before they are broken; (6) to observe the moderator's report, machine tape, and other documents created on election day; and (7) to view any other documents created in the process and to ask questions of Registrars regarding the process. Observers should be allowed freedom of movement sufficient to enable them to view the items described above.

However, it lies within the discretion of the Registrars of Voters to ensure that no observer disrupts the integrity or the orderliness of the process.

# **FORMS AND EXAMPLES**

## **EXAMPLES:**

### **(A) UNDISPUTED BALLOTS**

*1. Voter properly marks ballot...*

<b>OFFICE</b> → <b>PARTY ↓</b>	<b>1</b> <b>FIRST SELECTMAN</b>	<b>2</b> <b>SELECTMAN</b>
<b>REPUBLICAN</b>	<b>ABRAHAM LINCOLN</b>  ○ 1A	<b>DWIGHT EISENHOWER</b>  ● 2A
<b>DEMOCRATIC</b>	<b>GEORGE WASHINGTON</b>  ● 1B	<b>U. S. GRANT</b>  ○ 2B

In this example the tabulator should have properly recorded votes for Washington and Eisenhower. Therefore, the Audit Report should reflect vote totals as follows....

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Office	Candidate	Machine Totals (Tape)	Undisputed Ballot Totals	Ballots with Questionable Votes Totals	Overall Hand Count Totals (D + E)
First Selectman	Washington	1*	1	0	1
Selectman	Eisenhower	1*	1	0	1

\*Machine totals would be whatever the optical scanner indicates on the final tape, total here is for example only.

## (B) BALLOT WITH QUESTIONABLE VOTES

1. *Slash marks through the ovals.....*

OFFICE →	1 FIRST SELECTMAN	2 SELECTMAN
PARTY ↓	ABRAHAM LINCOLN / ○ 1A	DWIGHT EISENHOWER ✓ ○ 2A
REPUBLICAN	GEORGE WASHINGTON ○ 1B	U. S. GRANT ○ 2B
DEMOCRATIC		

In this example a voter cast two questionable votes that the tabulator may not have properly recorded for Lincoln and Eisenhower. Therefore, the Audit Report should reflect vote totals as follows....

A	B	C	D	E	F
Office	Candidate	Machine Totals (Tape)	Undisputed Ballot Totals	Ballots with Questionable Votes Totals	Overall Hand Count Totals (D + E)
First Selectman	Lincoln	1*	0	1	1
Selectman	Eisenhower	1*	0	1	1

\* Machine totals would be whatever the optical scanner indicates on the final tape, total here is for example only.

2. Voter makes an invalid correction on the ballot...

<b>OFFICE</b> →	<b>1</b> <b>FIRST SELECTMAN</b>	<b>2</b> <b>SELECTMAN</b>
<b>PARTY</b> ↓	<b>ABRAHAM LINCOLN</b>  X ○ 1A	<del><b>DWIGHT EISENHOWER</b></del>  <del>● 2A</del>
<b>REPUBLICAN</b>	<b>GEORGE WASHINGTON</b>  ○ 1B	<b>U. S. GRANT</b>  ○ 2B
<b>DEMOCRATIC</b>		

In this example a voter cast a questionable vote that the tabulator may not have properly recorded for Lincoln and attempted to retract a vote for Eisenhower . Therefore, the Audit Report should reflect vote totals as follows....

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
Office	Candidate	Machine Totals (Tape)	Undisputed Ballot Totals	Ballots with Questionable Votes Totals	Overall Hand Count Totals (D + E)
First Selectman	Lincoln	1*	0	1	1
Selectman	Eisenhower	1*	0	0	0

You should be sure to explain this and other discrepancies in the location provided on the Audit Report.....

Explanation of Differences: Candidate Eisenhower received less votes than originally reported by the tabulator because a voter who completely filled in the oval for the candidate retracted the vote by placing an "X" mark through the candidate's box.

\*Machine totals would be whatever the optical scanner indicates on the final tape, total here is for example only.

3. Voter makes invalid and written correction on ballot...

OFFICE →	1 FIRST SELECTMAN	2 SELECTMAN
PARTY ↓	ABRAHAM LINCOLN  1A <i>NO - WRONG</i>	DWIGHT EISENHOWER  2A
REPUBLICAN	GEORGE WASHINGTON ○ 1B	U. S. GRANT ○ 2B
DEMOCRATIC		

In this example a voter cast a questionable vote that the tabulator may not have properly recorded for Eisenhower and attempted to retract a vote for Lincoln. Therefore, the Audit Report should reflect vote totals as follows....

A	B	C	D	E	F
Office	Candidate	Machine Totals (Tape)	Undisputed Ballot Totals	Ballots with Questionable Votes Totals	Overall Hand Count Totals (D + E)
First Selectman	Lincoln	1*	0	1	2
Selectman	Eisenhower	1*	0	1	1

You should be sure to explain this and any other discrepancies in the location provided on the Audit Report.....

Explanation of Differences: Candidate Lincoln received less votes than originally reported by the tabulator because a voter who completely filled in the oval for the candidate retracted the vote by placing a mark through

\*Machine totals would be whatever the optical scanner indicates on the final tape, total here is for example only.

