



Best Practices for Post Election Audits

2016 Montana Election Administrator Certification Training

Montana Secretary of State

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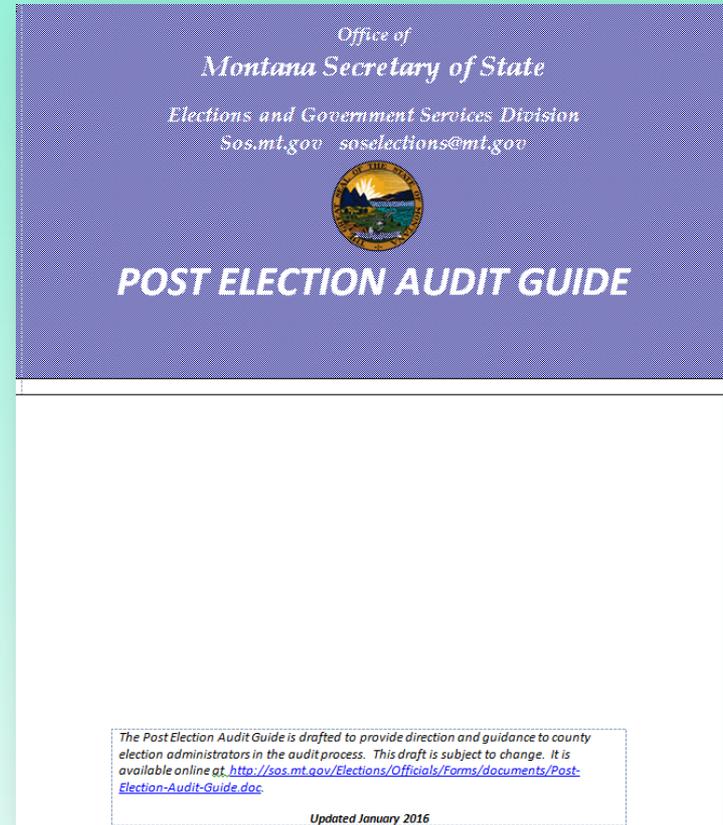
Background

- The 2009 Legislature passed the “**Post Election Audit Act,**” effective October 1, 2009.
- The law was passed in response to concerns that **voting systems** could be tampered with in order to manipulate vote totals, and even change race outcomes.
 - Even the **technology community** called for closer scrutiny, due to concerns that software code could be manipulated to change votes throughout election day, without leaving a trace.
- Post election audits significantly lessen these concerns, by providing for a **manual hand count** of ballots from precincts and races chosen randomly by a board of state officials after the election.



Background

- This **Best Practices training**, the **Post Election Audit Guide**, the **Reconciliation Form and Report**, and the **Tally Sheet** are all intended to ensure compliance with the Post Election Audit Act.
- They are **evolving documents**, based on successful post election audit practices in other states, as well as accommodating current processes in Montana election administration.



Post Election Audit Forms

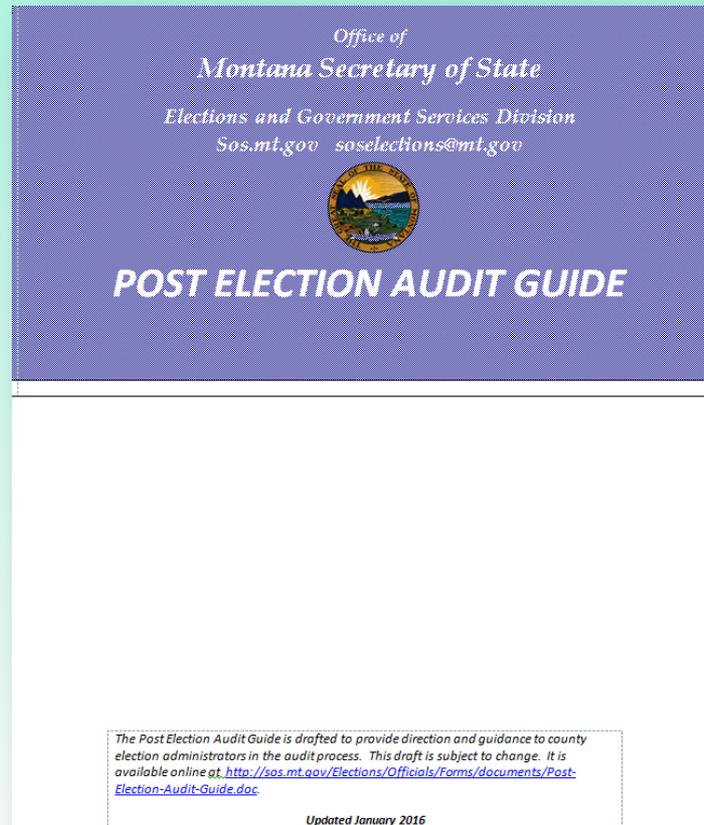
[Post Election Audit Guide](#)

[Post Election Audit Reconciliation Form and Report](#)

[Post Election Audit Exemption Request](#)

[Post Election Audit Tally Sheet](#)

Post Election Audit Guide Walkthrough



<http://sosmt.gov/Portals/142/Elections/Documents/Officials/Post-Election-Audit-Guide.docx>

Post Election Audit Guide Checklist

- Refer to this Checklist as needed – the first task on the list is for the county governing body to **appoint the post election audit committee members**, which must occur before the Federal Primary.

Post Election Audit Checklist		
Deadline (filled in by EA – see timeline next page)	Task	Completed
	Governing body appoints county post election audit committee (governing body should appoint committee to serve in both the primary and general elections).	
	EA gives instruction to audit committee on how tabulation equipment counts votes.	
	Before election day, EA color codes each tabulator and ballot container, or implements another system to match each precinct's ballots with tabulator(s).	
	EA schedules and notices county audit (similar process as used to notice a canvass or recount.)	
	Counties notify SOS of any potential county recount.	
	SOS notifies counties of randomly selected precincts and contests.	
	EA prepares audit supplies, forms, guidelines, etc.	
	Conduct Audit (open to the public):	
	1. EA checks seals on ballot containers to ensure they are intact.	
	1. EA or audit committee opens ballot containers.	
	1. EA or audit committee places ballots into stacks per Guide, similar to the method used in a recount.	
	1. Members of county audit committee hand count stacks of ballots and reconcile number of ballots with total ballots on machine tape, noting on reconciliation form any discrepancy in the total number of ballots.	
	1. One member reads ballots (each selected contest separately).	
	1. Two members tally, ensure hand count tallies match each other.	
	1. EA records results on Reconciliation Form and Report (separate form for each contest audited).	
	1. Committee members and EA sign Reconciliation Form and Report.	
	1. Expand audit if required.	
	1. Re-seal ballots in ballot containers.	
	Scan and email (or mail) Reconciliation Form and Report to SOS.	
	Conduct official county canvass.	
	• Use audit results as definitive results for canvass.	

Post Election Audit Guide **Timeline**

- This time-line begins **the week after** the primary and general election.
- The audit must be held at least **one day before** the official county canvass.

Post Election Audit Timeline for 2016 Elections	
June 7 Primary Election	
June 13	Deadline to notify SOS of potential county recount
June 14-16	Earliest date/latest date for state board of canvassers to randomly select precincts, races and ballot issues
June 15	Earliest date for county audit (subject to when the process above is completed and counties are notified of results of random selection)
June 16	Earliest date for county canvass (at least one day after audit)
June 20	Latest date for county audit
June 21	Latest date for county canvass (at least one day after audit)
July 1	Statewide canvass must be complete, results certified
Nov 8 General Election	
Nov 14	Deadline to notify SOS of potential county recount
Nov 15-17	Earliest date/latest date for state board of canvassers to randomly select precincts, races and ballot issues
Nov 16	Earliest date for county audit (subject to when the process above is completed and counties are notified of results of random selection)
Nov 17	Earliest date for county canvass (at least one day after audit)
Nov 21	Latest date for county audit
Nov 22	Latest date for county canvass (at least one day after audit)
Dec 5	Statewide canvass must be complete, results certified

Tying Ballots to Precincts and Tabulators

- Before or during the election, each tabulator machine, the tabulator results tape, and the ballot container should be **color coded or otherwise marked** so that each precinct's results and ballots can be tied to the associated tabulator machine(s) that tabulated them.
- Absentee ballots that are centrally counted must be **separated by precinct** for the audit.
 - The election administrator may separate the absentee ballots before the audit **in the presence of at least one other person**, and must ensure that any such process of separating the absentee ballots is open to the public.

Preparing for Hand Count Audit

- The Election Administrator should give a tutorial to the post election audit committee on **how the vote tabulator counts and reports votes**, as preparation for the hand count audit.
- The Election Administrator should also provide to each member of the committee **instructions on hand counting ballots** in the audit. (Tabulating machines are not used in the post election audit.)
- Instructions on **hand count procedures** can be found in the [Election Judge Handbook](#) provided by the Secretary of State, although not all of the instructions will necessarily be applicable.



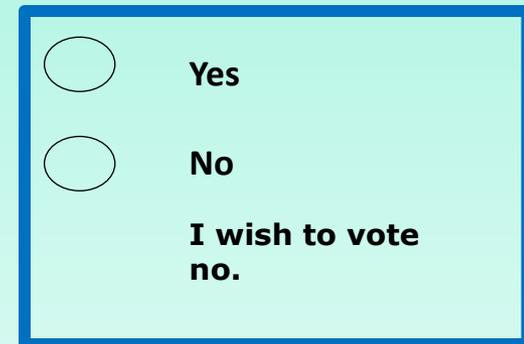
Determining Voter Intent

- The purpose of the post election audit is to **determine if the machine counted the votes correctly**; therefore the audit committee should be instructed to count votes consistent with the way an optical scan machine would count votes.
- In practice, this means that even though the audit committee may be able to determine voter intent, if a properly programmed vote tabulator would not be able to determine this intent, **the vote is treated consistent with how the machine would determine whether to count the vote.**

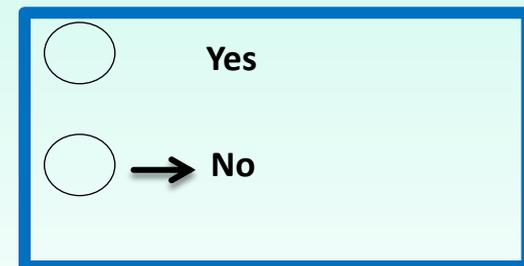


Determining Voter Intent

- For example, if a voter writes on the ballot what their choice is; makes a mark that a tabulating machine would not be able to pick up but can be seen by the human eye, or otherwise makes their choice in a manner that only a human eye can determine, **for the purposes of the post election audit the vote is handled as an undervote**, as the machine would have treated it.



A ballot box containing two radio button options: "Yes" and "No". Below these options, the text "I wish to vote no." is written in a handwritten style.



A ballot box containing two radio button options: "Yes" and "No". An arrow points to the "No" option, indicating a selection.

Receiving Precincts, Candidates, and Ballot Issue from SOS

- About one week **after** each federal election, you will receive the list of precincts, candidates, and ballot issues, if any, from the SOS by email, following the **random selection** of each of these by the state canvass board.
- Below is a sample of what you will receive from the SOS.

List of Counties, Precincts and Offices Chosen for 2014 Primary Post Election Audit										
#	County	Federal Office	State Office	Initial Precinct 1	Initial Precinct 2	Initial Precinct 3	Additional Precinct 1	Additional Precinct 2	Additional Precinct 3	Legislative District
1	Sample Co	U.S. Representative	Supreme Court Justice #1	1			7	14	15	1



Receiving Precincts, Candidates, and Ballot Issue from SOS

- Be sure to audit the initial precinct(s) and each race, **especially the legislative race, if there is one**. Most counties only have **one initial precinct** to audit, while counties with the most precincts may have two or three precincts to audit. (You will only have to audit the additional precincts chosen if there is an unacceptable discrepancy.)

List of Counties, Precincts and Offices Chosen for 2014 Primary Post Election Audit										
#	County	Federal Office	State Office	Initial Precinct 1	Initial Precinct 2	Initial Precinct 3	Additional Precinct 1	Additional Precinct 2	Additional Precinct 3	Legislative District
1	Sample Co	U.S. Representative	Supreme Court Justice #1	1			7	14	15	1



Committee Oath and Election Administrator Role

- Before beginning service, the audit committee members take and subscribe the **official oath** prescribed by the Montana constitution.
 - The audit committee members may administer the oath to each other.
- The county election administrator serves as the **secretary** to the county audit committee.

"I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."

Breaking the Seals



- Normally, the audit committee breaks the seal on the container(s) containing the ballots to be counted.
 - Note: the county election administrator, **in the presence of at least one other person**, may break the seals before the audit committee meeting if preliminary preparation of the ballots is necessary to prepare for the hand count prior to the meeting of the audit committee.
- The ballots should be resealed after preliminary preparation is complete. **The seal-breaking and resealing process must be open to the public.**
 - Observers, if any, **may examine the seals** prior to, during, and after the breaking of the seals, to make certain that they have not been broken or tampered with.

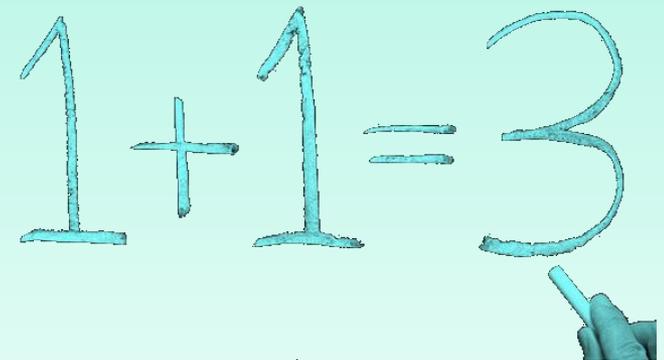
Sorting and Counting Ballots

- Ballots can be sorted into **separate piles**, one for each party, candidate, and/or ballot issue choice.
- After the ballots are sorted into appropriate piles, the county audit committee members **hand count each ballot**, with one member reading the votes, and two members marking the tallies.
- This process is **repeated for each precinct and contest being audited**, with a separate Reconciliation Form and Report being completed for each precinct and contest that is subject to the audit.



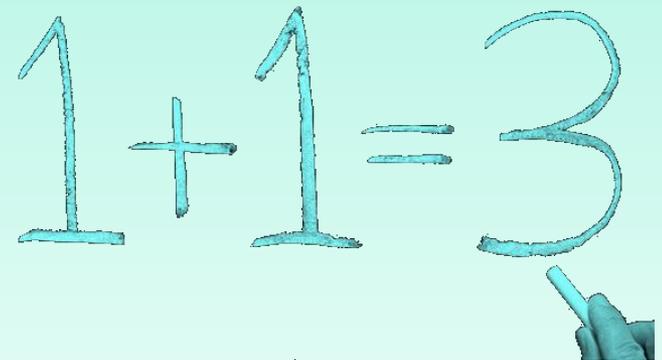
Apparent Discrepancies

- If the **two hand count tallies** do **not** match, the ballots must be counted again, until the hand count tallies match.
- The audit committee and county election administrator will next **compare** the **original vote count** from the **tabulator** vs. the **hand count audit**. The committee members should not be provided with the tabulator results until their hand count audit is complete.
- If the hand count audit results differ from the tabulator results, the audit committee and election administrator need to **analyze the ballots** to determine if the reason(s) for the difference can be identified, similar to the process in a recount, and **hand-count the ballots again** if necessary.



Apparent Discrepancies

- If the discrepancies **can** be explained, make the appropriate notations on the Reconciliation Form and Report.
- If the discrepancies **cannot** be explained despite **re-counting the ballots and re-checking the totals**, and the discrepancies are above the acceptable threshold, contact the Secretary of State.
 - If the discrepancies are not able to be resolved, you will need to expand the audit to additional precincts, and take the machine(s) involved out of service.



Reconciliation Form and Report (**Election Data** and **Machine/Seal Data**)

Election Date	7-Jun-16
County Name	Sample County
Precinct Name/Number	Pct #1
Contest	U.S. Representative

Type of Tabulator Used in the Precinct	M-650
Tabulator Seal No.	0201 7001
Ballot Container Seal # (if # is used)	0501 8802

Reconciliation Form and Report (hand count and machine count tallies)

**Note: The County Audit Committee may not see the machine totals before the hand count*

Column A: Candidate Names/ Ballot Issue #/ Type of Votes	Column B: Hand Count Audit Tally	Column C: Machine Tally* (Filled in by Election Administrator after Hand Count Tally)
CANDIDATE A - Democrat	2000	2000
CANDIDATE B - Democrat	1000	1000
CANDIDATE C - Democrat	500	495
CANDIDATE D - Republican	400	405
CANDIDATE E - Republican	250	250
CANDIDATE F - Republican	50	50
CANDIDATE G - Republican	10	10
Overvotes	5	3
Undervotes	3	3
Write-in Votes	0	0
Other Votes -- Specify:	0	0
Total Votes	4218	4216

Reconciliation Form and Report (discrepancy analysis)

Column E: Difference (Hand Tally Minus Machine Count Tally)	Column F: Number of Explainable Differences (Administrative or Election Official Error)	Column G: Explainable Difference Reasons†	Column H: Unexplained Difference† (Column F Subtracted from Column E) "Hand Count is Over/ Under by #:"	Column I: Other Comments/ Explanation†
0	0	N/A	0	
0	0	N/A	0	
+5	5	N/A	0	
-5	3	3 ballots were double counted by the machine due to administrative error.	Hand Count is Under By 2	
0	0	N/A	0	
0	0	N/A	0	
0	0	N/A	0	
+2	0	No reason found for discrepancies; therefore the explainable exception number is zero.	Hand Count is Over By 2	
0	0	N/A	0	
0	0	N/A	0	
0	0	N/A	0	
12	8		4	

Reconciliation Form and Report (selected columns)

- Column G: **Explainable Difference Reasons**
- Column H: **Unexplained Difference** totals

Column E: Difference (Hand Tally Minus Machine Count Tally)	Column F: Number of Explainable Differences (Administrative or Election Official Error)	Column G: Explainable Difference Reasons†	Column H: Unexplained Difference† (Column F Subtracted from Column E) "Hand Count is Over/ Under by #:"
+5	5	5 ballots were not counted by the machine due to administrative error	0
-5	3	3 ballots were double counted by the machine due to administrative error.	Hand Count is Under By 2
+2	0	No reason found for discrepancies; therefore the explainable exception number is zero.	Hand Count is Over By 2
12	8		4

Reconciliation Form and Report (**final discrepancy analysis**)

Analysis:	
Is the Unexplained Difference total in Column H at least 5 votes? If so, continue below. If not, stop here.	No. The total Unexplained Difference is not at least 5 votes. The audit of this precinct for this contest is complete.
What is the Percentage (%) Difference Between Hand Counted Ballots and the Unexplained Difference (the Column H Total Votes Divided by the Column B Total Votes)?	Since the Unexplained Difference total is not at least 5 votes, it is not necessary to calculate the percentage difference.
Is the Unexplained Difference total at least 5 votes and is the Unexplained Difference greater than 0.5%? If not, then the total is Acceptable. If the percentage is greater than .5%, then the Unexplained Difference is Not Acceptable and county must audit three additional precincts and examine the machine(s).	The Unexplained Difference percentage is not calculated since the total is not at least 5 votes. The audit of this precinct for this contest is complete.

Reconciliation Form and Report (**signatures** of committee members and election administrator)

County Audit Committee Signatures:	Election Administrator Signature:
<i>Noah Webster</i>	<i>Jane Doe</i>
<i>Regret Thesaurus</i>	
<i>Ted Britannica</i>	

Reconciliation Form and Report (completed example)

POST ELECTION AUDIT RECONCILIATION FORM AND REPORT TO SECRETARY OF STATE - CANDIDATE EXAMPLE							
<i>Submit completed and signed form to the Secretary of State no later than the deadline for submitting the official county canvass.</i>							
Election Date	7-Jan-16		Type of Tabulator Used in the Precinct	M-650			
County Name	Sample County		Tabulator Seal No.	0201 7001			
Precinct Name/Number	Pct #1		Ballot Envelope Seal # (if # is used)				
Contest	U.S. Representative						
Total Ballots Counted by Tabulator as Shows on Tape*			Total Ballots Counted by Hand*				
4216			4216				
<i>*Note: The County Audit Committee may not see the machine totals before the hand count</i>							
Column A: Candidate Name/ Ballot Issue #/ Type of Voter	Column B: Hand Count Audit Tally	Column C: Machine Tally* (Filled in by Election Administrator after Hand Count Tally)	Column E: Difference (Hand Tally Minus Machine Count Tally)	Column F: Number of Explainable Difference (Administrative or Election Official Error)	Column G: Explainable Difference Reasons†	Column H: Unexplained Difference‡ (Column F Subtracted from Column E) "Hand Count is Over/ Under by #:"	Column I: Other Comments/Explanations†
CANDIDATE A - Democrat	2000	2000	0	0	N/A	0	
CANDIDATE B - Democrat	1000	1000	0	0	N/A	0	
CANDIDATE C - Democrat	500	495	+5	5	N/A	0	
CANDIDATE D - Republican	400	405	-5	3	2 ballots were double counted by the machine due to administrative error.	Hand Count is Under By 2	
CANDIDATE E - Republican	250	250	0	0	N/A	0	
CANDIDATE F - Republican	50	50	0	0	N/A	0	
CANDIDATE G - Republican	10	10	0	0	N/A	0	
Overvotes	5	3	+2	0	N/A (no reason found for discrepancy, therefore the explainable exception number is zero.	Hand Count is Over By 2	
Undervotes	3	3	0	0	N/A	0	
Write-in Votes	0	0	0	0	N/A	0	
Other Votes -- Specify:	0	0	0	0	N/A	0	
Total Votes	4218	4216	12	8		4	
†Where possible, please provide information about the Unexplained Difference between the machine count and the hand count on an attached sheet.							
Analysis:	<p>** The random-sample audit may not include a ballot that a vote-counting machine was unable to process and that was not reviewed pursuant to 13-15-246 because the ballot: (a) appeared to have at least one overvote; (b) appeared to be blank; (c) was in a condition that prevented its processing by a vote-counting machine; or (d) contained a mark, error, or smudging that prevented its processing by a vote-counting machine.</p> <p>† Note: The purpose of the post-election audit is to determine whether the tabulating equipment has accurately counted votes. Because the purpose of the post election audit is to determine if the machine counted the votes correctly, the audit committee should be instructed to count votes consistent with the way an optical scan machine would count votes.</p>						
In the Unexplained Difference total in Column H at least 5 votes? If so, continue below. If not, stop here.	No. The total Unexplained Difference is not at least 5 votes. The audit of this precinct for this contest is complete.						
What is the Percentage (%) Difference Between Hand Counted Ballots and the Unexplained Difference (the Column H Total Votes Divided by the Column B Total Votes)?	Since the Unexplained Difference total is not at least 5 votes, it is not necessary to calculate the percentage difference.						
In the Unexplained Difference total at least 5 votes and is the Unexplained Difference greater than 0.5%? If not, then the total is Acceptable. If the percentage is greater than .5%, then the Unexplained Difference is Not Acceptable and county must audit three additional precincts and examine the machine(s).	The Unexplained Difference percentage is not calculate since the total is not at least 5 votes. The audit of this precinct for this contest is complete.						
County Audit Committee Signatures:			Election Administrator Signatures:				
_____ _____ _____			_____ _____				

Post Election Audit Tally Sheet

- The **Tally Sheet** (*below*) is optional and does not need to be sent in to the SOS.

Official Tally for Post Election Audit of _____ Election Held on _____.														
County, MT - Precinct _____		Vote Tallies												
Office/Issue	Candidate/Issue Name	5	10	15	20	25	30	35	40	45	50	55	60	Total

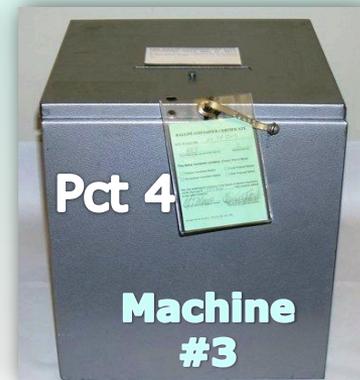
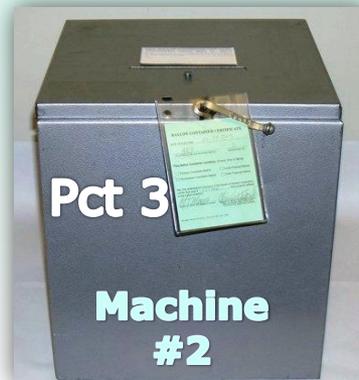
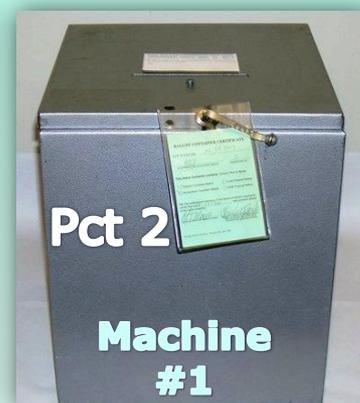
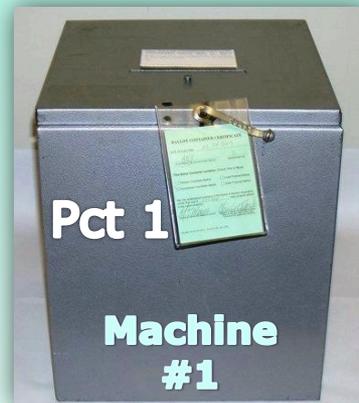
Post Election Audit **Best Practices** – Notices

- The canvass and the post election audit are each required to be **open to the public.**
- You can save time and money by providing notice of the time and place of the post election audit by the **same method and at the same time that you provide notice of your canvass.**
 - The audit and canvass must be public, and the date, time and location should be published or posted as any public meeting is.



Post Election Audit **Best Practices** – Associating Precincts and Machines

- If you use multiple machines to count your ballots, **clearly mark the ballot containers** into which the tabulated ballots are deposited, to indicate which machine counted the ballots.
 - This is so that if your counts are off in a precinct by an unacceptable margin, you can **determine which tabulator was affected** and remove it from service, rather than having to remove all of your tabulators from service.



Post Election Audit **Best Practices** – Audit Committee Appointees

- Unlike with the county **canvass** board, counties are **not** required to appoint county commissioners or county officers to the **audit** committee.
- County commissioners appoint from a list of **county employees and county residents** who have offered to serve on the committee (except a person who served as an election judge in the election, a vendor employee, or a person who has performed maintenance on the vote-counting machines subject to the audit).



Post Election Audit **Best Practices** – County Election Administrator Suggestions



- Below are suggestions from county election officials:
 - Appoint post election audit committee members who have **accounting and/or bookkeeping skills**, since these individuals are highly familiar with numbers, and with reconciling apparent discrepancies between totals;
 - Ask potential post election audit committee members whether they will be **able to commit to both the primary and the general elections**, especially since many potential members may travel south for the winter;

Post Election Audit **Best Practices** – County Election Administrator Suggestions



- Below are suggestions from county election officials:
 - **To recruit potential members**, contact high schools, and also ask retired election judges and members of service clubs;
 - Maintain a **designated, secure area** for the voted ballots, in order to easily access them for the audit;

Post Election Audit **Best Practices** – County Election Administrator Suggestions



- Below are suggestions from county election officials:
 - Send out the Post Election Audit Guide to post election audit committee members in advance of the audit, **and ask members to read the Guide** and contact you for questions;
 - Prepare the Reconciliation Report and Tally Sheet(s) as soon as the Secretary of State emails the precincts and races chosen, **so the forms are filled out and ready** for the audit.

Post Election Audit **Best Practices** – County Election Administrator Suggestions



- Below are suggestions from county election officials:
 - If you have enough audit committee members, designate **two counting areas for the Primary**, one for the Democratic ballots and one for the Republican ballots;
 - **Supply colored tabs** to apply onto any ballots for which the voter's intent is questionable, and **check these ballots first** if there is an apparent discrepancy.

Post Election Audit **Questions**

