



# Expanding Elections and Building Confidence with Results Verification

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## The Landscape Has Changed

There are few individuals more aware of the cultural shifts surrounding voting than election officials, whose roles have changed dramatically as greater scrutiny and press attention focuses on election administration at every level. Voters, candidates, political parties, and the media have all taken greater interest in the processes before, and more often after, votes are counted as they seek greater auditability and transparency.

With the midterm elections approaching, counties and states are taking a new look at their voting systems and election processes, increasingly moving to systems that are auditable and readily able to respond to public records requests and stave off labor intensive reviews and recounts. Several states have now adopted technology that allows them to verify their election results with an independent tabulation of results, and in some cases, legislation that previously required a manual process was rewritten to allow new technology that quickly and accurately verifies the results of every contest, across every district, regardless of the voting system in use. These processes and technologies have become new steps in the voting process, bringing focus to the work done after results are reported.

Whether a state conducts a formal post-election audit or local boards of election conduct their own analysis of results, it has become vital that election officials are able to answer one question: what steps are in place to ensure that my vote was counted accurately, and my election was fair?

## More Than an Audit

An audit's main purpose is to ensure that the correct candidates were elected based on votes cast. With the increase of election security awareness and security concerns in recent years, post-election audits are becoming a fundamental part of the election process for many jurisdictions to increase confidence in election results and shed light on the overall election process. As questions arise about election results, many jurisdictions are doing more than an audit to verify results including comparative retabulations, voluntary hand counts, or non-partisan reviews.

There are several types of post-election audits that can be performed based on the resources available and the scale of review that election officials are looking to conduct.



## Independent Third-Party Audit

Independent third-party audits are performed independently from the primary tabulation system and can provide a more detailed analysis of the election. Often referred to as the gold standard of audits, this style of results verification is becoming increasingly popular due to their speed, transparency, and confidence among voters.

Audits can be conducted by importing previously captured images or rescanning the physical ballots post-election. Most jurisdictions choose to perform a 100% analysis or review of every ballot cast during the election to perform a true side-by-side comparison of results against the primary tabulation system. For counties that capture images of their ballots or can rescan ballots during the election, this process can be easily integrated into an election workflow.

## Fixed-Percentage Audit

A fixed-percentage audit is a traditional form of audit that has been used in several jurisdictions to verify election results. Fixed-percentage audits will typically have a predetermined percentage of 3 – 5% of precincts and/or contests that will require manual hand tabulation regardless of the outcome. The results from the manual tabulation are then compared to the printed results from the precinct tabulation equipment. Although fixed-percentage audits have been widely used, the time that it takes to conduct the audit can be long and unpredictable depending on the size of the jurisdiction and resources available for the review.

With software-driven solutions, fixed percentage audits can be performed independently, accurately, efficiently, and without the risk of human error present in a manual hand count. Jurisdictions will also find that they can better determine the number of staff needed for the audit.

## Risk Limiting Audit

A risk-limiting audit, or RLA, is a post-election audit that provides statistical evidence that the reported election outcome is accurate. The statistical calculation is based on the acceptable risk limit that has been determined by the jurisdiction, the margin of victory in the selected race, and the number of votes cast. After the number of ballots has been determined, those ballots are randomly selected and either manually tabulated by hand or retabulated using an electronic tabulator. Additional ballots are then selected if the initial audit size fails to produce enough evidence to support a clear outcome.

There are now several tools that can assist with an RLA, including digital software tools that can make the process easier to integrate into a jurisdiction's current processes. With inventory and ballot tracking, ballots can be easily retrieved later during the RLA process. Optionally, while scanned by the independent central count scanner, ballots can also be imprinted with a box ID and position number so that a specific ballot can be identified if the ballot ordering is compromised.



Once the number of ballots to be audited has been determined, there is technology to randomly select the ballots to be audited. A random seed number can also be used so those same random ballots can be retrieved. Lastly, a cast vote record report can be used to compare results to the physical ballots if required.

## Forensic Audit

It's the term that's been tossed around by voters and interest groups alike, but what exactly is a "forensic audit?" Proponents of forensic audits claim that they can be used to analyze election returns from local districts, counties, or states to find irregularities. The aim is to detect outliers or abnormalities in the usual patterns of election results, such as in voter registration, turnout, blank ballots, or other anomalies in the official results. However, there isn't always a clear agreement on what constitutes a true forensic audit and, in some cases, the loosely defined nature of the term has led to confusion over the practical implications of a forensic audit.

The call for forensic audits picked up steam following the 2020 elections, with several high-profile or swing states facing calls from voter interest groups to conduct full forensic audits. The term is used most often in finance, where it means utilizing technology to dig into the details of accounts and individual actions to root out fraud. As ballots cannot be tied to individual voters by design, there is no way to use an audit to track individuals directly committing fraud via an audit without violating voters' rights to ballot secrecy. What an audit can do is find irregularities that would trigger further review, or in the case of few or no irregularities, confirm that the correct candidates won.

Sometimes, interest groups asking for a forensic audit are looking for state or county officials to review electronic tabulation, direct recording, or ballot marking devices and look for signs of tampering with the equipment or the possibility of the machine connecting to Wi-Fi and/or Bluetooth. Since machines have strict physical security protocols that would make tampering evident immediately and machines do not regularly connect to Wi-Fi networks in the way that a laptop or tablet does, many of these steps are already taken by counties. In these cases, an independent, third-party audit of all results and confirmation that security protocols were followed would be an alternate process to a "forensic audit."

## What Does the Future of Election Verification Look Like?

If the past few years are any indication, election reviews will continue to become a larger part of the election process, helping to build voter confidence with an independent verification that their vote was counted, and their voice was heard. With modern technology and solutions that can be built-in to common processes and scaled based on the size of the jurisdiction, competitiveness of the race, and rate of voter turnout, we expect to see jurisdictions without a verification process becoming less common. Instead, voters, candidates, and political parties and interest groups will come to expect that additional steps have been added to the voting process in the interest of auditability. This extension of the voting process beyond the normal canvass and certification process is likely to



be the largest shift to the election industry as a result of the 2020 general elections and the public's continued election integrity focus.

## ABOUT CLEAR BALLOT

As the leader in election innovation, Clear Ballot has introduced a new class of tools and a modern approach to voting, enabling unprecedented speed, accuracy, and transparency that officials and the voting public have sought for decades. Clear Ballot entered the election industry with its first product in 2012, disrupting the industry with the nation's first independent, automated audit, and four years later developed a complete voting system which is now the fastest growing voting system in the industry.