

## **NASS Summary of State Post-Election Audit Laws**

September 2021

The information below provides a summary of the post-election audit process in each state, based on state laws, regulations, and other resources from state election officials.

For additional information on the post-election audit process, see the [National Conference of State Legislatures](#) and the [U.S. Election Assistance Commission](#).

## **Alaska**

*(Alaska Stat. § 15.15.420, 15.15.430, 15.15.440; 6 AAC 27.070)*

### **Overview**

State law requires the State Director of Elections to conduct a review of ballot counting. The review includes a hand count of all ballots from one randomly selected precinct in each state house district.

### **Timeline**

The ballot counting review begins no later than 16 days after the election and continues until completed.

### **Administration/Oversight**

The review is conducted by the State Director of Elections, with oversight by a State Ballot Counting Review Board appointed by the Director. The review must be conducted with assistance from and in the presence of appointed representatives from political parties.

### **Results/Reporting**

The hand count must be expanded if there is a discrepancy of more than 1% from the certified results. The Director may also expand the hand count if there is an unexplained discrepancy.

If there are any changes resulting from the review process, the changes must be posted on the Division of Elections website.

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## **Arizona**

*(Ariz. Rev. Stat. § 16-602; [Arizona Elections Procedures Manual](#))*

### **Overview**

State law requires each county to conduct a post-election, manual hand count audit after each countywide primary, special, general, and presidential preference election. At least 1 race from different categories must be hand counted (e.g., federal, statewide, state legislative). The hand count includes regular ballots from a limited number of precincts, and a limited number of early ballots.

### **Timeline**

The hand count begins within 24 hours after the election and must be completed before the county canvass.

### **Administration/Oversight**

The precincts and races to be hand counted are randomly selected by the county political party chairpersons.

The hand count is conducted by county election officials at a secure facility, in accordance with procedures established by the Secretary of State.

County political party chairs designate hand count board members to perform the hand count. County election officials must retain custody of the ballots for the hand count and must provide for security for the ballots.

Party representatives observing the hand count may bring video cameras to record the hand count, but may not interfere with or disrupt the count.

### **Results/Reporting**

The results from the hand count are compared to the results from the electronic tabulation system. If there is a discrepancy between the hand count and the electronically tabulated results that exceeds a designated margin, the hand count must be repeated, and potentially expanded. If an expanded hand count exceeds the designated margin, the county must hand count all precincts for that race, and the source code for the county's equipment must be reviewed by a court appointed software expert.

The designated margin is determined by a committee established by the Secretary of State.

The results of the audit must be reported to the Secretary of State, and [made available on the Secretary of State's website](#).

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## **Arkansas**

*(Ark. Code § 7-4-121)*

### **Overview**

State law requires the State Board of Elections to conduct a post-election audit in a limited number of randomly selected counties and polling locations after each general election. Under an initial audit pilot program in 2020, ballots in selected counties were hand counted and compared to the count produced by tabulators.

### **Timeline**

Audit timeline not specified, but counties to be audited must be randomly selected by the State Board of Election Commissioners no later than 60 days after the general election.

### **Administration/Oversight**

The audit must be conducted by the State Board of Election Commissioners. The Secretary of State may provide staff to assist. The Board must securely maintain county election records obtained for the audit.

### **Results/Reporting**

The Board must issue a [public report of the audit findings](#).

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## **California**

*(Cal. Elec. Code §336.5, 15360; Cal. Code Regs. tit. 2, § 20110; [California Risk-Limiting Audits](#))*

## **Overview**

State law requires local election officials to conduct either a manual tally or a risk-limiting audit after each election.

### Manual Tally:

A manual tally is public process that takes place during the county canvass. Counties randomly select a limited number of precincts for a manual tally of ballots, and the results are compared to the automated count.

### Risk-Limiting Audit:

A risk-limiting audit consists of a manual tally of randomly selected ballots until it is statistically implausible that a full recount would show a different result. The audit takes place after results are reported.

Counties must appoint an audit board to carry out the audit, and it must be conducted in accordance with regulations adopted by the Secretary of State. Counties must maintain chain of custody of ballots, and develop procedure to ensure the security of ballots and other materials.

The public may observe a risk-limiting audit.

## **Results/Reporting**

Results of the one percent manual tally or risk-limiting audit are included in the county canvass certification. Canvass certifications are [posted to the Secretary of State website](#).

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## **Colorado**

*(Colo. Rev. Stat. § 1-7-515; 8 CCR 1505-1)*

### **Overview**

State law requires a risk-limiting audit in each county after every primary, general, coordinated, or congressional vacancy election. A risk-limiting audit consists of an audit of votes on paper ballots or VVPAT records that gives a statistical level of confidence that the outcome of an election is correct. The audit continues until the risk limit is met or until a full hand count results.

### **Timeline**

The Secretary of State selects the contests to be audited no later than the Friday after election day. The audit board must complete its report no later than one business day before the canvass deadline.

### **Administration/Oversight**

The Secretary of State establishes the risk limit for the audit, determines the contests to be audited (including at least 1 statewide office), and randomly selects the number of ballots to audit.

County election officials must appoint an audit board to conduct the audit. The audit board consist of individuals nominated by the major political party county chairpersons. County election officials, staff, and other appointed election judges may assist in conducting the audit. The audit must be conducted in accordance with regulations adopted by the Secretary of State.

At least two canvass board members must observe at least the first round of the audit. Watchers must be permitted access at a reasonable proximity.

### **Results/Reporting**

The audit board must submit a report to the Secretary of State with the results of the audit no later than 1 business day before the canvass deadline. The Secretary of State must review the report and may direct a county to conduct additional audits, a full hand count, or other actions.

Results of the audit are [posted to the Secretary of State website](#).

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## **Connecticut**

(*Conn. Gen. Stat. §9-320f*; [Connecticut Audit Procedure Manual](#))

### **Overview**

State law requires a manual or electronic audit of ballots from a limited number of randomly selected voting districts after each election. The audit results are compared to the results reported by tabulators on election day.

### **Timeline**

The audit takes place no earlier than 15 days after an election, and no later than 2 business days before the state canvass.

### **Administration/Oversight**

The Secretary of State randomly selects (publicly) the voting districts to be audited. Audits are conducted by local jurisdictions with oversight by the Secretary of State. The audit must be carried out in accordance with procedures issued by the Secretary of State. The audit process must include procedures for maintaining chain of custody and security of ballots, voting systems, and other election materials.

Audits are open to public observation.

### **Results/Reporting**

Local jurisdictions must report the results of the audit to the Secretary of State, and the Secretary must provide the report to the University of Connecticut for analysis. The University must analyze the audit results and file a report with the Secretary of State describing any discrepancies. If there is a discrepancy between the audit results and the initial tabulation, the Secretary of State may be required to take certain actions in response, including, ordering a recanvass, examining and recertifying the tabulators,

or decertifying the tabulators. The Secretary of State or a court may also order an audit of the tabulators.

The Secretary of State must have access to the code in any voting machine whenever a problem is discovered as a result of an audit.

The audit report prepared by the University of Connecticut must be [available to the public](#).

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## **Delaware**

*(Del. Code tit.15 § 5012A)*

### **Overview**

State law requires the state Department of Elections to conduct a post-election audit (hand count of paper ballots) after each primary, general, and school board election. The audits include a limited number of randomly selected election districts and voting devices in each county and the City of Wilmington. The hand count results are compared to the electronic totals from the voting device.

### **Timeline**

An initial round of audits takes place within 48 hours after certification of the election, and a second round of audits takes place within 60 days after certification.

### **Administration/Oversight**

Audits are conducted by the Department of Elections.

### **Results/Reporting**

Under proposed regulations, if there is a discrepancy in the audit results that exceeds a specific threshold, the audit must be expanded and the voting system must be tested and analyzed. If the discrepancy remains unresolved, the Department must initiate additional audits and conduct a review of the voting system.

Within 60 days of an audit, the Department must [post the audit results](#) to the Department's website.

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## **Florida**

*(Florida Stat. Ann. §101.591; Fla. Admin. Code R. 1S-5.026)*

### **Overview**

State law requires local election officials to conduct either a manual audit (tally) or an automated independent audit of voting systems in a limited number of randomly selected precincts after each

election. A manual audit includes 1 randomly selected contest, and an automated audit includes all contests.

An automated independent audit system must be approved by the Department of State.

### **Timeline**

The relevant canvassing board (county or local) randomly selects the precincts to be audited. The audit must be conducted by the board immediately following certification of the election. The audit must be completed no later than 7 days after the board certifies the election.

### **Administration/Oversight**

Audits are conducted by the county canvassing boards or the local boards responsible for certifying the election. The audit must be conducted in accordance with regulations adopted by the Department of State.

Audits are carried out by audit teams under the direction of the canvassing board. Observers may witness the process but may not interfere. No one except the canvassing board, supervisor of elections, or member of an audit team may handle the ballots.

Each county supervisor of elections must ensure that security procedures for audits include ballot accountability, security of ballots, chain of custody controls, and protocols for authorized access and secure storage of ballots.

The audit is a public process. The canvassing board must post notice of the audit on the county elections website.

### **Results/Reporting**

The canvassing board must investigate any discrepancies that exceed a certain threshold and report to the Department of State with recommended corrective actions.

Within 15 days of completing the audit, the canvassing board must report the results of the audit to the Department of State.

## **Georgia**

*(Ga. Code Ann. § 21-2-498)*

### **Overview**

#### Precertification Tabulation Audit

State law requires local election superintendents to conduct a precertification tabulation audit for state and federal elections. The audits consist of a manual inspection of random samples of ballots. Audits must be completed prior to certification by the Secretary of State.

The audited must be public and superintendents must provide details of the audit to the public within 48 hours of completion.

## Risk-Limiting Audits

State law also required the Secretary of State to conduct a risk-limiting audit pilot and submit a [report on the results of the program](#) to the state legislature. If the program is successful all audits conducted under state law must be risk-limiting audits beginning November 2024. The State Election Board is required to adopt regulations for carrying out the audits.

Under the [proposed regulations](#), counties are required to carry out risk-limiting audits after each general election. The Secretary of State selects the contest to be audited based on several criteria. Election superintendents designate audit teams to assist with the audit. Chain of custody of ballots must be maintained during the audit. No one except the designated audit staff may touch any ballot or ballot container. Superintendents must follow instructions from the Secretary of State on conducting the audit.

The audit must be open to the public, and notice of the audit must be posted on the county election official's website.

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## **Hawaii**

*(Haw. Rev. Stat. § 16-42; HAR § 3-177-762)*

### **Overview**

State law requires a post-election, pre-certification audit of a random sample of a limited number of precincts. The audit consists of a hand count of ballots that is compared to the results generated by electronic voting systems.

### **Timeline**

The audit is conducted prior to certification.

### **Administration/Oversight**

The audit is conducted by the chief election officer or the clerk. The audit may be carried out by election officials or counting center officials. Observers may request to conduct a manual audit.

The handling of ballots must be witnessed by at least two representatives who are not of the same political party, or official observers. Other than designated officials or official observers, no one may witness the audit without authorization of the chief election officer or clerk.

### **Results/Reporting**

If the audit results show a discrepancy, an expanded audit must be conducted.

Election officials and counting center observers must certify the conduct of the audit and the results.

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## **Illinois**

(10 ILCS 24B-15; 10 ILCS 24C-15)

### **Overview**

In jurisdictions that utilize precinct count equipment, state law requires a retabulation of votes in a limited number of precincts, as well as a limited number of devices used for early voting. Precincts and devices are selected at random. As part of the retabulation, the computer program must be tested using a pre-audited group of ballots. If an error is detected, the cause must be determined and corrected prior to canvassing and certification.

State law also requires a test of the voting devices and equipment in a limited number of precincts that utilize DRE, as well as a limited number of devices used for early voting. Precincts and devices are selected at random. Votes must be test counted by hand or automatic tabulating device. If errors are encountered that cannot be corrected, the election authority must submit a report to the canvassing board explaining the errors.

### **Timeline**

The State Board of Elections randomly selects the precincts and voting devices to be retabulated and tested after election day.

The retabulation and testing must be completed prior to local certification.

### **Administration/Oversight**

Retabulation and testing are conducted by local election authorities.

The ballots for retabulation must remain under the custody and control of the election authority and must be transported and retabulated by the designated staff of the election authority.

### **Results/Reporting**

The State Board of Elections, the State's Attorney, other appropriate law enforcement agencies, the county chair of each political party, and qualified civic organizations must be given prior notice of the retabulation and testing and may be represented at the procedure.

The results of the retabulation must be made publicly available.

The report submitted to the canvassing board describing any errors encountered in the testing of DRE precincts must be made publicly available.

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## **Indiana**

(Indiana Code §3-11-13-38, 3-12-3.5-8, 3-12-13, 3-12-14; [Indiana Election Administrator's Manual](#))

### **Overview**

State law authorizes several different methods of post-election audits:

### Confirmation of Votes Cast:

State law allows the county chairman of a major political party to petition the county election board for a confirmation of the votes cast in a limited number of precincts that utilize optical scan voting systems.

A petition for confirmation of votes cast on an optical scan system must be filed no later than the Thursday after an election. If a petition is filed, the county election board must confirm that the votes cast were counted correctly. Public notice of the process must be published at least 48 hours before the audit. The results of the confirmation must be certified no later than 12 days after the election.

### DRE Audit

State law authorizes the county election board or Secretary of State to order an audit in jurisdictions using DRE if a disparity in the number of votes cast and the number of voters exceeds a specific threshold. If an audit of DRE systems is ordered, county election boards must conduct the audit using tests and procedures that are approved by the state election commission. Public notice of a DRE audit must be published at least 48 hours before the audit. An audit of DRE systems must be certified no later than 30 days after the election. The Secretary of State must publish the results of the audit within 90 days.

### Risk-Limiting Audit

State law authorizes the Secretary of State to designate counties as risk-limiting audit pilot counties. The Secretary of State is required to develop rules for conducting a risk-limiting audit.

### Procedure Audit

State law authorizes the Secretary of State, with consent of the co-directors of the election division, to require a procedure audit if there is an investigation relating to the election or a recount. The audit is conducted by the county election board and supervised by the Secretary of State. The Secretary of State is required to adopt rules for a procedure audit, which may include evaluation of materials, election procedures, and voting systems. The county election board must provide the results of the audit to the Secretary of State no later than 30 days after completion.

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## **Iowa**

*(Iowa Code § 50.51; Iowa Admin. Code r. 721.26.203)*

### **Overview**

State law requires an audit of the official canvass of votes after every election in every county. The audit consists of a hand count of ballots cast for the top race on the ballot in one precinct.

### **Timeline**

The state commissioner of elections randomly selects the precincts to be audited on the day after the election. An audit must be completed no later than 3 days after the county canvass.

## **Administration/ Oversight**

The audit is conducted by the state commissioner of elections, with the cooperation of county commissioners. The audit must be conducted in accordance with regulations adopted by the state commissioner of elections. Representatives of the political parties must be invited to observe.

The county commissioner appoints a bipartisan audit board to perform the hand count. The county commissioner or a designee must supervise the handling of ballots.

## **Results/Reporting**

The county commissioner must report the results of the audit to the state commissioner of elections no later than 20 days after the election. The results of an audit do not change the results of an election. The county commissioner may order an administrative recount based on the results of the audit.

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## **Kansas**

*(Kan. Stat. Ann. § 25-3009; Kan. Admin. Regs. § 7-47-1)*

### **Audit Overview**

State law requires a manual audit of votes cast in a limited number of randomly selected precincts within each county after an election. The contests included vary depending on the year. The results of the audit are compared to the unofficial election night returns.

### **Timeline**

The county election officer randomly selects (publicly) the precincts and races to be included in the audit within 24 hours after the polls close. The audit takes place prior to certification of results by the county canvassing board.

### **Administration/Oversight**

County election officers conduct the audit. The county election officer appoints a bipartisan election board to perform the manual count. The audit must be conducted in accordance with regulations adopted by the Secretary of State. The Secretary of State must provide audit training to the county election officer, and the county election officer must train the election board.

The audit must be open to the public. Notice of the audit must be provided on the county. Authorized candidates or entities may appoint a poll agent for the audit

### **Results/Reporting**

Audit results must be submitted to the county election office and the Secretary of State no later than 48 hours prior to the county canvassing board meeting. If there is a discrepancy between the audit and the unofficial returns that cannot be resolved, the county election officer or Secretary of State may require expansion of the audit. The results of the audit must be used by the county board of canvassers when certifying the official election results.

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## **Kentucky**

*(Ky. Rev. Stat. Ann. § 117.383)*

### **Overview**

State law requires the State Board of Elections to adopt regulations for conducting a manual recount of a limited number of randomly selected precincts in each election as part of the official canvass.

Additional details are not specified in state law.

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## **Maryland**

*(Md. Code Ann. § 11-309; [Code of Maryland Regulations 33.08.05.08-.10](#); also see [Maryland 2020 Post-Election Ballot Tabulation Audit](#))*

### **Overview**

State law requires an audit of voting system tabulation after each general election using an automated software audit of the electronic images of ballots cast, and a manual audit of voter-verifiable paper records (optional for state primaries). The manual audit includes a limited number of randomly selected precincts and a limited number of votes cast statewide, while the automated audit includes all voted ballots.

### **Timeline**

The first phase (early voting and election day) of the automated audit must be completed prior to local board certification of the election, and phase two (phase one plus mail-in and provisional ballots) of the automated audit must be completed prior to state certification of the election. The manual audit must be completed within 120 days after the general election.

### **Administration & Oversight**

The automated audit is conducted by a third-party vendor. The manual audit is conducted by each local board of elections with oversight by the State Board of Elections. The manual audit must be conducted in accordance with regulations adopted by the Board. Members of the public may observe the manual audit process to the extent practicable.

### **Results/Reporting**

Before the State Board of Canvassers certifies the election, any discrepancy over 0.5% must be explained, as well as any additional steps taken to resolve the discrepancy.

If the manual the audit shows a discrepancy, the State Board of Elections may expand the audit or take other necessary actions. The audit does have any effect on the certified results.

The State Board of Elections must [publish the results of the audit](#) no later than 14 days after conclusion of the audit.

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## **Massachusetts**

*(Mass. Gen. Laws ch. 54, § 1-09A; 950 Mass. Code Regs. 46.00)*

### **Overview**

State law requires a hand count audit of votes cast after each presidential general election in a limited number of randomly selected precincts in the state. The audit includes contests for President, members of Congress, and members of the state legislature. The results of the hand count are compared to the original results.

### **Timeline**

The Secretary of State randomly selects (publicly) the precincts to be audited no later than 48 hours after the polls close. The audit must begin no later than 2 days after selection.

### **Administration/ Oversight**

Local election officials conduct the audit and may employ clerks to count the ballots.

The audit must be conducted in accordance with regulations adopted by the Secretary of State, and state laws regarding the hand counting of ballots. The Secretary of State must issue training materials for audit personnel in each municipality.

Notice of the audit must be announced in advance. The audit must be open to the public.

### **Results/Reporting**

If there is a discrepancy between the audit results and the initial results, the audit results are the official vote of record. Local officials must submit an audit report to the Secretary of State no later than 14 days after the election. The Secretary of State must make the [audit report publicly available](#) within 10 days after receipt.

If the audit report shows a discrepancy, the Secretary of State must analyze the discrepancy to determine the cause, and must publish the findings online within 180 days of beginning the analysis. If there is a discrepancy that leads to doubt about the outcome of the election, the Secretary of State may order audits of additional precincts.

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## **Michigan**

*(MCL 168.31a; [Michigan Post-Election Audit Manual](#))*

### **Audit Type/Scope**

State law authorizes Secretary of State to conduct election audits in a limited number of randomly selected election precincts after each election. The post-election audit process includes a review of election procedures and materials, and a hand tally of voted ballots in up to 3 contests, including at least 1 statewide race.

Michigan also [conducted](#) a statewide risk-limiting audit exercise for the 2020 presidential election.

### **Timeline**

The Bureau of Elections randomly selects the precincts and contests to be audited the day after the election. The audit must be conducted within 30 days of canvass completion unless a recount is ordered.

### **Administration & Oversight**

Audits are conducted by the Secretary of State and county clerks. County clerks audit randomly selected precincts statewide and the Bureau of Elections selects additional precincts that the Bureau of Elections audits directly. The Secretary of State issues procedures for election audits, and supervises the county clerks in the performance of the audits. The audits take place in a public location. Ballots are hand counted consistent with recount procedures.

### **Transparency/Reporting**

County clerks must provide the results of the audit to the Secretary of State within 20 days after completion. The Secretary of State publishes the [results of the audit](#) online.

The audit does not change the certified election results. Any discrepancies and deficiencies are used for training purposes.

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## **Minnesota**

*(Minn. Stat. § 206.89, 206.895; [Minnesota Post-Election Review Guide](#))*

### **Overview**

State law requires a post-election review of voting systems a limited number of randomly selected precincts in each county after each general election. The review must include the contests for President or Governor and members of Congress. The review consists of a manual count of ballots that is compared to the results compiled by the voting system.

State law also requires the Secretary of State to conduct a post-election performance review in a limited number of randomly selected precincts that are subject to the post-election voting system review. The Secretary of State must monitor and evaluate election procedures in the selected precincts.

### **Timeline**

County canvassing boards randomly select the precincts to be reviewed, and determines the time for conducting the post-election review. The review must begin no earlier than the 11<sup>th</sup> day after the

general election, and must be completed no later than the 18<sup>th</sup> day after the election (2 days before the meeting of the state canvassing board).

### **Administration & Oversight**

The county auditor serves as post-election review official. The review official may be assisted by election judges, consistent with party balance requirements. Candidates may have 2 representatives observe the counting of ballots. The public must be allowed to observe, but may not interfere with the counting or security of ballots.

The review must be conducted in accordance with state laws regarding recount procedures. Review officials must maintain chain of custody of the ballots. Ballots and election materials may only be handled by the review official or their staff.

### **Results/Reporting**

If the comparison of the manual count and the voting system results shows a difference that exceeds a certain threshold, a review of additional precincts must take place. If the second review also exceeds the threshold, a review of all ballots for that race in the remaining precincts in the county must be conducted. If the countywide review indicates an error in vote counting has occurred, a manual recount of all ballots in the district for the affected must be counted.

Counties must submit the results of the review to the Secretary of State no later than 2 days before the state canvassing board meeting. The Secretary of State makes the [results of the review](#) available online.

If the post-election review results in a change of vote totals, the revised totals must be incorporated in the official precinct results.

If a voting system is found to have failed to record votes accurately, the system must not be used in another election until it has been examined and recertified by the Secretary of State.

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## **Missouri**

*(Mo. Code Regs. tit.15, § 30.10.110)*

### **Overview**

State law requires a manual recount of a limited number of randomly selected precincts. The manual recount must include at least 1 randomly selected contest. The results of the manual recount are compared to the electronically tabulated results.

### **Timeline**

Precincts to be manually recounted are randomly selected by local election authorities prior to certification of results (selected is public).

### **Administration & Oversight**

The manual recount is conducted by local election authorities.

## **Results/Reporting**

If the results of the manual recount differ by more than a certain threshold from the results of electronically tabulated results, the election authority must investigate and resolve any discrepancies prior to certification.

The results of the manual recount must be filed with the Secretary of State within 4 weeks of the election.

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## **Montana**

*(Mont. Code Ann. § 13-17-5; Mont. Admin. R. 44.3.1719; [Montana Post-Election Audit Guide](#))*

### **Overview**

State law requires a random-sample audit of a limited number vote counting machines. The audit consists of a manual count of votes that is compared to the voting machine count.

### **Timeline**

The State Board of canvassers randomly select (publicly) the precincts and contests to be audited no earlier than 7 days before the election, and no later than 9 days after the election.

The random-sample audit takes place after the unofficial results are available to the public, and must be completed at least 1 day prior to the county canvass.

### **Administration & Oversight**

The audit is conducted by a county audit committee appointed by county officials. The audit must be conducted in accordance with rules adopted by the Secretary of State.

The audit process and the results of the audit must be public. Counties must provide public notice of the audit.

Observers are not permitted to touch ballots or interfere with the hand count.

### **Results/Reporting**

If there is a discrepancy in the comparison of results that exceeds a certain threshold, and the discrepancy is determined to be due to the voting machine, the audit must be expanded to additional precincts and the voting machine may not be used in another election until it has been examined and tested by a software expert approved by the Secretary of State.

The Secretary of State posts the [election audit results](#) online.

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## **Nebraska**

(see [Nebraska Secretary of State](#))

### **Audit Overview**

State law does not require post-election audits. According to the Nebraska Secretary of State's office, the Secretary of State's office works with county election officials after each statewide election to complete a post-election audit. The state randomly selects a limited number of precincts, and results are hand counted and compared to the machine tabulations. Any discrepancies are checked and noted in a report provided to the Secretary of State's office. The audit includes one federal race, one state race and one local race.

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## **Nevada**

(*Nev. Rev. Stat. § 293.247, 293.394; Nev. Admin. Code § 293.255*)

### **Overview**

State law requires each county to conduct a post-election certification audit of a limited number of randomly selected VVPAT devices after each election. The audit must compare the votes electronically recorded on the device to the votes recorded on the VVPAT. The comparison may be conducted manually or mechanically.

State law also requires the Secretary of State to adopt regulations for conducting a risk limiting audit of an election. Beginning 2022, county clerks must conduct risk-limiting audits in accordance with the regulations.

### **Timeline**

Not specified

### **Administration/Oversight**

The audit is conducted by county clerks.

Members of the public who observes the audit must not interfere with the conduct of the audit

### **Results/Reporting**

The county clerk must transmit the results of the audit to the Secretary of State within 7 working days after the election.

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## **New Jersey**

(*N.J. Rev. Stat. § 19:61-9*)

## **Overview**

New Jersey law requires each county Board of Elections (BOE) to perform a traditional, fixed percentage audit after each General Election. The law requires each county BOE to audit a random sample of at least 2% of the election districts in which each audited election contest appears on the ballot. Each county BOE conducts a hand-to-eye manual count of the voter-verifiable paper records and compares those results to the results produced by the voting machine.

## **Timeline**

Election districts to be audited are randomly selected (publicly) by the Secretary of State within a reasonable time after the election. The audit must begin within 24 hours of the announcement.

## **Administration & Oversight**

Each year, the Secretary of State must appoint an independent, professional audit team to oversee county officials in conducting the audit.

## **Results/Reporting**

The Secretary of State must publicly announce and publish the results of the audit as soon as practicable after the audit is completed.

If the Secretary of State determines that the hand count shows cause for concern about the accuracy of results, the audit shows a discrepancy that exceeds a certain threshold, or the audit shows discrepancies that indicate a substantial possibility that a full recount would alter the outcome, the audit must be expanded.

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## **New Mexico**

*(N.M. Stat. § 1-14-13.2; N.M. Code R. § 1.10.23.9, 1.10.23.8)*

## **Overview**

State law requires that an auditor conduct a voting system check on the accuracy of electronic vote tabulators in a limited number of randomly selected precincts in each county. The voting system check involves a hand recount of paper ballots that is compared to the original machine count. The check includes federal offices, the contest for Governor, and 1 statewide office, other than the office of the governor, for which the winning candidate won by the smallest percentage margin of all candidates for statewide office in New Mexico.

The hand count is proportionate to the margin between the winning/losing candidate, i.e., the closer the margin the more precincts are included in the audit. If a full recount is conducted (automatic or by request), the check for that office is waived.

## **Timeline**

The auditor randomly selects (publicly) the precincts to be audited no later than 12 days after the election.

### **Administration & Oversight**

The Secretary of State must contract with an auditor qualified by the State Auditor to oversee the voting system check. County clerks conduct the voting system check, with oversight from the auditor and the Secretary of State.

The voting system check must be conducted in accordance with rules adopted by the Secretary of State. The audit process must include procedures for the security and chain of custody of ballots.

The hand count must be carried out in accordance with state laws regarding recounts. The Secretary of State must also provide guidelines for county clerks in conducting the hand count. The clerk assigns bipartisan counting teams to perform the hand count.

The voting system check is open to the public. Counties must post notice of the voting system check on the county website. Political parties may designate observers. Observers and members of the public may not handle any materials or interfere with the process.

### **Results/Reporting**

County clerks must report the results of the voting system check to the auditor within 10 days of receiving notice to conduct the check.

If the results of the check show an error rate that exceeds a certain threshold, additional ballots must be recounted. If the error rate still exceeds the threshold, the State Canvassing Board must order a full hand recount for that office.

The auditor shall report the results of the voting system check to the secretary of state upon completion of the voting system check and the secretary of state shall [post the result online](#).

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## **New York**

*(N.Y. Election Law § 9-211; N.Y. Comp. Codes R. & Regs. tit. 9, § 6210.18)*

### **Audit Type/Scope**

State law requires an audit of the VVPAT after each election for a limited number of randomly selected voting machines (of each type) in each county. The audit includes primary, general, village, and special elections. The process consists of a comparison of the audit tallies to the electronic vote tabulation. The audit may be performed manually or using an authorized automated tool.

### **Timeline**

Local boards of election randomly select the voting machines to be audited no later than 15 days after a general election (7 days after a primary election). The audit must begin the same day.

### **Administration & Oversight**

The audit is conducted by the local board of elections. The audit must be conducted in accordance with regulations adopted by the State Board of Elections. To the extent possible, the audit must be conducted in the same manner as a canvass of paper ballots.

Candidates and political parties authorized to appoint poll watchers may appoint watchers to observe the audit.

### **Results/Reporting**

If unresolved discrepancies are detected in the results, the audit must be repeated for that voting machine. If the audit results still cannot be reconciled, and certain criteria are met regarding discrepancies, the audit must be expanded, and potentially may require a complete audit of the relevant voting machines used in the county. Local election boards must also investigate and determine whether or not to certify election results, expand the audit, or prohibit use of the voting system in the jurisdiction. If a complete audit is conducted, the audit results must be reflected in the certified election results.

Local election boards must report the audit results to the State Board of Elections.

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## **North Carolina**

*(N.C. Gen. Stat. § 163.182.2; 163.182.12A)*

### **Audit Type/Scope**

State law requires each county to conduct a sample hand-to-eye count of paper ballots in a limited number of randomly selected precincts in each county. The count includes 1 statewide contest or the Presidential contest (depending on the election). The process consists of comparing the hand count results to the results produced by the voting system.

The State Board of Elections will soon be conducting a pilot of the state's first risk-limiting audit. The risk-limiting audit requires election officials to sample batches of ballots, count those ballots by hand, and compare the results to the machine count until an acceptable confidence interval is reached that the election outcome is reliable.

For information on audits conducted in North Carolina, see [North Carolina State Board of Elections Post-Election Procedures and Audits](#).

### **Timeline**

The State Board of Elections randomly selects (publicly) the precincts to be audited no later than 24 hours after the polls close.

### **Administration & Oversight**

The hand-to-eye count is conducted by counties. The State Board of Elections is required to adopt procedures and standards for conducting the count.

## **Transparency/Reporting**

If there is a significant discrepancy between the hand-to-eye count and the machine count, the hand count must control, and a complete hand count must be conducted.

Within 10 days after an audit is complete, the State Board of Elections must submit a report to the State Legislature summarizing the audit.

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## **North Dakota**

*(N.D. Cent. Code 16.1-06-15)*

### **Audit Type/Scope**

North Dakota does not conduct post-election audits of election results. State law requires that the Secretary of State order a random testing of the voting system programming for 1 precinct in each county after each election, in accordance with logic and accuracy testing procedures. The test is conducted prior to the county canvassing board meeting.

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## **Ohio**

*(Ohio Rev. Code § 3503.331; [Ohio Directive 2019-30](#))*

### **Overview**

State law requires an audit of election results in each county after each general election and presidential primary. The audit includes the highest office on the ballot, 1 statewide contest randomly selected by the Secretary of State, and 1 non-statewide contest selected by the local board of elections.

Counties may conduct either a percentage-based audit, or a risk-limiting audit.

A percentage-based audit consists of a hand count of ballot in a limited number of randomly selected units (precincts, polling location, or voting machines). The hand count is compared to the certified results to calculate the accuracy rate.

State law also authorizes counties to conduct a risk-limiting audit involving a random selection of ballots based on statistical sampling. The ballots are hand counted until the results provide strong evidence that a hand count of all ballots would confirm the election results, or until all ballots are hand counted.

### **Timeline**

The audit must begin no earlier than 6 business days after the county board of elections certifies the official election results. The county boards of election randomly select the precincts to be audited on the day of the audit. The audit must be completed no later than 21 days after certifying the official results.

### **Administration & Oversight**

The audit is conducted by county boards of election, with oversight by the Secretary of State. The boards must conduct the audit in accordance with directives issued by the Secretary of State. A bipartisan team of election officials carries out the audit process.

Each board of elections must give public notice of the audit. The audit must be open to the public and the media. Observers may also be appointed consistent with state laws regarding election observers. Observers and members of the public may observe the inspection of the ballots but may not handle ballots.

### **Results/Reporting**

Each board of elections must give public notice of the audit.

If the accuracy rate for a percentage-based audit is below a certain threshold, the audit must be escalated to include additional ballots. If the accuracy rate is still below the threshold, the county must investigate the cause of the discrepancy and report the findings to the Secretary of State. The Secretary of State may require the county to conduct a full hand count.

If the audit results in a change of vote totals reported in the official canvass, the county must amend the certification of the affected results.

The board of elections must submit a report with the post-election audit results to the Secretary of State no later than 5 days after completion of the audit. The Secretary of State makes the [results available online](#).

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## **Oklahoma**

(Okla. Stat. tit. 26, § 3-130)

### **Overview**

State law authorizes the Secretary of the State Elections Board to direct county election boards to conduct a post-election audit of election results. The method, timing, and procedures for conducting an audit are determined by the Secretary of the State Election Board.

### **Timing**

Not specified.

### **Administration & Oversight**

Not specified. The Secretary of the State Election Board may adopt rules and procedures for conducting the audit.

### **Transparency/Reporting**

County election boards must report the findings of an audit to the Secretary of the State Election Board, and the report must be publicly available.

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## **Oregon**

*(Or. Rev. Stat. § 254.529, 254.532; Or. Admin. R. 165-007-0290, 165-007-0450)*

### **Audit Type/Scope**

State law requires counties to conduct either a hand count of ballots, or a risk-limiting audit, after each primary, general, and special election.

#### Hand Count

For a hand count, a limited number of precincts or batches of ballots must be selected at random, and the hand count tally is compared to the tally produced by a voting system. The hand count must include 1 statewide contest, and 1 contest involving the two candidates receiving the most votes in the county.

The Secretary of State randomly selects the contests and precincts or ballot batches to be audited no later than the 15<sup>th</sup> day after the election. The hand count may begin after certification of results, but no later than the 23<sup>rd</sup> day after the election, and must be completed no later than the 30<sup>th</sup> day after the election.

A hand count is conducted by the county clerks. The hand count must be conducted in accordance with rules adopted by the Secretary of State.

The clerk must retain custody of the ballots, and provide for security of the ballots and other materials. Members of the public may observe the hand count. Observers may not interfere with an orderly procedure.

If the comparison of the hand count results to the voting system results shows a difference that exceeds a certain threshold, the hand count must be repeated. If the difference again exceeds the threshold, the county must hand count all ballots counted by the voting system, the hand count becomes the official tally, and the county must certify amended abstracts accordingly.

The results of the hand count must be completed no later than 30 days after the election. The results must be provided to the Secretary of State, and the Secretary must make the results publicly available online.

#### Risk-Limiting Audit

A risk-limiting audit consists of procedures to ensure that the probability that the audit would fail to detect an incorrect election outcome does not exceed the largest acceptable risk. The audit must be based on direct visual examination of ballots cast in 1 or more single county contests.

A risk-limiting audit is conducted by county clerks. The audit must be conducted in accordance with rules adopted by the Secretary of State. The county may utilize risk-limiting auditing software certified by the Secretary of State.

A risk-limiting audit must permit members of the public to observe the procedures and verify the results. Audited ballots must be protected and secured. The audit must include mechanisms for responding to allegations regarding election irregularities.

Upon completion of a risk-limiting audit, and no later than county certification of results, the county clerk must publicly report on the results of the audit.

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## **Pennsylvania**

*(25 Pa. Cons. Stat. § 3031.17, 2650)*

### **Overview**

State law requires counties to conduct a statistical recount of a limited, random sample of ballots using manual, mechanical, or electronic devices.

Pennsylvania also conducted a [risk-limiting audit pilot project](#) in 2020.

### **Timeline**

The statistical recount takes place during the canvass of returns.

### **Administration/Oversight**

County boards of election conduct the statistical recount.

### **Results/Reporting**

Political parties are allowed to appoint watchers at the canvass of returns.

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## **Rhode Island**

*(17 R.I. Gen. Laws § 17-19-37.4)*

### **Audit Type/Scope**

State law requires risk-limiting audits after general elections and presidential preference primaries. A risk-limiting audit must begin with a hand tally of the votes in one or more audit units (precincts or ballots) and must continue to hand tally additional audit units until there is strong statistical evidence that the outcome is correct.

The State Board of Elections determines the local, statewide, and federal contests subject to the audit and randomly selects the audit units.

### **Timeline**

A risk-limiting audit is conducted after tabulation of the unofficial final results.



## **Administration/Oversight**

The State Board of Elections, in conjunction with local boards, conducts the risk-limiting audit program. The Board must adopt rules and procedures for conducting the audit.

The State Board of Elections must provide public notice of the risk-limiting audit. The audit must be conducted in public view.

## **Results/Reporting**

If additional counting does not provide strong statistical evidence that the outcome is correct, the risk-limiting audit must continue until there has been a full manual tally to determine the correct outcome. The full manual tally must be used for determining official results.

The results of a risk-limiting audit must be [published on the State Board of Elections website](#) within 48 hours after acceptance. If the audit involved a manual tally of one or more entire precincts, then the names and numbers of all precincts audited and a comparison of the vote tabulator results with the hand counts for each precinct shall be published with the audit results on the website.

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## **Tennessee**

*(Tenn. Code Ann. § 2-20-103)*

### **Overview**

State law requires each county to conduct an automatic audit (using optical scan machines) of ballots cast for president or governor in a limited number of randomly selected precincts, as well as 1 randomly selected optical scan tabulator used during early voting.

### **Timeline**

County election commissions conduct the random selection (publicly) immediately after the close of polls. The audit must be conducted on the day after the election.

### **Administration & Oversight**

County election commissions conduct the audit.

### **Results/Reporting**

If the results of the audit show a variance that exceeds a certain threshold, additional precincts must be audited, and the county may conduct a manual hand count. The results of any difference between the optical scan tabulations and the hand count must be available for use in any election contest.

The county election commission must publicly announce the results of the audit.

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## **Texas**

*(Texas Election Code Ann. §127.201; Election Advisory No. 2018-30)*

### **Overview**

State law requires each county to conduct a partial manual count of electronic voting system results in a limited number of randomly selected precincts. The count consists of a comparison of the manual count to the electronic voting system results. The contests included in the count vary depending on the election. For general and primary elections, the Secretary of State selects up to 3 contests, and selects the precincts to be counted.

State law also authorizes the Secretary of State to conduct a manual or automatic count of any number of ballots from any precinct where voting system was used.

### **Timeline**

The manual count must begin no later than 72 hours after the polls close and must be completed no later than 21 days after election day.

### **Administration & Oversight**

The manual count is conducted by local election officials. The count must be conducted in accordance with rules and procedures adopted by the Secretary of State.

The hand count is conducted in accordance with relevant state laws. Local election officials must take necessary precautions to protect the security of ballots.

Local election officials must provide public notice of the manual count. Only authorized individuals may attend the count, including local election officials and designated staff, candidates, and a representative appointed by each candidate.

### **Results/Reporting**

If there are discrepancies in the manual count, the election official must attempt to determine the source of the discrepancy.

Not later than 3 days after the count is completed, local election officials must report the results of the count to the Secretary of State.

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## **Utah**

*(Utah Code § 20A-3-302)*

### **Overview**

State law requires the Lieutenant Governor to select a number of ballots in varying jurisdictions to audit after each election. No specific policies or procedures are included in state law.

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## **Vermont**

*(Vt. Stat. Ann. tit. 17, § 51-2493; Vt. Code R. 04 010 001)*

### **Overview**

State law requires the Secretary of State to conduct a post-election audit of a limited number of randomly selected polling places for each general election. The audit may be conducted by hand count or tabulators, and the audit results are compared to the original results.

### **Timeline**

The audit must be conducted within 30 days of the election

### **Administration/Oversight**

The audit is conducted by the Secretary of State. The Secretary may direct the town clerk to conduct the audit. The audit must be conducted in accordance with rules adopted by the Secretary of State. The audit process must include procedures for the security and chain of custody of ballots.

Only the Secretary of State or authorized personnel may handle the ballot bags during the audit process.

The audit is public.

### **Results/Reporting**

If the audit indicates possible fraud, the Secretary of State must refer the results to the Attorney General.

The Secretary [publicly announces the results](#) of the audit.

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## **Virginia**

*(Va. Admin. Code § 24.2-671.1)*

### **Overview**

State law requires an annual post-election risk-limiting audit of ballot scanner machines used in the state. Audit locations are selected randomly, with every locality participating in the audit at least once during a 5-year period.

### **Timeline**

The audit may not begin until after the election has been certified and the period to request a recount has expired.

### **Administration/Oversight**

The state Department of Elections must coordinate the audit. The audits are conducted by local election officials. The Department of Election is required to develop procedures for the audit, including procedures for hand counting ballots.

Candidates and political parties may have representatives observe the audits.

### **Results/Reporting**

The audit has no effect on the election results.

Results of the audit must be reported to the Department of Elections, and the Department submits a report to the State Board of Elections. The report must include a comparison of the audited results and the initial tally and an analysis of any discrepancies. The [results are made available](#) on the Department of Elections website.

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## **Washington**

*(Wash. Rev. Code § 29A.60.185, 29A.60.170; Wash. Admin. Code § 434-261-117, 434-262-105)*

### **Audit Type/Scope**

State law requires counties to conduct an audit prior to certification of elections using at least one of the following methods:

#### Marking Device Audit

An audit of a limited number of randomly selected DRE or other in-person ballot marking systems. At least 3 randomly selected races or issues must be audited. The paper record of votes cast must be counted by a combination of methods (hand count and mechanical device) and compared to the electronic results

The audit must be completed prior to certification. The audit may be observed by appointed political party representatives.

If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary actions to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification. If there is a discrepancy that cannot be resolved, the Secretary of State and the vendor must be notified, and the vendor must provide an explanation.

#### Random Check (Counting Center)

A random check of ballot counting equipment at counting centers that compares a manual or electronic count to the machine count in a minimum number of randomly selected precincts or batches for 1 office or issue. The audit must be expanded if the check results in a discrepancy.

A random check must be conducted upon mutual agreement of appointed political party observers or at the discretion of the county auditor. The check must be open to the public, but no one except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

The check must be completed no later than 48 hours after election day.

The Secretary of State must survey and evaluate all random check procedures adopted by the county canvassing board.

#### Risk Limiting Audit

A risk-limiting audit that uses statistical principles and methods designed to limit the risk of certifying an incorrect election outcome. If there is a discrepancy, the audit is expanded and continues until the risk limit is met or there is a full hand count.

The Secretary of State randomly selects 1 statewide and 1 county contest for the audit, determines the number of ballots to be audited, and randomly selects the individual ballots. The audit must be conducted in accordance with procedures adopted by the Secretary of State.

Counties must appoint an audit board to conduct the risk-limiting audit. The county auditor or members of their staff may assist the audit board. Observers are allowed in accordance with state law, including authorized observers from major political parties.

The audit board must complete the audit within 4 business days and submit a report to the Secretary of State. After reviewing the report, the Secretary of State may direct the county auditor to conduct additional audit rounds, a random audit, a full hand count, or take other actions.

#### Independent Electronic Audit

An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may conduct an audit of all ballots cast, or a limited number of precincts or ballot batches. The audit must be conducted using an independent electronic audit system that is approved by the Secretary of State.

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## **West Virginia**

*(W. Va. Code § 46-1-101; W. Va. Code R. § 3-4A-28; [West Virginia Best Practices Guide for Canvass](#))*

### **Overview**

State law requires that local canvassing boards to conduct a manual count of voter verified paper ballots in a limited number of randomly selected precincts and compare the hand counted tallies with the tabulated results.

### **Timeline**

The random selection of precincts and the manual count take place during the local canvass.

## **Administration & Oversight**

The manual count is conducted by local canvassing boards. The canvass is a public meeting, and may be attended by candidates, representatives of political parties, and members of the general public.

## **Results/Reporting**

If the results of the manual count differ by more than a certain percentage, or results in a different outcome, the discrepancy must be disclosed to the public and all precincts must be hand counted. The results of the hand count are considered the vote of record.

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## **Wisconsin**

*(Wis. Stat. § 7.08(6); [Wisconsin Election Administrator Manual](#))*

### **Audit Type/Scope**

State law requires an audit of voting systems after each general election for the highest office on the ballot, and 3 contests selected randomly. The audit consists of a hand count of electronically tallied ballots in a limited number of randomly selected reporting units (ward or group of wards) statewide. The hand count tally is compared to the election night tally.

### **Timeline**

Reporting units to be audited are randomly selected (publicly) by the state Elections Commissions on the Wednesday following the election. The audit must be completed no later than the last Wednesday in November.

### **Administration/Oversight**

The audit is conducted by municipal clerks. Clerks may choose to have the county conduct the audit. The Elections Commission establishes procedures for carrying out the audit.

The audit is public and notice must be posted at least 48 hours in advance. Members of the public observing the audit process may not interfere.

### **Results/Reporting**

Municipalities must submit the results of the audit to the Elections Commission. The Election Commission publishes [a report of the audit](#).

Based on the results of the audit, the Commission may choose to retest the voting system. If there are any unexplained discrepancies in the results, the Elections Commission will request that the vendor investigate and provide an explanation. If the explanation is not sufficient, the Elections Commission will suspend approval of all voting systems provided by that vendor.

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## **Wyoming**

*(Wyo. Stat. Ann. § 22-11-104, 22-11-109)*

### **Overview**

Wyoming does not conduct a post-election audit of election results. State law requires county clerks to randomly audit a limited number automatic tabulators within 30 days of the election. The audit is conducted using pre-audited test ballots.