

To the Bi-Partisan Election Advisory Commission - Improving the RLA Audit

by Michael Raisch, CPA – Director, Colorado Institute for Fair Elections

By working at various elections in different capacities, we have observed that workers from different political parties and unaffiliated voters all work together with remarkable cooperation and a sense of community involvement. The only time we see distrust in the process is when certain important decisions are made away from public view, by those who are not independent from the election process, and who may be from a different political party than the voter. The solution here is very simple – add more transparency and independence to the process. Another important point is to give the Canvass Board better access and more time to get comfortable with the audit results and not put them in the position of having to decide while sitting in a conference room the day before the certification is due.

The Canvass Board in every county should be involved earlier and more often in the audit process. The Canvass Board should build a balanced team of bipartisan helpers and auditors to assist them, all of whom would sign agreements to protect confidential election information. The audit process could easily be improved by allowing the Canvass Board, and their assistants, to have earlier access to the digital format of the detailed CVR and the detailed accounting of the ballots processed. To create a more evidence based audit we recommend the following:

1. Ballot Reconciliation Process – This could be done in the 7 days following the election and ***before*** the audit of ballots begins, we recommend the following:
 - a. The county clerk would provide the Canvass Board with the ballot reconciliation data from the original receipt of the ballots through the final total, showing the activity for each step in the process with related documentation.
 - b. The Canvass Board and their team would select and inspect a sample of the transactions to prove the validity of the transactions for each step in the process.
 - c. The Canvass Board and their team would verify the math in the accounting of the ballots and reconcile the ballot totals to what was preliminarily reported by the SOS.
 - d. Any significant discrepancy would be resolved with the county clerk.
2. Cast Vote Record (CVR) - This could also be done in the 7 days following the election and before the audit of ballots begins, we would recommend the following:
 - a. Protect the integrity of the CVR data with the appropriate security measures. By freezing this number, the counties would have the ability to explain any changes that may occur between the time of the audit to the time of the final total and preserve any relevant documents as support.
 - b. Make the preliminary CVR available to view by the Canvass Board and their assistants.
 - c. The Canvass Board would then import the CVR data into its own software (likely Excel) to compute the total ballots in the CVR and the total votes for each race, eliminating the need for some to call for manual counts because they don't trust the Dominion machines, hacking over the internet, or evil algorithms.
 - d. Then auditors would then compare the total ballots shown in the CVR to the total ballots contained in the accounting process in #1 above.
 - e. Any significant discrepancy would be resolved with the county clerk.
3. Determination of the races to be audited and the resulting sample size – This process should be done jointly by the Canvass Board and the Secretary of State with input from the various county clerks. Before finalization there should be an announcement of the proposed races and related sample sizes with a comment period to receive public input. We would recommend the following process:
 - a. Finalize the races to be audited.
 - b. Determine the risk level to be applied to the race and the number of ballots cast.

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- c. Input items from items 3a and 3b into the statistical tool to determine the sample size.
 - d. Provide access to the statistical tool and the ballots totals for the various races to the Canvass Board so they may verify the sample size calculation on their own, if they so choose.
4. Determine the individual ballots to be selected for the audit – The ballots should be selected using the statistical tool. Members of the Canvass Boards should be notified of the event and invited to observe. The Canvass Board should be given access to the statistical tool so they may replicate the sample selection process, if they so choose.
 5. Performing the audit comparison - When performing the final step in the audit, we would suggest having the auditors make the visual judgement that the paper ballots agree with the CVR record rather than having another computer system do the comparison. We believe this is currently required by the election rules but is not being done according to this requirement. We understand the benefit of doing a “blind audit”, but don’t believe is necessary in this audit. The auditors would then record the results on the log that was used to pull the ballots.
 6. Reporting of audit results – In reporting the results to the voters, it is important that the Secretary of State makes clear the level of assurance that was achieved with the audit. The Office of the State Auditor should assist the SOS in drafting this report. In particular, the report should make clear what races were targeted for audited and which were not. Races that were not targeted for audit may have been included in the audit samples by chance. In these cases, the SOS should use the RLA tool to compute the measured maximum risk for each race based on the total ballots and the number of ballots audited. Having to provide detailed results of the risk associated with the races which were not audited might cause the choice of the races to audit in item #3 to be more meaningful.

The above recommendations are aimed at the RLA process as it now exists, which is a tabulation audit only. While there are systems in the election that check that the ballot belongs to a duly registered voter, there is not a process in the current RLA that verifies this issue. Also lacking in the current RLA is a verification that the requirements of maintaining a strong “chain of custody” exists. We believe the audit should address both issues and verification should be done with the involvement and full view of the canvass board making it a more fully evidenced based audit. We would be happy to assist the Secretary in addressing these additional issues.

We are thankful for all the people, elected or hired, who work very hard on the election process. We know talk of change is frustrating for them because they are aware of the safeguards built into the system. However, these improvements are not for the benefit of election workers but instead to increase confidence in elections with the voting public, who are not as well informed about election processes as the professionals are. With this added transparency the public will become more appreciative of the work that has been done and will have greater trust in our election system.

Our goal is not to burden the election officials with unnecessary work. While it will be a little more costly to increase the validity of these audits, we believe it will pay long-term dividends to our democracy. There is currently a bipartisan bill in Congress to provide funding to the states to finance better election audits. We urge the Bi-partisan Election Advisory Commission and the Secretary of State to support bill H.R. 4555 and in general to increase transparency in the election audits.

Thank you for allowing us to present our thoughts and please consider us as a resource as the audit process continues to evolve with the goal of increasing voter confidence in elections.