

Post-Election Audit Standards



MODEL STATUTORY LANGUAGE

An Act Relating to the Standardization of Post-Election Auditing

Section 1: SHORT TITLE

This Act shall be called the “Post-Election Audit Act.”

Section 2: PURPOSE

The purpose of this Act is to establish uniform statewide procedures for conducting a post-election audit of vote tabulating systems.

Section 3: ELECTION AUDITING TEAM

The Secretary of State shall appoint each year an independent, professional audit team. The number and composition of the audit team shall be at the discretion of the Secretary, but shall be no less than four, and at least one member shall have verifiable expertise in the field of statistics and another shall have verifiable expertise in the field of auditing. No member of the audit team shall include any person who is:

- (a) serving in any position on any political campaign committee of any candidate for political office in the elections that are subject to the manual audit;
- (b) an employee of, or reports to, the Attorney General; or
- (c) serving as an officer, or an employee of, any entity that designs, manufactures, or services a voting system used in the State.

Section 4: RESPONSIBILITIES OF THE AUDIT TEAM, PRECINCTS TO BE AUDITED

(a) The auditing team appointed under Section 3 of this Act shall develop comprehensive procedures for conducting audits, which shall include a method by which electronic record of ballots cast is compared to verifying paper records of ballots cast. The auditing team shall conduct audits of elections for all federal offices and all statewide offices. For such offices, a random sample of precincts shall be selected from a pool of all precincts no later than 12 days after the election. The number of precincts included in the random sample for each office shall be sufficient to ensure, with at least 90% probability, that any defects will be detected if they would change the outcomes of the election. When a precinct is selected for one office, it shall be used in lieu of selecting a different precinct when selecting precincts for another office in the same district, or for any statewide office.

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(b) The auditing team shall notify the appropriate county clerks of the precincts that are to be included in the audit upon their selection. The auditing team shall direct the appropriate county clerks to compare the original machine count precinct vote totals, including early absentee and absentee by mail machine count vote totals, for candidates for offices subject to the audit from the selected precincts for each office with the respective vote totals of a hand recount of the paper ballots from those precincts. The county clerks shall report their results to the auditing team within ten days of the notice to conduct the audit.

Section 5: IN CASE OF UNACCEPTABLE ERROR RATE

Based on the results of the audit, the auditing team shall determine the error rate in the sample for each office. If the winning margin decreases, and the error rate based on the difference between the vote totals of hand recounts of the paper ballots and the original precinct vote totals exceeds ninety percent of the winning margin for an office, another sample equal in size to the original sample shall be selected and the original precinct vote totals compared to the vote totals of hand recounts. The error rate based on the first and second sample shall be reported, and if it exceeds ninety percent of the winning margin for the office, the state canvassing board shall order that a full hand recount of the ballots for that office be conducted.

Section 6: REPORTING OF RESULTS

The auditing team shall report the results of the audit to the Secretary of State and to the public.

Section 7: EFFECTIVE DATE

This Act shall go into effect the _____ day of _____ 20____.