

Agenda - July 29, 2006 Audit Count Coalition

Washtenaw Co. MI

- 1- Notification of Media and citizens- Press Release or Press Conference?
 - a. Press Release- a written announcement sent from the County Clerk's office to all media contacts.
Purpose: County Clerk acting to protect accuracy of citizens' vote by supervising a Pilot hand-count audit to determine accuracy of ballot count of Accuvote tabulators throughout the county, November 7, 2006 election. And to supervise the process of conducting an election day audit of the precincts in Pittsfield Township Primary, August 8, 2006.
 - b. Press Conference- physically and orally present information to Media representatives present. This might ignite suspicions that we have knowledge Accuvote machines are dysfunctional. Why the big deal?
- 2-Notification of all County Clerks of Pilot Manual Audit November 7, 2006 and of audit of Pittsfield Township Primary, August 8, to provide experience for a smooth Nov. 7 Audit to verify accurate machine vote count.

3- August 8 Pittsfield Primary specifics: Six Precinct Audits-

Purpose: Each precinct will audit one race using two different counting methods: a- ballots put into piles according to votes cast; b- a tally stroke is made for each vote, e.g. *HHH* One official reads ballot, other marks tally. To learn the length of time each method takes. Poll Challengers observe and take notes on process. Data collected at end and kept for meeting before the November 7 election – what we've learned.

- 4- How might Audit Count Coalition assist Election Officials and County Clerk's office?
- 5- Current concerns regarding written assurance by Diebold on Accuvote, recent machine updates.
- 6- Next meeting- (soon after August 8 Primary) to discuss what we've learned from Audit experience, make Adjustments prior to November 7. Gather notes, compile data. _____
- 7- Other-

For Immediate Release

Date:

Contact:

The Washtenaw County Elections Office will coordinate an election day audit count pilot project at the August 8, 2006, primary election. Due to recent research revealing vulnerabilities of the optical scan tabulation equipment used in the county, concerned members of the community have met with the County Elections Office staff to address the need to prevent the integrity of vote tabulators used by Washtenaw's local jurisdictions from becoming compromised. Many states already require that a random sampling of precincts be audit counted in every election, but Michigan has not yet established any official monitoring procedure.

The purpose of the August audit count project is to ensure that the optical scan tabulators are accurately recording and accumulating the votes cast by citizens. In addition, the project will study and compare the effectiveness and efficiency of two methods of audit counting by hand, in order to develop standard procedures for future elections. The pilot-project will take place in selected precincts, where trained election officials in each precinct will conduct the audit after the close of voting at 8 p.m. and prior to the sealing of ballots. After conducting the audit, the election inspectors will write a report of their results, which will be placed in the poll book.

As with all election closing procedures, the public has the right to view the process of the audit count. Only sworn election inspectors may handle ballots and election records, and the Precinct Chair will be in charge of assigning and conducting the project. Representatives of the County Elections Office will assist the precinct inspectors.



LAWRENCE KESTENBAUM CLERK/REGISTER
ELECTIONS MEMORANDUM

FROM: WASHTENAW COUNTY ELECTIONS OFFICE
SUBJECT: TABULATION INTEGRITY AUDIT COUNT
DATE: 7/29/2006

Recent changes in technology and election law have led to several changes in the election process within Michigan. Optical Scan technology and the automated process of tabulating votes is one of the more significant changes.

The purpose of the election day audit pilot project are: (1) to ensure that our optical scan tabulators are accurately recording the votes cast by citizens (2) to collect data on the effectiveness and efficiency of differing methods of audit counts and (3) to increase voter confidence in the systems we have in place.

This memo outlines the procedures that Precinct Workers will be asked to follow during the audit count, the possible outcomes and how these results will be utilized. The election day audit pilot project will take place in six (6) precincts within Pittsfield Township at the conclusion of the August 8, 2006 primary. This means that any ballots needing duplication will have been duplicated and tabulated, the final report tape will have been printed and signed, all write-in information will have been tallied and recorded and the poll book will have been completed and signed.

In the event that a discrepancy between the audit count and the machine tabulation occurs, a report will be filed by the inspectors administering the audit count and forwarded to the Washtenaw County Canvass Board. During the official canvassing of the election an investigation into the discrepancies may be administered by the Board of Canvassers. Once certified by the Board of Canvassers an individual may file and pay a fee for a formal recount to be administered if necessary.

The audit count for each of the six precincts will only be administered by the Poll Workers of those individual precincts. Workers or volunteers from other precincts or organizations are not permitted to assist or handle election related materials. The audit count may take place at more than one table, depending on the number of sworn Poll Workers available. At each table two Poll Workers of differing political party will sit next to each other so both individuals can view the same ballot.

As with all closing procedures citizens have the right to view the closing of the polls and the audit count does not change this. It is important that all materials be handled only by Poll Workers and that Challengers, if available, be invited to view the process. The ballots may be divided so that the counting can be done more efficiently. If ballots are separated amongst more than one table it is important for the Precinct Chair to assign these ballots to each table and for each table to understand that they are responsible for the ballots assigned to it by the Precinct Chair.

METHODS OF AUDIT:

Stacks of Ballots Procedure: In this procedure, ballots are divided into piles according to the votes cast for each race. For instance in race one, ballots would be piled into a “yes” pile, a “no” pile and a “no vote” pile. In the case of a candidate being counted the ballots are separated in piles for each candidate. The ballots in each pile would then be counted and the results would be entered onto a form provided by the County Clerk. The form will provide for tallying the piles from separate tables so that a vote total for each race being audited could be totaled and a space to record comments and the amount of time the process took.

Tally Strokes Procedure: In this procedure, the ballots are read and a pen stroke is made for each vote on a tally sheet that will be provided by the County Clerk. For each five (5) strokes, the first four are vertical lines that look like the letter “I” or the number “1” while the fifth stroke is made at an angle across the first four.

Each table will have a tally sheet with the races and spaces for marking “yes”, “no” or “no vote”. For each race there is also a “total box” where the total count of votes “yes”, “no” and “no votes” will be entered. In some instances where candidates are present each name is read and a mark is placed for that candidate.

One Poll Worker reads the vote cast on the ballot while the other election official marks the tally sheet. If more Poll Workers are available a second person may be added to mark a separate tally sheet. In this situation you would have one reader and two Poll Workers marking separate tally sheets so that they could be compared for accuracy. The tallies would then be counted and the results would be entered onto a form provided by the County Clerk. The form will provide for totals from separate tables to be combined and a space to record comments and the amount of time the process took.

In both procedures Challengers have the ability to see the process and report sheets. At this time if they wish to make any comments, suggestions or challenges they should be added to the report that will be submitted to the County Clerks office.

County Clerk staff will be present at the six precincts to oversee the process. If the normal closing procedures for a precinct are delayed due to an unexpected event occurring during the election the hand audit may be called off by staff. It is also possible that the hand audit itself may consume a considerable amount of time. If so, County Clerk staff may end the audit to ensure that the overall election process and reporting of results is not delayed significantly.

Precincts to be audited and method of audit:

Precincts 1&8 and 3&11 share a polling location and were selected based upon the amount of staff and the ability to oversee two precincts in one location. Precincts 6 and 7 in the previous Primary showed the next two highest percentage of voter turn out and were selected based upon that.

Precinct Number	Method of Audit	Office to Audit
1	Stack	Supervisor Recall
3	Stack	Dem County Commissioner
6	Tally	Treasurer Recall
7	Stack	Treasurer Recall
8	Tally	Supervisor Recall
11	Tally	Dem County Commissioner



LAWRENCE KESTENBAUM CLERK/REGISTER
ELECTIONS MEMORANDUM

TO: AUDIT COUNT COALITION
FROM: WASHTENAW COUNTY ELECTIONS OFFICE
SUBJECT: HAND AUDIT REPORT
DATE: 8/31/2006

During the August 8, 2006 primary election six (6) precincts were selected to hold manual hand audits prior to the sealing of election ballots. Pittsfield precincts 1, 3, 6, 7, and 11 were chosen based upon location and historical turn-out. Precinct 8 was an original selection but experienced difficulties during the closing process and was forced to abandon the audit.

The purposes of the audit were: (1) to ensure that our optical scan tabulators are accurately recording the votes cast by citizens (2) to collect data on the effectiveness and efficiency of differing methods of audit counts and (3) to increase voter confidence in the systems we have in place.

An earlier memo, dated 7/24/06 explained in detail the procedures for administering the audit and can be viewed by requesting a copy from the Washtenaw County Election Division. It is important to point out that the oversight of "cross-over" voting was not discussed during our initial preparation. During a primary election a voter can only vote for one party. If for some reason a vote is cast in more than one party then all votes in the partisan section of that ballot are not counted. In those cases where a machine would not count a vote due to a "cross-over" it is possible that human error during the audit would show an inaccurate variance between the tabulator and auditors.

Without actually going back in and looking at the ballots there is no way to accurately define any variation between the hand count and tabulation count for those partisan offices that show a variance. For future audits it will be important to discuss all possible ballot issues that would rule a particular vote invalid.

Below is a listing of each precinct and the information from those precincts that was gathered during the audit. For a particular variance a "-1" vote would show that the auditors found one less vote than the tabulator counted. A "+1" vote would show that the auditors found one more vote than the tabulator counted.

Pct #	Method	Office	Ballots Tabulated	Time	Difference in count
1	Stack	Supervisor	613	30 min.	-2 yes & +2 no
3	Stack	Dem Co Comm.	410	25 + 30 min.	+1 Grewal,
6	Tally	Treasurer	408	35 & 40 min.	-1 yes & -1 no; +1 no
7	Stack	Clerk	619	20 & 30 min.	+3 yes & +29 no
8	Tally	Supervisor	NA	NA	NA
11	Tally	Dem Co Comm.	58	9 min	+3 Grewal

Precinct 1 administered the stack method for 613 total ballots and took 30 minutes to complete. The hand count showed a -2 “yes” vote and a +2 “no” vote variation from the original tabulation report. The remarks by those administering the hand audit related to ballots sticking together and requesting “sort quick” for separating them. The variation of two votes would mean that the machine read 2 ballots incorrectly or that human error during the hand audit miscounted 2 ballots.

Precinct 3 administered the stack method to 410 total ballots. The length of time that it took to administer the audit was not recorded. The hand count showed a +1 “Grewal” vote variation from the original tabulation report. Without a -1 vote for the other candidate we can be assured that the machine did not attribute the vote to the wrong candidate. It is possible that the machine read this race as blank and the human eye determined it to be a valid vote.

+ Time notes overlooked, see corrected chart

There were no additional remarks made but an additional page was attached showing slight variations in the three recall races. Although this information is very helpful it does demonstrate the need for additional training and further defined parameters. Without current legislation for the administration of hand audits it is important to have clearly defined boundaries when deviating from our normal closing process.

The Supervisors recall race in precinct 3 showed a -6 vote for “no” but with no explanation of where the change came from. It is assumed that a +6 “no votes cast” was also present since the overall ballots tabulated remained the same. The Clerks recall race showed a -1 “yes” and a +1 “no” while the Treasurers race showed a -2 “yes” and an assumed +2 “no votes cast.” Since this is the non-partisan section of the ballot cross-over votes would not affect the votes for this portion of the ballot. Without remarks from the auditors it is difficult to decipher any additional reasons for this variation. *

Precinct 6 administered the tally method of 408 ballots. Two teams counted the same ballots to ensure accuracy. This method of two teams counting the same ballots for accuracy was not discussed prior to the audit. However, two of the six precincts decided to administer the audit in this manner. This demonstrates a level of comfort by the natural selection of this procedure for auditors and also provides a double check that reduces the human error factor.

Team one found a -1 “yes” and a -1 “no”. This would show that the machine actually tabulated two ballots that the human eye determined to be blank. Team two found the same number of “yes” votes as the tabulator and found a +1 “no” vote variation. This would show the opposite machine reaction than was displayed by Team one, that the machine originally tabulated a ballot as blank when the human eye would have counted it.

This discrepancy between two independent teams counting the same ballots offers little towards the accuracy of the tabulator. Although the tabulator was between the counts of the two teams it would

require a third count to accurately determine the correct hand audit numbers. For future audits it could be suggested that for any discrepancy an additional hand count should be performed.

Precinct 7 administered the stack method and separated the 619 ballots between two tables. Table one took 20 minutes to complete and table 2 took 30 minutes. A +3 "yes" and a +29 "no" was found. At first glance these are disturbing variations but upon adding the totals from both tables the total number of ballots counted was 649. This would mean that either the machine did not process 30 ballots, the precinct workers did not place those ballots into the machine or that the auditors counted spoiled ballots or were just significantly off in their count.

Upon further investigation the remarks section of the hand audit explained that the "*machines more reliable than human count at this time of night. Showed 30 over counted by auditors. Caught a few votes incorrectly put into the other pile first time around. Had to decide best way to count resulting stacks - the two tables had different styles.*"

These remarks demonstrate the need for a very organized and efficient auditing process. It would also be helpful to go through a second time to verify that the audit count was accurate. It is also important to point out that the two precincts that experience the highest level of variations were also the two precincts that split the ballots up between multiple tables. The difficulty in organizing the separation of ballots could lead to the increased possibility of human error.

Precinct 8 did not administer the audit due to issues that occurred during the closing process.

Precinct 11 administered the tally method to 58 ballots in 9 minutes. Two teams counted the same ballots to ensure accuracy. Both teams arrived at the same numbers and showed a +3 "Grewal". If "cross over" votes were present this could explain the variation of +3 for one candidate and no other variations within that race. If the machine attributed votes to the wrong candidate then the hand count would have also shown a -3 for the other candidate. It is also possible that the machine read the race as blank but the human eye determined it to be an actual vote.

Findings:

- These numbers demonstrate that the Stack method allows an auditor to process more ballots in a shorter time frame than the Tally method.
- The Stack method tends to encourage people to move faster while the Tally method requires a slow deliberate process. Due to this the Tally method may be more reliable.
- Splitting the ballots into sub-groups may lead to less organization and the increased possibility of human error.
- Time of night after a long day of work decreases accuracy.
- "Sort quick" or rubber fingers are needed to assist in the separation and accurate counting of ballots.
- Additional training and more clearly defined parameters are required to ensure that any deviation from the state certified closing process is appropriate.
- For any found variance an additional hand count should be performed.
- A second team counting the same ballots would reduce the possibility of human error.
- Additional remarks should be encouraged.
- A more detailed check list that would allow for the accounting of possible reasons that a vote cast should not be counted. (cross-over)
- In order to accurately measure the reliability of our voting machines the auditing process needs to be improved and standardized.
- Although our process was not perfect we gained valuable information for moving forward.

- Vote variations may occur for several possible reasons; tabulator misread a vote, auditors misread a vote, human error occurred due to cross-over voting, or an eraser or stray mark was tabulated by the machine and appropriately removed by the hand audit.
- A centralized review of the ballots under the direction of a single body would remove any possible inconsistencies between audit groups.
- State law does not include a provision for the auditing of materials in this manner. Future advocacy and education is required before attempting a second audit.

* The pilot project was supposed to include interviews with the auditors to retrieve all observations, but the Co. Clerk did not include this follow up.

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.798b Electronic tabulating equipment; unofficial and official returns; manual count.

Sec. 798b. Before the conduct of the official count, the clerk may conduct an unofficial count in order to provide early unofficial returns to the public. Upon completion of the count, the official returns shall be open to the public. The return of the electronic tabulating equipment, to which have been added the write-in and absentee votes if necessary, shall constitute, after being duly certified, the official return of each precinct or election district. If it becomes impracticable to count all or a part of the ballots with tabulating equipment, the clerk may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990.

168.801 Canvass of votes by precinct inspectors; public access.

Sec. 801. Immediately on closing the polls, the board of inspectors of election in each precinct shall proceed to canvass the vote. Such canvass shall commence by a comparison of the poll lists and a correction of any mistakes that may be found therein until they shall be found or made to agree. Such canvass shall be public and the doors to the polling places and at least 1 door in the building housing the polling places and giving ready access to them shall not be locked during such canvass.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1963, Act 67, Eff. Sept. 6, 1963.

168.733 Challengers; space in polling place; rights; space at counting board; expulsion for cause; protection; threat or intimidation.

Sec. 733. (1) The board of election inspectors shall provide space for the challengers within the polling place that enables the challengers to observe the election procedure and each person applying to vote. A challenger may do 1 or more of the following:

- (a) Under the scrutiny of an election inspector, inspect without handling the poll books as ballots are issued to electors and the electors' names being entered in the poll book.
- (b) Observe the manner in which the duties of the election inspectors are being performed.
- (c) Challenge the voting rights of a person who the challenger has good reason to believe is not a registered elector.
- (d) Challenge an election procedure that is not being properly performed.
- (e) Bring to an election inspector's attention any of the following:
 - (i) Improper handling of a ballot by an elector or election inspector.
 - (ii) A violation of a regulation made by the board of election inspectors pursuant to section 742.
 - (iii) Campaigning being performed by an election inspector or other person in violation of section 744.
 - (iv) A violation of election law or other prescribed election procedure.
- (f) Remain during the canvass of votes and until the statement of returns is duly signed and made.
- (g) Examine without handling each ballot as it is being counted.
- (h) Keep records of votes cast and other election procedures as the challenger desires.
- (i) Observe the recording of absent voter ballots on voting machines.

(2) The board of election inspectors shall provide space for each challenger, if any, at each counting board that enables the challengers to observe the counting of the ballots. A challenger at the counting board may do 1 or more of the activities allowed in subsection (1), as applicable.

(3) Any evidence of drinking of alcoholic beverages or disorderly conduct is sufficient cause for the expulsion of a challenger from the polling place or the counting board. The election inspectors and other election officials on duty shall protect a challenger in the discharge of his or her duties.

(4) A person shall not threaten or intimidate a challenger while performing an activity allowed under subsection (1). A challenger shall not threaten or intimidate an elector while the elector is entering the polling place, applying to vote, entering the voting compartment, voting, or leaving the polling place.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1995, Act 261, Eff. Mar. 28, 1996;—Am. 1996, Act 583, Eff. Mar. 31, 1997.