

State of Wisconsin\Government Accountability Board

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2014 Voting System Audit Requirements

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act (HAVA). Wis. Stat. § 7.08(6), requires the Government Accountability Board (G.A.B.) to audit each voting system that is used in this state following each General Election:

(6) Enforcement of federal voting system standards. Following each general election, audit the performance of each voting system used in this state to determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted under standards of the federal election commission in effect on October 29, 2002, the board shall take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standards. Each county and municipality shall comply with any order received under this subsection.

Required Audit Distinguished from Required Testing

The pre-election test of an electronic voting system per Wis. Stat. § 5.84 uses a pre-determined set of ballots to ensure that the voting system is properly programmed prior to Election Day. The post-election voting system audit per Wis. Stat. § 7.08(6), on the other hand, is designed to assess how the electronic voting system performed on Election Day by reviewing the actual ballots cast by electors.

Definitions

Blank Ballot – a ballot on which an elector does not vote for any contest.

Board – see Government Accountability Board

G.A.B. – see Government Accountability Board

General Election – the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent and judicial officers, and county officers other than supervisors and county executives. Wis. Stat. § 5.02(5).

Government Accountability Board – the agency described in Wis. Stat. § 15.60.

Overvote – when an elector votes for more than the number of candidates to which he or she is entitled to vote in that contest. This may be read as an undervote by some optical scan voting systems as no vote will be counted.

Reporting Unit – the ward, combination of wards, or other districts by which votes are tallied.

Total Voters – the total number of voters who appeared to vote at the polling place or whose valid absentee ballots were cast at the polling place. This should correspond to the highest voter number/last voter number issued on the poll list.

Type of Voting System— a particular type of voting system. In Wisconsin there are two types of voting systems: (1) touch screen direct recording electronic (DRE) systems, and (2) optical scan tabulating systems.

Undervote – when an elector does not vote or votes for less than the number of candidates or offices to which he or she is entitled to vote in that contest. May also be how an overvote is recorded by the voting system.

Votes Cast – the number of actual votes cast for a contest. For any particular contest, this number may be less than the total number of voters.

Voting Device – an apparatus other than a voting machine which the elector uses to record his or her votes on a ballot. Wis. Stat. § 5.02(24g).

Voting Machine – a machine which serves in lieu of a voting booth and which mechanically or electronically records the votes cast by electors, who depress levers or buttons located next to the choices listed on the ballot to cast their votes. Wis. Stat. § 5.02(24r).

Voting System – the total combination of mechanical, electromechanical, or electronic equipment, including the software, hardware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. Wis. Stat. § 5.02(24w)(a).

Reporting Unit Selection

Government Accountability Board staff will randomly select one hundred (100) reporting units across Wisconsin which will be subject to municipal audit, including a minimum of five (5) reporting units for each voting system used in Wisconsin. The audits will be conducted in accordance with the procedures set forth below. Both the municipal and county clerk of reporting units selected for audit will be notified of the selection. If fewer than five (5) reporting units for any voting system are selected through the random selection process, then additional reporting units will be randomly selected by voting system until five reporting units per voting system have been selected. Any reporting unit selected for audit that is subject to a recount may be replaced by another reporting unit selected at random by G.A.B. staff. For good cause, G.A.B. staff may identify other reporting units to be audited.

Pre-Audit Preparations

The audit shall be open to the public. Members of the public may not interfere with the conduct of the audit. The time and location of the audit must be posted at least 48 hours prior to the audit. Audits may commence as soon as notification is provided by the G.A.B. The audit must be conducted, however, no later than two (2) weeks after the Government Accountability Board certifies the election results. If any municipality chooses to conduct the audit prior to the expiration of the recount deadline, significant caution and care must be exercised by the municipality to ensure all ballots are maintained securely and accounted for. Should a recount subsequently be required for an audit that was conducted prior to the recount deadline for a selected reporting unit, it will be critical to have documentation and minutes that clearly establish chain of custody to ensure transparency and accountability, in an effort to limit any questions about ballot tampering or misconduct. Clerks may certainly determine that it is not practical to begin the audit prior to the expiration of the recount deadline, but the Board has decided that it is an option for the audit to begin sooner. In the event of close unofficial results, the G.A.B. will advise clerks if the audit should be delayed until the recount request deadline.

Upon notification by G.A.B. staff that the municipality shall conduct an audit of a selected reporting unit, the municipal clerk shall make arrangements with the county clerk and the county board of canvassers to preserve and retain the election materials including voter lists, the Inspectors' Statement (GAB-104), Tally Sheets (GAB-105), reports printed or generated by the voting system, ballots and any other required materials that will be used during the audit. All materials subject to audit must be retained in a secure location by either the municipal or county clerk.

Upon agreement of the municipality and county, the county clerk or county board of canvassers may perform the audit of the selected reporting unit(s) in lieu of the municipality. In this instance, the county would be entitled to any reimbursement provided by the Government Accountability Board.

General Procedures

1. The municipality shall acknowledge receipt of their selection for the post-election voting system audit and confirm with the G.A.B the following information for each reporting unit selected:
 - a. Voting System Type
 - b. Voting Equipment Model
 - c. Accessible Voting Equipment Model
2. Four (4) contests shall be audited, including the top contest on the ballot (either gubernatorial or presidential). The other audited contests shall be selected randomly by G.A.B. staff from the other state contests that appear on the ballot.
3. The clerk shall publicly post notice of the time and location for the voting system audit at least 48 hours prior to the scheduled audit. Clerks must provide notification to the G.A.B. of the time and location of the audit by sending an email to gabaudits@wi.gov
4. A minimum of two individuals shall participate in the audit. Votes shall be tallied by hand for the contests included in the audit. For some voting systems, this will require counting the votes listed on the voter-verified paper audit trail generated by the voting system on Election Day. At least two auditors shall each determine an independent total for each contest. These totals shall then be compared to each other. If the auditors' totals agree, the totals are then compared to the results generated by the voting system and any discrepancies are recorded.
5. If any offices contain an overvote, no vote is counted for that office, and is considered an undervote.
6. Auditors should only count votes as the equipment would have counted them. Voter intent is not a factor. In some cases, it may not be clear exactly how the ballot would have been counted by the voting equipment. Auditors should document in the minutes any ballots where it is unclear how the voting system would count the ballot. The auditors should include in the minutes how they counted the ballot as well as all reasonable alternatives on how the machine may have counted the ballot.

Example: Ballot 93, voter marked both Jane Doe and John Smith and attempted to erase the mark for John Smith. We counted it as a vote for Jane Doe, but the machine may have read this as an overvote in this contest. This may result in our tally having one more vote for Jane Doe and one less undervote in this contest.

It may be possible that the auditors' totals do not match the voting equipment results report, but as long as you can reasonably explain any difference in the totals by reference to specific ballots, this is not considered to be an error with the voting system.

Recommended Audit Procedures

Set-Up

1. Count out ballots into sets of 100.
2. Label stacks-each ballot will have a unique number (1-100, 101-200, 201-300, etc.)

Note: Two people review each ballot. Auditors should rotate the stacks between them – i.e Person A works on Stack 1-100 while Person B works on Stack 101-200, etc...then they switch. Person A and Person B will each individually go through all the ballots. Keeping the stacks in order allows the auditors to narrow down where there are discrepancies between them instead of needing to recount all the ballots over and over again.

Each Auditor Individually

1. Tally votes in groups of 20 – the goal is to be able to narrow discrepancies between individual tallies down to the smaller groups of 20.
2. Keep separated in subgroups of 20 while tallying – it is helpful to keep the group of 100 in one stack but to alternate the directions of the subgroups of 20.
3. Add subtotals after 100 ballots are complete.
4. Add subtotals together; confirm total is 100.
5. Repeat 1-4 in sets of 100 until all ballots are counted.

Auditors Jointly

1. Compare individual tallies for each contest audited.
 - a. Circle any discrepancies between the two tallies.
 - b. If tallies do not match, recount the sub-group of 20 to determine which tally is correct. You should use a new tally sheet labeled “Recount [insert Stack Number/Subgroup]”.
2. After any discrepancies are reconciled, add the stack totals together to determine the total vote in each contest audited.
3. Compare to electronic voting machine (EVM) total.
 - a. If the totals match, note that they match on the reporting form.
 - b. If the hand tally and voting equipment tally does not match for a contest, the auditors review the minutes for ballots that were ambiguously marked that could explain the discrepancy. If the discrepancy can be reasonably explained by specific reference to these ballots, record that explanation on the reporting form.
 - c. If the minutes do not provide a reasonable explanation for the discrepancy, calculate the error rate and note the actual difference in votes and the error rate on the reporting form.

Post-Audit Procedures

Each municipality conducting an audit must submit the designated reporting forms and supporting documents from the audit, including tally sheets, to G.A.B. staff to indicate the audit was completed and describe any discrepancies that were found. Clerks should email these findings to gabaudits@wi.gov

G.A.B. staff may, at its sole discretion, request that the municipality submit all audit materials, including the source documents (ballots, poll lists, etc.) to the G.A.B. for further review. In such a case, the G.A.B. will reimburse the municipality for the associated postage/shipping costs.

In the event that a discrepancy between the machine tally and the paper record tally cannot be reasonably explained, G.A.B. staff will request that the voting equipment manufacturer investigate and explain the reasons

for any differences between the machine tally and the paper record tally. Should the vendor fail to provide a sufficient written explanation, including recommendations for preventing future occurrences, within 30 days of notification, G.A.B. staff will suspend approval of the affected voting system in Wisconsin. This suspension will be implemented immediately, pending an appeal by the vendor to the Board, which must be filed within 30 days.

Based upon the results of the audit, the Government Accountability Board may, at its sole discretion, choose to re-test the voting system per GAB Chapter 7. Such test would be a condition of continuing approval of said voting system.

Municipal Reimbursement

The Government Accountability Board will reimburse up to \$300 for the cost associated with conducting each audit to those municipalities with reporting units identified for audit. Municipalities will be reimbursed (up to \$300) for actual costs incurred. The Government Accountability Board will not reimburse personnel costs at a rate exceeding \$10 per hour.