

Voting System Audit Requirements
Wisconsin State Elections Board
November 2006

Section 7.08(6) Wisconsin Statutes (effective 1/1/06) applies section 301 (5) of the Help America Vote Act (HAVA). Section 7.08(6), Wis. Stats., requires the State Elections Board to audit each voting system that is used in this State following each General Election. Under section 7.08(6), Wis. Stats., the State Elections Board shall:

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

As required by Section 7.08(6), Wis. Stats, the audit will only be conducted following each November general election. An audit of electronic voting systems is not required after other elections. Nothing in these procedures, however, prevents a municipality or county from conducting an audit after other elections or from auditing a larger number of voting machines or reporting units than selected by the State Elections Board or required under these procedures.

Definitions

“Active Involvement” – refers to the ability of interested persons to observe and participate in investigations of discrepancies but does not grant interested persons any authority to manage, direct or control the voting system audit process.

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

“Elections Board” “State Elections Board” and “Board” – refer to the agency described in section 15.61 Wis. Stats.

“General Election” – means 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.

“Overvote” – refers to a ballot in which an elector votes for more than the number of candidates to which he or she is entitled to vote in that contest.

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

“SEB” – refers to the State Elections Board

“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 Machine” or “Type of Machine” – refers to a particular brand and/or style of voting machine. For example, a municipality may have both a touch screen direct recording electronic (DRE) machine and an optical scan ballot reader machine. In this instance, the municipality has two types of voting machines.

“Undervote” - refers to a ballot on which 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.

“Votes Cast” – refers to 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 System” – refers to a system defined in section 5.02(24w) Wis. Stats.

“Voting Device” - refers to an individual unit or machine which mechanically or electronically records the votes cast by electors.

Description

The voting system audit procedures consist of two independent processes: an audit conducted by municipalities of reporting units randomly selected by the State Elections Board and an audit of reporting units conducted by the State Elections Board.

Number of Reporting Units to Audit:

Per the requirements of section 7.08(6), Wis. Stats., each type of electronic voting system in Wisconsin must be audited after the general election to ensure that each system does not exceed the error rate prescribed in the federal voting system guidelines. The State Elections Board will randomly select fifty (50) 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. 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. If there are fewer than 5 reporting units using a voting system the State Elections Board staff will audit those reporting units if the reporting units are not selected as part of the random draw.

Any reporting unit selected for audit that may be subject to a recount or is part of a contested election may, at the discretion of the Executive Director, be replaced by another reporting unit selected at random by the State Elections Board. For good cause, the State Elections Board may, after Election Day, identify other reporting units to be audited. In the event of a statewide recount, the State Elections Board may incorporate the audit into the recount procedure.

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 on the day after the election (Wednesday).

Municipal Reimbursement:

The State Elections Board will reimburse municipalities up to \$300 for the costs associated with conducting the audit. Appropriate documentation will be required. Municipalities will be reimbursed (up to \$300) for actual costs incurred. The State Elections Board will not reimburse personnel costs at a rate exceeding \$10 per hour.

General Procedures

Period for Audit:

The audit must be conducted, however, no later than two (2) weeks after the county board of canvassers certifies the election results to the State Elections Board. The county board of canvassers may conduct the audit as part of its canvass proceedings.

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 before the audit

Materials Subject to Audit:

Upon notification by the State Elections Board that the municipality shall conduct an audit (or that SEB staff will be conducting an audit) of a selected reporting unit, the municipal clerk shall make arrangements with the county clerk and the county board of canvassers to either preserve and retain the materials (including voter lists, the inspectors statement, tally sheets, reports printed or generated by the voting system, ballots and any other required materials) that will be used during the audit or to identify said materials so that the county clerk may set the materials aside to allow for auditing. All materials subject to audit, however, 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 a municipal-conducted audit. In this instance, the county would be entitled to any reimbursement provided by the State Elections Board.

Board of Canvassers:

Nothing in these procedures prohibits a county board of canvassers from exercising its authority under section 7.60(3), Wis. Stats., to examine the returns submitted by a municipality or from conducting hand-counts or audits of election returns from a municipality or reporting unit. If the difference between the number of voters and the number of votes cast exceeds two percent (2%) for the contest on the ballot for which the most votes were cast in a reporting unit, the board of canvassers may consider auditing the voting system(s) in that reporting unit. In addition, if there are more votes cast than voters at the election, and this difference cannot be explained, the board of canvassers may consider auditing all the voting system(s) from that reporting unit.

Audits Conducted by Municipal Clerks

The municipal clerk shall review the tally sheets and voter lists for each selected reporting unit to note any discrepancies between the number of voters and the number of votes cast in each contest. Each clerk in a selected reporting unit shall audit each voting system and each type of machine used in that reporting unit.

Municipal Audit Procedure:

1. On the day after the election (Wednesday), the State Elections Board selects and notifies the municipalities that will conduct an audit.
2. The municipality shall confirm to SEB the reporting unit, polling place(s) and voting devices that were selected for audit.
3. If the reporting unit uses multiple voting devices, the clerk shall audit each voting device used in the reporting unit.
4. A minimum of four (4) contests shall be audited, including the top candidate race on the ballot (either gubernatorial or presidential). The other audited contests shall be selected randomly by the State Elections Board from all other contests that appear on the ballot, but must appear on every ballot in the state. The State Elections Board may, with prior notification, direct that additional contests be audited.
5. The municipal clerk shall inform the State Elections Board and publicly post notice of the time and location for the voting system audit at least 48 hours before the scheduled audit.

6. The attached Audit Recording Form shall be used and completed as part of the audit. A copy of the Audit Recording Form shall be provided to the State Elections Board.
7. A minimum of three individuals shall participate in the audit, including one individual to coordinate and supervise the process. Votes shall be tallied/hand counted for the contests identified for inclusion in the audit. For some voting systems, this will require counting the votes listed on the paper roll generated by the voting system on Election Day. At least two individuals shall make an independent count. These audit hand-counts are compared to each other and to the Election Day vote tallies/totals, which will typically include both hand-counted (from write-in votes) and machine generated tallies.
 - a. If the hand counts differ from each other, the paper records/ballots must be recounted.
 - b. If the hand counts match, the results are compared to the Election Day vote tallies/totals.
 - c. If the hand counts and Election Day vote tallies/totals match, this is listed on the appropriate form and clerk commences audit of the next contest.
 - d. If the hand counts and Election Day vote tallies/totals do not match, the clerk double checks the Election Day vote tallies/totals and counts the ballots again. If the counts do not match after this recount, the difference is noted on the appropriate form.
8. The audit shall record the number of votes cast in the audited contest, the number of undervotes in the audited contest, the number of overvotes in the audited contest, and the number of spoiled, blank and cancelled ballots in the audited contest.
9. The county board of canvassers may be involved in comparing the tallies.
10. Each municipality conducting an audit must submit the designated reporting form(s) and supporting documents from the audit, including tally sheets, to the State Elections Board to indicate whether the audit was completed and whether any discrepancies were found.
11. The SEB staff will request that the vendor 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, the SEB will suspend approval of all voting systems manufactured or serviced by the vendor in Wisconsin. This suspension will be implemented immediately, pending an appeal by the vendor to the Board, which must be filed within 30 days.

12. Investigations of discrepancies shall be open and transparent, with active involvement of interested parties.
13. Based upon the results of the audit, the State Elections Board may, at its sole discretion, choose to re-test the voting system per ElBd Chapter 7. Such test would be a condition of continuing approval of said voting system.

Audits Conducted by State Elections Board:

In addition to the municipal audits, the State Elections Board may audit a selected number of reporting units, not to exceed one percent (1%) of the reporting units in the state. The reporting units included in the audit will be selected randomly by the SEB. The SEB will audit different reporting units than those identified for audit by the municipal clerk.

SEB Audit Procedure:

1. The reporting units shall be randomly selected by SEB on the day after the election (Wednesday).
2. The SEB contacts the municipal and county clerk regarding selection and schedules a time to conduct audit.
3. The municipal clerk confirms number and type(s) of voting systems used in the reporting unit.
4. If the reporting unit is subject to a recount, the municipal clerk and SEB will select alternate reporting units in the municipality to audit, if possible. In the event of a recount, SEB will review the recount minutes to determine if further auditing is required.
5. If a reporting unit uses multiple voting devices, SEB will audit each type of voting system in the reporting unit.
6. The SEB determines the races to audit. A minimum of four (4) contests shall be audited, including the top candidate race on the ballot (either gubernatorial or presidential). The other audited contests shall be selected randomly from all other contests that appear on the ballot, but must appear on every ballot in the state.
7. The SEB shall publicly post notice of the time and location for the scheduled audits on its website no later than 5 days before the audit.
8. At least two SEB staff travel to the municipality to conduct audit.
9. The municipal or county clerk shall provide a suitable location and make tally sheets, reports and ballots including any permanent paper record available for audit purposes.

10. The attached Audit Recording Form shall be used and completed by SEB staff as part of the audit.
11. The SEB staff tallies/counts the votes by hand. Each staff member makes an independent count, which are compared to each other and the Election Day vote tallies/totals which will typically include both hand-counted (from write-in votes) and machine generated tallies.
 - a. If the hand counts differ from each other, SEB staff must recount the paper records/ballots.
 - b. If the hand counts match, the results are compared to the Election Day vote tallies/totals.
 - c. If the hand counts and the Election Day vote tallies/totals match, this is listed on the appropriate form and SEB staff commences audit of the next contest.
 - d. If the hand counts and the Election Day vote tallies/totals do not match, the SEB staff double check the Election Day vote tallies/totals and count the ballots again. If the counts do not match after this recount, the difference is noted on the appropriate form and the error rate is calculated. SEB staff then commences the audit of the next contest.
12. The audit shall record the number of votes cast in the audited contest, the number of undervotes in the audited contest, the number of overvotes in the audited contest, and the number of spoiled, blank and canceled ballots in the audited contest.
13. The SEB staff will immediately request that the vendor 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, SEB will suspend approval of all voting systems manufactured or serviced by the vendor in Wisconsin. This suspension will be implemented immediately, pending an appeal by the vendor to the Board, which must be filed within 30 days.
14. Investigations of discrepancies shall be open and transparent, with active involvement of interested parties.
15. Based upon the results of the audit, the State Elections Board may, at its sole discretion, choose to re-test the voting system per ElBd Chapter 7. Such test would be a condition of continuing approval of said voting system.

Audit Recording Form

MUNICIPALITY:	_____
COUNTY:	_____
HINDI #:	_____
CONTACT PERSON & PHONE:	_____
DATE of AUDIT:	_____
VOTING SYSTEM DESCRIPTION (VENDOR, MODEL NAME/NUMBER):	_____
VOTING DEVICE SERIAL NUMBER:	_____
MEMORY CARD SERIAL NUMBER:	_____
SOFTWARE VERSION NUMBER:	_____
FIRMWARE VERSION NUMBER:	_____
PERSONS CONDUCTING AUDIT:	_____
DATE OF ELECTION:	_____
ELECTION CONTESTS AUDITED:	_____
TOTAL NUMBER OF VOTERS:	_____
NUMBER OF VOTES IN CONTEST:	_____
UNDERVOTES IN CONTEST:	_____
OVERVOTES IN CONTEST:	_____
BLANK VOTES IN CONTEST:	_____
CANCELLED BALLOTS IN CONTEST:	_____
SPOILED BALLOTS IN CONTEST:	_____

ATTACH COPIES OF MACHINE AND MANUAL TALLY SHEETS

Audit Recording Form
Page 2

LIST HAND-COUNT TALLY AND ERROR RATE (%) FOR EACH CONTEST AUDITED:

To calculate the error rate:

Note any differences between hand-count audit tally and machine-generated (Election Day) tally.
Divide the total number of differences between the hand-count audit tally and machine-generated (Election Day) tally by the total number of votes cast for that contest.
Multiply this number by 100. This is your percentage (%) error rate.

LIST AND DESCRIBE ANY DISCREPANCIES FOR EACH AUDITED CONTEST: