

Testimony of Verified Voting

Regarding S. 86 and Post Election Audits

State of Vermont House of Representatives
House Committee on Government Operations

January 29, 2014

We congratulate Vermont for progressing with making post-election audits a requirement, and encourage it to continue. Good, routine post-election audit procedure is fundamental to verifying elections so all stakeholders trust the results.

We encourage Vermont to steadily move toward Risk-Limiting Audits (RLAs) that perform human hand-to-eye comparisons of paper ballots, to the voting system's electronic results, and resolve any discrepancies to an established standard. RLAs are endorsed by the President's Commission on Election Administration, in its report released last week.ⁱ

Recommendation: Audits of voting equipment must be conducted after each election, as part of a comprehensive audit program, and data concerning machine performance must be publicly disclosed in a common data format.

Post-election audits are a best practice of election administration in general, and especially so when it comes to the performance of voting technology.²¹⁴ The Commission recommends that jurisdictions audit their election machinery following each election to ensure both that the vote totals match the votes cast and that any problems related to machinery are reported and resolved. A critical component of this audit must be public reporting of machine performance so that jurisdictions using similar equipment become aware of any problems before they cause an election crisis.

Different types of audits perform different functions. The Commission endorses both risk-limiting audits that ensure the correct winner has been determined according to a sample of votes cast,²¹⁵ and performance audits that evaluate whether the voting technology performs as promised and expected. Too often the shortfalls of voting technology are discovered in the heat of a recount once the damage has already been done. Performance of voting equipment can and must be evaluated when election outcomes do not depend on it.

The full benefit of election audits of voting technology can only be realized if jurisdictions publicize their results. It is imperative that jurisdictions using similar machines be able to learn about problems each is experiencing.²¹⁶ The voting machine market is dominated by a relatively small number of manufacturers. It is very likely that a problem experienced by one jurisdiction is one soon to be experienced by another using the same or similar equipment. Whether the voting equipment performs as promised or fails in one or another respect, the jurisdiction must publicize the results of its audit so that all similarly situated jurisdictions can promptly learn about and fix any problems.²¹⁷

RLAs are efficient and cost effective, which is why numerous states are moving toward adoption, including Colorado and California. New Mexico also has done a form of RLA and very successfully. Below, please find additional resources on RLAs and best practices for conducting them.

We do not recommend conducting recounts (nor audits) via scanners, as a programming or calibration problem on one scanner can be found on a second scanner as well. Manual review of the voted ballots provides insights that can ensure voter intent is captured correctly.

Thank you for this opportunity to give testimony on S.86. Please don't hesitate to contact us if we can answer questions or be of service to Vermont and its Legislature in pursuing election excellence.

Best regards,

Pamela Smith, President
VerifiedVoting.org

Additional Resources on Risk-Limiting Audits

Risk-Limiting Post-Election Audits: Why and How, Risk-Limiting Audits Working Group, October 2012
<http://www.stat.berkeley.edu/~stark/Preprints/RLAwhitepaper12.pdf>

Evidence-Based Elections, B. Compliance Audits by P.B. Stark and D.A. Wagner, 8 May 2012
<http://www.stat.berkeley.edu/~stark/Preprints/evidenceVote12.pdf>

Retabulations, Machine-Assisted Audits, and Election Verification, by Mark Lindeman, Ronald L. Rivest, and Philip B. Stark. 20 March 2013
<http://www.stat.berkeley.edu/~stark/Preprints/retabulation13.htm>

¹ The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration, January 2014
<http://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>
<https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>