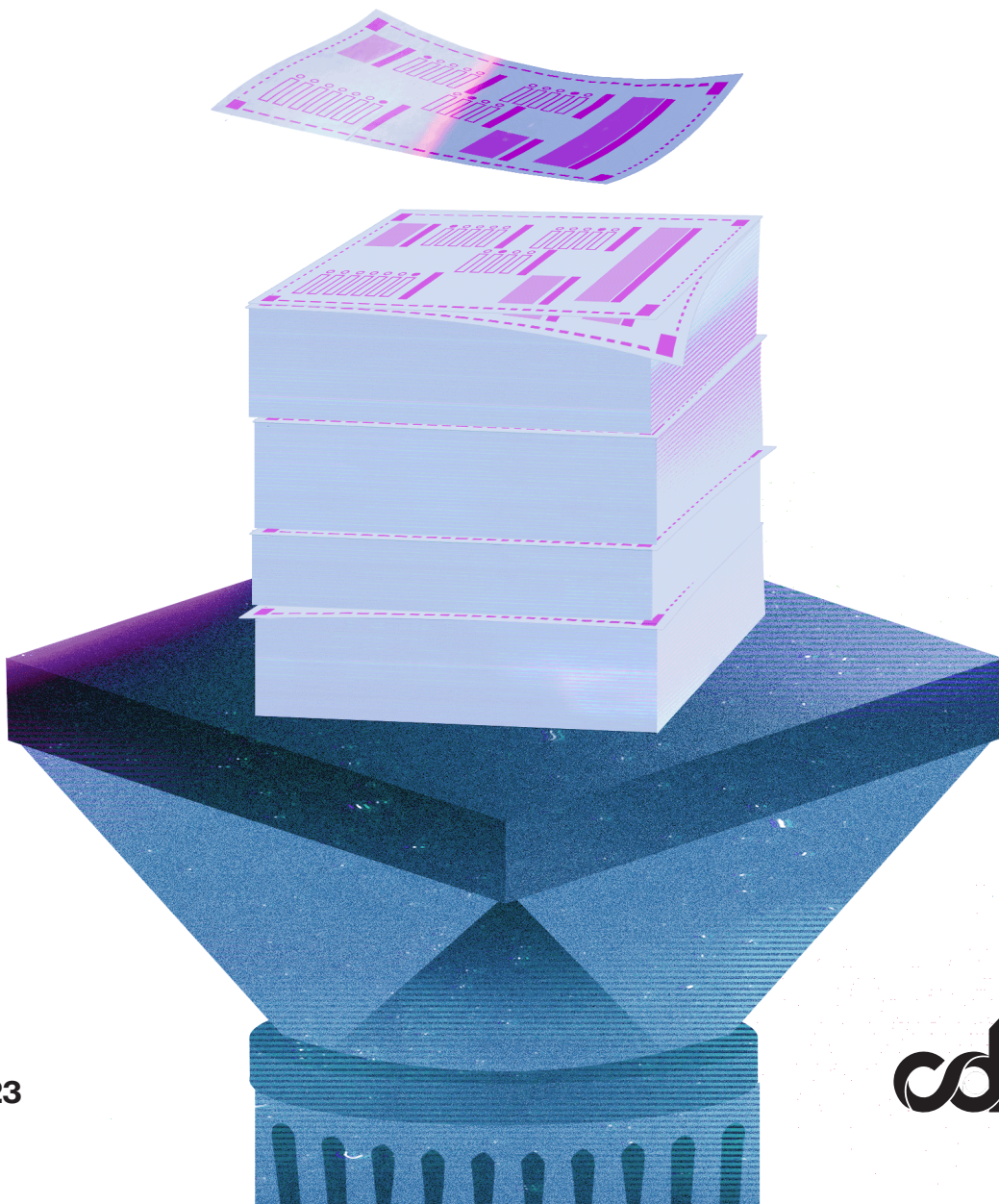


Towards Better Post-Election Audits: Insights from Election Experts



August 2023



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Towards Better Post-Election Audits: Insights from Election Experts

Author

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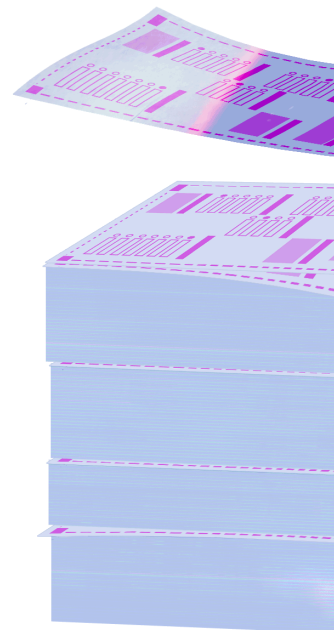
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Introduction

Although election officials have not even begun to print ballots for the primaries, it is already time to think about what happens after general election votes are cast and counted: post-election auditing.

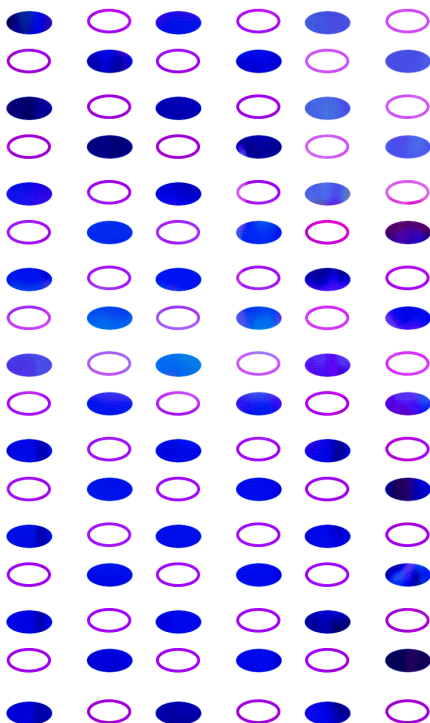
The 2024 election cycle is in its early stages. And although election officials have not even begun to print ballots for the primaries, it is already time to think about what happens after general election votes are cast and counted: post-election auditing.

Post-election auditing is the strongest way to generate public evidence that an election was conducted properly and that the outcome was correct. Post-election audits assess various qualities of the election, such as whether cast ballots were counted properly and whether election processes have been properly followed.

In 2020, baseless claims of election fraud and malfeasance drew sustained national attention to election procedures and post-election audits across the country. Moreover, a number of “sham reviews” proliferated, which seemed specifically intended to damage confidence in the outcome.

As we begin the 2024 cycle, we must prepare for the possibility of a repeat scenario in which losing candidates cast doubt on election procedures. Election officials, state legislators, standards-making bodies, and civil society must ensure that post-election audits are widespread and conducted with care, transparency, and integrity. Good communication about election procedures and audits is also key for ensuring that elections are trusted by the public.

In October 2022, the Center for Democracy & Technology (CDT) published a report, *De-Weaponizing and Standardizing the Post-Election Audit*,¹ containing suggestions on how to improve post-election audits. On February 15, 2023, we invited 18 outside experts to participate in a workshop building on the report, discussing the most pressing issues in the post-election audit landscape, and identifying solutions.



¹ Adler, W.T. (2022, October 31). [De-Weaponizing and Standardizing the Post-Election Audit](#). Center for Democracy & Technology. [perma.cc/5SKU-HSLY]

The body of this report provides an in-depth summary of the discussion at the workshop, including direct quotes from participants. We hope that the insights gained from this workshop, and the ideas generated, will help policymakers and civil society chart a path forward for a future in which post-election audits are widespread, well-executed, and trusted.

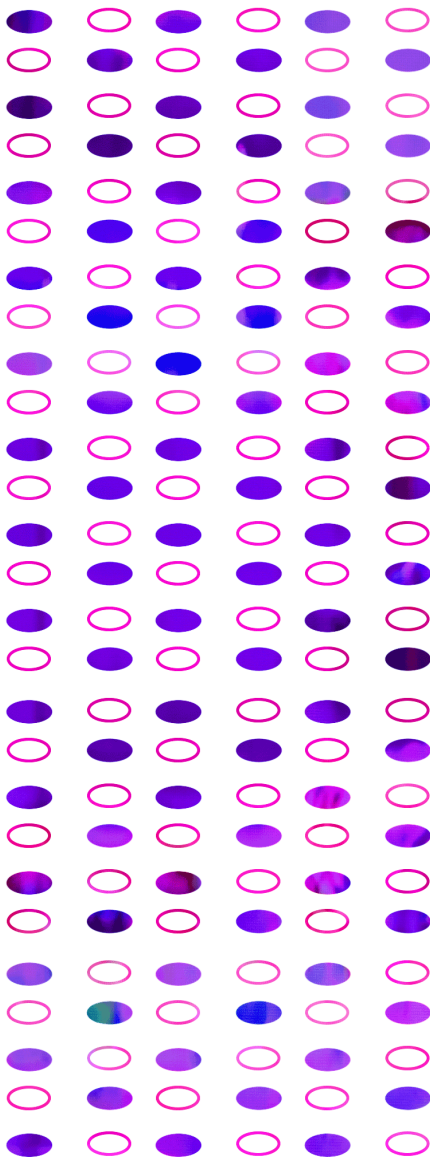
Summary

At a workshop hosted by the Center for Democracy & Technology (CDT), elections experts identified and discussed these challenges in the post-election audit landscape:

- The lack of national audit standards means that legislatures have few guideposts when drafting audit-related legislation.
- The lack of national standards for elections, in general, makes it difficult for courts to determine the quality and accuracy of a contested election.
- The lack of national audit standards makes it hard to distinguish between good and bad post-election audits.
- Organizational principles lack consistency across counties, making it difficult to conduct good tabulation audits across states.
- Election officials need more money in order to conduct better and more frequent election auditing.
- Conversations about election verification and auditing have not sufficiently included vendors, political parties, or disabled voters.
- Authors of existing post-election audit standards and best practices may be seen as partisan, limiting their reach.
- There are challenges in messaging, particularly to conservatives, about election administration and post-election auditing.

Participants were generally enthusiastic about the following possible ways to make post-election audits more consistent, thorough, and trustworthy. (Though not all participants supported each recommendation, and no formal attempts to measure consensus were made.)

- A federal body such as the U.S. Election Assistance Commission (EAC) should adopt voluntary standards for post-election auditing.
- The EAC or civil society should draft standards for election administration in general, in



recognition that the quality of an audit is often dependent on basic practices.

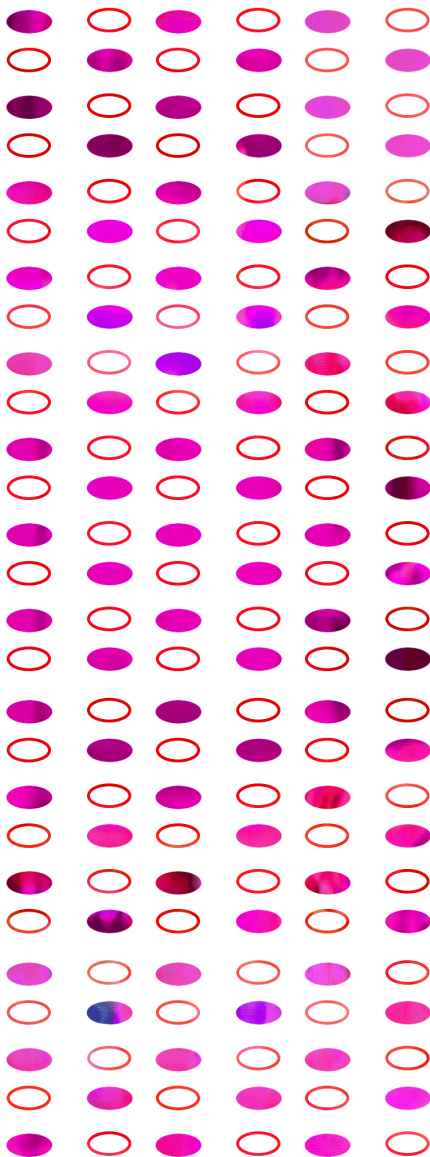
- State auditors general could be given an increased role in elections – as long as there are strong safeguards against partisanship.
- Policymakers should explore expanding multi-disciplinary, bipartisan audit committees that oversee post-election auditing.
- Policymakers should draw from norms of international election observation.
- Policymakers should explore options for expanding the pool of elections experts (who are not election officials) available to help election officials with audits.
- Voting System Test Laboratories could be given an expanded role in post-election auditing.

Participants

Nineteen election policy experts participated in the workshop.

Participants are listed with their affiliations at the time of the event, though affiliations may have since changed.

- **William T. Adler** (Center for Democracy & Technology)
- **Matt Bernhard** (VotingWorks)
- **Kathy Boockvar** (Brennan Center)
- **Maria Bianchi Buck** (Election Trust Initiative)
- **Jonathan Bydlak** (R Street Institute)
- **Ben Chang** (Democracy Fund)
- **Monica Childers** (Carter Center)
- **Corey Dukes** (Protect Democracy)
- **Grace Gordon** (Bipartisan Policy Center)
- **Chris Hughes** (Ranked Choice Voting Resources Center)
- **Ryan Kirby** (Ranked Choice Voting Resources Center)
- **Chrissa LaPorte** (Verified Voting)
- **David Levine** (Alliance for Securing Democracy at German Marshall Fund of the United States)
- **Mark Lindeman** (Verified Voting)
- **John Marion** (Common Cause Rhode Island)
- **Jennifer Morrell** (Elections Group)
- **Rachel Orey** (Bipartisan Policy Center)
- **Virginia Vander Roest** (VotingWorks)
- **Ryan Williamson** (R Street Institute)



I. Challenges in the post-election audit landscape

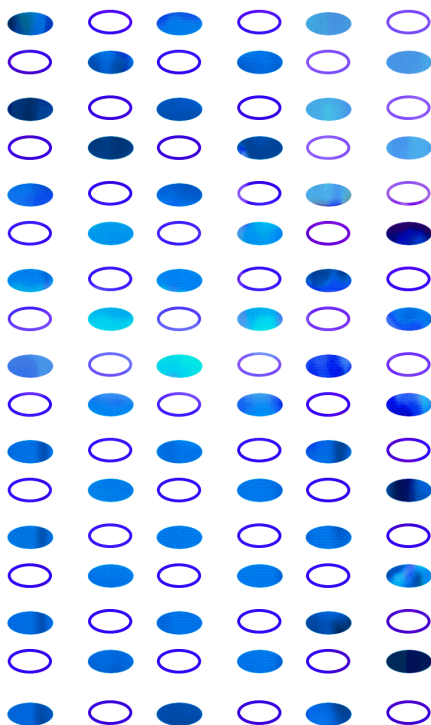
Participants spent part of the day discussing the state of post-election audit implementation and its perception in the public. In the discussion, participants surfaced the following key challenges.

1. The lack of national standards for audits and for elections, in general, creates problems for legislatures and for courts.

Kathy Boockvar, the former Secretary of the Commonwealth of Pennsylvania and chief state election official of Pennsylvania, described her experiences working to develop effective processes and piloting advanced post-election audits in Pennsylvania. "During this process, we asked experts and colleagues for standardized models for drafting legislation and practices, but we soon learned that statutory language and practices varied significantly from state to state. In the end, we derived applicable standards from recommendations of organizations such as the American Statistical Association and the National Academy of Sciences, but it would be helpful if there were consistent audit standards generated by a neutral, trustworthy governmental body."

Matt Bernhard of VotingWorks noted that several states do have internal documents for best practices in auditing, but there is no good, universal, collection of these best practices.

Monica Childers of the Carter Center noted how the lack of standards around what constitutes a "quality election" poses a problem for judges who may have to decide if an election outcome is called into question enough that it should be rerun – which does happen occasionally.² She noted concerns about expected election litigation in 2024. "Courts, in addition to not knowing anything about election administration, have no idea what a quality election is, because there is no baseline. In the Arizona cases, they allowed some ballots to be looked at – for what? No one knew. How did they choose which ballots? There are no



2 Ballotpedia. (n.d.) [Redo election](https://www.ballotpedia.org/Redo_election). [perma.cc/62ZP-GS2L]

standards for that. So as we think about what could convince election deniers, we also have to think about what's going to convince a judge. What is a judge going to consider meaningful evidence when they're looking at a case of something like this? And we don't have any sort of standards in that realm either.”

2. The lack of widely accepted audit standards makes it hard to distinguish between good and bad post-election audits.

Election audit expert **Jennifer Morrell** said that the lack of national post-election audit standards makes it harder to distinguish between good and bad post-election audits, and therefore makes bad-faith post-election audits more credible. She noted that auditing an election requires a baseline understanding of what a quality election is, which national standards would hopefully provide. “An audit means we're comparing what's happening against something.”

She referred to the widely-criticized post-election audit conducted by the Cyber Ninjas firm in Maricopa County, Arizona.³ “Take the Cyber Ninjas example – if there had been standards, people could have said, ‘The current plan you're submitting does not measure up to this.’ Or, ‘The current plan you're submitting continually changes. And it still doesn't measure up to our standards.’ Without standards, I think it's hard to actually even talk about who should perform an audit.”

3. Organizational principles lack consistency across counties, making it difficult to conduct good tabulation audits across states.

Kathy Boockvar discussed the challenges faced when her office formed the Pennsylvania post-election audit workgroup in 2019.⁴ The group's goals were to “develop recommendations, work with the legislature for any suggested legislative enhancements, and carry out pilot audits in multiple counties” and then across the state. Boockvar noted that “differences in organizational management” across counties initially made it more challenging for them to initiate a strong post-election tabulation audit of the state. Tabulation audits, particularly risk-limiting audits (RLAs), which sometimes require identifying and retrieving a particular randomly-sampled ballot, require election officials to be well-organized. “Some [election officials] were storing all their ballots in boxes with no organization by precinct or type of ballot. Others utilized some organizational management, but what this meant varied from jurisdiction

3 Morrell, J. (2021, May 19). [I watched the GOP's Arizona election audit. It was worse than you think.](#) *Washington Post*. [perma.cc/BKT5-6ZHD]

4 Pennsylvania Department of State. (2019, December 31). [Pennsylvania Post-election audit workgroup initial report.](#) [perma.cc/G3MW-MBME]

Several states do have internal documents for best practices in auditing, but there is no good, universal, collection of these best practices.

to jurisdiction. And you can't talk about the theory and the math [of post-election auditing] and all that goes into it without starting with helping the counties organize from the beginning.”

Monica Childers also noted this challenge, saying, “We moved elections to voter verifiable paper trails for improved auditing, but we kind of missed a step. Which is that paper management and organization of paper is actually a really hard problem when you're talking about millions of ballots from across all these jurisdictions who all have different resources.... The biggest procedural challenge by far is that we missed the step of teaching people how to account for paper. And Jennifer [Morrell] has been saying this from the beginning. The ballot chain of custody and ballot accounting is the whole ballgame.” There was general consensus among participants that post-election audits are much easier to implement well and consistently if elections are first conducted in a well-organized fashion.

Childers also noted that, when conducting audits of elections that spanned multiple jurisdictions, bringing election officials together had the benefit of enabling them to witness each others' organization practices and learn from each other. “In one of the first sets of pilots we were doing in Virginia, we were bringing together seven or eight counties at a time to do a race that they shared. And the best part of it was they would all see their ballot containers. The counties would look at each other and see that some of them have nice boxes with wheels and they could move them easily. And some of them had banker's boxes.”

4. Election officials need more money in order to conduct better and more frequent election auditing.

Monica Childers noted that in the early 2010s, “there was a huge push for auditing. There was federal funding [for RLA pilots]. And then it just died.” Participants agreed that there remained a need for more states to do RLA pilots and improve their election procedures in order to enable more widespread auditing.

Participants lamented the roughly one-third of states that have restricted the use of private funds in elections,⁵ typically without making up the shortfall in the state budget. This has made it more likely that elections will continue to be underfunded.

⁵ National Conference of State Legislatures. (2023, July 25). [Prohibiting Private Funding of Elections](https://perma.cc/Y2ZP-MRFJ). [perma.cc/Y2ZP-MRFJ]

Virginia Vander Roest of VotingWorks also lamented the loss of election administration institutional knowledge due to staff turnover and described the impact that would have on auditing.⁶ “In addition to the funding prohibitions, there’s staff turnover. How badly is that impacting states that have run [audit] pilots, but now the person who ran the pilot is gone? That’s huge.” **Kathy Boockvar** responded that this “gets back to organizational management. You need auditing to be integrated into the office’s process. But in some places you might have only two people in the office, so [you have a problem] if one of them leaves or gets COVID... But the more it’s integrated with training, the better. You can’t have one person be the sole repository of information.”

5. Conversations about election verification have not included vendors, political parties, or disabled voters.

“If you actually get the parties involved, it is very hard for a county party that has participated in an audit to come back and say, ‘We don’t trust the result of an election.’”

Matt Bernhard highlighted vendors, political parties, and candidates as notably absent from conversations around auditing. “You know, we need vendors to do the right things to make audits useful. And maybe political parties, maybe candidates. If I recall correctly, the Carter Center had a candidate pledge, like, ‘We will abide by the rules and the results of this election.’ So there is maybe a role to be played there, where the parties can agree that ‘here are the standards that we want these elections to be held to.’”

Monica Childers also emphasized the value of involving parties on a bipartisan basis. “The other piece that I think is really impactful is – and not every state does this – if you have audit boards that are made up of Republicans and Democrats and independents, that the parties are actually doing the auditing. If you actually get the parties involved, it is very hard for a county party that has participated in an audit to come back and say, ‘We don’t trust the result of an election,’ when their auditors were present and participating. And that is a way to sort of force these folks who don’t normally come together to come together. And they’ll sit next to somebody who they might not agree with. But they’re going to look at the same ballot and they’re going to agree on the vote before it goes in a stack. That, from a very fundamental community-building standpoint, is a really wonderful thing.” She noted the net positive value of bringing together party members, even though it would attract people with strong prior partisan biases. “You are going to get your election deniers, you are going to get your skeptics; those are the people who volunteer to be on these audit boards. So we should include partisan actors as much as we can. This sort of transparency, I think, is a really, really powerful thing.”

⁶ Gordon, G., Walker, S. (2023, June 22). [Preserving Election Administration Institutional Knowledge is Essential for 2024](https://perma.cc/8UX8-4LPV). *Bipartisan Policy Center*. [perma.cc/8UX8-4LPV]

“Post-election tabulation audits feel like a really valuable way to build trust in the tools that voters with disabilities can use to actually engage in democracy and cast votes. It just seems to me like they’re never really a part of this specific conversation.”

6. Authors of existing post-election audit standards may be seen as partisan.

Chris Hughes of the Ranked Choice Voting Resource Center raised concerns that voters with disabilities don’t come up often in conversations about audits. “One specific community that sometimes comes up – but a lot of the time doesn’t – when we’re talking about audits and voting systems security is voters with disabilities and the disability rights community. And post-election tabulation audits feel like a really valuable way to build trust in the tools that voters with disabilities can use to actually engage in democracy and cast votes. It just seems to me like they’re never really a part of this specific conversation. I’m wondering how to bring them in and how to make voters with disabilities feel like the tools they use that make things accessible are counting their votes accurately.”

Hughes referred to ballot marking devices (BMDs), which are voting machines frequently used by disabled voters, including low-vision voters. BMDs pose a variety of challenges to the auditability of elections;⁷ in particular, a blind voter using a BMD may have no easy way to verify their BMD-printed ballot, making it a potentially untrustworthy record of their vote. “There’s always so much distrust of ballot marking devices. And it’s a huge wedge issue that people use, both legitimately and illegitimately, to start up these conversations. And in other rooms, there’s this assumption that ‘well, it’s just voters with disabilities using those tools, we don’t need to worry that much about it,’ which is obviously very problematic and harmful.”

Some best practices documents do exist (e.g., the 2018 *Principles and Best Practices for Post-Election Tabulation Audits*, authored and endorsed by several of the organizations represented at the workshop⁸). But **Kathy Boockvar** noted that the perceived political leanings of some of the authoring organizations – even if that perception is inaccurate – is frequently an obstacle for bipartisan legislative buy-in. “It’s not that there weren’t standards recommended by experts in the field. But [the problem is] that certain legislators in Pennsylvania and elsewhere would immediately discard those recommendations based on inaccurate perceptions of some of those experts.”

7 See Adler, W.T. (2022, July 12). [No Simple Answers: A Primer on Ballot Marking Device Security](#). Center for Democracy & Technology. [[perma.cc/337S-97RC](#)]

8 Garland, L., Lindeman, M., McBurnett, N., Morrell, J., Schneider, M.K., & Singer, S. (Eds.). (2018, December). [Principles and Best Practices for Post-Election Tabulation Audits](#). [[perma.cc/B9E6-RHXA](#)]

Boockvar referred to the generally accepted government auditing standards (GAGAS) produced by the U.S. Government Accountability Office (GAO) as an example set of standards that could be perceived as more neutral. “We need a set of standards perceived to be non-affiliated, like what the GAO produces. Nobody really questions the validity of GAGAS.”

Monica Childers noted the importance of getting elected officials and election officials from all parties on board with good election administration and post-election auditing. But she seconded Boockvar’s concern that elections experts (including people attending this workshop) are often perceived as partisan. She suggested that elections experts find ways to dial back the level of apparent involvement. “Unfortunately, the people in this room are not the people who need to be saying this stuff. And the more we put our names on things that are good ideas, the less opportunity there is for other people who probably should be taking the lead to take the lead. And the more that we’re willing to let it be somebody else’s idea, the more successful it’s going to be.”

7. There are challenges in messaging, particularly to conservatives, about election administration and post-election auditing.

Jonathan Bydlak of the R Street Institute noted the challenges of communicating about risk-limiting audits and other post-election audits in polarized political environments. He emphasized the need for communicators to tailor their communication about audits, depending on the political leanings of the audience. He also said that “the way I might talk to many different subsections of Republicans is almost certainly going to be fundamentally different. What outreach has been done across the aisle? There’s nothing about audits that’s inherently partisan at all. To me, the bigger challenge is actually that people don’t understand statistics. Right? And you combine that with the current polarized political environment where some people are hesitant to change anything. But at its core, it’s kind of a fundamental misunderstanding of the details of what’s being talked about here.”

Bydlak also referred to the wave of states withdrawing from the Electronic Registration Information Center (ERIC), a multi-state collaborative partnership to keep voter rolls clean that was widely seen as effective and nonpartisan until about January 2022 – at which point, states began to defect from the partnership.⁹ He noted that good ideas like ERIC can fall apart if the messaging isn’t done right. “I keep coming

9 Parks, M. (2023, June 6). [How the far right tore apart one of the best tools to fight voter fraud](https://www.npr.org/2023/06/06/1161111111/how-the-far-right-tore-apart-one-of-the-best-tools-to-fight-voter-fraud). *National Public Radio*. [perma.cc/3UCA-B7GK]

back to the whole ERIC kerfuffle and how you deal with that kind of scenario. So there are ideas here [on post-election auditing] where I'm like, 'this is a good idea.' But then I also always am wondering how a malicious actor could undermine this kind of system. And I feel like a lot of these solutions are subject to the same issues that we're seeing now with ERIC."

Ryan Williamson of R Street said that it's important to not only identify trusted messengers to communicate about elections, but to "avoid sources that could be seen as political. Sometimes a person may seem reliable and useful on one dimension, but having it come out of their mouths will automatically turn off a huge subsection of the population. And so even if it is a good idea from the right person, if they're in the wrong position and advocating for it, then the audience might automatically put their guard up." As a hypothetical example, he said that some Republican officials in the Biden administration with election experience might seem on paper to have bipartisan appeal. But he noted that if such an official were to come out and say there should be national standards for elections, that would automatically be a nonstarter for many Republicans, merely on account of the person's position in a Democratic administration.

One benefit of risk-limiting audits is that they allow election officials to quickly and efficiently confirm the outcome of an election by randomly sampling ballots to check rather than doing a full recount. But Bydlak referred to the fact that sometimes this engenders mistrust among conservative voters who may see random sampling as suspect. "Sometimes the conversation is set up as 'risk-limiting audits versus standard audits.'" He then described the importance of reaching distrusting voters via well-chosen messengers. "And that creates this problem. So I think if the message going to conservatives is, hey, we're trying to figure out how to best audit elections, I do think you could actually find a good audience from conservative grassroots writers. To me, that's the better approach. When people say, 'We are for forensic audits,' we should say, 'Yes, we want to audit elections, too. As a matter of fact, we've thought a lot about this and here's how.' And then you engage in that conversation."

There was some discussion about how to lower the temperature of the public conversation. Bernhard asked, "Is it sufficient to just make the people in the middle so bored that they stop paying attention? We don't have the bulwark against rising extremism, but at least, you know, to stem the bleeding." Bydlak agreed that should be the goal, but that when voters are being told that "democracy is on the ballot, it becomes

impossible for them to tune out.” He continued, “People shouldn’t have to be so worried about their elections. People should vote if they want to and have confidence in those elections. But we operate in an environment where that is not possible, in part because of very partisan messaging across other issues that does a lot of harm to the causes that we’re talking about in this room.”

Monica Childers noted the importance of giving state election officials the confidence to be strong messengers in defense of their own elections. “It was really important in 2020 for chief election officials, specifically in Georgia, to have counted every ballot – three times. [Georgia Secretary of State Brad] Raffensperger was able to be as out in front as he was because he did the work and he was absolutely confident. And so making sure that we give election officials at the state level – the folks who are going to be standing in the middle and be the shields against some of the stuff – the confidence that they need. So when we talk about audiences, that’s who I think about is – who are my grassstops, who are the ones that I can give confidence to? Even if all they’re saying to the public is, ‘We did an audit, it’s a normal part of our checks and balances to make sure we did everything correctly, we’re confident the right winner won.’ Don’t talk about statistics, don’t talk about math.”

Childers emphasized the value of finding existing trusted messengers in communities, beyond the election officials who serve those communities. “Trying to create a new trusted messenger sort of misses the point that there are already communities and they already have trusted messengers. And rather than trying to find someone that everybody can trust (which I don’t think exists), we need to find ways to engage all the different trusted messengers and give them a role and a way to be a part of the process. I don’t have an answer to what that looks like, but I do think we should not create something new that is potentially impossible. Let’s figure out a way to engage those who people already agree with.”

II. Policy options for improving post-election audits

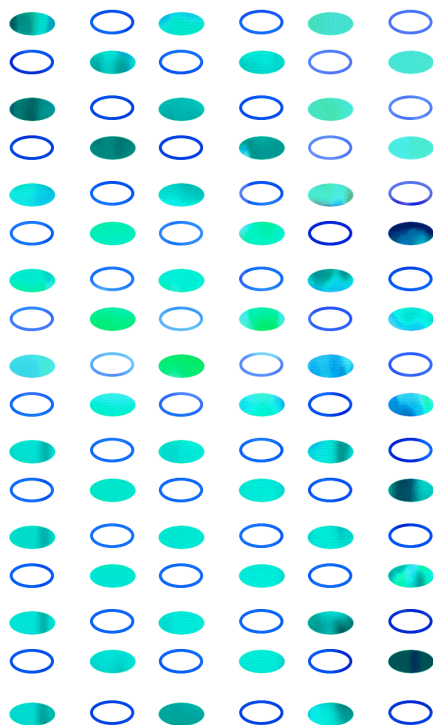
In a full group session, participants discussed options for improving post-election audits. Participants then split into small groups to evaluate these options and returned to the large group to share key takeaways from the discussions. The following policy options emerged with the greatest amount of support, though no efforts to formally measure consensus (e.g., voting) were conducted.

1. A federal body such as the EAC should adopt voluntary standards for post-election auditing.

Matt Bernhard said that, “Politically, there seems to be some will in a lot of these state legislatures to do some kind of audit thing. We’ve seen forensic audit standards get passed and whatnot.” He said that the EAC’s Voluntary Voting System Guidelines (VVSG), which states can choose to require that their voting equipment be certified under, may be a good model for auditing standards. “The way VVSG gets applied is that the state requires it. It won’t be uniform across the whole country... But there should exist a standard and there should be funding that incentivizes people to adhere to the standard. The standards could specify ballot containers, paper handling practices, that kind of stuff. And there should be funding to go along with it, so as not to give counties or election officials unfunded mandates. The hope would be that states would take it up in the way that they have taken up VVSG requirements. The EAC is not an unreasonable group to draft these standards.” Bernhard felt that a set of standards around procedures and practices might be less onerous to comply with than the VVSG.

Participants recognized that mandatory federal standards for anything election-related was likely a political nonstarter at this time. But Bernhard said that “voluntary guidelines like that may be a really viable pathway right now to [eventually] get mandatory auditing practices.”

Chris Hughes discussed the benefit of having standards be drafted by a model like the Technical Guidelines



Development Committee,¹⁰ which drafts the VVSG. “You have a multi-lateral, multi-jurisdictional committee that’s working together with input from locals, from states, and from civil society organizations to produce the most effective possible set of audit standards.”

Mark Lindeman and **Chrissa La Porte** of Verified Voting, as well as **Jennifer Morrell**, discussed the different levels of consideration required for strong audit standards. Morrell said, “First you need principles that would allow for good policy; your one-sentence blurb for legislators. Second, what would a state election director need to implement to administer that? Third, what is the local need? And so there are three different levels of principles or practices. And then it gets more granular the further down you go.”¹¹

2. The EAC or civil society should draft standards for election administration in general, in recognition that the quality of an audit is often dependent on basic practices.

Elaborating on her earlier point about county-to-county variation in ballot handling practices, **Monica Childers** said, “I am less worried about the tabulator screwing up than I am worried about somebody losing a batch of ballots. Because every time we do an RLA, I have to go sit with an election administrator who is crying because they can’t find a box. It is the underpinning for all of this, and it also supports a whole bunch of other challenges along the way. So when we talk about auditing, I just want to back this up a little bit and remember that in switching to paper, we kind of missed a step, which was teaching people how to get really good paperwork.”

Jennifer Morrell supported this point, saying that, when she works with states to implement RLA pilots, they “get really frustrated with me because I say, ‘for the next four or five months, we’re going to meet twice a month and all we’re going to talk about is ballot accounting, organization, storage.’ And they say, ‘No, no, we just want to get to the RLA part.’ And I’m like ‘trust me.’” Morrell noted that “good principles of storage and organization apply equally to jurisdictions with just a few thousand voters and jurisdictions with millions of voters.” She said that while jurisdictions all “like to think that they’re a special snowflake, they really aren’t.” She also said “And the other interesting part about this, when you think about standards, is they do have different resources. So in terms of time, if they’re all following the same principles, the larger jurisdictions actually completed ahead of the smaller ones just because

10 U.S. Election Assistance Commission. (2023, July 25). [Technical Guidelines Development Committee](#). [[perma.cc/PUM5-EEUN](#)]

11 See The Elections Group’s August 2023 [Exploring Audits](#) series. [[perma.cc/VM24-QUGQ](#)]

“Good principles of storage and organization apply equally to jurisdictions with just a few thousand voters and jurisdictions with millions of voters.”

they had double the number of people to help. So it’s promising that we don’t necessarily have to create unique standards for each different size of jurisdiction.”

Chris Hughes noted the problem of “wildly varying standards at present in American elections within states, across states. We should set a more meaningful baseline of election administration practices in the U.S. I’ve thought about this in the context of ranked-choice voting because that’s my job. But there is just so little commonality in election administration across the U.S. That makes it really hard. It means every conversation you have in a new place, you have to really gently ease people into thinking about, ‘Well, in my backyard, we do things this way. It must be different from everybody else.’ And it is in some respects, and it isn’t in others. And what I’m getting at here is not an audits baseline but a fundamental administration baseline. And there is nothing like that.”

Jennifer Morrell supported Hughes’s point, saying, “This isn’t about audits, it’s about standards of practice in every state.”

3. State auditors general could be given an increased role in elections—if there are strong safeguards against partisanship.

Rachel Orey of the Bipartisan Policy Center noted an “increasing tendency, particularly among legislators on the right, to try and move authority or administration of audits into state auditor general offices.” They said that, “typically, we’ve resisted that in the past because they don’t have the elections expertise necessary and could get in the way of other post-election operations.¹² But perhaps involving state auditors could be a tool to involve multiple kinds of authorities to increase accountability.”

Jennifer Morrell noted the benefits of involving state auditors. “I’ll give you a couple of reasons why. One, this is an entity that already understands statistical sampling, random sampling. There are principles, some of them tied to GASB [the Governmental Accounting Standards Board] and GAAP (Generally Accepted Accounting Principles). Auditors have been doing this for years. And they aren’t just auditing financial documents within state and local jurisdictions but they also do look at procedures, and they look at purchasing policy. So there’s already, I think, a precedent there. It doesn’t mean that they’re on the ground running the audit.”

¹² See Adler, W.T. (2022, October 31). [De-Weaponizing and Standardizing the Post-Election Audit](https://perma.cc/5SKU-HSLY). Center for Democracy & Technology. [perma.cc/5SKU-HSLY]

The statistical principles of a good post-election audit are already relevant to other domains and therefore familiar to state auditing offices.

Morrell noted how many of the statistical principles of a good post-election audit are already relevant to other domains and therefore familiar to state auditing offices: “We don’t have to reinvent some of this stuff. The biggest question I have with post-election audits now, with any type of a pre- or post-election audit (not just a tabulation audit) is: what is an adequate sample size and how do we determine that? Regardless of whether we are looking at auditing signature verification practices, voter lists, maintenance, chain of custody logs, reconciliation records, or provisional ballots. And I think that’s a place where we can turn to academic literature. We could turn to other professions and learn from them rather than try to create something new in elections. What I’ve learned from the state auditors I talked to is that, knowing nothing about elections or RLAs, they have an initial sample size. And if they don’t feel confident about what they’re seeing, they draw an additional sample. And while what that looks like in terms of raw numbers can vary, this helps us. If we’re saying we’re going to do something similar, we’re not just creating something out of whole cloth – this is generally accepted accounting principles.”

Kathy Boockvar described a system that could create cross-agency responsibilities in the audit process and in oversight, as long as stringent chain of custody and other security best practices were in place.¹³ “For example, you could have an independent office, whether the auditor general or somebody else, oversee the audit but have it be implemented on the ground by sworn officials who know and are familiar with chain of custody and critical security controls, as well as other election processes and timelines. There could be a balance.”

John Marion of Common Cause Rhode Island said that the role of the auditor general could be more expansive, looking at various aspects of election administration. “The role doesn’t have to be just in those weeks. Their role is to use their expertise to make sure that the plan that the election officials have created for those two weeks is sufficient. The Rhode Island auditor general did an audit of the state board of elections ten years ago. It wasn’t about the performance of the tabulation or the canvas. It was just about ‘Were they doing a good job with voter registration? Were they complying with [the National Voter Registration Act]? Were they complying with [the Help America Vote Act]?’ and so forth. And as a revealing document, it told you a lot about what they were doing right, what they were doing wrong. And, you know, it seemed they could have done the same thing in looking at how the canvas was conducted.”

13 See Orey, R., Thomas, C., & Weil, M. (2021, November 8). [Bipartisan Principles for Election Audits](https://perma.cc/M3AQ-M8N4). *Bipartisan Policy Center*. [perma.cc/M3AQ-M8N4]

4. Policymakers should explore expanding multi-disciplinary, bipartisan audit committees that oversee post-election auditing.

Participants discussed the multi-disciplinary post-election audit committee board used in New Jersey, which consists of at least four members, one of which must have “verifiable expertise in the field of statistics” and another which must have “verifiable expertise in the field of auditing.”¹⁴ **Jennifer Morrell**, a member of the board, described it as having an “interesting makeup and a good dynamic,” saying “we all come to that conversation with different wants and needs and perspectives.... So that may be a model too. It’s not all in the hands of one official, but spread across other experts.” She noted that a member of the state auditor general’s office serves on the board and that the structure seems to be a good way to involve that office.

Rachel Orey summarized the discussion in their small group, which agreed that, “depending on the state and the political environment in those states,” establishing multi-disciplinary audit boards could be a promising and realistic short-to-medium-term policy goal. **Grace Gordon**’s small group discussion also “really liked the New Jersey model. We like that it creates a role for more members of civil society. And we liked that it allowed for participation with some sort of authority.”

Citing the discussion in our workshop, the Bipartisan Policy Center’s Task Force on Elections subsequently endorsed the recommendation that states explore this model of post-election auditing.¹⁵

5. Policymakers should draw from norms of international election observation.

John Marion felt that election advocates were neglecting the international election observation community, from whom we could learn a lot. When he found out that people get accredited for international election observation, he thought to himself, “oh geez, Common Cause sends tens of thousands of volunteers out to polling places every November and we’re completely not speaking to this community of people who for decades have been refining this practice. And in a similar way, that work on international election observation and best practice is not speaking to the conversation here.”

Monica Childers elaborated on his point: “No one in the U.S. knows anything about international observation. When you talk about observation in the American context, they think you mean poll watchers, which are partisan. Or they mean voter protection, which is also

14 [N.J. Stat. Ann. §19:61-9. \[perma.cc/NE27-R6HZ\]](https://perma.cc/NE27-R6HZ)

15 Orey, R., Gordon, G., Thomas, C., & Walker, S. (2023, April 10). [Policy to Carry Us Beyond the Next Election](https://perma.cc/UUQ2-UY3Z). *Bipartisan Policy Center*. [perma.cc/UUQ2-UY3Z]

Establishing multi-disciplinary audit boards could be a promising and realistic short-to-medium-term policy goal.

6. Participants agreed on the desirability of expanding the pool of non-election officials available to help election officials with audits but did not coalesce behind any particular policy avenues for doing so.

assumed to be partisan.” But she said that norms in international election observation could be adapted for understanding the quality of a specific election. “Election observation in the international context is very different [from poll watching or voter protection]. It is highly structured, it is looking for specific things. There are lots of standards, there are accreditations, there are codes of conduct, and all these kinds of things. But it’s also noninterventionist. You are not making a call to a lawyer. If you see something, you are observing it, documenting it, and then there are reports that are written afterwards towards improving best practices. But it is much more as an observation as a third party, non-judgmental, quality assurance kind of process, not gathering fodder for lawsuits. And so it’s very hard to explain that in a U.S. context. There are these international standards that have been used for 30 years in all these countries... Building that bridge is, I agree, really important. But it is difficult because our history with observation is almost entirely partisan.”

One issue with post-election auditing is the lack of non-election official consultants available to help election officials conduct risk-limiting audits. **Virginia Vander Roest** noted improvements in how willing election officials are to seek support. “It takes courage for any election official to ask those of us on the outside to come in. And I think that’s a big barrier. I do think that in 2020 we broke a lot of barriers in that regard. We see more consultants helping election officials. I think that’s a significant trend that needs to continue. And it’s produced such good results that election officials are warming up to this concept of ‘well, maybe I could have someone take a look at what I’m doing.’”

There was a discussion of options for formally certifying consultants and other outside experts who could help with audits. **Grace Gordon** summarized the discussion in her small group, which concluded that the time constraint around conducting tabulation audits of elections before certification creates a challenge for bringing in sufficiently credentialed outsiders with sufficient speed. She noted that for procedural audits, which are conducted under less time pressure, “we love the idea of having guardrails on who touches equipment.” But she noted that it would take a long time to stand up a credentialing system putting constraints on who could handle election equipment, saying that that’s a more long-term vision. Her group agreed that ensuring that the Election Center’s Certified Elections Registration Administrator professional education

program¹⁶ had an audit component “would be really great,” expanding the pool of professionals to assist with post-election audits.

Chris Hughes noted that Colorado recently created a rule¹⁷ “requiring a certain level of credentialing for election officials.”

Hughes also summarized a point made by **John Marion**, breaking down the “three primary actors in the audit space. There’s (1) the approver of the audit process. There’s (2) the person who’s actually conducting the audit, probably the elections office. And then the third person is (3) a credentialed observer.” Hughes emphasized the importance of engaging “transparency maximalists” in the process, but not putting them at the center. Hughes noted that credentialing them as observers seemed to be a good way to include them but not let things get derailed.

7. Participants briefly discussed the option of giving Voting System Test Laboratories (VSTLs) a role in post-election auditing.

Voting System Test Laboratories (VSTLs) are independent companies who test voting system equipment against the VVSG. In 2021, they were recruited to conduct several post-election voting equipment audits.¹⁸

Matt Bernhard asked whether VSTLs should be more deeply involved in election auditing. “Do the VSTLs have a role to play here? You could nominally consider voting system certification as an audit. It’s auditing the software. In the new [VVSG] they are [responsible for] cybersecurity auditing, penetration testing, and code auditing.” **Monica Childers** responded that VSTLs were involved in Maricopa County in 2020, but that during that audit they were not operating according to any sort of standards.

16 Election Center. (n.d.). [Professional Education Program](https://perma.cc/CU5D-NKNN). [perma.cc/CU5D-NKNN]

17 Colorado Secretary of State. (n.d.) [Election Rule 19](https://perma.cc/MB6L-A45N). [perma.cc/MB6L-A45N]

18 Adler, W.T. (2022, October 31). [De-Weaponizing and Standardizing the Post-Election Audit](https://perma.cc/5SKU-HSLY). *Center for Democracy & Technology*. [perma.cc/5SKU-HSLY]

Conclusion

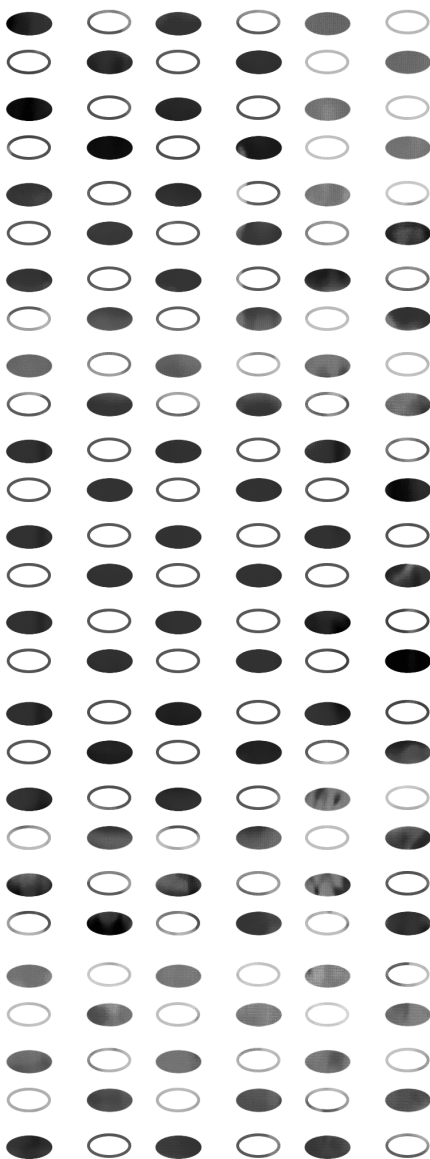
As we enter the 2024 election cycle, election officials, civil society organizations, and other messengers are all working to bolster trust in our election system. It is evident that post-election audits are a key piece of ensuring that elections are trustworthy. And communication about post-election audits is key for ensuring that elections are not only trustworthy but *trusted*.

Participants identified a number of challenges related to post-election auditing, including those caused by the lack of national standards for elections and for auditing, partisan perceptions, difficulties in effective communication, and resource limitations. But participants also expressed a strong belief in the potential for improvements and proposed a number of possible paths forward.

Some of the paths forward, such as advocating for a federal agency to draft election or election auditing standards, will take years of active effort and advocacy. Needless to say, these efforts will be nowhere near complete by the time of the 2024 election. However, the election policy and advocacy community should start laying the foundation for this work as soon as possible.

Of the many policy options discussed, the expansion of multi-disciplinary, bipartisan audit committees and the expansion of the role of state auditors general stood out as the strongest medium-term approaches for increasing trust and effectiveness in the post-election auditing process. These options, and all of the other options discussed, require further discussion and study. For instance, a future research project might evaluate the effectiveness of New Jersey’s audit committee structure and determine whether to advocate for this option in other states.

The discussion touched on the need for increased recruitment and professional development in the elections field, building up the amount of available election auditing expertise. Some of the paths forward – such as identifying trusted messengers to discuss elections and election verification – can and should be explored and implemented




The expansion of multi-disciplinary, bipartisan audit committees and the expansion of the role of state auditors general stood out as the strongest medium-term approaches for increasing trust and effectiveness in the post-election auditing process.


before the 2024 election. In the short term, lawmakers should also make sure to allocate adequate funding and resources to election officials, enhancing audits and the overall integrity of the electoral process.


Addressing the concerns raised and integrating the recommendations discussed will require collaboration across multiple stakeholder groups, including election officials, state legislators, standards-making bodies, civil society, and possibly even voting system vendors and political parties. While substantial progress was made during the workshop in coalescing around ideas and recommendations, it is vital to continue this effort in order to implement the discussed policies.

The path to better post-election audits and more trust in elections is not without its challenges. However, the insights and recommendations gathered from this workshop offer a roadmap that, coupled with ongoing research and dialogue, should lead to greater trust, consistency, and effectiveness in post-election auditing.

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