

**House State Government Committee**  
**Election Oversight Hearing on Election Audits**  
**February 11, 2021**  
**Comments of Thad Hall, Mercer County Elections Director**

## Background

Prior to coming to Mercer County on August 31, 2020, I was the Elections Director in Coconino County Arizona and interim elections director in Richland County, South Carolina. My work in elections started in 2000, when I was part of the professional staff of the National Commission on Federal Election Reform. The Commission's recommendations were incorporated into the Help America Vote Act of 2002. I have also written or edited books on election management and audits, including *Confirming Elections: Creating Confidence and Integrity through Election Auditing* and *Evaluating Elections: A Handbook of Methods and Standards*. I have a Ph.D. in political science and public administration from the University of Georgia.

## The Purpose of Election Audits

Audits are designed to show that an organization has complied with laws and regulations and that all aspects of the process has integrity. Finally, audits validate that the numbers reported are accurate.

In elections, this last piece—validating that the numbers reported are accurate—is typically the focus, even though the comparing of bottom lines is only a small part of an audit. With few exceptions, election audits do not focus on procedures and controls. Instead, election audits focus on double checking the bottom line: did the voting machines count the ballots correctly? Legal compliance and overall integrity are assumed to exist.

## Key Questions to Consider

As the legislature conducts its hearings, it should consider the reasons why counties should conduct election audits. There are three general reasons why election audits are conducted:

- 1. Public Confidence:** The primary reason why audits are conducted is to ensure the various constituencies served—especially the public, candidates, and political parties—that the results of the elections are accurate.
- 2. Equipment Accuracy:** Given the role that electronic tabulation systems play in modern elections, another primary reason why audits are conducted is to ensure that the voting equipment used to tabulate votes did so correctly.

- 3. Compliance with Procedures:** A less common but still important reason for conducting audits is to ensure that all required processes and procedures were followed in the election.

The overall result of an audit should be that there is confidence in the outcome, confidence in the integrity of the system, and confidence that all laws and procedures were followed. Regardless of the reason why election audits are conducted, the audit process should be easily understood by key constituents and should produce a result that is easily explained.

## Examples of Effective Election Audits

I want to focus on two examples of election audits, one from Arizona and one from Michigan, that produce different types of information important for improving confidence in the election process and for increasing confidence in the overall integrity of the election system.

### Arizona's Hand Count

In Arizona, all counties are required to work with their political parties to conduct a hand count of the ballots cast in the election. The purpose of the hand count is to provide the political parties with confidence that the ballots were counted accurately. The hand count is conducted the day after the election (possible because of the two-week period for canvassing and tabulating mail-in ballots prior to election day) and must include both election day ballots and early ballots. Ballots for election day precinct and for early ballots are selected randomly by the political parties. The hand count is also conducted by members of the political parties, supervised by county elections staff. By having the political parties select the precincts and conduct the hand count, they are able to see for themselves whether the electronic ballot tabulation matches the results of a hand count.

Arizona's hand count has many strengths and two primary weaknesses. One key strength of the hand count is that the method for conducting it is spelled out in great detail both in statute and in the Arizona Election Procedures Manual, a document that has the force of law. The main weaknesses of the hand count are that (1) it is not mandatory—if a party does not provide people to participate in the count it does not have to be conducted—and (2) the political parties cannot select a precinct to be included in the audit. There may be instances where a political party has concerns about the voting in a specific precinct. Allowing each party to nominate a precinct for auditing would increase confidence in the outcome of every election even more.

see Arizona Election Procedures Manual, Chapter 11: Hand Count Audit

[https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf)

For the 2021 municipal primary election, Mercer County is planning to use a modified version of the Arizona Hand Count process when conducting the required two-percent audit.

## Michigan's Post Election Audit

Michigan is the only state that conducts a post-election audit that examines whether counties followed the processes and procedures established in statute. The purpose of the audit is outlined in the Audit Manual's Introduction:

Following the canvass of an election, counties and Bureau of Elections staff will conduct a thorough review of pre-election and election day documents to determine if procedures were properly followed according to state law and established procedure.

The Michigan audit focuses more on the overall integrity of the of the election system and with compliance with laws and regulations.

The audit in Michigan examines a variety of activities including:

- whether logic and accuracy testing was conducted and documented correctly;
- if selected precincts followed procedures and completed required paperwork;
- if UOCAVA applications and ballots were processed correctly; and
- whether provisional ballots were processed correctly.

The Michigan post-election audits are used to identify areas where there is a need to improve training and procedures. Additional training and resources can then be deployed to improve elections going forward.

This type of audit would be possible in Pennsylvania once the election code has been updated and there is greater uniformity across all jurisdictions.

*(See Michigan Post-Election Audit Manual*

[https://www.michigan.gov/documents/sos/Post Election Audit Manual 418482 7.pdf](https://www.michigan.gov/documents/sos/Post_Election_Audit_Manual_418482_7.pdf))

## Effective Audits in Pennsylvania

An effective audit process would combine aspects of Arizona's hand count with Michigan's procedural audit. This combined audit would ensure that the outcome was accurate and that everyone could also be confident that the election system that lead to the outcome had a high level of integrity. An effective audit process in Pennsylvania would also build on the Auditor General's 2019 recommendations regarding auditing the Commonwealth's voter registration systems.

An effective audit would also be flexibly designed so that it can adapt to changes to technology used in the election (e.g., the adoption of electronic poll books) or changes in the way people vote (e.g., increased use of in-person early voting or mail-in voting).

For Pennsylvania to have effective election audits, it needs to have greater clarity surrounding the laws, regulations, and procedures that govern the Commonwealth's elections. For example, counties need clarity as to the purpose of and requirements for the two-percent post-election audit law we currently have. Without such clarity, counties will continue to conduct audits that are not comparable.

Counties need time to conduct the audits, which will only happen if we can canvass mail-in ballots the week prior to the election. This change should not be controversial; most states with any volume of mail-in ballots canvass prior to the election. Audits also require additional resources to be conducted effectively. The legislature should consider how it can support—with funding or personnel resources—the audits conducted by counties.