



# Post-Election Audit Procedure Summary

## DE Reference Guidelines 0011 (Updated 08/2020)

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

### APPLICABLE LAW

- Section [101.591](#), Florida Statutes (2013), and Rule [1S-5.026](#), Fla. Admin. Code, govern the post-election audit process.
- This summary only represents a general overview. Please consult law and rule for specifics as they govern.

### WHEN IS A POST-ELECTION AUDIT CONDUCTED?

- Immediately following the certification of any election, to include municipal or special district elections.
- The audit must be completed and the results made public no later than 11:59 p.m. on the 7<sup>th</sup> day following certification of the election by “the county canvassing board or the local board responsible for certifying the election” [hereinafter “Board”].

### WHAT TYPES OF AUDITS ARE ALLOWED?

- **Two types** are permissible:
  - **Manual audit**
    - Consists of a manual tally in **one randomly selected race** that appears on the ballot in **at least 1% but no more than 2% of the precincts** chosen at random by the Board at a publicly noticed Board meeting.
    - If 2% or less of the precincts equals less than a whole number, the number of precincts shall be rounded up the next whole number.
  - **Automated, independent audit**
    - Consists of a public automated tally of the votes cast across **all races in at least 20% of the precincts** chosen at random by the Board at a publicly noticed Board meeting.
    - If 20% of the precincts equals less than a whole number, the number of precincts shall be rounded up the next whole number.
    - Before an automated, independent audit system is used, the Division of Elections must approve the system.

### PRE-AUDIT PREPARATION

- **Prior to the audit**, the Supervisor of Elections, working with the Board should:
  - Secure a site for the audit. The room for the audit must be large enough to at least accommodate the Board, necessary audit teams, and a maximum of 2 observers per audit team.
  - For a manual audit, arrange for sufficient audit teams to conduct an audit of a state or county-wide race (if the race selected is less than a state or county-wide race, even though all of the teams may not have to participate, it will be easier to be prepared with more teams than needed than to arrange others to participate on short notice).
  - Ensure that all ballots are sorted by precinct (this can be done at any time – the sorting does not need to wait until the election is certified). The sorted ballots should be kept separate – for example, place all election day ballots from precinct 1 in a separate stack, all vote-by-mail ballots from precinct 1 in a separate stack, and all early voting ballots from precinct 1 in a separate stack. (Provisional ballots may be grouped separately or in one of the above 3 categories, as applicable.) Repeat this process for each precinct. Once the precinct is chosen for the audit, it will be easier to gather all ballots from that precinct. The audit results will be broken down according to Election Day, vote-by-mail, and early voting ballots. Overseas vote-by-mail ballots are to be grouped with other vote-by-mail ballots.

- **Public notice**

- Ensure public notice (time, date, and place) is provided at least 24 hours in advance of the meeting to conduct the audit, to include the random selection of the race(s) and precincts.
- The notice may be published before the certification of the official election results, but neither the random selection nor the audit can occur until after the certification.
- Notice shall be posted in four conspicuous places in the county and on the home page of the Supervisor of Elections' website. (A hyperlink to the notice on the website will satisfy the home page requirement.)

- **Board Preliminary Duties:**

- Note: A majority of the Board must be present at all times during the audit process.
- Reviews rules and statutes governing audit procedures.
- Reviews Supervisor of Elections' security procedures for audits.
- Ensures minutes of the audit are taken, recorded, and maintained.
- Appoints as many audit teams as necessary.
- May adopt rules and policies to ensure public does not interfere with audit. If room is not large enough to accommodate all public observers present, the Board must provide for the random selection of observers.
- Verifies an accurate ballot count exists between the number of ballots cast in the applicable precincts and races and the number of ballots to be audited.
  - If the difference is  $\frac{1}{2}$  of 1% or more, the Board must investigate to determine if the discrepancy can be resolved.
  - If discrepancy cannot be resolved, the Board must provide an explanation on the Voting System Post-Election Audit Report, Form [DS-DE 107](#).
- Determine the method of random selection of the race and precincts to be audited in a manner that the public is assured that all races and precincts are included in the selection method. Examples of a selection method: drawing lots, ten-sided dice, and computerized random selection.
  - If multiple municipal or other elections are held on the same day in the county and the Board certifies the elections, only one audit is required but all elections are to be included in the random selection of race(s) and precincts.
- Selection of the race occurs before selection of the precinct(s) in a manual audit. (In an automated, independent audit, all races are included.)
- To the extent possible, the certified results from the selected race(s) and precinct(s) to be audited must not be disclosed in advance to the audit teams.

- **Handling of ballots:** No person, except a member of the Board, an employee of the Supervisor of Elections, or an audit team member may handle any ballot or ballot container.

## MANUAL AUDIT PROCEDURES

- Board makes random selection of race(s) and precinct(s).
- Once begun, a manual audit continues until it is completed. A recess may occur, but security procedures established by the Supervisor of Elections, must account for the security of the ballots and tally results during the recess.
- **Optical scan ballots:**
  - Election Day, early voted, and vote-by-mail ballots shall be audited separately (provisional ballots shall be audited separately if tabulated separately).
  - Audit team examines ballots and if in agreement places them into one of the following 4 stacks: 1) overvoted, 2) undervoted, 3) Clear voter intent), and 4) unclear voter intent (i.e. ambiguous marks).
  - Audit team sorts the ballots in the "should have been tabulated stack" according to the voter's choice in the audited race (e.g., all votes for Candidate A are placed in one stack, all votes for Candidate B in another stack).
  - Audit team tallies the votes from each stack and records the tally on Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).
  - **For races with "Vote for no more than \_\_\_",** the audit team:

- Sorts undervoted ballots with no selection made and records the count.
- Sorts the remaining undervoted ballots into two stacks: A stack containing Candidate A and a stack containing the remaining candidates. The audit team records the votes for Candidate A on Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).
- Re-sorts the ballots again into two stacks: A stack containing Candidate B and a stack containing the remaining candidates. The audit team records the votes for Candidate B on the Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).
- Repeats the above two steps for each subsequent candidate until all candidates' votes are recorded on the [DS-DE 105B](#).
- Tallies the votes for each stack and records the tally on Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).

• **Results Compilation:**

- The Supervisor of Elections prints a report from the voting system for the precincts selected which provides the group detail of the number of ballots for Election Day, early voting, vote-by-mail and provisional (unless the provisional ballots are included in one of the other ballot numbers). This report is not to be shown to the audit team members.
- The Board compares the numbers listed on the report from voting system with those from the manual audit
  - If the manual tally and official totals match, the result is listed on the Precinct Summary for Manual Audit, [DS-DE 106](#).
  - If there is a discrepancy of more than ½ of 1%, the Board shall determine if it can be reconciled by further review of the official results with the audit teams' stacks.
  - If discrepancy is still more than ½ of 1%, a different audit team conducts a manual re-tally. If the totals do not match, the Board will record such on the Precinct Summary for Manual Audit, [DS-DE 106](#).
- Within 15 days after completion of the audit, the Board must provide a report of the audit results to the Department of State.

**AUTOMATED INDEPENDENT AUDIT (AIA) PROCEDURES**

- **Scanner test:** Each day before the Supervisor of Elections scans ballots in preparation for the AIA, the supervisor must test each scanner as prescribed by the AIA vendor to ensure the scanner is operating properly.
- **AIA software test:** Before scanning ballots in any election, the Supervisor of Elections must test the tabulation accuracy of the AIA software by performing a logic and accuracy test on at least one of the scanners that is used for scanning ballots.
- **AIA system test:** Before beginning an AIA, the Board shall test the AIA system to ascertain that the system will correctly count the votes cast.
- **Board makes random selection of precinct(s):** All races in the precinct(s) chosen will be tallied.
- **Official paper ballots:** The AIA system shall produce and print the tally for all races from the selected precincts of ballots cast by ballot type (i.e. at the lowest level of aggregation).
- **Results Compilation:**
  - After the AIA system has finalized its tally, the Board or AIA system shall compile and compare the results to the official vote totals for all races in the selected precincts.
    - The results of the AIA shall be produced as a summary report listing the number of ballot and vote discrepancies computed at the lowest level of aggregation reported in the election.
    - If there is a discrepancy of less than ½ of 1%, the Board shall record the result on the Voting System Post-Election Audit Report, [DS-DE 107](#).
    - If the discrepancy is ½ of 1% or more, the Board:
      - Must investigate by reviewing the ballot images or extracts therefrom to ascertain if the vote was marked in a race that likely was not read by the voting system tabulator or AIA system.
      - Must prepare a Discrepancy Report for Automated Independent Audit, [DS-DE 106A](#), or the AIA system may print a report with the same required information.
      - Must explain the discrepancy on the Voting System Post-Election Audit Report, [DS-DE 107](#).

- Within 15 days after completion of the audit, the Board must provide a report of the audit results to the Department of State.

#### **AUDIT REPORT**

- **Due** to Division of Elections 15 days after completion of the audit.
- **Content:** The audit report (Voting System Post-Election Audit Report, [DS-DE 107](#)) shall include a description of:
  - Overall accuracy of the audit.
  - Problems/discrepancies encountered, if any.
  - The likely cause of any problems/discrepancies encountered, if any.
  - Recommended corrective or remedial actions for any problems/discrepancies encountered for future elections
- For **manual audit**, the report must be accompanied by the Precinct Summary for Manual Audit, [DS-DE 106](#) for each precinct audited.
- For an **automated independent audit**, the report must be accompanied by the summary report as specified in Rule [1S-5.026](#), Fla. Admin. Code, or a Discrepancy Report for Automated Independent Audit, [DS-DE 106A](#).