

Joint Legislative Audit and Review Commission

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**Post-election Audits
of Voting Equipment**

Commission Briefing
November 9, 2009

In This Presentation ...

- Study Mandate and Background
- Pilot Project Status
- Next Steps

Study Mandate and Post-election Audits

- SJR 328 (2009) directs JLARC to study post-election audits of voting equipment
- Post-election audits are a “spot check” to determine if selected voting equipment correctly tabulated votes
- Virginia currently does not require audits of voting equipment after elections

Study Issues

- Various statistical strategies for post-election audits
- Risk current voting equipment poses to accurate and reliable election results
- Role of post-election audits in other states
- Findings from post-election audit pilots in Virginia
- Changes to the *Code of Virginia* if audits required
- Need for post-election audits in Virginia

Previous Legislative Initiatives

- HJR 174 (2004) established joint subcommittee to study voting equipment certification, performance, and deployment
 - Final report suggested language requiring post-election audits → HB 1243 (2006, 2007)
 - SB 292 (2008) → §24.2–671.1: Pilot programs for audits of optical scan tabulators

National and Virginia Voting Equipment Landscape

- Help America Vote Act (HAVA, 2002) provided funding to replace punch card voting systems
- Virginia localities used HAVA funds to purchase new voting equipment
 - Direct recording equipment (DRE)
 - Optical scan machines
- §24.2-626 prohibits buying DREs after July 1, 2007
- Many Virginia localities use DREs, some use a mix of DREs and optical scan machines, a few use only optical scan machines

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Pilot Project Authorization

- Study mandate directs JLARC staff to “examine the data, procedures, results, and conclusions of pilot audit undertaken pursuant to §24.2–671.1”
- Prior to JLARC staff beginning this study, no localities had agreed to participate in pilot audit

JLARC Staff Working to Encourage and Facilitate Pilot Audit Participation

- JLARC staff have provided a detailed planning discussion document to
 - Fairfax County, Chesterfield County, Page County, and Charlottesville
 - General Registrar
 - Electoral Board
 - Clerk of the Court
 - State Board of Elections
 - Republican Party of Virginia
 - Democratic Party of Virginia
 - Virginia Verified Voting

Draft Pilot Audit Parameters

- Pilot audits have two key objectives
 - Study accuracy of optical scan machines used by four Virginia localities
 - Collect information about pilot experience
- Planning to conduct audit on a sample of precincts in four participating localities using optical scan machines
- Audit one race per participating locality
 - Audited race(s) will have margin of victory of 10% or more, per §24.2-671.1
- Audits will occur between mid-January and February

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Next Steps

- Continue ongoing research on statistical strategies and audit methods
- Finalize planning for pilot audit project
- Continue to collect information from other states
- Conduct research on voting equipment accuracy and reliability
- Conduct interviews with and survey general registrars, electoral board members, and others

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For More Information

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