Attn: Sec. Lawerence Denney
RE: Post Election Audit Report – May 2022 Primary Election

Secretary Denney,

Please see below my report summarizing our findings for the 2022 Primary Post Election Audit. The report is broken down into four major sections: Preparation, Execution, Findings & Observations, and Recommendations. A copy of this report will be provided for review to the county clerks as well, and of course, to the public.

First, please allow me to say that the first statutorily mandated post-election audit was, I believe, a success. We saw an extremely high level of accuracy across the eight (8) counties we reviewed, both from a count and canvass perspective, and from a procedural perspective. As expected, we encountered a vast variety of ballot sorting and storage approaches, all within statutory guidelines, and a significant number of our audit introduced variances were attributed to sorting ballots as a result of the procedure we chose for this first audit. I will explain these further in the Findings & Observations section.

Press releases were published with each day's numerical results, and those original releases are appended here as well for your reference. Since the numbers were adequately covered there, I will not reiterate those in this report.

Finally, in the recommendations, I will provide some suggestions for a slightly varied approach to consider for the upcoming November General Post-Election Audit. While, as I said, I consider this first iteration to have been a success, I believe there is more we can do to reinforce the integrity with which Idaho's 44 counties run their independent elections processes, each within the confines of the Idaho Statutes.

On behalf of myself and Deputy Secretary Hancock, thank you for the opportunity to lay out and execute this first Idaho audit, and we look forward your feedback and guidance as we look towards November's next effort.

Chad Houck
Idaho Chief Deputy Sec of State

IDAHO SECRETARY OF STATE
Post-Election Audit Report – May 2022 Primary Election

Preparation
In advance of the audit, a document outlining procedures for this cycle was produced and distributed for feedback to the county clerks in advance of the 60-day deadline prior to the election. In addition, the two primary political parties were asked to provide 5 delegates and up to 2 alternates to serve as part of a 3-day paid post-election audit team. Delegates were provided training 2 weeks prior to the audit as to their role in the process.

Boise State University's Computer Science and Mathematics Departments provided feedback on the statistical model that would be used to randomly select counties, as well as how many ballots should be considered for review to achieve a statistically significant sample for the audit, within the other constraints provided. (Time, personnel, registered voters, etc.)

Idaho Public Television was contacted and provided a live stream of the audit draw, which would occur approximately 2 hours after the county canvass deadline. 8 counties were drawn, based on the pre-designated tiers or strata provided in the BSU ratified model, separated as follows:

2 of the top 3 counties, with up to 5% of the precincts in each, for those counties larger than 100,000 voters

3 of the 8 counties with between 20,000 and 100,000 registered voters, drawing sufficient precincts to get to a minimum of 2100 ballots per county

3 of the remaining 33 counties, reviewing either the county as a whole, or precincts randomly selected to represent up to 2100 ballots if the county had a higher cast ballot count in their canvass.

Execution
The Post-Election Audit was conducted under the supervision of the Chief Deputy Secretary of State by five (5) teams each consisting of one member of the IDSOS elections team (Team Lead), one Republican Party delegate, and one Democratic Party delegate. A total of seven (7) delegates from each party were recruited by the state party and provided to the IDSOS on a roster, trained prior to the audit, and then designated to one of the 5 teams or as an alternate.

Travel - On day 1 of the audit, teams 1, 2, and 3 reported to Ada County, team 4 went to Idaho County, and team 5 went to Payette County. Day 2 saw team 4 in Bonneville, and team 5 in Jerome County. Teams 1-3 traveled to Coeur d'Alene mid-day for an early day 3 start. Day 3 moved team 4 to Bannock and team 5 to Madison, while 1-3 reviewed Kootenai. All teams traveled by air to all counties, with ground transportation in all but Kootenai provided by the county clerk's office. Due to the overnight in CDA, rental cars were used there. Procedurally, this means of travel allowed for the greatest amount of time on site with the most logistical flexibility and minimal overnight hotel costs.

On Site - Once on site each day, teams met with local sheriffs, gained control of the associated randomly selected ballots (or all if so designated), and began the review. In all cases, election day ballots were already sorted and stored by precinct, so they were typically the first groups of ballots examined. Depending on county, absentees and/or early votes would need to be sorted by precinct to be reviewed, unless either set in an absentee precinct, or in the case of Ada County, separated by absentee and early, then individually tabulated by batch and/or machine.

Sorting – Sorting is likely the single largest logistical challenge, and thus potential opportunity for introducing error, encountered with the current audit approach. Due to the nature of the primary election, and the fact that we were looking at a specific race within a specific party, ballots had to go through at least one sort – party – if not two or more (precinct in many cases). During this sort, if a ballot were missed, it resulted in an undercount of an otherwise correctly recorded vote (a -1 result).

Sorting itself is extremely time consuming, labor consumptive, and in many cases was done by volunteers provided by the county. See more on this in recommendations.

Once the proper ballots were identified, each team was able to reasonably review and tally the race requested within the time allotted. Ballots found to be possible variances were not flagged on day 1 but were, as an adjustment, for days 2 and 3. This allowed for a secondary review of ballots that required subjective adjudication by the team lead, such as those marked lightly, incorrectly (i.e., out of the designated box or oval), or overvoted (marked twice). It is in these over and under votes that we found the second most significant variations. These will be discussed in findings in more detail below.

With the tally of votes complete, flagging subjective ballots allowed teams to make a more rapid complete or almost complete reconciliation of the canvassed totals in all counties on days 2 and 3. Those variations left following the secondary review were in all cases but one attributed to sorting errors – again an issue introduced BY the audit and audit process, not a failure in any way by the counties involved. (See findings)

Findings & Observations
SORTING – As stated, sorting ballots, whether down to party or by precinct for absentees and early voting, introduced the single largest margin of error, and it was error attributed to the audit process, not the canvassed vote total. It should be noted that in ALL cases, those counties with ballots that needed to be sorted for audit purposes WOULD NOT NEED TO DO SO for a standard recount. They would simply run the full absentee or early voting inventory through a machine tabulator and the machine would sort the ballot results by precinct, not the physical ballots themselves. As such, the only reason for clerks that run machine tabulation to sort those ballots by hand WOULD BE for the audit. It would otherwise not be necessary. While we did not draw such a county, those that count fully by hand tend to have their ballots already sorted by precinct, as it is conducive to their counting processes.

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ADJUDICATION, PRECINCT & SITUATIONAL CONTEXT – It became apparent that the context in which a ballot is cast has a bearing on its possible adjudication or lack thereof, and knowing this context is important in correctly attributing the vote to the correct candidate, or not counting the vote. Since machine tabulators utilized in a precinct do not reject ballots that are under-voted for a given race, nor do they alert the voter to the undervote, it is possible for a voter to mark a ballot by circling the name of a candidate (possibly inferring intent) and have that ballot not counted for that candidate by the machine. In a visual audit review, it is likely the team lead would discern that intent. It is important to understand that due to precinct machine tabulation or even central count, the ballot mark that cannot be read by the machine would NOT have been attributed as a vote, and so the auditor must flag that ballot if they do, in fact, tally it for a candidate in their primary review.

Similarly, and perhaps more nuanced, are overvotes in precinct machine tabulated precincts. These machines push the ballot back to the voter noting the overvote. If the voter re-inserts the ballot instead of spoiling it, it is accepted as a no-vote. These ballots are neither adjudicated nor duplicated, and as such, should be flagged if attributed to a candidate during an audit review for secondary reconciliation. These overvotes/undervotes represented the greatest number of variances found during this audit cycle, and again, are the result of visually reviewing a ballot that was correctly attributed by a machine as no vote (whether too light, improperly marked, or dual marked).

PROCEDURAL FINDINGS
Inventory controls, cataloguing, and storage varies greatly from county to county, but that also means each county has adopted processes and procedures that are right sized for their needs. Ensuring that boxes of ballots are clearly marked with their contents should be a priority, and color-coding types of ballots on the box labels is a good practice. So also, is labeling boxes in a "x of x" manner, as this helps track how many boxes are in inventory for a given precinct/polling location etc.

Storage of additional items in the same box as ballots can produce a problem on several levels. Different objects of similar sizes can co-mingle, making it possible to miss or overlook a ballot, especially ballots of a different scale, such as ExpressVote ballots. (See recommendations).

In addition, if ballots are sequestered for a recount, any additional items or reports stored in the same box as the ballots would be inaccessible. This alone could prove problematic for the county as they prepare for a recount.

ACCESSIBLE VOTING EQUIPMENT – One of the issues encountered during this audit reflected something that happened earlier in 2020 during the hand-review of ballots following the publishing of the "Big Lie" Idaho page. During that review of the paper ballots, Jason Hancock and I failed to see the Express Vote ballots in a box that had co-mingled with absentee envelopes. When a particular precinct had run out of ballots, they used the express vote exclusively until new ballots arrived. As such, we were off significantly in our initial count, coming up 19 ballots shy of the cast total. Similarly, though much smaller in scale, an express vote ballot was remembered by the chief judge in one precinct, but not found in that precincts

box of ballots. The unique form factor of these ballots makes them easier to misplace or get stuck to other items in a box. (See recommended mitigation below.) Also, if only one vote is cast on such a machine in a particular precinct, that voter's right to ballot privacy could potentially be compromised without additional voters utilizing that machine.

BALLOT PROTECTION CONTROLS – Several strong ballot protection policies were implemented in the various counties, and all merit sharing for use by all counties. Given the nature of our paper ballot system being reliant on the paper ballot, it is infinitely critical to protect them. As such, we appreciate the following:

- The use of only green pens by all who are processing or working around ballots to eliminate the possibility of a mark being made that would be considered as having altered a ballot (i.e., in blue or black ink, either of which could affect a recount)
    - o Of note here, while we shifted to red at one point, one team lead observed ballots marked in red in one county, and those ballots were both accepted and counted.
- A policy that forbids placing any containers with liquids (water, coffee, etc.) on or near a table/area with ballots present. Even cups with lids can tip or spill, and water damaged ballots may not scan properly or be discernable during a later recount.
- Cameras, live streaming of ballot storage and areas where ballots are processed
- The use of inventory control tags/tape/seals on ballot storage boxes, with log sheets for tag/seal changes

Additional Recommendations
We make the following recommendations to the counties:

- **Consider Implementing and reinforcing the use of accessible voting equipment by poll workers to ensure anonymity of any single users of such equipment in a precinct.**
- **Consider storing all accessible ballots, or non-typically sized ballots, in a separate folder/envelope/clear bag, as this makes them more obvious and less likely to be misplaced or co-mingled with other objects.**
- **Store only marked ballots in a ballot box, and move all ancillary materials reports, ballot stubs, etc. to a different box. Consider getting specifically sized boxes of a smaller scale, allowing you to store several more specific (single precinct) boxes in the same footprint as a single banker's box.**
- **Label boxes with clear labels. Make a template so all necessary information is clearly and consistently marked on each box. (Precinct, election name, destroy date, box x of x, etc.)**
- **Consider reinforcing proper marking of ballots, especially in machine tabulated precincts, along with the use of specific marking instruments that YOU choose.**
- **Consider reinforcing the purpose for, and the correct manner for, spoiling a ballot that is over-marked.**

Recommendations for Future Audit Procedure

- **Advise/recommend all counties to sequester ballots with sheriff in advance of draw**

- **Add additional SOS staff member to each team to allow for more functionality**

- **Create a more standardized process for notifying selected county sheriffs, similar to the recount orders issued by the office of the AG**

- **Utilize a similar, if not identical, manner for selecting the counties to be audited**

- **Consider re-distributing the strata and associated draws, especially if a new focus is established that doesn't pertain to number of voters in a county (votes cast)**
  - **Draw only 2 counties (of 8) from 20k-100k grouping**
  - **Draw 4-5 counties from lower grouping**

FOCUS of the Audit: In my seven years serving with the IDSOS, I've consistently seen the canvassed results produced by Idaho's county elections validated over and over in numerous recounts. The recount is a statutory process overseen by the Attorney General. I believe we do a disservice to that process and to the clerks and commissioners that first certify their election via their canvass by adding a possible third number to those processes. This first audit showed us that not only can we do more, but that it makes sense to do what we are doing slightly differently.

The Idaho audit process was designed to start with a review of the paper ballots. That is because it is a single common thread that spans all 44 Idaho counties – all Idaho votes are, and always have been, cast on a paper ballot, or if marked by any other means, reduced to a voter-verifiable paper receipt that becomes that voter's ballot. Simply recounting those ballots, however, falls short of the meaningful opportunity we are presented with in these audits. For that reason, I propose that we look deeper to another control function of the election that is consistent across all 44 counties and established in statute – the ballot inventory process. Each county knows how many ballots are issued to each precinct. They know how many are unused and returned. This reconciles with both the number of ballots cast and the number of ballots spoiled. By looking down this line, I believe we can provide more meaningful reinforcement to the validity of every ballot cast, regardless of which candidate that ballot may designate as the voter's choice in a race. In so doing, I believe we will, as we did in this audit, reinforce the integrity, accuracy, and security with which Idaho's 44 counties operate in elections, while helping the public be more well informed of the controls already in place that make that possible.   – CH

Thank you to each of the counties, their volunteers, and the elections staff who make Idaho elections work. Thank you also to Idaho's Division of Aeronautics, Turbo Air, and WestJet Charters for logistics and transportation assistance in getting our teams in and out of their designated counties quickly and safely. Finally, thank you to the entire IDSOS team for your continued hard work and dedication to serving the people of Idaho.