

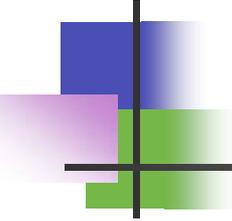
# Best Practices in Vote Counts, Recounts, and Challenges

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EAC Board of Advisors

June 18, 2008

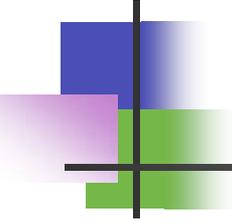
Thad Hall, University of Utah



# Requirement for Study

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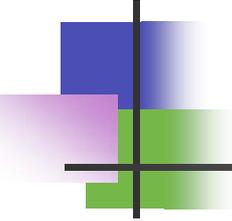
- Section 241 of the HAVA requires the EAC to conduct a study examining vote counting and recounting.
- Identify methodology for studying best practices
- Examine election laws and regulations in all 50 states and the District



# Study Overview

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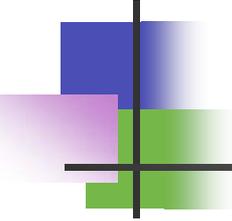
- Identified best practice methodologies
- Developed criteria for evaluating practices
- Presented the most common practices for vote counting and recounting.
- Identified “benchmark” practices that exceed the most common practices in states.
- Identified best practices for vote counts and recounts that have been implemented.



# GAO Best Practice Methodology

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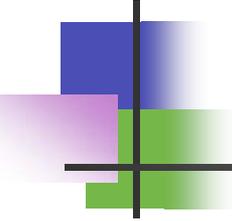
- Document existing process
- Research literature; talk to practitioners and experts
- Select comparative entities for review
- Collect data from selected entities
- Identify barriers to change
- Compare/contrast processes; develop implementation recommendations



# Best Practice for Vote Counts

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- We are examining **LAWS** not your specific procedures.
- We can evaluate how effective the laws and regulations are in creating an environment that supports implementing effective practices.
- You cannot control your legislature!

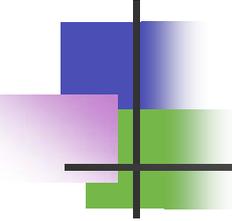


# International Principles for Vote Counting

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IFES, (IDEA), and the United Nations election project states:

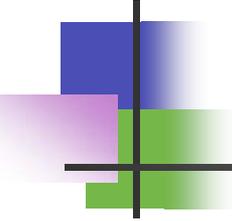
to establish and maintain public confidence in the electoral process, vote counting systems and procedures should incorporate the [eight] fundamental principles of vote counting in a democratic election.



# Eight Principles for Vote Counting

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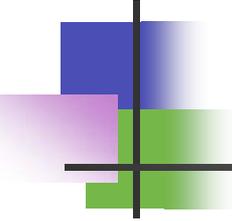
- Transparency
- Security
- Professionalism
- Accuracy
- Secrecy
- Timeliness
- Accountability
- Equality



# Developing National Baseline

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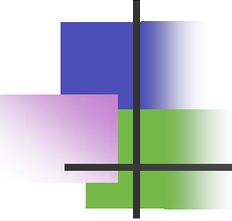
- Survey of state laws and regulations
  - Security
  - Pre-election procedures
  - Election ballot procedures
  - End of Election Procedures
  - Definition of “What Constitutes A Vote”
  - Counting and Accounting
  - Recounting
  - Challenges



# Developing National Baseline

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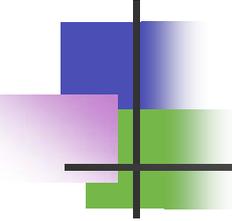
- Survey of state laws and regulations
  - Identified Specific Questions
  - Reviewed Survey with EAC, Election Officials, and Outside Experts
- Collected Data
  - Statutory or Regulatory Language
  - Legal Citation



# Key Findings

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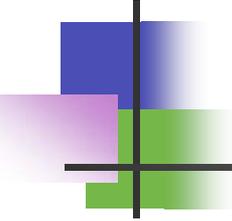
- Three issues with great variation in coherence and completeness
  - Ballot Accounting
  - Ballot Security
  - What Constitutes a Vote



# Survey Next Steps

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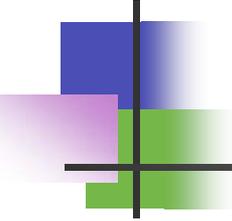
- Each report is being carefully reviewed and edited
- Submit surveys to states for review
- States will have interactive online survey form to note problems



# Benchmarking Laws

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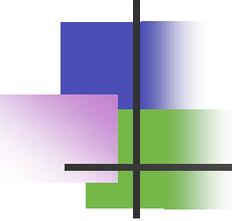
- Using the survey data, we have identified most common legal requirements for practice
- For many activities, we will propose “benchmark” laws
  - Clearer,
  - More detailed, or
  - More comprehensive



# Benchmarking Example: Ballot Accounting

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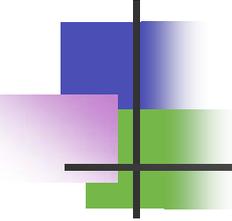
- Most Common Practice: No Standard
- Benchmark: The counting board shall count all ballots to ensure that the total number of ballots corresponds with the total number of names in the poll book. If [they] cannot reconcile... [they] shall submit... a written report stating how many ballots were missing or in excess and any reason ...for the discrepancy.



# Benchmarking Limitations

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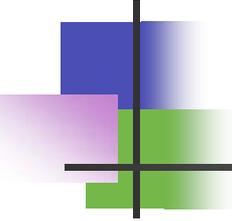
- Not all activities can be benchmarked
- Some activities reflect political and cultural decisions by the state. For example:
  - Absentee voting
  - Handling of recounts and challenges



# Effective Best Practices

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- Address a complete process
- Have been carefully charted
- Often come from organizations with similar characteristics



# Best Practices Examined

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- What Constitutes a Vote
  - Accounting
  - Auditing
  - Security
  - Transparency
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- Issues in Challenges and Recounts