

**U.S. Election Assistance Commission
Board of Advisors**

Resolution 2021-01

Offered by: Secretary Jim Condos

Title: Resolution on Post-Election Audits

Whereas, free, fair, and secure elections are the very core of our democracy, and

Whereas, paper ballots and post-election audits are critical components of a resilient and more secure election infrastructure, and

Whereas, with high probability post-election audits should either validate the voting machine results or determine the correct outcomes, and

Whereas, the handling of ballots and election equipment during post-election audits should be subject to strict security and chain of custody requirements to safeguard original ballots and voting equipment, and

Whereas, election audits should be transparent in process, including who is participating and who is funding the audit, and should be conducted in full view of the press and public, and

Whereas, audits should be performed in a nonpartisan fashion to ensure confidence in the process and acceptance of results, and

Whereas, the Civil Rights Act of 1960 requires election officials to safeguard and preserve election records, including ballots cast in a federal election, which must “be retained either physically by election officials themselves, or under their direct administrative supervision,” and

Whereas, this requirement ensures that election officials are responsible and accountable for maintaining the chain of custody, which protects election materials, including ballots, against loss, damage, destruction or theft, and

Whereas, this requirement ensures that election officials are responsible and accountable for maintaining the chain of custody, which protects election materials, including ballots, against loss, damage, destruction or theft, and

Therefore, be it resolved, the US Election Assistance Commission Board of Advisors (BoA) supports robust post-election audits, and

Be it further resolved, the Board of Advisors urges the US Election Assistance Commission to dedicate additional resources and staff time to developing best practices for robust post-election audits and chain of custody procedures, and

Be it further resolved, the Board of Advisors encourages the EAC to include the following notice on all robust post-election audit best practice documents:

[All election materials and ballots, must, at all times “be retained either physically by election officials themselves, or under their direct administrative supervision” for a period of at least twenty-two (22) months. In the event that the state places these records in the custody of other officials, then “administrative procedures [must] be in place giving election officers ultimate management authority over the retention and security of [these] election records, including the right to physically access” such records.]

Adopted June 23, 2021