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## POSTELECTION AUDITS

### What are postelection audits and why are they important?

A postelection audit is a way to help confirm whether the apparent winners did in fact receive the most votes. Vote-counting systems are designed to meet high standards, but there is always some possibility of a system malfunction or a cybersecurity intrusion. Though the odds of such problems are low, voter confidence in election results is important, and postelection audits help provide that confidence. These audits are typically open to the public, the media, and representatives of political parties – and are sometimes even livestreamed. Thirty-eight states and the District of Columbia have laws requiring postelection audits.

### What is the difference between a postelection audit and a recount? How does the canvass fit in to all of this?

“Canvass,” “recount,” “contesting the results,” and “postelection audit” are all terms for distinct processes that relate to determining election results.

- The **canvass** is the first key step in the official process of determining results. The canvass involves adding up the totals reported from all the various ways of voting and checking them against other data, such as the number of voters who signed in at polling stations or who sent in absentee ballots. The canvass does not examine individual ballots. It simply adds up the totals reported to produce a grand total result. This is the **preliminary result**. A canvass happens in every election in every state and is the basis for the official **certified result**. It is conducted by local election officials – or in some cases specifically designated canvass boards – usually with observation by representatives of competing candidates.
- **Postelection audits** occur in states that require them by law and usually take place during or after the canvass and prior to the certification of results. While the canvass is a careful summing up of reported results, the postelection audit is a check to make sure there are no errors in those results arising from problems with vote-counting equipment or the misinterpretation of the voter’s intent.
- A **recount** is something that occurs only in a close election and is a separate check to make sure the reported total has been accurately added up. In 21 states, recounts are automatically triggered when the margin of victory is below a certain level, such as .5% or .25%. In most states, recounts can also be requested by a losing candidate, though the candidate often has to pay for the recount. In most cases, a recount does not actually involve a hand count of ballots but instead a retabulation of individual precinct-by-precinct totals to check the accuracy of the preliminary result as reported in the canvass. If discrepancies are found, a hand count may ensue.
- **“Contesting the results”** has a different and distinct meaning in election law. It refers to a legal challenge to election results that have been officially certified. In a contestation, the losing side must present evidence in court to prove that fraud or irregularities occurred that changed the outcome.

## How does a postelection audit work?

Basically, a postelection audit is a comparison of the results from a hand count of a sample of paper ballots against the results recorded by vote-counting equipment, such as an optical scanner.

For an audit to work, a state must have voting equipment that produces a paper record of each vote. In many states, voters are given a paper ballot, which they mark and feed through a scanner; in other states, voters mark a screen on a computer that then prints a paper record. The audit requires careful recordkeeping and secure, organized storage of all paper ballots after the election.

Audits use a sampling process to determine a set of ballots to be pulled out of storage, looked at, and counted. In the most common system (called a fixed-percentage audit), a state selects a set percentage (typically two or three percent) of all the precincts in the state, and then all ballots from those sample precincts are counted and compared against the equipment-generated results in those precincts. The percentage is usually set by statute, so the audit may select many more ballots than are needed to confirm the result – or way too few if the race is very close.

## What is a risk-limiting audit?

A few states use a more complex but more accurate approach called a risk-limiting audit (RLA), which is based on a sample of all ballots in the state, rather than a sample of all precincts.

RLAs are increasingly popular because they are relatively efficient – a smaller number of statistically sampled ballots are audited, but because of the statistical methods used, the audit is able to confirm (within specified ranges of possibility) that the winner was in fact the winner.

There are several approaches that can be used for risk-limiting audits. One common approach relies on a computer log of all ballots statewide, from which individual ballots are randomly selected by the computer for review (for example, the 105th ballot of Bin 2 in Precinct X, and the 22nd ballot of Bin 1 in Precinct Y). Election officials retrieve the specified ballots from storage and record the votes marked on those ballots. Those hand-counted records are totaled, and the percentage of votes for each candidate is compared to the percentage in the preliminary result.

Risk-limiting audits use robust statistical modeling and adjust the sample size based on the margin of victory of the preliminary winner. If the race is very close, a larger sample of ballots will be drawn; if not, a smaller sample will be drawn.

## What can be learned from the audit results?

In the best-case scenario, the audit can “prove” that the preliminary winner did, in fact, receive more votes. (Or, more precisely, it can conclude that the statistical probability of a wrong winner is extremely small.) That kind of certainty is most likely from a risk-limiting audit.

In the worst-case scenario, the audit finds discrepancies between the sample of hand-counted ballots and the preliminary, system-counted results that are of sufficient magnitude that the outcome cannot be confirmed. States have different rules for this scenario, but in some cases, the next step would be a full hand count of all ballots.

With a risk-limiting audit, if the preliminary result appears to have named the wrong winner, the audit process will keep calling for a larger and larger sample until it essentially replicates a hand count of all ballots.

Even an audit that does not find a significant level of mismatch may find some discrepancies between the hand count and the election system count. Sometimes discrepancies arise from the fact that ballot-scanning devices do a good job of accurately scanning and tabulating a large number of clearly marked ballots but do less well at recognizing the voter intent on ballots not marked according to instructions. Audits can also provide information helpful for improvements in election processes even while confirming the accuracy of the outcome.

## What type of election issues is an audit not designed to detect?

The audit tests whether results from election equipment accurately reflects what’s on the ballots that have been scanned. Voter mistakes in marking their ballots would not be detected by an audit, so it is important for voters to carefully check the paper ballot they’ve marked or the computer printout they receive before the ballot is scanned. Ballots often cover a large number of offices and can be confusing.

Also, an audit cannot track whether citizens intended to vote but were unable to do so. That could happen for a number of reasons, including long lines at a polling station, problems in obtaining required identification, or a signature on a mailed ballot that is flagged for verification and not subsequently addressed (or “cured”) by the voter. Problems can also arise if voters are incorrectly removed from voter registration files – a scenario under which, by law, a voter should still be permitted to vote with a provisional ballot, which is then counted after the voter registration issue is addressed.

Audits also do not look at signatures, as signatures are on envelopes and not on ballots themselves.

## What kind of audit did Georgia decide to do?

Recently passed legislation in Georgia requires the secretary of state to test a risk-limiting audit in one or more counties before the end of 2021 and, if successful, to regularly use RLAs starting in 2024. An RLA was tested in three counties after the 2020 primaries. But because the Nov. 3 presidential election in Georgia was very close, the secretary of state opted to make the planned RLA a full hand recount of all ballots.

Counting is taking place between Nov. 14 and Nov. 18, in advance of the deadline for certification of results on Nov. 20. The process has been open to the public.

## What role is The Carter Center playing in Georgia’s audit?

The Carter Center is observing the audit in about 30 counties in order to assess the extent to which it is being conducted according to procedures and to provide recommendations to the secretary of state’s office for future audits.

*(Kevin Johnson is a senior member of the Carter Center’s U.S. Election Expert Study Team. He also is the founder and executive director of Election Reformers Network and has 20 years’ experience in election reform programming, including 10 years as a board member of Common Cause Massachusetts and seven years at the National Democratic Institute.)*