

# Ohio Post Election Audit Observation Program – 2008



## Instructions

Thank you for your participation in our Ohio Post Election Audit Observation project.

Ohio Boards of Elections (BOE's) should check their work. Simply publishing vote counts without any verification of their accuracy is not acceptable.

Students should check their homework or exams before turning them in & corporations do audits of their finances or processes and there is no reason BOE's should not do the same thing. Since they are part of the government, they should do this in a transparent manner.

Secretary Brunner deserves credit for initiating post-election audits in Ohio.

By observing the audit at a BOE, you are

- Helping review the accuracy of our election process and
- Contributing to a multi-state, multi-year study that will have tremendous impact on the way audits are conducted for future elections.

---

Note that the audit directive allows both "duly appointed observers" and citizens to verify and observe the audit although it gives more extensive right to official observers (who are appointed by a political party).

The instructions below assume everyone is participating as a citizen.

If you want to be appointed as an official observer, we might be able to put you in touch with someone at one of the political parties.

The material for this audit observation program was built by a group that made a number of audit recommendations to Secretary Brunner. The first was a White Paper on Post Election Audits and you can see a list of names at the end of the paper ([http://www.caseohio.org/Documents/Reports/Ohio\\_Audit\\_White\\_Paper\\_Feb\\_2008.pdf](http://www.caseohio.org/Documents/Reports/Ohio_Audit_White_Paper_Feb_2008.pdf)). We started working together as members of the Voting Technology workgroup of the Advisory Council to Secretary of State's Voting Rights Institute (quite a mouthful) although many of us knew each other already. The only logo shown on the materials is for CASE Ohio. If there was more time, we might have been able to get approval from other organizations to use their logos. This is not solely a CASE Ohio project.

Since Secretary Brunner's Audit Directive was not published until Nov 14, 2008, we have had to put this material together quickly and there are probably mistakes or things that could be improved. If there is interest, we may be able to have a conference call to review the material and answer questions. Send us an email if this would help.

If you have questions at any time contact one of the volunteer coordinators. Since we do have jobs & families, we are not always available. Feel free to email or call all of us, if necessary.

John Burik: [john@caseohio.org](mailto:john@caseohio.org), 513-271-4715  
Pete Johnson: [pete@caseohio.org](mailto:pete@caseohio.org), 614-946-0614  
Ron Olson: [ron@caseohio.org](mailto:ron@caseohio.org), 216-235-9991

## What You Should Do

**Print the documents you will need at the audit. Review them and ask questions if anything is unclear. Bring them to the audit.**

- 1) Print the Instructions (this document).
- 2) Print the 10 page audit directive 2008-113 for reference. Read it if you have time.  
<http://www.sos.state.oh.us/SOS/Upload/elections/directives/2008/Dir2008-113.pdf>
- 3) Print the four page manual hand count directive 2008-34 for reference. Read it if you have time.  
<http://www.sos.state.oh.us/SOS/Upload/elections/directives/2008/Dir2008-34.pdf>.
- 4) Print Survey Form A (to be filled out as precincts are selected). This will be sent as an email attachment.
- 5) Print Survey Form B (to be filled out as ballots are counted). This will be sent as an email attachment.
- 6) Print multiple copies of the Presidential Tally Sheet. This will be sent as an email attachment. You will need one copy for each precinct audited. Since the initial audit will include 5% of the votes cast, approximately 5% of the precincts will be audited. Some counties have only a handful of precincts, but Cuyahoga has over 1,400 (so approximately 70 precincts would be audited). There is also tally sheet without Presidential candidates filled in which you can use instead.
- 7) Print multiple copies of the Precinct Selection Worksheet. This will be sent as an email attachment. You will need enough copies to enter data for each precinct, but you do not need one copy for each precinct.

### **Gather additional supplies that you may need**

- 8) Clipboard or other hard surface item to write on
- 9) Pens and extra paper or notebook
- 10) Cell phone if you have one
- 11) Video camera if you have one
- 12) Directions to your Board of Elections office if you are unfamiliar with the location.

### **Review some of the material below**

- 13) Review the Code of Conduct below that we ask everyone to follow (below)
- 14) Review the Citizen Observer rights and obligations from the directive (below)

### **Contact your BOE (we may have some of this information for you)**

- 15) When will they start their audit
- 16) How many precincts do they have

### **Attend the audit (PLAN ON ARRIVING 15 MINUTES EARLY)**

- 17) Attend the Random Selection of Precincts at the BOE (instructions below)
- 18) Attend the Counting of Ballots at the BOE (instructions below). This will probably start right after the selection of precincts.
- 19) As you monitor the audit
  - a. Take careful notes. You never know what will turn out to be important. Keeping track of names & titles of BOE personnel who are managing the audit is useful to know. Also, times of specific events and your thoughts on what is occurring.
  - b. and fill out the survey forms

### **After the Audit**

- 20) Return a copy of the survey forms (please don't send originals) to our volunteer coordinators along with any other comments you have. We expect to have an online form where you can enter your survey answers online instead of sending the forms.

## **Audit Study Observer Code of Conduct**

As an observer of the Ohio post-election audit, please:

1. Maintain strict impartiality in the conduct of your duties and at no time during the audit, publicly express or exhibit any bias or preference in relation to parties, candidates, or with reference to any issues in contention in the election process. Behave in a nonpartisan manner at all times.
2. Report survey information based on your personal observations and on clear and convincing facts or evidence. Should you miss something or be unsure, either say that on the form or leave it blank.
3. Undertake your duties in a manner that will not interfere with any portion of the audit process.
4. Consider yourself a reporter. You may ask questions when they do not interfere with the audit process but you are not there to correct officials or press for changes in their conduct.
5. Do not handle the ballots.

---

## **Citizen Observer Rights and Obligations**

As a member of the public, you have a right to be present and closely observe the proceedings. You do not need to register, be from a party, represent any candidate or interest, or similar. Below are excerpts (p 2) from Directive 2008-13 that address this issue.

Observers of the post-election audit must be appointed by their respective organizations and may observe the post-election audit process utilizing the authority and methods of appointment contained in R.C. 3505.21, 3505.32(B) and 3515.03. Persons who are to serve as observers must be appointed by their appointing authority no later than five days following board notification of the date and time of the post-election audit to be conducted in accordance with this directive.

Citizens may be present for the conducting of the post-election audit and must be given sufficient access to verify and observe the random selection of the precincts for the audit and the manual counts of the ballots. The rights of the public during a post-election audit shall not be as extensive as those for duly appointed observers, as is outlined in R.C. 3505.21 for the board of elections office and as explained in Secretary of State Directive 2008-29, Sections III and IV (pages 11 through 17).

Throughout the audit, ballots may only be handled by boards of elections members, directors, deputy directors, or other designated employees of the boards. No observer or member of the public may handle a ballot.

## Observing the Random Selection of Precincts

The random selection of precincts is a crucial part of the audit. Without random selection, it would be easy for an organization to hide mistakes or fraud by simply controlling where the audit occurred. Some recounts or audits have been done with selected precincts even though statute or procedures called for a random selection.

**As the BOE prepares to start the selection, review and fill out questions on Survey Form A, Part 1 (Identification, Location, Start).**

The relevant section in Directive **2008-113** starts on the bottom of page 4 and continues through most of page 5. First the BOE should have already created a printable list that includes all precincts in the county with all precincts in 1x2 inch boxes. The precinct selection steps from the directive are included here with comments on what you might to verify the process is being done correctly and an area for note taking.

- Step 1: allow any interested observer or member of the public to review the list.

**Ask to review this list and verify that each precinct is included and is only included once. If there are too many precincts to check all of them, try to compare some at the beginning, middle and end.**

**Notes:**

Step 2: cut the pages into equally sized pieces so that the designated name of each precinct is on its own piece of paper.

**See if the pieces are approximately equal in size.**

**Notes:**

- Step 3: turn the container upside down and allow any public observer to view the container to confirm it is empty before placing any and all pieces of paper in the container. Place the pieces of paper in a container large enough to hold all of them. A transparent material for the container is a good idea.

**See if the container is empty to start with and that all pieces of paper were put in the container.**

**Notes:**

- Step 4: mix the pieces in the container thoroughly.

**Mixing thoroughly is more difficult than it sounds since pieces of paper stick together and some counties will have many hundreds or a thousand of them.**

**Notes:**

- Step 5: pick one precinct at a time without looking at the container.

**See if the person picking the slip of paper is not looking at the container and does not appear to be trying to select a specific slip of paper.**

**Notes:**

- Step 6: one post-election audit team member shall announce the precinct name/number and remaining team members shall confirm the name/number of the selection.

**Record the precinct name & votes cast on the Precinct Selection Worksheet.**

**Notes:**

- Step 7: the teams shall allow any observer to view and confirm for members of the public the piece of paper selected.

**Verify that announced precinct matches the slip of paper.**

**Notes:**

- Step 8: continue selecting precinct names/numbers in accordance with these steps until the number of voters in the precincts selected equals at least the number that would comprise 5% of the total votes cast in the presidential election in the county. (If by chance, more votes were cast in a race other than presidential for which a post-election audit is being conducted, the 5% should be of the higher number of votes cast in the highest voter turnout race being audited and applied to all races being audited. This enables only one random selection made for any and all races being audited.)

**Keep checking that selections are done without looking in the container and the announced precinct matches the one on the slip.**

**Record the precinct name & votes cast on the Precinct Selection Worksheet.**

**Verify that precincts were selected until at least enough precincts were select to represent 5% of the votes cast.**

**Notes:**

- Step 9: set aside the container with the remaining pieces of paper with precinct names/numbers on them for any further draws, if necessary.

**Determine if this container is reasonably secured or monitored (since it might be needed again).**

**Notes:**

**As the BOE finishes the selection, review and fill out questions on Survey Form A, Part 2 (Selecting Precincts).**

## Observing the Counting of Ballots

The counting of ballots is the main part of the audit. Directive 2008-113 requires that all ballots (i.e., absentee ballots, provisional ballots, regular/Election day ballots) be counted and compared again the official totals.

The steps are documented in Directive 2008-113 (preparation), Directive 2008-34 (hand counting), and then back to 2008-113 (to check the results). The relevant parts of the directives are referenced here, but not included to save space.

1. **As the BOE prepares to start the counting, review and fill out the questions Form B, Part 1 of the survey (Identification, Location, Start).**
2. **As the counting starts, review the questions Form B, Part 2 of the survey (Observing and Verifying the Counting). This will help you know what to look for and you may be able to fill out some parts as the counting is being done.**
3. The BOE should make available “the number of ballots and/or ballot stock ordered for the precincts included in the post-election audit” (Directive 2008-113, p 2, A1b)

**Record information on the Precinct Selection Worksheet.**

4. The BOE should make available “the number of ballots voted, spoiled and unvoted, including absentee and provisional ballots and photocopied ballots and ballot remakes, with itemization by type of ballot per precinct that is included in the post-election audit” (Directive 2008-113, p 2, A1c)

**Record information on the Precinct Selection Worksheet.**

5. The BOE should make available various totals on absentee ballots (Directive 2008-113, pp 2-3, A1d)

**Record information on the Precinct Selection Worksheet.**

6. The BOE should make available various totals on provisional ballots (Directive 2008-113, p 3, A1e)

**Record information on the Precinct Selection Worksheet.**

7. The BOE should make available information on programming done in-house or by vendors (Directive 2008-113, p 3, A2b)

**Ask for a copy or record basic information here:**

8. The BOE should make available information on when and where logic & accuracy testing was done (Directive 2008-113, p 3, A2c)

**Ask for a copy or record basic information here:**

9. While the counting is occurring, make note of the following
  - a. Were counting teams kept unaware of the official results for their precinct?
  - b. If counts did not match, were counting teams still kept unaware of the difference between the official and manual results?
  - c. Were counting teams always comprised of 2 or 4 people with equal representation from both major parties?
  - d. Were election official working so that one checked the accuracy of another's work?

**Enter on Form B, Part 2 of the survey.**

10. If the hand count and official counts do not match, the BOE should determine if the hand count is incorrect; probably by recounting the ballots a second time. (Directive 2008-113, p 6, b2b for Optical Scan, p 8, C3d for DRE)

**Make a note on the Tally Sheet for the precinct if a second hand count was necessary.**

11. After counting the full set of selected precincts if the overall hand count results are different from the official results by more than two votes, the hand count results are considered official and additional precincts will be selected. (Directive 2008-113, p 6, B2c for Optical Scan, p 9, C3e for DRE)

**Make a note here**

12. **After the counting is done, fill out the questions Form B, Part 2 of the survey (Observing and Verifying the Count).**
13. **After the counting is done, fill out the questions Form B, Part 3 of the survey (Completing the Observation and Verification).**
14. **After the counting is done, see if you can talk with the Site Supervisor and get answers to questions on Form B, Part 4 of the survey (Interview of Site Supervisor).**

**The purpose of this form is to get their input on the process. The Supervisor can fill out the form and talk with (or send it to) you later.**