

Citizens' Oversight Projects (COPs)

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Thank you for the opportunity to provide additional feedback on the proposed text. Generally, we like the way you have integrated the improvement of adding batch comparison audits, but we do believe we have some constructive comments.

1. 20111. The term Audit Board might be better as a definition. It is a balance here because it is not a pre-existing term, and defining it in advance means much of the text would move up, but by defining here, it allows other definitions to use it.
2. 20111. It will be smart to fully define ballot card to also include VVPAT and then use this term throughout instead of having to say VVPAT each time. "Ballot Card" should be used mostly throughout because when auditing, the overall ballot is frequently split up when several cards comprise the ballot.
3. 20111 "Ballot Manifest": One of the most important first steps is the act of comparing the ballot manifest to the cast vote records in terms of the count of ballots, and they should match. The election official should be responsible for this, rather than passively saying that the data must be exported so it can be done. We spent a long time discussing this because there is one group that believes this is performed prior to scanning while the other group believes this is best done after the ballots have been scanned, but then require that the counts are compared with the number of ballots cast, which actually is not in the list of steps at all. Thus, to validate the count of ballot cards, there should be a comparison with the count of votes cast based on sign-in sheets, e-poll books, etc.
4. In a batch-comparison audit, the best way to do these is to keep the batches intact from when they were scanned, and there should be no manipulation of those batches.

5. It is good practice to split any batch into at least two portions, so talliers cannot seek an already published total for their portion.
6. VERY IMPORTANT! We must strongly insist that hard-copy tally sheets should be used concurrently or before the data is entered into the RLA tool, so these sheets can be scanned and the data entry step checked, and this is the way the RLA pilots were performed, for example in Orange County CA.
7. The comparison of the totals for the batches can be easily done in a spreadsheet, as was the case in Rhode Island's statewide RLA audits. For batch comparison audits, the RLA tool can still be used to generate the random batch numbers (as it is best if these are chosen with weights corresponding to the size of each batch OR the maximum error possible in the batch, and that is hard to do by hand), and the the spreadsheet is used to capture the data from the batch tally sheets, and compare with the totals of the results for each batch, to then provide the discrepancies. Those discrepancies can be then entered into the tool to calculate the risk and any need for subsequent sampling.
8. The explanation of the hybrid audit in the definitions should just refer to the types of audit being combined. The RLA must have a hybrid audit capability.
9. We find that it is sometimes hard to find a general website update, as some counties embed the update in a 200 page PDF document which has everything under the sun. Long term, we would like there to be a standard place on the website where election data can be provided, if not on the HOME Page.
10. 20117, 20118: There needs to be some clarification regarding batches and containers, as they are not always the same. One container can contain more than one batch, or one batch could be split up among several containers.
11. 20119: We disagree with the rationale for not fully posting cast vote records. Elections Code SSection 2194(a) relates to voter registration card information and not cast vote records, which are not voter identifiable by nature.
12. 20120. Notice for random seed generation of only one hour is very short, but we understand the motivation if used in the SAME PHASE. But if you are in the same phase, then the RLA should generate more than enough ballot or batch numbers, so there is no need for a new seed. If there is a second phase, this is known in advance, and so there should be sufficient time to schedule the dice roll and provide notice of at least three days.
13. 20121. Changes we suggest here are for clarity. Also it is absolutely necessary that no inconsistencies are found and resolved and not included in the report, even if those are of mistakes made in the audit itself, rather than problems in the election data. The reason these audits are performed prior to certification is to allow the audit to provide

information that can result in fixing the election data so it is accurate. But those changes must be reported, and not just resolved.

14. 20121. A full manual tally, per 15290 needs to be slightly amended to allow it to be done "by batch" rather than "by precinct." The idea is still the same, in that it is necessary to compare batch by batch (or precinct by precinct) to the official results to limit human error and find the issues.
15. 20121. Also it is pretty important that if some issues are fixed that impact the audit, it can be restarted but a new random seed must be drawn to restart, and that means drawing different samples. This is critically important because otherwise there is a danger that the auditors will just fix the problem with the samples drawn and not fix the larger problem with the rest of the data.
16. 20122. Two phase audit procedures, this section can be probably reduced by referring to the single phase audit and making changes, but if it is needed to repeat, then the changes we mentioned in the single phase audit should be incorporated here.
17. 20126. It is very important for election transparency to release information fully and quickly. Not releasing data until AFTER the recount request deadline is hardly helpful to those who need to see that data to evaluate whether a recount should be requested or not. We suggest you use San Francisco as a template for how data should be released.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray Lutz', with a stylized flourish extending to the right.

Raymond Lutz
Executive Director, Citizens Oversight