

Post-Election Audits in Connecticut

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Issue

Summarize Connecticut's post-election audit law.

Summary

As the secretary of the state's most recent [Audit Procedure Manual](#) indicates, the primary purpose of a post-election audit is to assess whether voting machines accurately counted properly marked ballots during an election or primary. Election officials compare a portion of the paper ballots cast by voters with the results produced by a voting machine.

Connecticut law requires audits of at least 5% of the state's voting districts (i.e., polling locations), selected at random by the secretary of the state and conducted by registrars of voters, after a federal, state, or municipal regular election or primary. Audits must be noticed in advance and open for public observation. Registrars of voters must conduct the audits by hand unless the secretary, in consultation with UConn, authorizes registrars to conduct them electronically ([CGS § 9-320f](#), as amended by [PA 21-2](#), June Special Session (JSS), § 107).

Toward that end, the secretary developed and implemented a semi-automated system, in partnership with UConn's [Center for Voting Technology Research](#) (VoTeR Center) (see Background). Generally, the system uses an audit station and involves scanning batches of ballots and projecting them onto a large screen. According to a [VoTeR Center article](#), the system "identifies unambiguous and questionable votes and presents this information by means of color-coded overlays on the ballots. The auditors can accept the automatic interpretation, or they can override it. Each batch can be scanned multiple times..." (see page 8).

At the time of the November 2020 general election, the state had 743 voting districts for state elections. Following the election, the secretary of the state randomly selected 38 voting districts for audit and 11 as alternates. A [press release](#) from the secretary’s office lists the districts and provides additional information on the process.

Offices Subject to Audit

Under state law, the following elected offices are subject to audit in the selected voting districts:

1. in a presidential or gubernatorial election, all offices required to be audited by federal law, plus one office the secretary of the state randomly selects, but in no case fewer than three offices;
2. in a municipal election, three offices or 20% of the offices on the ballot, whichever is greater, randomly selected by the town clerk; and
3. in a primary election, all offices required to be audited by federal law, plus one office, if any, but in no case fewer than 20% of the offices on the ballot, randomly selected by the town clerk.

If a selected voting district has an office that is subject to recanvass (i.e., recount) or an election or primary contest, the secretary must select an alternate district following the same process ([CGS §§ 9-320f\(b\) and -320f\(c\)](#)).

Conducting the Audit

Time and Location

Registrars of voters must conduct the audit between the 15th day after the election or primary and the second business day before the canvass of votes. Canvass deadlines differ by office and are prescribed by law, as shown in Table 1 below ([CGS § 9-320f\(a\)](#), as amended by [PA 21-2](#), JSS, § 107).

Table 1: Canvass Deadlines by Office

CGS §	Office	Canvass Deadline
9-315	Federal office	The last Wednesday of November
9-318	Statewide office	Within 30 days after the election
9-319	State legislator or judge of probate	During the month of November
9-320	Municipal office	Within 10 days after the election

According to the audit manual, a municipality may set its own audit date and location within the above parameters, provided it notifies the secretary of the state at least three business days in advance.

Tallying and Preserving Ballots

During the post-election audit, registrars tally the paper ballots cast by voters and counted by each optical scan voting tabulator subject to the audit. Once complete, registrars compare their results with those reported on the day of the election or primary.

After the audit, registrars must preserve the paper ballots and return them to their designated receptacle in accordance with state law. Generally, this means that ballots must be returned to the ballot box, securely sealed, and locked. The secretary of the state has access to the code for any voting tabulator if a problem arises from the audit ([CGS §§ 9-320f\(d\), -320f\(j\), and -320f\(n\)](#)).

Reporting

Registrars must report the post-election audit results on a secretary of the state-prescribed form that includes the total number of ballots counted and the total votes for each audited candidate, broken down by whether the ballot was properly or improperly completed. A ballot is improperly completed if the voter does any the following:

1. marks outside the vote targets;
2. uses a manual marking device that the voting system cannot read; or
3. in the registrars' judgment, marks the ballot in a way that the voting tabulator may not have read the mark as a vote.

The registrars must file their report with the secretary of the state, who must immediately forward it to UConn for analysis. UConn must describe any discrepancies it finds in a written report that is submits to the secretary. In turn, the secretary must file UConn's final audit report with the State Elections Enforcement Commission (SEEC).

UConn's final audit report is open to public inspection and may be used as prima facie evidence of a discrepancy in a challenge to the conduct of an election or primary, or for any other related cause of action. No audit precludes or inhibits a candidate's or elector's right to contest an election or primary, or to file a complaint ([CGS §§ 9-320f\(d\), -320f\(e\), -320f\(h\), and -320f\(k\)](#)).

Examining and Recertifying Certain Voting Tabulators

Under certain circumstances, voting tabulators must be examined and, depending on how they are functioning, either recertified or decertified. Specifically, if UConn's report indicates that a voting tabulator failed to record votes accurately, the secretary of the state must require that it be examined for purposes of recertification ([CGS § 9-320f\(g\)](#)). Additionally, if the audit officials are unable to reconcile any discrepancies, the secretary must investigate the malfunction to determine if the tabulator should be decertified or examined for purposes of recertification. After the investigation, the secretary must file a report with SEEC; the commission may investigate further to determine if an election law violation occurred ([CGS § 9-320f\(j\)](#)).

Recounts Due to Discrepancies

After an audit, the secretary of the state must order a recount (i.e., recanvass) for an office if there is a discrepancy that could affect its outcome. (If the secretary is a candidate on the ballot that is subject to an audit, SEEC must order the recount.) For this purpose, the law defines "discrepancy" as a difference between the voting tabulator and audit vote counts that exceeds 0.5% of the lower total, where the difference cannot be resolved through an accounting of ballots that were not properly marked ([CGS § 9-320f\(f\) & \(o\)](#)).

The secretary of state's [Recanvass Procedure Manual](#) provides additional information on discrepancy recounts.

Background

Partnership With the VoTeR Center

As authorized by law, the secretary of the state entered into an agreement with UConn's VoTeR Center to, among other things, conduct pre- and post-election audits of the state's Accu-Vote Optical Scan voting tabulators ([CGS § 9-241\(b\)](#)). More generally, under the agreement, the VoTeR Center provides scientific input to the secretary on voting technologies. A September 2019 [press release](#) provides additional information.

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