5 Proactive Steps to Foster Trust in Your Election Results

EVIDENCE-BASED ELECTIONS CREATE CONFIDENCE

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Despite unprecedented scrutiny and escalating public records requests fueled by naysayers and election deniers, 2022 midterm elections proceeded with few challenges or major disruptions. In fact, a post-election survey conducted by Morning Consult, and quoted in Forbes[1], found that a majority of both Republicans and Democrats called the election "free and fair."

Hard-working election officials have protected confidence in the electoral process, despite many difficult years. David Becker, the founder and executive director of The Center for Election Innovation & Research, credits election officials[2] for reaching "the greatest success in American democratic process in history (in 2020). They somehow managed the highest turnout we've ever had, during a global pandemic, and withstood incredible scrutiny."

Trudy Hancock, longtime Elections Administrator in Brazos County, Texas, described meeting midterm challenges in a post-election interview with the Texas Standard[3]. She credits consistent processes and reports with overcoming conspiracy theories.

"I feel, personally, here in Texas, we run very smooth, very integrity-based election cycles. We have lots of checks and balances. Some are mandated by the state, and some are just best practices that we've put in place ourselves," said Hancock, who is also president of the Texas Association of Elections Administrators.

Like administrators across the country who stood up to mounting stresses, Hancock believes her county delivered a smooth election by relying on rules and laws and showing voters facts about their work.

"I do hope that we were able to help people see that we run elections with integrity and to help squash some of those naysayers by giving them the reports that they need to prove to themselves – not just to us – and people that they talk with that we are running smooth elections with the security that needs to be in place to ensure that everything is counted properly," she said.

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1   "Most Republicans believe midterms were 'free and fair,' poll finds as fraud fears fall flat," Forbes, 2022. https://www.forbes.com/sites/alisondurkee/2022/11/15/most-republicans-believe-midterms-were-free-and-fair-poll-finds-as-fraud-fears-fall-flat/?sh=22921d816c6f

2   "Election administrators are under attack in Texas," Texas Tribune, 2022. https://www.texastribune.org/2022/10/17/election-administrators-harassment-david-becker/

3   "Brazos County's voting head debriefs after another tough election season," Texas Standard, 2022. https://www.texasstandard.org/stories/brazos-county-tx-election-administrator-trudy-hancock-debriefs-after-2022-elections/

EVIDENCE-BASED ELECTION PRACTICE BUILDS CONFIDENCE

This paper takes a closer look at five proactive steps to creating a transparent and shareable experience with evidence-based elections[4].

5 Characteristics of evidence-based elections

1. **A voting system that is both federally and state certified.**

    Every state sets standards for voting systems. Most also require systems to meet federal guidelines from the U.S. Election Assistance Commission (EAC). Voting system providers ensure that the system is tested, ideally by a federally accredited Voting Systems Test Laboratory.

    Standards are rigorous, and address security, functionality, privacy, usability, and accessibility.[5]

    Recommendations:

    *   Use a template email to answer questions about the certifications, including links to the EAC and state websites with testing and certification documents.

    *   Post the EAC and state certification documents prominently in your Election Department office and warehouse.

    *   Teach staff how to read the voting system version number on device tapes.

    You can say: The election system we purchased has passed state (perhaps federal) requirements. Voting systems must stay up to date as these regulations evolve.

2. **All votes are cast on paper ballots that the voter can review and verify independently. Ideally, those paper ballots are human verifiable, meaning their votes are not encoded in barcodes for tabulation.**

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Definition: Evidence-based elections

"The principle of 'evidence-based elections' is that local election officials should not only find the true winner(s) of an election, but they should also provide the electorate convincing evidence that they did. Generally, that means that eligible voters must have had the opportunity to vote, the election must have used voter-verified paper ballots, there must be convincing evidence that those ballots were kept inviolate through the audit, and the reported outcomes must be checked against the paper trail by suitable audits or hand counts."

--Georgetown Law Technology Review

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4   "Evidence-based elections: Create a meaningful paper trail, then audit," Georgetown Law Technology Review, 2020. https://georgetownlawtechreview.org/wp-content/uploads/2020/07/4.2-p523-541-Appel-Stark.pdf

5   "Voting system standards, testing and certification," National Conference of State Legislatures, 2021. https://www.ncsl.org/research/elections-and-campaigns/voting-system-standards-testing-and-certification.aspx

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In a 2020 report on Logical Election Policy, the Bipartisan Policy Center Task Force on Elections recommended "states should move toward acquiring voting systems that produce voter verifiable paper ballots. The voter verifiable ballot should be the ballot of record for any audit or recount." [6]

Voter verifiable paper ballots can be counted by different technologies or by hand and can be independently audited.

A major setback to voter confidence in paper trail voting has been the introduction of machine-read barcodes by some voting system providers. With bar codes, there is no way for people to confirm their ballot's accuracy. People read many languages, but "bar code" is not one of them. [7]

Recommendations:

- Hold voting system public demonstrations and mock elections that are as similar to upcoming elections as possible (same paper size, for example).

- Encourage voters to verify their choices on the paper ballot before scanning, using public education online and in-person.

You can say: Each voter in our jurisdiction held a paper record in their hands to confirm their ballot choices before casting. Paper records are available for recounts and audits. Ideally, your system does not use computer-read barcodes to encrypt ballot choices.

3. **Perform at least one logic and accuracy test (LAT). Testing before and after the election is recommended.**[8]

   The LAT checks the accuracy of the vote count. Test ballots with known results (a 'test deck') are submitted through the ballot counting system and results are compared.

   Some states require public LAT testing. Follow state requirements.

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6   "Logical election policy," Bipartisan Policy Center, 2020. https://bipartisanpolicy.org/report/logical-election-policy/

7   "3 pillars of voter confidence," NASS white paper presented by Hart InterCivic, 2021. https://www.hartintercivic.com/wp-content/uploads/2021/07/Hart3PillarsofVoterConfidence-w.pdf

8   "Logical election policy," Bipartisan Policy Center, 2020. https://bipartisanpolicy.org/report/logical-election-policy/

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Recommendations:

- Perform an LAT before any ballot, in any form, goes to any voter.

- When conducting your LAT, include votes on every type of device that will be used.

- Generate LAT paper ballots with the same printing method and paper used for official ballots.

- Prepare a spreadsheet or matrix of the test deck marking pattern for comparison of expected results against the tabulated results.

- Record an inventory of checklists, reports and pertinent LAT data and retain all with signatures of participants for your election archival records.[9]

You can say: We test our counting procedures before any vote is cast and after the election concludes. Public witnesses are invited, and complete records of all tests are available.

4. **Perform hash validation of the software on computers and the voting devices.**

   Hash values of the installed software are compared to archived hash values of the software certified by the EAC or other regulatory body. Matching the hash of your software to the hash of the certified software on file at the EAC or your state is like matching fingerprints – the match verifies the identity of the software and that it has not been compromised.

   Hash testing will check that software on workstations and voting devices has not been altered since its initial installation. Locally installed software is compared to a "trusted build" that has been certified by a regulatory agency. The report of the hash can be made available to the public. In some states hash testing is required as part of the LAT process, to further encourage public confidence.

   Some states have requirements for hash testing and frequency; in others it is voluntary. Contact your Secretary of State's office for requirements.

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9   Testing before the vote/best practices," NASS white paper presented by Hart InterCivic, 2022. https://www.hartintercivic.com/wp-content/uploads/2022/06/TestingBeforeTheVote-1.pdf

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Recommendations:

- Perform hash testing on your own without a third party.

- Obtain the original hash from the certification body.

- Use an independent tool, not a tool from your voting system provider.

- Post results and save with your election archive.

You can say: Before and after every election, we test the software on our computers, voting machines and other devices. The fingerprint of the software on our devices matches the software certified for our jurisdiction.

5. **Post-election auditing.**

Finally, your jurisdiction should perform post-election audits as required by your state. Retain every report and export from your voting system for your permanent records and potential public information requests. This includes exporting Cast Vote Records (CVRs) and the entire data set from your election tabulation software as well as all software and equipment logs.

In most states, a compliance audit includes a sample count of a small part of the votes cast. This sample should exactly match the original count done for that precinct, polling place, or batch. If discrepancies are found, they must be explained and another audit completed (for example, using a larger or different sample).

Some states now mandate or allow a risk-limiting audit (RLA). By counting a statistical sample, this audit allows verification to a certain level of statistical confidence, a concept universally used by statisticians and researchers. Full recounts are needed in "too close to call" elections or when irregularities are detected.[10]

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10   "Paper trails and audits can boost confidence in elections," Bipartisan Policy Center, 2015. https://bipartisanpolicy.org/blog/paper-trails-and-audits-can-boost-confidence-in-elections/

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Recommendations:

- Perform any audit required by your state precisely, and log and save all records.

- Make certain that any auditing beyond state requirements is approved by the state authority over elections (e.g., RLAs).

- Conduct an RLA after each election if allowed by your state. Use a third party with expertise in running RLAs.

You can say: We conduct regular, transparent audits. They are legally (or comply with state requirements) sound and are open to the public.

IN CONCLUSION

Share as much as you can. Transparency builds confidence in your equipment, your staff and the entire election process. You run evidence-based elections, and that's a fact you should be proud of. Sharing with the public is one more way to increase voter confidence in election.

ADDITIONAL RESOURCES:

U.S. Election Assistance Commission

- Voluntary voting system guidelines https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines

- Testing and certification FAQ https://www.eac.gov/voting-equipment/frequently-asked-questions

The Elections Group

- "Cool, Calm and Counting: A Guide to Keeping Calm at the Polls: De-escalation Resources, including posters and pocket guides for poll workers" https://www.electionsgroup.com/resources-for-election-officials/de-escalation-resources

National Conference of State Legislatures

- Post-election audits https://www.ncsl.org/research/elections-and-campaigns/post-election-audits635926066.aspx

- Risk-limiting audits https://www.ncsl.org/research/elections-and-campaigns/risk-limiting-audits.aspx

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About Hart - Election Integrity starts with Hart.

Hart's end-to-end election solutions and services enables you to conduct elections with confidence and deliver accurate results with ease. Only Hart provides the secure and certified voting systems you expect plus the tools, services and support you need before, during and after election day. With Hart, you get a partner who is committed to your success and delivers a full suite of programs tailored to your unique needs. The result? You can have confidence in us so your voters can have confidence in you.

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