

Comments on questions for 3/31: CORLA Representative Group

Mark Lindeman and RLA advocates

Question 1 follows up on the previous question about methods for RLAs in non-CVR counties; we have little to add to our previous submission. We understand the legitimate concern about complicating the RLA rule by specifying multiple permissible methods. But it could be a mistake to preclude alternative methods if particular counties strongly prefer to implement them. We think the rule can be written to specify steps for a ballot polling audit, while also allowing counties to perform full hand counts if they prefer, or to receive approval for alternative RLA protocols. We reiterate that it will be crucial for these counties to have a plan to transition to a CVR based audit.

Question 2 asks: **“What contest(s) should be audited if a county doesn’t have a countywide contest?”**

First, we want to distinguish between “What contests should be subject to a risk limit?” and “What contests should be audited?” Very broadly, when we consider the variety of contests in Colorado elections from year to year, ranging from hundreds to millions of votes cast, we assume that some of these contests will always be subject to a risk limit; others may or may not be subject to a risk limit depending on circumstances; but that every contest should be subject to audit, as least as a possibility, even if a risk limit does not apply. Verifying the tabulation of even a few votes actually cast in a contest is infinitely more informative than not verifying any.

These principles don’t settle the question, so we suggest three possibilities for 2017. We recommend also counting votes for other contests on the ballots selected for the RLA, and we recommend a minimum sample size as discussed under Question 3.

(1) An RLA of the contest with the most votes counted. (Remember that RLA workload depends primarily on the margin, not the number of votes counted or cast – so this suggestion is deliberately intended *not* to maximize workload. In fact, depending on implementation, a contest that appears on a large fraction of ballots may be easier to audit than one that appears on a smaller fraction.) If this approach is adopted, we recommend also sampling and auditing some ballots from the rest of the county, to ensure that every contest is subject to the possibility of audit.

(2) An RLA of a contest selected at random from all contested contests (or possibly all those with a reported margin under a generous maximum, perhaps 70 points). Optionally, contests with a larger fraction of votes cast could be assigned a larger probability of selection for RLA.

(3) An RLA of a contest selected by election officials for its interest. To reassure observers that this provision isn't being applied cynically, it could be required that the contest be reasonably competitive – perhaps with a reported margin under 10 or 20 percentage points.

Question 3 asks: **“If we just audit a statewide contest and 40 out of 64 counties get ballots selected to audit, do the other 24 counties have to conduct an audit?”**

We strongly recommend that the answer be Yes. For one thing, it will be hard to convince people that the state is implementing a best-practices audit if some counties don't audit! Perhaps more important, all counties can benefit from implementing the new audit procedures, and will then be able to draw on experience in recommending improvements for 2018.

We suggest simply setting a minimum audit sample size for each county to scrutinize, whether or not the county is included in a statewide (or RLA) sample: small enough not to be unduly burdensome, yet large enough not to feel perfunctory. In our informal discussions, 16 seemed to be a reasonable number. (With this sample size, for instance, widespread problems affecting 10% of ballots would show up on at least one audited ballot in about 80% of samples. Obviously, rarer problems would be less likely to show up: this is a spot check.)