



## LEAGUE OF WOMEN VOTERS<sup>®</sup> OF COLORADO

Comments for March 2, 2018 Colorado Secretary of State Election Rulemaking Hearing

Re: Amendments to Code of Colorado Regulations (CCR) 1505-1, Rule 25 Post-election audit

The League of Women Voters of the United States (LWVUS) is focused on “Making Democracy Work” for all. We appreciate Colorado election administrators piloting post-election risk-limiting audits (RLA) in the 2017 election. As our 2009 LWVUS Election Audits Task Force Report notes, “Best practices say to use a ‘risk-limiting’ approach.”

The LWV of Colorado (LWVCO) does have some concerns about the way the risk-limiting audits are currently conducted in Colorado and would like to see the rules and practices updated to remedy the following auditing flaws:

1) Lack of independent authority and regulation

- “The authority and regulation of post-election audits should be independent of officials who conduct the elections. The actual work of post-election audits may be/is best performed by the officials who conduct the elections, with appropriate oversight.” (Source: 2009 LWVUS Election Audits Task Force Report)
- The proposed rules would codify that a target contest is “A CONTEST SELECTED BY THE SECRETARY OF STATE FOR A RISK-LIMITING AUDIT.” We believe that the rules should be changed so that an independent authority or randomness, rather than an election official, chooses the target contests.

2) Gaps in audit transparency

- In 2017 the Sec of State did not report enough data on contests to allow for an independent analysis of the audit calculations and results.
- Important information which wouldn’t compromise voter privacy includes the discrepancy details, i.e., the number of 1- and 2-vote over- and understatements, for each contest on each ballot card audited.
- The audit should compare the actual paper ballot, not a scanned image of the ballot, to the cast vote record.

3) Reports only of the targeted contests and only within a single county

- Non-targeted contests – All contests on the randomly chosen ballots are audited, but the Sec of State and counties do not routinely share the names of the non-targeted contests. These names and discrepancy data need to be made available along with a commitment to do a full hand count if there is insufficient evidence to meet the risk limit.
- Multi-county contests – “The post-election audit process should cover selected races and ballot measures in all elections – primary, general and special elections; federal, state, county and local.” (Source: 2009 LWVUS Election Audits Task Force Report) The LWV is glad to hear that the Sec of State is issuing an RFP for software to conduct audits of multi-county contests.

- Elections in counties which did not hold a coordinated election in 2017 were not subject to an RLA, but should be. For instance, since there was no 2017 coordinated election in Dolores County, there was no audit of the competitive Dolores School Board contest – 7 candidates vying for 2 seats.
- Special elections should be subject to an RLA. Only primary and general elections are scheduled for RLA this year.

The 2009 LWVUS Election Audits Task Force Report may be found at <http://forum.lwv.org/member-resources/article/report-election-audits-task-force>.

Thank you for your consideration of our comments.

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