# Risk-limiting audits in theory, law, and practice

IEEE Cybersecurity Conference Atlanta, GA

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20 October 2023

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Many collaborators including (most recently):

Andrew Appel, Josh Benaloh, Michelle Blom, Andrew Conway, Rich DeMillo, Alexander Ek, Floyd Everest, Amanda Glazer, Alex Halderman, Zhuoqun Huang, Harri Hursti, Wojciech Jamroga, Dan King, Mark Lindeman, Kellie Ottoboni, Aaditya Ramdas, Ron Rivest, Peter Røenne, Peter Ryan, Laurent Sandrolini, Steve Schneider, Carsten Schürmann, Jake Spertus, Peter Stuckey, Vanessa Teague, Poorvi Vora, Damjan Vukcevic, Dan Wallach, Ian Waudby-Smith, Ran Xie Origin: service on 2007 Post Election Audit Standards Working Group

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"Trustworthy" means a complete, accurate count would show who really won.

"Who really won" means who won according to an accurate count of the expressed preferences of the eligible voters who validly cast ballots.

Some records born untrustworthy: malleable or vulnerable tech btw voter & record.

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To stay trustworthy, need:

- physical inventories of ballots & other materials
- demonstrably secure chain of custody
- appropriate physical security
- eligibility audits
- ballot accounting
- pollbook and participation reconciliation
- comparisons with registration
- trustworthy upper bound on # validly cast cards containing each contest

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Can't achieve cyber-resilience without some physical security

# **Risk-Limiting Audit (RLA)**

Limit *risk* that an incorrect outcome will be certified.

Corrects wrong reported outcomes w/ high probability.

Never changes correct reported outcomes.

Risk: maximum chance of certifying the outcome if the outcome is in fact wrong.

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Risk: maximum chance of certifying the outcome if the outcome is in fact wrong.

RLA does not *restore* trustworthiness to a poorly run election.

Leverages trustworthiness of the vote record in a well-run election to provide affirmative evidence that the reported winners really won, or correct the results if not.

Not a "tabulation audit." Doesn't check tabulation: checks whether accurate tabulation would find the same winners.

Input: trustworthy, organized record of all validly cast votes; auxiliary randomness
Output: strong evidence that reported outcome is correct, or correct outcome
while (!(full handcount) && !(strong evidence outcome is correct)) {
 examine more ballots

```
}
```

Input: trustworthy, organized record of all validly cast votes; auxiliary randomness

Output: strong evidence that reported outcome is correct, or correct outcome

while (!(full handcount) && !(strong evidence outcome is correct)) {
 examine more ballots
}

```
if (full handcount) {
```

handcount result replaces reported result

}

The National Academies of



Securing the Vote: Protecting American Democracy, 2018

# Home



**Elections should be conducted with human-readable paper ballots.** Paper ballots form a body of evidence that is not subject to manipulation by faulty software or hardware and that can be used to audit and verify the results of an election. Human-readable paper ballots may be marked by hand or by machine (using a ballot-marking device), and they may be counted by hand or by machine (using an optical scanner), the report says. Voters should have an opportunity to review and confirm their selections before depositing the ballot for tabulation. Voting machines that do not provide the capacity for independent auditing – i.e., machines that do not produce a printout of a voter's selections that can be verified by the voter and used in audits – should be removed from service as soon as possible.

States should mandate a specific type of audit known as a "risk-limiting" audit prior to the certification of election results. By examining a statistically appropriate random sample of paper ballots, risk-limiting audits can determine with a high level of confidence whether a reported election outcome reflects a correct tabulation

- Endorsed by NASEM, PCEA, ASA, LWV, CC, VV, ....
- $\sim$ 60 pilot audits in about 17 states and DK
- Laws in  $\sim 15$  states

#### CONSERVATIVE STATISTICAL POST-ELECTION AUDITS

#### BY PHILIP B. STARK

#### University of California, Berkeley

There are many sources of error in counting votes: the apparent winner might not be the rightful winner. Hand tallies of the votes in a random sample of precincts can be used to test the hypothesis that a full manual recount would find a different outcome. This paper develops a conservative sequential test based on the vote-counting errors found in a hand tally of a simple or stratified random sample of precincts. The procedure includes a natural escalation: If the hypothesis that the apparent outcome is incorrect is not rejected at stage s, more precincts are audited. Eventually, either the hypothesis is rejected-and the annarent outcome is confirmed-or all precincts have been audited and the true outcome is known. The test uses a priori bounds on the overstatement of the margin that could result from error in each precinct. Such bounds can be derived from the reported counts in each precinct and upper bounds on the number of votes cast in each precinct. The test allows errors in different precincts to be treated differently to reflect voting technology or precinct sizes. It is not optimal, but it is conservative: the chance of erroneously confirming the outcome of a contest if a full manual recount would show a different outcome is no larger than the nominal significance level. The approach also gives a conservative P-value for the hypothesis that a full manual recount would find a different outcome, given the errors found in a fixed size sample. This is illustrated with two contests from Novemher. 2006: the U.S. Senate race in Minnesota and a school board race for the Sausalito Marin City School District in California, a small contest in which voters could vote for up to three candidates.

 Introduction. Votes can be miscounted because of human error (by voters or election workers), hardware or software "bugs" or delberate fraud. Postelection audits—manual tallies of votes in individual precincts—are intended to detect miscount, especially miscount large enough to alert the outcome of the election." To the best of my knowledge, eighteen states require or allow post-election audits [National Association of Secretaries of State (2007) and Verified Voting

#### EVT-WOTE 2009

## Implementing Risk-Limiting Post-Election Audits in California

Joseph Lorenzo Hall<sup>1,2,\*</sup>, Luke W. Miratrix<sup>3</sup>, Philip B. Stark<sup>3</sup>, Melvin Briones<sup>4</sup>, Elaine Ginnold<sup>4</sup>, Freddie Oakley<sup>5</sup>, Martin Peaden<sup>6</sup>, Gall Pellerin<sup>6</sup>, Tom Stanionis<sup>5</sup>, and Tricia Webber<sup>6</sup>

> <sup>1</sup>University of California, Berkeley; School of Information <sup>2</sup>Princeton University; Center for Information Technology Policy <sup>3</sup>University of California, Reekely; Department of Statistics <sup>4</sup>Marin County, California; Registrar of Voters <sup>5</sup>Yolo County, California; County Clerk/Recorder <sup>6</sup>Santa Cruz County, California; County Clerk/Recorder

#### Abstract

Bisk-limiting post-lection andits limit the chance of certifying an electoral outcome if the outone is not what a fill hand courts work of basks. Building on previous work [18, 17, 20, 21, 11], we report pilot task-limiting audits in four elections during 2008 in three California counties one during the February 2008 Hinnay Election in Marini County and three during the Norenbergher 2006 General Elections in Marin, Santa Criz and Yolo Counties. We capital what makes an andit risk-limiting and we esisting and proposed laws fail alkori. We discuss the differences among our four point audits. We identify Challenges to pretract, efficient risk-limiting audit and conclude that current approaches (only of exporting the from countervice) different management systems is a fromati matemable to audit calculations. Finally, we propose hare babers risk-limiting audit that is less efficient than these pilot audits, but avoids many practical problems.

Territory also and a se

Received October 2007; revised March 2008

## Sets of Half-Average Nulls Generate Risk-Limiting Audits: SHANGRLA

ESORICS Voting 20, LNCS

Philip B. Stark

University of California, Berkeley 31 January 2020

Abstract. Risk-limiting audits (RLAs) for many social choice functions can be reduced to testing sets of null hypotheses of the form "the average of this list is not greater than 1/2" for a collection of finite lists of non-negative numbers. Such social choice functions include majority, super-majority, plurality, multi-winner plurality, Instant Runoff Voting (IRV), Borda count, approval voting, and STAR-Voting, among others. The audit stops without a full hand count iff all the null hypotheses are rejected. The nulls can be tested in many ways. Ballot polling is particularly simple: two new ballot-polling riskmeasuring functions for sampling without replacement are given. Ballot-level comparison audits transform each null into an equivalent assertion that the mean of re-scaled tabulation errors is not greater than 1/2. In turn, that null can then be tested using the same statistical methods used for ballot nolling-applied to different finite lists of non-negative numbers: the SHANGRLA approach reduces auditing different social choice functions and different audit methods to the same simple statistical problem. Moreover, SHANGRLA comparison audits are more efficient than previous comparison audits for two reasons: (i) for most social choice functions, the conditions tested are both necessary and sufficient for the reported outcome to be correct, while previous methods tested conditions that were sufficient but not necessary, and (ii) the tests avoid a conservative approximation. The SHANGRLA abstraction simplifies stratified audits, including audits that combine ballot polling with ballot-level comparisons, producing sharper audits than the "SUITE" approach. SHANGRLA works with the "phantoms to evil zombies" strategy to treat missing ballot cards and missing or redacted cast vote records. That also facilitates sampling from "ballot-style manifests." which can dramatically improve efficiency when the audited contests do not appear on every ballot card. Open-source software implementing SHANGRI A ballot-level comparison audits is available. SHANGRI A was tested in a pilot audit of an instant-runoff contest in San Francisco. CA, in November, 2019.

Keywords: sequential tests, martingales, Kolmogorov's inequality

Acknowledgments: I am grateful to Andrew Conway, Steven N. Evans, Kellie Ottoboni, Ronald L. Rivest, Vanessa Teague, and Poorvi Vora for helpful conversations and comments on earlier drafts. The SHANGRLA software was a collaborative effort that included Michelle Blom, Andrew Conway, Dan King, Laurent Sandrolini, Peter Stuckey, and Vanessa Teague. The Annals of Applied Statistics 2023, Vol. 17, No. 1, 641–679 https://doi.org/10.1214/22-AOAS1646 © Institute of Mathematical Statistics, 2023

#### ALPHA: AUDIT THAT LEARNS FROM PREVIOUSLY HAND-AUDITED BALLOTS

### BY PHILIP B. STARK<sup>a</sup>

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A risk-limiting election audit (RLA) offers a statistical guarantee: if the reported electoral outcome is incorrect, the audit has a known maximum chance (the risk limit) of not correcting it before it becomes final, BRAVO (Lindeman, Stark and Yates (In Proceedings of the 2011 Electronic Voting Technology Workshop/Workshop on Trustworthy Elections (EVT/WOTE'11) (2012) USENIX)), based on Wald's sequential probability ratio test for the Bernoulli parameter, is the simplest and most widely tried method for RLAs, but it has limitations. It cannot accommodate sampling without replacement or stratified sampling which can improve efficiency and are sometimes required by law. It applies only to ballot-polling audits which are less efficient than comparison audits. It applies to plurality, majority, supermajority, proportional representation, and instant-runoff voting (IRV, using RAIRE (Blom, Stuckey and Teague (In Electronic Voting (2018) 17-34 Springer))) but not to other social choice functions for which there are RLA methods. And while BRAVO has the smallest expected sample size among sequentially valid ballot-polling-with-replacement methods when the reported vote shares are exactly correct, it can require arbitrarily large samples when the reported reported winner(s) really won but the reported vote shares are incorrect. AL-PHA is a simple generalization of BRAVO that: (i) works for sampling with and without replacement, with and without weights, with and without stratification and for Bernoulli sampling: (ii) works not only for ballot nolling but also for ballot-level comparison, batch polling, and batch-level comparison audits: (iii) works for all social choice functions covered by SHANGRLA (Stark (In Financial Cryptography and Data Security (2020) Springer)), including approval voting, STAR-Voting, proportional representation schemes, such as D'Hondt and Hamilton, IRV, Borda count, and all scoring rules, and (iv) in situations where both ALPHA and BRAVO apply, requires smaller samples than BRAVO when the reported vote shares are wrong but the outcome is correct-five orders of magnitude in some examples. ALPHA includes the family of betting martingale tests in RiLACS (Waudby-Smith, Stark and Ramdas (In Electronic Voting, E-Vote-ID 2021 (2021) Springer)) with a different betting strategy parametrized as an estimator of the population mean and explicit flexibility to accommodate sampling weights and population bounds that change with each draw. A Python implementation is provided

## Non(c)esuch Ballot-Level Comparison Risk-Limiting Audits

ESORICS, Voting 2022, LNCS

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Abstract. Risk-limiting audits (RLAs) guarantee a high probability of correcting incorrect reported electoral outcomes before the outcomes are certified. The most efficient are ballot-level comparison audits (BLCAs). which compare the voting system's interpretation of randomly selected individual ballot cards (cast-note records, CVRs) from a trustworthy paper trail to a human interpretation of the same cards. BLCAs have logistical and privacy hurdles: Individual randomly selected cards must be retrieved for manual inspection: the voting system must export CVRs: and the CVRs must be linked to the corresponding physical cards, to compare the two. In practice, such links have been made by keeping cards in the order in which they are scanned or by printing serial numbers on cards as they are scanned. Both methods may compromise voter privacy. Cards selected for audit have been retrieved by manually counting into stacks or by looking for cards with particular serial numbers. The methods are time-consuming: the first is also error-prone. Connecting CVRs to cards using a unique pseudo-random number ("cryptographic nonce") printed on each card after the voter last sees it could reduce privacy risks, but retrieving the card imprinted with a particular random number may be harder than counting into a stack or finding the card with a given serial number. And what if the system does not in fact print a unique number on each ballot or does not accurately report the numbers it printed? This paper presents a method for conducting BLCAs that maintains the risk limit even if the system does not print a genuine nonce on each ballot or misreports the identifiers it used. The method also allows untrusted technology to be used to retrieve the cards selected for audit-automation that may reduce audit workload even if cards are imprinted with serial numbers rather than putative nonces. The method limits the risk rigorously, even if the imprinting or retrieval technology misbehaves. If the imprinting and retrieval systems behave properly, this protection does not increase the number of cards the BLA has to inspect to confirm or correct the outcome.

#### Keywords: Risk-limiting audit · Voter privacy

## Overstatement-Net-Equivalent Risk-Limiting Audit: ONEAudit

ESORICS Voting 23: LNCS

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Abstract. A procedure is a risk-limiting andit (RLA) with risk limit of if the aprobability at least 1 – or d correcting east wrong reported outcome and never alters correct outcomes. One efficient RLA method, card-level comparison (CLCA), compares human interpretation of individual balc cards randomly selected from a trustworthy paper trail to the voting systems interpretation of the same cards (cast vote records, CWRs). CLCAs heretofore required a CVR for each cast cast and a "link' identifying which. CVR is for which card – which cast out exceeds the voting system provide. They part which card – which can be the same amount here are corrected and the voting system for any number of cards and OKE CVRs correct and high for the voting system for any number of cards and OKE CVRs correct and high for the res. In particular:

- Ballot-polling RLA is algebraically equivalent to CLCA using ONE CVRs derived from the overall contest results.
- CLCA can be based on batch-level results (e.g., precinct subtotals) by constructing ONE CVRs for each batch. In contrast to batch-level comparison auditing (BLCA), this avoids manually tabulating entire batches and works even when reporting batches do not correspond to physically identifiable batches of cards, when BLCA is impractical.
- If the voting system can export linked CVRs for only some ballot cards, auditors can still use CLCA by constructing ONE CVRs for the rest of the cards from contest results or batch subtotals.

This works for every social choice function for which there is a known RLA method, including HIV. Sample sizes for BFA and CLCA using ONE CVRs based on context totals are comparable. With ONE CVRs from batch subcales, sample sizes are smaller than that for BIA when batches are homogeneous, approaching these of CLCA are CVRs from presidential electron in California at this limit 5% using ONE CVRs for presidential electron in California at this limit 5% using ONE CVRs for precised-level results are accurate, compared to about 20,000 for BLCA. The 2022 Georgia audit tabulated more than 231,000 cards (the expected BLCA sample size was 810,000 cards); ORE Audit see expected BLCA sample size SUTLS, the "hybrid" method the plot used. 2018, ONEAnditi gress a rais of 2%, substantially lower than the 3.7% measured risk for SUTLS. Its "hybrid" method the plot used.

 ${\bf Keywords:}$  Risk-limiting audit, BPA, card-level comparison audit, batch-level comparison audit

### You can do RLAs for IRV The Process Pilot of Risk-Limiting Audits for the San Francisco District Attorney 2019 Instant Runoff Vote

Michelle Blom<sup>\*</sup> Andrew Conway<sup>†</sup> Dan King<sup>†</sup> Laurent Sandrolini<sup>§</sup> Philip B. Stark<sup>¶</sup> Peter J. Stuckey<sup>†</sup> and Vanessa Teague<sup>\*\*</sup>

April 2, 2020

The City and County of San Francisco, CA, has used Instant Runoff Voting (RV) for some decisions sine 2004. This report describes the first ever process pilot of Risk Limiting Audits for HW, for the San Francisco District Attorney's race in November, 2019. We found that the vote-by-mail outcome could be efficiently audited to well under the 0.05 risk limit given a sample of uly 200 ballox. All the software we developed for the pilot is open source.

#### 1. Introduction

Post-election and its test a reported election result by randomly samples pare blacks. A field fourier of the strong statistical structure of the strong statistical or view in the field strong statistical or view for the record straight  $^{-2}$  (The outcome is the pointical result -i.e., who would not be expected by the record straight  $^{-2}$  (The outcome is the pointical result -i.e., who would not be exact vote counts.) The maximum channe that as RLA with fial to correct where the record straight outcome is the result in RLA are we prove the straight outcome is the result in RLA are straight outcome is stra

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# Adaptively Weighted Audits of Instant-Runoff Voting Elections: 2023 E-Vote-ID AWAIRE

Alexander Ek<sup>1</sup><sup>(o)</sup>, Philip B. Stark<sup>2</sup><sup>(o)</sup>, Peter J. Stuckey<sup>3</sup><sup>(o)</sup>, and Damjan Vukcevic<sup>1</sup><sup>(S)</sup><sup>(o)</sup>

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<sup>2</sup> Department of Statistics, University of California, Berkeley, CA, USA <sup>3</sup> Department of Data Science and AI, Monash University, Clayton, Australia

Abstract. An election audit is *risk-limiting* if the audit limits (to a pre-specified threshold) the chance that an erroneous electoral outcome will be certified. Extant methods for auditing instant-runoff voting (IRV) elections are either not risk-limiting or require cast vote records (CVRs), the voting system's electronic record of the votes on each ballot. CVRs are not always available, for instance, in jurisdictions that tabulate IRV contests manually.

We develop an RLA method (AWAIRE) that uses adaptively weighted averages of test supermartingales to efficiently audit IRV elections when CVRs are not available. The adaptive weighting 'learns' an efficient set of hypotheses to test to confirm the election outcome. When accurate CVRs are available, AWAIRE can use them to increase the efficiency to match the performance of existing methods that require CVRs.

We provide an open-source prototype implementation that can handle elections with up to six candidates. Simulations using data from real elections show that AWAIRE is likely to be efficient in practice. We discuss how to extend the computational approach to handle elections with more candidates.

Adaptively weighted averages of test supermartingales are a general tool, useful beyond election audits to test collections of hypotheses sequentially while rigorously controlling the familywise error rate.

# Stylish Risk-Limiting Audits in Practice

Amanda K. Glazer<sup>12</sup>, Jacob V. Spertus,<sup>3</sup> Philip B. Stark<sup>4</sup>

Abstract: Risk-limiting audits (RLAs) can use information about which ballot cards contain which contests (*card-style data*, CSD) to ensure that each contest receives adequate scrutiny, without examining more cards than necessary. RLAs using CSD in this way can be substantially more efficient than RLAs that sample indiscriminately from all cast cards. We describe an open-source Python implementation of RLAs using CSD for the Hart InterCivic Verity voting system and the Dominion Democracy Suite<sup>®</sup> voting system. The software is demonstrated using all 181 contests in the 2020 general election and all 214 contests in the 2022 general election in Orange County, CA, USA, the fifth-largest election jurisdiction in the U.S., with over 1.8 million active voters. (Orange County uses the Hart Verity system.) To audit the 181 contests in 2020 to a risk limit of 5% without using CSD would have required a complete hand tally of all 3,094,308 cast ballot cards. With CSD, the estimated complete hand count. To audit the 214 contests in 2022 to a risk limit of 5% without using CSD would have required a complete hand tally of all 1,989,416 cast cards. With CSD, the estimated sample size is about 20,250 ballots, 3,1% of cards cast—including three contests with margins below 0.1% and 9 with margins below 0.5%.

Create set of games, at least one of which has odds that are fair or unfavorable if one or more reported winners didn't really win. (SHANGRLA + ALPHA)

- Each game involves betting on the next number sampled at random from a list.
- Each game involves a different list.
- If the outcome is wrong, the mean of at least one of the lists is  $\leq 1/2$ .
- Start with a stake of \$1 in each game.
- Bet using any strategy you want (can't peek into the future).
- If your fortune gets to \$20 in every game, audit stops.
- If you go broke in any game, do a full hand count.

If you don't get to \$20 in every game (or if you get bored), full hand count of trustworthy vote record.

Ville (1939): Chance your fortune ever reaches k in a sequence of fair or unfavorable bets is at most 1/k

Ville (1939): Chance your fortune ever reaches k in a sequence of fair or unfavorable bets is at most 1/k

At most 5% chance you get to \$20 in every game if any reported winner didn't really win.

Thus, RLA with risk limit 5%.

Better betting strategies  $\rightarrow$  more efficient audits: current research

## **Evidence-Based Elections**

P.B. Stark and D.A. Wagner

Abstract-We propose an alternative to current requirements for certifying voting equipment and conducting elections. We argue that elections should be structured to provide convincing affirmative evidence that the reported outcomes actually reflect how nearly voted. This can be accomplished with a combination of software-independent voting systems, compliance audits, and rick-limiting audits. Together, these yield a resilient canvass framework: a fault-tolerant approach to conducting elections that gives strong evidence that the reported outcome is correct or reports that the evidence is not convincing. We argue that, if evidence-based elections are adopted, certification and testing of voting equipment can be relaxed, saving money and time and reducing barriers to innovation in voting systems-and election integrity will benefit. We conclude that there should be more regulation of the evidence trail and less regulation of equipment. and that compliance audits and risk-limiting audits should be required.

Keywords-elections, software-independent voting system, risklimiting audit, resilient canvass framework EDICS SEC-INTE, APP-CRIM, APP-INTE, APP-OTHE.

#### I. INTRODUCTION

ThEALLY, what should an election do? Certainly, an election should find out who wen, but we believe it also should produce convincing evidence that it found the real winners or report that it cannot. This is not automatic; it requires houghtful design of voting equipment, carefully planned and implemented voting and vote counting processes, and rigorous post-election auditing.

While approximately 75% of US voters currently vote on equipment that produces a voter-verifiable paper record of the vote, about 25% vote on paperless electronic voting machines that do not produce such a record [1].

Because paperless electronic voting machines rely upon complex software and hardware, and because there is no feasible way to ensure that the voting software is free of logge or that the hardware is securiting the proper software, the water's votes accurately. Acal, because paperless voting machines preserve only an electronic record of the vote that cannot be directly observed by voters, there is no way to produce convincing evidence that the electronic record accurately reflexes the voter's inten. Internet voting hashers the additional valuembilities.

Numerous failures of electronic voting equipment have been documented. Paperelse voting machines in Cattert Courty, North Carolina irretrievably lot 4.400 votes; other machines in Mecktenburg, North Carolina recorded 3.255 more votes than the number of people who voted; in Bernalilo Courty, New Mecico, machines neeroded 2.700 more votes than voter; in Madonnig Canity, Ohio, some machines reported a negative tudi vote court and in Pairlas, Vripting, norusy dificials fond electronic voting machines urbarcted one vote for her (21, in bohr, when jetesions are conducted on napaerless voting electronic voting machines urbarced one vote for her (21, in bohr, when jetesions are conducted on napaerless voting

## EVIDENCE-BASED ELECTIONS: CREATE A MEANINGFUL PAPER TRAIL, THEN AUDIT

## Andrew W. Appel\* & Philip B. Stark\*\*

CITE AS: 4 GEO. L. TECH. REV. 523 (2020)

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- Require rigorous physical custody of ballots, and compliance audits, as discussed above. A RLA that relies on an untrustworthy paper record accomplishes little.
- Require genuine RLAs. The procedures and calculations should ensure that whenever an outcome is incorrect, the audit has the requisite chance of leading to a full hand count.<sup>34</sup> This entails a number of things:

a. The audit must ascertain voter intent manually-directly from the human-readable marks on the paper ballots the voters had the opportunity to verify. It is not adequate to rely on digital images of ballots, printout from an electronic record, barcodes, or other artifacts that are not verifiable by the voter or are not tamper evident. Nor is it adequate to re-tabulate the votes electronically, either from images of the ballots or from the original paper. BMD printouts, digital images of ballots, reprinted ballots, and other computer data are not reliable records of voter intent. They can be incomplete, fabricated, or altered (accidentally or maliciously) by software bugs, procedural lapses, or hacking. Statutes should prohibit relying on such things for the determination of voter intent. Making this prohibition explicit is important because, as mentioned above. voting system vendors are marketing technology that purports to facilitate RLAs by allowing auditors to examine digital images of ballots instead of paper ballots. Relying on an electronic record created by the voting system to accurately reflect voter intent amounts to asking a defendant whether the defendant is guilty.

b. The audit must take all validly cast ballots into account. If ballots are omitted from consideration, for instance vote-by-mail ballots that did not arrive by election night or provisionally cast ballots, the audit cannot be a genuine RLA. Still, there are ways to begin an RLA before all ballots are available.

c. The audit must have the ability to correct incorrect outcomes. This might mean that the audit must take place before results are certified or that the audit can revise alreadycertified results.

<sup>34</sup> The statute should not dictate methods or calculations, only principles. This makes it possible to use improved methods as they are developed or as voting systems are replaced.

2020 GEORGETOWN LAW TECHNOLOGY REVIEW 539

 Set the risk limit in statute. Allowing the Secretary of State or local election official to choose the risk limits may create a real or apparent conflict of interest.

## 4. Specify how the contests to be audited are selected.

a. If not every contest will be audited in every election, the selection of contests to audit should involve a random element to ensure that every contest has some chance of being selected. This ensures that a malicious opponent will not be able to predict whether any particular race will be audited.

b. Every contest not audited with an RLA should be audited using a *risk-measuring audit* instead.<sup>35</sup>

c. Statutes must require RLAs on cross-jurisdictional contests—including statewide contests. Because the point of an RLA is to ensure that reported contest outcomes are correct, every county involved in a particular contest must examine ballots in such a way that the overall cross-jurisdictional procedure is an RLA of that contest. Operationally, auditing cross-jurisdictional contests requires coordination among counties, so each county knows when its portion of the audit can stop. For example, the Secretary of State can tell each jurisdictional contest in light of the margin and what the audit reveals as it progresses.

5. The audit sample must not be predictable before the audit starts. Otherwise, any hacked software would know in which precincts it is safe to cheat. Audits in Colorado, California, Rhode Island, and elsewhere have initialized a random number generator by rolling dice in a public ceremony to ensure that the sample is unknown until that time.<sup>36</sup> The sample from any collection of ballots should not be selected before election officials have "committed" to the tally of those ballots. For example, nobody should be able to know whether precinct 207 will be audited until the election official has published the tally for precinct 207.<sup>3</sup>

6. The public must be able to verify, not merely observe, that the RLA did not stop prematurely. Among other things, this requires election officials to: disclose the algorithms used to select the sample, calculate the risk and determine when the audit can stop; provide the public the opportunity to observe the selection of the "seed" for drawing the sample; provide adequate public evidence that the paper trail of cast ballots is complete and intact (evidence generated in part by the compliance audit); provide the public the opportunity to observe the voters' marks on the ballots that were inspected by the used it, "adult," and used it, "adult," and used it, "and used it," arout the comparison audits," provide the public the opportant to observe the voters' marks on the ballots that were inspected by the audit, "adult," and the correct cast-vote record was compared to each audited ballot and proof that the full set of cast-vote record syields the reported contest results.

RLAs increasingly abused to distract from fundamental problems in election administration: no trustworthy, organized, complete record of expressed preferences of eligible voters who validly cast ballots.

E.g., GA SoS Raffensperger claimed that a (deeply flawed) audit of one contest in 2020 based on untrustworthy paper trail "reaffirmed that the state's new secure paper ballot voting system accurately counted and reported results."

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"Full count audit" omitted thousands of ballots in Fulton County alone; machine counts included some ballots twice or more. Audit did not notice.

- What is the class of social choice functions that can be audited with SHANGRLA?
- If there are sufficient conditions, are there also necessary and sufficient conditions?
- Are all sets of necessary and sufficient conditions equally expensive to audit?
- Is "pairwise" auditing sharper than "global" auditing?
- Optimizing stratified audits

