

# Wyoming's Statewide Election Audit Policy for 2022

Rev. 06.29.2022

## Introduction

### Overview of Ballot Audit Requirements for the ES&S DS200, DS450, DS850 and ExpressVote Machines

All counties shall be required to audit a statistically significant sample determined by the Secretary of State's Office using the statistical model provided by the University of Wyoming Department of Mathematics and Statistics (UW).

Using the election management software (EMS), the county shall provide the Secretary of State's Office with an Excel spreadsheet containing specific columns of data. This information shall be sent to the Secretary of State's Office with the required Election Night Reports. The Secretary of State's Office shall randomly select ballots and the number of contests to be audited by the county as determined by the UW model and shall provide that information to the county by no later than 10:00 AM MT the day following the election.

In order to audit the selected ballots, the county shall use the EMS to compare the ballot with the corresponding Cast Vote Record (CVR).

The Excel spreadsheet used to document the audit results in accordance with Step 5 below shall be a public record.

## Public Records Request

Should you receive a public records request for this information, please contact your local County Attorney's office and the Secretary of State's Office prior to release.

## Applicability

This policy shall apply to all elections being conducted during the 2022 calendar year.

## **Audit Process**

### STEP 1: Audit Notice

The county shall create a public notice that includes the date, time, and place of the post-election audit and shall publish the notice in the county clerk's office and on the county clerk's website (if applicable) at least two (2) days before the audit.

### STEP 2: Provide Ballot & Batch Information to Secretary of State's Office

Using the EMS, each county shall generate a spreadsheet that identifies: (1) Ballots; (2) batch number for each ballot; (3) the cast vote record (CVR); and 4) the Precinct and/or Ballot Style. The spreadsheet shall be emailed to the Secretary of State's Office ([Andrea.Byrne@wyo.gov](mailto:Andrea.Byrne@wyo.gov) & [Kai.Schon@wyo.gov](mailto:Kai.Schon@wyo.gov)) with the required Election Night Reports.

### STEP 3: Analysis of "State – Election Summary" Report

Upon receipt of a county's unofficial election results PDF reports, the state shall review the following contests appearing on the "State – Election Summary" report: statewide candidates, judicial retentions, statewide ballot questions, or any legislative contests. The review will identify the contest containing the smallest observable percentage of difference. The "Vote %" column of information appearing on the report will aid in this analysis.

The smallest observable percentage of difference in a contest is the difference in the percentages between the highest and second highest candidates receiving the most votes. The smallest percentage of difference is that which will be used to determine the sample size and corresponding ballots to be audited. See Audit Exceptions below.

### STEP 4: UW Model and Random Selection

The Secretary of State's Office will use the UW model to determine the statistically significant sample size and the corresponding ballots to be audited by entering the value identified in Step 3 above into the UW calculator. The UW model provides for an error rate of 2% or less. The result of the calculation determines the sample size to be audited.

Next, the Secretary of State's Office shall use the "Rand()" function in Microsoft Excel to randomly select the number associated with the ballots which are then to be compared to the CVRs.

Information about those ballots randomly selected for auditing shall be provided back to the county in the Excel spreadsheet originally provided by the respective county by no later than 10:00 AM MST the day following the election.

### STEP 5: County Audit

All ballots shall be audited as prescribed by the Secretary of State's Office and the final results of the audit must be provided to the Secretary of State's Office before the state canvassing board meeting.

For each ballot identified in Step 4, the county shall use the ES&S software to compare the ballot with the CVR. If there are gaps within the number sequence and one of the randomly selected ballot numbers to be audited does not exist, the next available ballot in sequence shall be audited.

On each ballot identified, the county shall audit, at a minimum, the first six (6) contests appearing on the ballot. If a ballot contains less than six (6) contests, the next ballot(s) in sequence shall be audited until a minimum of six (6) contests have been audited.

If a county has a precinct/ballot style where the number of ballots cast in the election is fewer than 15, and, therefore, it could be possible to associate the ballot to a specific voter, the ballot shall not be audited to protect the privacy of the voter. The ballot shall be recorded on the spreadsheet with a comment of "Not audited due to voter privacy." The next ballot in sequence where the precinct/ballot style has 15 or more ballots cast shall be audited and recorded as such in the spreadsheet.

If a ballot does not match the CVR, the county shall determine if the reason is due to tabulator adjudication, human error or other reason, and document it accordingly in the spreadsheet provided by the Secretary of State's Office.

<b>Potential Finding/Observation</b>	<b>Definition</b>
Inaccurate Tabulation	Ballot shows a correctly filled in oval and the tabulator read the cast vote incorrectly; or the ballot shows no ovals were marked and the tabulator identified a voter selection.
Voter didn't follow ballot instructions	Voter circles the oval or puts another mark in or around the oval which cannot be read by the tabulator.

Note: Any finding/observation reported will not change the outcome of an election as the election results are statutorily vested in the votes as recorded by the tabulators in accordance with W.S. 22-14-114.

STEP 6: Submit Audit Summary Report

Audit results and summary information shall be certified by the county clerk and submitted to the Secretary of State's Office no later than by 5:00 PM MST on the day preceding the state canvassing board meeting

STEP 7: Storage

The audit results spreadsheet shall be retained for 22 months as an official election record.

## **Audit Exceptions:**

If, in counties where the margin of difference in any statewide race, judicial retention, statewide ballot question, or any legislative contest is less than 1%, the percent of observable difference used to determine the sample size and the corresponding ballots required to be audited will be 1%.

If, in counties where all races have either no candidate filed, or only one candidate filed, the closest statewide contest will be used to determine the audit sample. Then, if all statewide races in a county have victory margins of 7.5% or greater, 7.5% will be the percent of observable difference used for determining the sample size which would requires that 50 ballots be audited in accordance with Step 5 above as prescribed by the Secretary of State's Office.

## **Policy Duration:**

This policy will remain in effect until it is superseded.