

Issues With ARS §16-602

Existing law refers to a “hand count”. This would seem to eliminate the use of an independent high speed counting system that could provide a much more thorough audit.

Existing law states “the county officer in charge of the election SHALL conduct a hand count...” While this would seem to make the hand count mandatory, counties opt out by using paragraph (B)(7) that requires political parties to provide the hand counters. Should this opt out provision be eliminated?

Existing law limits the hand count to no more than five contested races. Should there be such a limit? Should a county be prevented from hand counting additional races?

Existing law has different procedures for polling place and early ballots. The hand counting of early ballots is not “end-to-end” in the sense that the early ballot hand count results cannot be compared to a final machine count figure (one that appears in the SOVC).

Existing law specifies a fixed percentage hand count. Given that 80% of ballots are Early ballots, the total size of the hand count is approximately 1.2% of ballots (Precincts: 2% of 20% = 0.4% of the ballots; Earlies: 1% of 80% = 0.8). This is a small sample that says very little about the validity of election outcomes and has a very low probability of detecting fraud or precinct-specific errors. There are other ways to sample the ballots to provide a statistically meaningful audit. With the proper choice of auditing scheme, it might be possible to eliminate the Vote Count Verification Committee and the “designated margin.”

Existing law specifies random selection of precincts. Perhaps precincts with very few ballots (say < 25) should be eliminated.

Existing law says nothing about the use of ballot images. Ballot images provide the capability of sorting Early ballots by precinct. Printing Early ballot images from selected precincts would allow the Early ballot hand count to be functionally equivalent to the Precinct hand count. Ballot images would also allow alternative independent counting systems that would be much more efficient and thorough than hand counting small samples.

Existing law does not allow for adequate auditing of statewide and multi-county races since the hand counts are restricted to ballots within a county. A problem discovered in one county would not lead to any actions in other counties. Other states are looking at ways to more meaningfully audit statewide races.