

September 20, 2022

Wisconsin Elections Commission
201 West Washington Avenue, Second Floor
Madison, WI 53707
Via email

RE: Updated 2022 Post-Election Electronic Voting Equipment Audit Proposed Guidelines

Dear Members of the Wisconsin Elections Commission:

On behalf of Verified Voting, I submit these comments on the Updated 2022 Post-Election Electronic Voting Equipment Audit Proposed Guidelines for consideration at the September 21, 2022 Commission meeting. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. We believe that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast.

We would like to applaud the measures that Wisconsin has adopted over time to improve its post-election audits and clarify audit procedures. We also write to highlight a concern about the updated 2022 audit guidelines. In the instance a statewide recount is *possible*, the updated guidelines allow for the likely extension of the audit deadline after state certification. Post-election tabulation audits provide an important check on voting system performance, but auditing election results before they are finalized is key to addressing any discrepancies or errors that the audit might uncover. Wisconsin took an important step in 2018 when it moved to pre-certification audits.

We appreciate the challenge of auditing elections when a statewide recount is probable. The timing of each process could conflict, and recount petitioners could have concerns about the unsealing and handling of ballots for an audit potentially scheduled prior to a recount.

That said, we would urge the Commission to prioritize completing the audit prior to certification to the extent possible in 2022, especially if no recount takes place. For instance, if the recount petition deadline falls on or after November 18 and a recount petition is not submitted, there is value in recommending that municipalities submit their results by December 1, the deadline for the state to certify election results, rather than by the day after.

Audits have value even when a recount takes place. In Wisconsin, audits generally examine more contests, and they are conducted entirely by hand, unlike recounts. For 2024, the Commission may wish to consult with municipal and county election officials on how best to manage the respective workload and timing of audits and recounts to ensure that audits can be completed before certification even when a statewide recount is likely or required.

Respectfully submitted,

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