
Coordinating Audits and Recounts to Strengthen Election Verification

A collaboration between **Verified Voting** and
Citizens for Election Integrity Minnesota

VerifiedVoting



About the Organizations

Verified Voting's mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections.

Citizens for Election Integrity Minnesota advocates for verifiable, transparent, and accurate elections in Minnesota and across the country.

Authors

**C.Jay Coles, Senior Policy & Advocacy Associate,
Verified Voting**

**Mark Halvorson, founder and board chair,
Citizens for Election Integrity Minnesota**

**Chrissa LaPorte, Senior Policy & Technical Associate,
Verified Voting**

**Mark Lindeman, Policy & Strategy Director,
Verified Voting**

**Dan Pederson, Program Coordinator,
Citizens for Election Integrity Minnesota**

Acknowledgements

We are grateful to the following individuals who reviewed and commented on this document. They were selected for their audit and/or recount experience or expertise. However, the statements and recommendations in this document are those of the authors alone and should not necessarily be attributed to the individuals listed below. Their organizations are listed for identification purposes only.

Seth Bluestein, City Commissioner, City of Philadelphia

Liz Howard, Brennan Center for Justice

Joseph Kirk, Elections Supervisor, Bartow County, Georgia

Jennifer Morrell, Partner, The Elections Group

Sherry Poland, Director, Board of Elections, Hamilton County, Ohio

Grace Wachlarowicz, Certified Elections and Registration Administrator

A special thanks to Megan Maier at Verified Voting for her meticulous editing. In addition, Max Hailperin, elections consultant, provided invaluable comments.

To submit comments or questions about this document please contact: **Verified Voting** at info@verifiedvoting.org or **Citizens for Election Integrity Minnesota** at info@ceimn.org.

Table of Contents	4	Introduction
	4	Defining Audits and Recounts
	7	Initiation of Audits and Recounts
	7	Responsibility for Audits and Recounts
	7	The Importance of Having Audits and Recounts Work Together
	8	Timing
	10	Auditing in the Event of a Recount
	12	Situations in Which Audits Can Reduce the Need for Recounts
	14	Transparency and Impartiality
	16	Conclusion
	17	Table 1: Recount and Audit Counting Methods by State

Coordinating Audits and Recounts to Strengthen Election Verification

Introduction

The 2020 presidential election was followed by an extensive period of scrutiny and challenge. Some of these activities were typical—automatic recounts, optional recounts, and routine tabulation audits—and some were highly irregular.¹ Widespread misinformation sowed confusion and distrust.

As election officials strive to promote public confidence in our elections, it is important to emphasize that recounts and tabulation audits are normal procedures, and they are vital to our elections. Recounts and audits, when properly designed and conducted, can help assure candidates and the public that there was a fair examination of the results and an accurate count of all legally cast votes.

State requirements for tabulation audits have been expanding. Recounts are common and will continue to be part of the contentious post-election landscape. Elections need both audits and recounts, and they need audits and recounts to work well together. This paper describes how to dovetail audits and recounts to bolster public confidence in election results. Every state can do better, and this paper provides guidelines for how.

Defining Audits and Recounts

An *audit* (tabulation audit) is a routine part of the post-election process designed to check whether ballots were counted accurately. It normally happens regardless of the reported election results. In a tabulation audit, randomly selected ballots are examined, usually (and preferably) by hand.

¹ See generally Verified Voting, *Good vs. Ugly: How to Spot True Post-Election Audits from Sham Reviews* (2021), <https://verifiedvoting.org/wp-content/uploads/2021/10/RealvsSham-VerifiedVoting-October2021.pdf>.

A *recount* is performed in response to circumstances involving a specific contest, such as a very close vote. Recounts are initiated automatically by statute or requested by candidates, voters, or, in some cases, by other parties. In most cases, the objective of a recount is to determine the outcome of a specific contest by counting all the ballots again.

While audits and recounts are two different processes, both are designed to check the accuracy of our elections by a post-election examination of ballots.

In this document when we use the term *audits*, we are referencing tabulation audits, which are defined by a group of former election officials, public advocates, computer scientists, statisticians, and political scientists in *Principles and Best Practices for Post-Election Tabulation Audits* as follows:

Tabulation audits involve people (auditors) physically examining and interpreting votes on paper ballots that people (voters) have had the opportunity to verify, and using those interpretations to check the computer (voting system) results.²

The two main types of tabulation audits are risk-limiting audits (RLAs) and traditional, fixed-sized audits. RLAs are designed to examine enough ballots to provide strong evidence that outcomes of contests are correct, or to correct the outcomes via full manual recounts, if they are wrong.³ A fixed-sized post-election audit requires election officials to randomly select a particular number of units (such as precincts or machines) to audit. That number may depend on such factors as the total number of precincts or registered voters, but generally does not depend on how close the election was.

² *Principles and Best Practices for Post-Election Tabulation Audits* 5 (Lynn Garland et al., eds., 2018), <https://electionaudits.org/files/Audit%20Principles%20and%20Best%20Practices%202018.pdf>.

³ Mark Lindeman & Philip Stark, *A Gentle Introduction to RLAs*, IEEE SECURITY AND PRIVACY 1 (2012), <https://www.stat.berkeley.edu/~stark/Preprints/gentle12.pdf>.

While we focus primarily on tabulation audits, there are also other types of routine audits that check important components of an election. Some states require procedural audits, which review procedures performed before, during, and after an election.⁴

Recounts are primarily distinguished by their initiating mechanisms and methods of counting. In most cases, recounts are conducted by using voting machines to rescan the ballots, referred to as *retabulation* in this document. A few states recount all ballots by hand. Hand recount procedures often allow the interested parties to challenge the interpretation of the voter's intent.

Some states use direct recording electronic (DRE) voting systems without a paper record. Votes cast on these systems can only be recounted by electronic review, which is done by simply examining the printouts from the DREs or running the same electronic tabulation protocols as on Election Day.

Audits can check the accuracy of an election by examining only a fraction of the ballots. A recount usually recounts all the ballots cast in a specific contest. About half the states that conduct audits require that the results of the audit be binding; i.e., the results of the audit become the official results. Almost all recounts are binding.

The credibility of tabulation audits and recounts is supported by strong ballot accounting and chain of custody.⁵

⁴ U.S. Election Assistance Commission (EAC), *Election Audits Across the United States 20* (2021), https://www.eac.gov/sites/default/files/bestpractices/Election_Audits_Across_the_United_States.pdf. In 2018, 16 states reported requiring some form of procedural audit.

⁵ See generally Jennifer Morrell, *Knowing It's Right, Part Four: Ballot Accounting Audits Best Practices Guide* (2021), https://democracyfund.org/wp-content/uploads/2021/02/2021_DF_KnowingItsRight_Part4.pdf; U.S. Election Assistance Commission, *Best Practices: Chain of Custody* (2021), https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf.

Initiation of Audits and Recounts

Tabulation audits check voting system performance in contests regardless of the margins of victory. The requirement to conduct these routine audits is established in state statute or administrative rule, where it specifies how often audits will occur and what election contests will be audited.

In many states, recounts are conducted only when there is a close vote. Most states also permit a losing candidate, a voter, or group of voters to petition for a recount. In some states, voters and candidates can choose a partial recount by selecting a limited number of precincts to count.⁶ Recounts can also be initiated by the courts, and, in a few states, complete recounts can be initiated by the results of an audit.⁷

Responsibility for Audits and Recounts

Most audits are conducted by local officials and almost all recounts are conducted by local officials.

Some states conduct third-party audits, which “are performed by independent audit organizations, separate from the officials who initially completed the work,” and “can be implemented by other government agencies or by independent organizations.”⁸ Third-party audits as described here are routine audits conducted under existing election laws.

Statewide and multi-county recounts usually have some oversight by a state election authority.

The Importance of Having Audits and Recounts Work Together

Audits and recounts use different procedures and have different objectives, timing, and initiating mechanisms. The challenge we face is to make them complementary and not at odds as they interact to promote confidence in our elections.

⁶ Some states also allow election officials to initiate discretionary audits, which are sometimes called discretionary recounts. Data on partial recounts, discretionary recounts and eligible petitioners is available in the Citizens for Election Integrity Minnesota (CEIMN) state Recount Laws Database, *infra* note 10.

⁷ National Conference of State Legislatures (NCSL), *Election Recounts* (2022), <https://www.ncsl.org/research/elections-and-campaigns/automatic-recount-thresholds.aspx>.

⁸ EAC, *supra* note 4, at 19.

Principles and Best Practices for Post-Election Tabulation Audits notes the necessity of audits and recounts working together:

Audits, including any full hand counts that result, must be completed in time to change official outcomes if hand counts so indicate. ... Because audits can lead to 100% hand counts, audit and recount provisions should be appropriately harmonized.⁹

For audits and recounts to work together, a state needs to have provisions for both. Almost all states have some sort of recount mechanism whether initiated by request, by court order, or by a trigger, such as a close vote.¹⁰ However, not all these states conduct routine audits.¹¹ Without an audit, states miss the opportunity to conduct a routine check on election results. Audits can create greater confidence in the results, especially in the absence of a recount.

States should establish a clear link between audits and recounts in statute. Audit statutes should provide a mechanism for an audit to expand—to examine additional ballots if anomalies in the count are detected—up to a binding full hand count.¹² Some states explicitly provide for these “audit-initiated” recounts.¹³ The ability to expand to a full hand count is also a defining characteristic of risk-limiting audits.

Timing

“An election isn’t over when the polls close. It’s over when election administrators complete their postelection activities and the election results are certified. As with everything else related to elections, state law governs these postelection processes—and there are 51 models. (The states plus Washington, D.C.)”¹⁴

⁹ Garland et al., *supra* note 2.

¹⁰ See Citizens for Election Integrity Minnesota (CEIMN), *Recount Laws Database: Initiating Mechanisms*, <https://ceimn.org/searchable-databases/recount-database> (last visited Sept. 29, 2022).

¹¹ See U.S. Election Assistance Commission, *Post-Election Audits 7–24* (2020), https://www.eac.gov/sites/default/files/electionofficials/postelection/Post_Election_Tabulation_Audits.pdf.

¹² *E.g.*, Minn. Stat. § 206.89.5(b) (2021).

¹³ Verified Voting, *Audit Law Database*, <https://verifiedvoting.org/auditlaws/> (last visited Sept. 29, 2022) (Search on “Audit results binding on official outcomes” under “Audit Results Binding” and either “Statute specifies criteria to expand the audit (up to statewide)” or “State specifies use of a risk-limiting audit” under “Addressing Discrepancies.”)

¹⁴ NCSL, *Canvass, Certification and Contested Election Deadlines and Voter Intent Laws* (2020), <https://www.ncsl.org/research/elections-and-campaigns/after-the-voting-ends-the-steps-to-complete-an-election.aspx>.

States across the country vary widely in their timelines and deadlines for canvassing election results,¹⁵ conducting audits and recounts, and certifying final results. Adding to the complexity, states use similar terms in different ways. For instance, certification may refer to several different steps in the election process. There may be an initial certification by a local canvassing authority, a subsequent certification of those local results by a statewide canvassing board or authority, and in some cases a final certification after all recounts and election contests are complete.¹⁶ Despite these variations, some broad principles can be applied in any jurisdiction.

Ideally, an audit will take place promptly after the deadline to receive all ballots and will be completed prior to the deadline to request a recount. A prompt audit provides an immediate way to promote justified confidence in an election, as we discuss further in the section on “Situations in Which Audits Can Reduce the Need for Recounts.” It also can provide an opportunity for errors to be detected and addressed appropriately. Some states have audit statutes that provide for audits only after the final certification of results, which means that errors discovered in an audit may not be addressed.¹⁷ For example, Delaware’s audit statute specifically provides for audits only after results have been certified, and any discrepancies that are found are not reflected in the official results.¹⁸

A best practice audit always allows for an effect on the election results. If discrepancies found in an audit would change the outcome of a contest, then additional auditing or a full recount of the ballots cast should be conducted; only a complete recount of all the ballots should change the winner. Any post-certification changes in election results should be done in an orderly, statutorily prescribed process for changing an already certified outcome.

¹⁵ Canvassing is the “process of compiling, reviewing, and validating election returns that forms the basis of the official results by a political subdivision.” EAC Technical Guidelines Development Committee, *Voluntary Voting System Guidelines VVSG 2.0*, at 269 (2021), https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf.

¹⁶ See generally NCSL, *supra* note 14.

¹⁷ Verified Voting, *supra* note 13. As of publication, five states have audits that occur after results are certified, and two states do not provide guidance on when audits must be completed.

¹⁸ Del. Code tit. 15, § 5012A.

It can be challenging for election officials to meet post-election deadlines according to existing election calendars. These deadlines are especially important in presidential elections, since states risk the certification of their presidential electors if they don't comply with the federal timeline for this process.¹⁹ Ideally, laws and timing regarding certification and the seating of elected officials would accommodate all post-election procedures including expanded audits and full recounts.

Changes in election code pertaining to audits, recounts or canvassing should be reviewed to create harmony between their respective deadlines. Additionally, we strongly urge that election administrators be consulted as to impact and implementation. They are the workers in the trenches; no one knows better than they do the impact changes to election code will have.

Auditing in the Event of a Recount

Some states waive audit requirements whenever a recount is required, but such waivers often are problematic. As noted below, when a contest is to be recounted entirely by hand, an audit of that contest can be waived to avoid repetitive counting; however, when only one contest has been recounted by hand, it cannot be assumed that all the other contests have been counted correctly. We recommend that even when a recount is likely for a specific contest, an audit still be conducted for other contests or ballot issues. Voter confidence in the outcome of an election can be significantly improved if audits are required for other contests on the ballot.

Recount petitioners may have concerns about the unsealing and handling of the ballots for a routine audit scheduled prior to a recount. These concerns can be addressed if election officials proactively communicate with the petitioners, transparently conduct the audits, and meticulously follow chain of custody procedures.

Audit and recount provisions should minimize duplicative counting. A good illustration of this duplication comes from

¹⁹ Federal law sets a "safe harbor" deadline for states to resolve any disputes regarding their electors: Tuesday after the first Wednesday in December (six days before the electors meet to vote). The law provides that state determinations of electors made under existing state laws by that deadline "shall be conclusive." 3 U.S.C. § 5.

Minnesota, where ballots that were hand counted for the audits of the 2008 U.S. Senate and the 2010 gubernatorial contests were also hand counted again during the recounts. Subsequently, Minnesota updated its laws to prevent duplicative counting.²⁰ Georgia in 2020 provides a dramatic example of duplicative audit and recount provisions. Initially, the state conducted a risk-limiting audit of the presidential election by means of a full hand tally.²¹ However, under Georgia's audit statute, this hand tally, which confirmed the originally reported outcome, a narrow victory for Joe Biden, did not affect the official results.²² Because the certified vote margin was under 0.5%, Donald Trump was able to request a recount under Georgia law.²³ Recounts in Georgia are done by retabulation, so all the ballots had to be run through scanners again.²⁴ Counties then recertified their results based on the recount results.²⁵ We recommend harmonizing audit and recount statutes so that when there is a full hand count during an audit, those ballots do not have to be counted again—whether by hand or by machine—in a recount. A full hand count audit, conducted in accordance with statutorily prescribed safeguards, should be binding.

While Minnesota hand counts ballots in both audits and recounts, most states are like Georgia in using different counting methods for these processes. Audits are more often conducted by hand, recounts by retabulation. Only five states

²⁰ CEIMN, *Minnesota's 2014 Post-Election Audit: Report and Recommendations* 7 (2016), https://ceimn.org/sites/default/files/2022-04/minnesotas_2014_post-election_audit_1.pdf.

²¹ According to Ga. Comp. R. & Regs. 183-1-15-.04, counties are required to participate in a risk-limiting audit following November general elections in even-numbered years. The maximum allowable risk limit was set at 10%. Following the November 2020 general election, the secretary of state decided to adopt a 0% risk for the audit, which is equivalent to requiring a full hand count. The Carter Center, *The Georgia Risk-Limiting Audit/Hand Tally: A Carter Center Observation Report* 14 (2020), https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/georgia-audit-final-report-033121.pdf.

²² Georgia Secretary of State, *Historic First Statewide Audit Of Paper Ballots Upholds Result Of Presidential Race* (2020), <https://sos.ga.gov/news/historic-first-statewide-audit-paper-ballots-upholds-result-presidential-race>.

²³ *Id.*

²⁴ Ga. Comp. R. & Regs. 183-1-15-.03.

²⁵ Kate Brumback, *Georgia again certifies election results showing Biden won*, Associated Press, (December 7, 2020), <https://apnews.com/article/election-2020-joe-biden-donald-trump-georgia-elections-4eeea3b24f10de886bcdeab6c26b680a>.

require a hand count of all ballots as part of a recount; of these five, two states do not have audit statutes.²⁶ This leaves three states that guarantee a hand count in both recounts and audits: Minnesota, Montana, and Oregon. See Table 1 below for details on audit and recount counting methods across the states.

Recount Principles and Best Practices recommends a hand count of ballots in very close elections.²⁷ It also recommends that, “[w]hen conducting machine retabulations, it is critical to hand count (audit) a portion of the ballots and compare this result to the tabulator count for these ballots. This audit of the tabulators provides an independent check that does not depend upon the reliability of the tabulators’ software or hardware.”²⁸ For example, in New Mexico prior to a recount, a random sample of ballots is recounted by hand and then retabulated by machine.²⁹ If the hand count and tabulator arrive at the same counts for this sample, the rest of the recount is conducted by tabulator; otherwise, it is conducted by hand or on a different tabulator, one which counted the sample accurately.³⁰

Situations in Which Audits Can Reduce the Need for Recounts

Although some recounts are triggered automatically when there is a very close vote, many states also allow candidates or voters the option to petition for a recount.³¹ In these states, a recount by petition may reduce the need for an audit, as discussed in the previous section. Conversely, an audit may reduce the need for a recount. If a well-designed audit is conducted before an optional recount, and if it provides evidence that the original vote totals were correct, or if it finds discrepancies and expands appropriately, it could convince petitioners that a complete recount isn’t necessary.

²⁶ Verified Voting, *supra* note 13.

²⁷ Mark Halvorson et al., *Recount Principles and Best Practices* 3 (2014), <https://ceimn.org/sites/default/files/recountprinciplesbestpractices2014.pdf>.

²⁸ *Id.*, at 12 (citations omitted).

²⁹ N.M. Stat. § 1-14-23.A.

³⁰ *Id.*, at B.

³¹ NCSL, *supra* note 7.

Audits can only reduce the demand for recounts if they are of high quality. *Principles and Best Practices for Post-Election Tabulation Audits* identifies nine principles for high-quality audits.³² If an audit does not fulfill all or most of the principles and best practices, it may not convince candidates or the public that the original election outcome should stand. Crucially, the audit procedure should provide a mechanism to examine more ballots, up to a full hand count, if necessary to confirm or correct the initially reported outcome. Risk-limiting audits are considered robust audits in this respect. By definition, risk-limiting audits examine as many ballots as necessary to provide strong evidence that the reported outcome is correct or lead to a full hand count to establish the correct outcome. Risk-limiting audits have been attracting more interest, but their use nationwide is still quite limited.³³ Audit procedures that are not risk-limiting still may reassure losing candidates in some cases but can fall short in the closest contests.

Other flaws can hamper audits' ability to reduce the need for recounts. Especially common are lack of comprehensiveness and lack of transparency. In many states, not all types of ballots are subject to audit—only 13 states explicitly require auditing all ballot types.³⁴ The use of mail ballots exploded nationwide in 2020, but some states do not consistently audit mail ballots. California, which has long had no-excuse vote by mail, automatically sent voters a mail ballot for the November 2020 election.³⁵ However, in 2017 California modified its audit law “to exempt ballots not counted in the ‘semifinal official canvass,’ which must be completed by the Thursday after Election Day. Thus, large numbers of mail and provisional ballots potentially are excluded from the audit.”³⁶

³² See Garland et al., *supra* note 2.

³³ See Verified Voting, *The Verifier — Post-Election Audits — November 2022*, <https://verifiedvoting.org/verifier/#mode/navigate/map/auditLaw/mapType/audit/year/2022> (last visited Sept. 29, 2022).

³⁴ Verified Voting, *Audit Law Database: “Comprehensiveness,”* https://verifiedvoting.org/auditlaws/?wpv-wpcf-audit-comprehensiveness-1&wpv_aux_current_post_id=54 (last visited Sept. 29, 2022) (scroll to “Search Results”).

³⁵ *Preparing Your State for an Election Under Pandemic Conditions*, Brennan Center for Justice (2020), <https://www.brennancenter.org/our-work/research-reports/preparing-your-state-election-under-pandemic-conditions> (last updated Feb. 1, 2021).

³⁶ Verified Voting, *Audit Law Database: California*, <https://verifiedvoting.org/auditlaw/california/> (last visited Nov. 2, 2022) (quoting Cal. Elec. Code § 15360).

Transparency and Impartiality

Even rigorous and comprehensive audits can fall short if they are not conducted transparently. In some states, the public is not guaranteed access to the audit, and results are not required to be made public.³⁷ Transparency is so important in both audits and recounts that it merits close attention.

“Accountability and transparency go hand in hand. Regardless of how well an audit is run, its results aren’t likely to be trusted if it occurs behind closed doors.”³⁸

Transparency is essential for creating public confidence in the process and results of recounts and audits. Fundamental transparency practices should be mandated in law, and the importance of transparency should also be conveyed to all election officials and staff involved in the post-election verification of results. Even if recounts and audits are conducted fairly, failure to conduct them with transparency may result in an appearance of impropriety, a delay due to litigation, and an erosion of public confidence.

The transparency of audits varies among the states and can be organized in these five categories:³⁹

- Minimal transparency: outside observers are not permitted and/or no statutory guidance on transparency—few states.
- Limited transparency: designated observers only; results may or may not be reported publicly—several states.
- Partial transparency: public observation; results not required to be made public—few states.
- Enhanced transparency: public observation and public reporting—about half the states that conduct audits.
- High transparency: public observation; public reporting; observers can verify marks on ballots—one state and the District of Columbia.

³⁷ See Verified Voting, *Audit Law Database: “Transparency,”* <https://verifiedvoting.org/auditlaws/>.

³⁸ Rachel Orey et al., *Bipartisan Principles for Election Audits*, Bipartisan Policy Center (2021), <https://bipartisanpolicy.org/report/bipartisan-principles-for-election-audits/>.

³⁹ See generally Verified Voting, *supra* note 13.

The transparency of recounts also varies greatly from state to state. Most states allow some level of observation by the public. During recounts, a greater level of access is often granted to the candidates and their representatives to see the marks on the ballot and challenge the interpretation of these marks.

We recommend election administrators embrace transparency to build trust and confidence among the electorate.⁴⁰ Examples of this include the following:

- Making the audits and recounts open to the public and providing sufficient public notice of impending audits and recounts.
- Ensuring the public observability of the entire audit process, including the opportunity to evaluate the evidence of ballot protection (chain of custody from ballot retrieval through hand counting), to witness the random drawing and ballot retrieval, and to verify that voter marks are interpreted correctly on the audited ballots.
- Live streaming or otherwise publicly broadcasting the audit or recount.⁴¹
- Posting the results of the audit or recount publicly (e.g. on the official website) with any discrepancies noted.

It is essential that all public officials at every level of government pledge to conduct recounts and audits in an impartial and nonpartisan manner. All partisan election workers appointed to count ballots should pledge to conduct an impartial count. Impartiality and nonpartisanship will help to provide legitimacy to the outcome of the election.

⁴⁰ See generally, Verified Voting, *Checking the Paper Record: A Guide for Public Oversight of Tabulation Audits* (2018), <https://verifiedvoting.org/wp-content/uploads/2020/05/Checking-The-Paper-Record-A-Guide-For-Public-Oversight-Of-Tabulation-Audits.pdf>.

⁴¹ E.g., Orange County Registrar of Voters, *California Gubernatorial Recall 1% Manual Tally, Risk Limiting Audit and Post-Election Logic and Accuracy* (2021), <https://www.ocvote.com/results/1-manual-tally-risk-limiting-audit-and-post-election-logic-and-accuracy-test>.

Conclusion

Audits and recounts have similarities, but differ fundamentally:

- An audit is a routine part of the post-election process designed to check whether ballots were counted accurately.
- A recount is performed in response to circumstances involving a specific contest.

Public confidence in election results is needed now more than ever. States should enact recount and audit laws that are well-integrated and based on current best practices. It isn't enough to have just one; every state should have both.

Recount Principles and Best Practices recommends a hand recount of ballots in close elections.⁴² When recounts are machine retabulations, it is critical to manually audit a portion of the ballots to check the reliability of the tabulators. *Principles and Best Practices for Post-Election Tabulation Audits* recommends hand-to-eye examination of ballots to check vote counts.⁴³ We especially recommend risk-limiting audits, which are designed to provide compelling evidence that originally reported outcomes are correct. Audit statutes should provide a clear mechanism for an audit to expand—to examine additional ballots if anomalies in the count are detected—up to a binding full hand count. Audits and recounts should be done promptly, before the final certification of election results, and conducted transparently in public view.

Audits and recounts are key tools for verifying our elections, and when they are used in harmony, they strengthen our democracy.

⁴² Halvorson et al., *supra* note 27, at 4.

⁴³ Garland et al., *supra* note 2, at 8.

**Table 1:
Recount and Audit
Counting Methods
by State⁴⁴**

STATE	RECOUNT COUNTING METHOD	AUDIT COUNTING METHOD
Alabama	Retabulation	N/A
Alaska	Mix of hand count and retabulation	Hand count
Arizona	Mix of hand count and retabulation	Hand count
Arkansas	Mix of hand count and retabulation	Hand count
California	Mix of hand count and retabulation	Hand count
Colorado	Mix of hand count and retabulation	Hand count
Connecticut	Mix of hand count and retabulation	Choice by election officials
Delaware	No statutory guidance provided for counting method	Hand count
District of Columbia	Mix of hand count and retabulation	Hand count
Florida	Mix of hand count and retabulation	Choice by election officials
Georgia	Retabulation	Hand count
Hawaii	Retabulation	Hand count
Idaho	Mix of hand count and retabulation	Hand count
Illinois	Mix of hand count and retabulation	Mix of machine and hand count
Indiana	Mix of hand count, retabulation and electronic review	Choice by election officials
Iowa	Mix of hand count and retabulation	Hand count
Kansas	Mix of hand count and retabulation	Hand count
Kentucky	No statutory guidance provided for counting method	Hand count
Louisiana	Mix of hand count, retabulation and electronic review	N/A
Maine	Hand count	N/A

⁴⁴ See CEIMN, *supra* note 10; Verified Voting, *supra* note 13. State laws vary in many other ways, including the types of audits and recounts allowed, who initiates them, who conducts them, and when they occur.

STATE	RECOUNT COUNTING METHOD	AUDIT COUNTING METHOD
Maryland	Mix of hand count and retabulation	Hand count
Massachusetts	Mix of hand count and retabulation	Hand count
Michigan	Mix of hand count and retabulation	Hand count
Minnesota	Hand count	Hand count
Mississippi	Statutes do not permit candidate-initiated, voter-initiated or close-vote-margin recounts	N/A
Missouri	Mix of hand count and retabulation	Hand count
Montana	Hand count	Hand count
Nebraska	Retabulation	Hand count
Nevada	Mix of retabulation and electronic review	Hand count
New Hampshire	Hand count	N/A
New Jersey	Mix of retabulation and electronic review	Hand count
New Mexico	Mix of hand count and retabulation	Hand count
New York	No statutory guidance provided for counting method	Choice by election officials
North Carolina	Mix of hand count and retabulation	Hand count
North Dakota	Mix of hand count and retabulation	N/A
Ohio	Mix of hand count and retabulation	Hand count
Oklahoma	Mix of hand count, retabulation, and electronic review	Choice by election officials
Oregon	Hand count	Hand count
Pennsylvania	Mix of hand count and retabulation	Hand count
Rhode Island	Mix of hand count, retabulation and electronic review	Hand count
South Carolina	Retabulation	Choice by election officials
South Dakota	Mix of hand count and retabulation	N/A
Tennessee	Mix of hand count, retabulation and electronic review	Mix of machine and hand count

STATE	RECOUNT COUNTING METHOD	AUDIT COUNTING METHOD
Texas	Mix of hand count, retabulation and electronic review	Hand count
Utah	Mix of retabulation and electronic review	Hand count
Vermont	Mix of hand count and retabulation	Choice by election officials
Virginia	Mix of hand count and retabulation	Hand count
Washington	Mix of hand count and retabulation	Choice by election officials
West Virginia	Mix of hand count, retabulation and electronic review	Hand count
Wisconsin	Mix of hand count and retabulation	Hand count
Wyoming	Retabulation	N/A