

Innovations in Election Administration 10

**Ballot Security
and Accountability**



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Introduction by the Clearinghouse

This report is another in the series on *Innovations in Election Administration* being published by the FEC's National Clearinghouse on Election Administration.

The purpose of this series is to acquaint State and local election officials with innovative election procedures and technologies that have been successfully implemented by their colleagues around the country.

Our reports on these innovations do not necessarily constitute an endorsement by the Federal Election Commission either of any specific procedures described or of any vendors or suppliers that might be listed within the report. Moreover, the views and opinions expressed in these reports are those of the authors and are not necessarily shared by the Federal Election Commission or any division thereof.

We welcome your comments on these reports as well as any suggestions you may have for additional topics. You may mail these to us at:

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Ballot Security and Accountability

Definitions

All-mail ballot election - One in which ballots are mailed to all eligible voters and returned, usually by mail, by voters to the election authority.

Ballot - A piece of paper stock upon which a voter may indicate a choice or preference amongst candidates or issues. Also called "document ballot".

- Challenged ballot** - Ballot that is set aside and not counted because the voter's eligibility to vote in the election has been challenged in accordance with State law. After the challenge is resolved, the ballot will either be counted or disallowed.
- Damaged ballot** - Ballot that has been damaged in mailing, handling or machine processing and rendered unacceptable for machine tabulation.
- Disallowed ballot** - Ballot which has been voted and cast but is excluded from the vote count, usually because the voter was found to be unqualified or because the ballot has been improperly marked. Also called "rejected ballot".
- Disputed ballot** - Voted ballot which has been questioned during the canvass process. After the question is resolved, the ballot will either be counted or disallowed.
- Duplicated ballot** - Exact copy of damaged ballot that can be substituted for it in the machine tabulation.
- Machine-read ballot** - Ballot that is marked by the voter and counted by computer. Includes punchcard and mark sense ballots.
- Paper ballot** - Ballot that is manually marked by the voter and manually counted by election officials.
- Provisional ballot** - Ballot used by a person whose qualification for voting is uncertain and must be confirmed in the central office before it can be included in the vote count. Also called "special ballot", "questioned ballot", "escrow ballot", or "affidavit ballot".
- Spoiled ballot** - Ballot on which the voter either makes a mistake, or decides he wants to make a change in the vote(s) he has marked.

Early voting - Unrestricted in-person voting, both at central election office and at satellite sites, during some designated period before election day. Does not include in-person voting before election by absentee voters.

Local election authority - Agency or other entity charged by law with responsibility for conduct of elections in a local jurisdiction. Also called "Board of Elections", "Electoral Board", "County Auditor", "County, City or Town Clerk", "Election Commissioners", "Supervisors of Elections", "Registrar of Voters", "Elections Administrator".

Pollworkers - Official staff who conduct the election in the polling places. Does not include campaign workers, watchers, challengers, etc., who represent entities other than the election authority. Also called "inspectors", "officers of election", "clerks", "election judges", "precinct board", "commissioners", "warden", "moderator", "poll manager".

Precinct tabulator - An electronic device used to read and tabulate ballots at the polling place. Includes Precinct Ballot Counter (PBC) and optical scanner.

Why Worry About Ballots?

The rationale for ballot security and accountability programs is simply stated: ballots are the critical element in determining and confirming the result of an election, and election officials need to protect them and keep track of them, secure them and account for them. A comprehensive and proved program of ballot security and accountability makes it possible to

- reconstruct and replay the election should the result be uncertain;
- establish responsibility should wrongdoing be indicated;
- deter fraud and other irregularities simply because such a program is in place;
- evaluate performance of election personnel and effectiveness of election procedures;
- reassure candidates, campaigns and the electorate that votes cast are counted, and even avoid election contests when losing candidates are shown that security and accountability are an integral part of the conduct of elections.

In short, ballot security and accountability maintain the integrity of the election process and those who administer it.

Although it is easy to define the reason for ballot security and accountability, it does not follow that *ensuring* these conditions is easy. The job is complicated and can be massive. In a large jurisdiction where the voting system used involves a separate ballot for each voter, it is a major responsibility in

effective election administration. The work is tedious, costly, and demanding in its requirement for detail. But considered in the framework of the purposes it serves, its essentiality is beyond doubt.

In jurisdictions using lever or direct electronic voting machines in their polling places, and the ballot posted on the machine serves all those who cast votes on that device, ballot accountability is not entirely obviated. Absentee voting is available to all who cannot (or sometimes choose not to) come to the polls and most absentees indicate their choices on document ballots. Moreover, individual ballots are used at the polls when the machine is out of service and by citizens whose qualification for voting is uncertain (provisional ballots).

In the early years of the Republic, ballot security and accountability were not the problem they now are. The franchise was limited; only five per cent of the adult population qualified for voting in the first Presidential election and not until 1965 did the universal franchise become a legal reality. The country was predominantly rural and the population not mobile; everyone in a community knew, and trusted, everyone else.

With industrialization and immigration in the second half of the 19th Century, cities grew rapidly and the franchise steadily enlarged. These demographic changes first occurred in the Northeastern United States, and they impacted politics and the administration of elections. Such schemes as ballot box stuffing and chain voting

were common. To cope with the growing electorate and the new political morality, American inventiveness responded with a new method of voting which would eliminate the separate document ballot for each voter and count the vote automatically — the mechanical lever machine. The large urban jurisdictions switched to the new device and no longer was the paper ballot a means by which elections could be corrupted. By 1920 - 1940, it came to be the method of choice, deemed the only feasible method for voting in most of urbanized America. In a number of States, legislators rewrote their laws to mandate use of the lever machine.

Immediately after World War II, with the introduction of the computer, another sea change occurred in American voting. Many large population centers switched to the new electronic voting systems because they counted votes quickly and accurately and were cheaper than lever machines. Most of the computer-based systems utilize a machine-readable document ballot for each voter. In the 1992 Presidential election, two-thirds of the electorate in the country were assigned to polling places which use a document ballot, almost all of them electronically read and counted.

Concurrent with the introduction of new computer systems came growth in absentee voting, impelled by changes in federal law which required the States to make absentee voting available to all citizens who could not come to the polls. The movement started with the Servicemen's Voting Act of 1942 and culminated with the Voting Rights Act Amendments of 1970.

Other federal laws enacted since then have further enlarged the absentee franchise and some States have gone beyond federal mandates to make absentee voting available for any and all who opt for it. In a few States voting in certain elections is entirely by mail. Only the individual voter document ballot serves these purposes.

Vote-counting by computer — a device few people understand and many mistrust — brought demands for auditing and verifying of election

results, and one element of validation would be demonstration of ballot security and accountability. Because there are tens of millions of document ballots cast nationwide each year, and tens of millions more printed but not cast and/or counted, the job of ensuring their safety and keeping track of them has become a vast undertaking.

Ballot Security

The means by which ballots are kept secure vary, as do most American election practices, by State and even within a single State. To identify and describe these methods, we follow the ballots chronologically from production to destruction. Note that throughout the life of the ballots a paper trail is created, including documentation of each transfer of custody and providing a receipt for the party that surrenders custody. It is thereby possible to ascertain at all times where ballots are and who is responsible for them.

Ballot Production

Ballot production starts with design, usually done by election officials. They specify the content of the ballot, the various configurations that result in ballot styles appropriate for all segments of the electorate, the sequence of listing of contests and candidates, any other copy to be printed, kind and color of stock to be used, typefaces, etc. In addition, they calculate the appropriate quantities for each party (in a primary election), each ballot style, and each precinct or precinct segment. After printing, the election office will receive the full order, verify it, take custody of the ballots and secure them.

Until that transfer, a vendor — usually a printer — (and possibly his subcontractors) provides whatever security of the ballots there is. If security is not maintained, ballots could, through misfeasance or malfeasance, pass into custody of unauthorized persons and the integrity of the election could be breached.

In many States this production stage in the life of the ballot is not part of the security plan. Their election administrators make no demands on, or issue no official directives to, ballot printers regarding ballot security. A question to them about ensuring ballot security during production will elicit a response that “We leave it to the printer,” “We trust the integrity of our printers.” or “Those who print ballots understand the need for security.”

Other States recognize that production is a sensitive time in the ballot life cycle. Ballot security measures start when the order for production is placed. Methods and approaches used reflect a keen awareness of the need to ensure ballot security starting with the creation of the ballot. The requirements and precautions are documented in State law, in regulations or rules adopted by the State election authority, in provisions incorporated into the contract for ballot printing, or in an official declaration (an oath, affidavit, or certificate) the vendor signs at the time of contracting. Statements signed and statutory provisions usually specify the penalty for violation of the law or agreement.

Requirements imposed on contractors in these States include one or more of the following:

- An obligation to maintain security of the ballots at all times;
- Examination and approval of a vendor by the State election authority before he can print ballots for any election in the State;

- Making it unlawful for a printer to permit ballots to be given to or taken by anyone other than the election authority for which they are printed, or even for a printer to divulge the content of ballot copy to anyone other than the election authority which placed the order;
- Making it unlawful to print a ballot with names, candidates, and arrangement other than what is authorized and directed by the election authority;
- Directing that ballots printed with errors be destroyed, and how ballots printed in excess of the quantity ordered are to be disposed of;
- Directing how type is to be distributed when the print job is finished;
- Permitting access to the production facilities by State and/or local election authorities at any time ballots are in production.

Texas law requires that companies which expect to print ballots for an election for State and county offices must register with the Secretary of State at least 60 days before each such election. The registration statement lists all the clients for which ballots are to be printed, and essential data about the company including names of its sales representatives who will be the contacts with the clients.

Companies which print ballots in Ohio are required to have a night time alarm which is connected to the Sheriff's office.

Hawaii law makes the vendor responsible for security of ballots until they are delivered to the election authority. The printing contract contains a clause that the vendor is required to "exercise proper security" and that "ballot information and materials" be provided only to the Lieutenant Governor, who is the chief election official for the State.

In Maine, the election law requires that the printing contract specify that the contractor take reasonable precautions to maintain the security of all ballots printed until they are delivered to the

municipalities; promptly destroy all ballots determined to be unusable due to error; and store any leftover, usable, undelivered ballots in a secure location. Immediately after the election — before any recount — the printer requests permission of the Secretary of State to destroy all ballots still held by the contractor, with the manner of destruction to be agreed upon. The contractor then attests, in writing, that destruction is complete.

Nebraska law makes it a felony for a printer to negligently lose, permit to be taken away, fail to deliver, or destroy a ballot or package of ballots. Moreover, a printer is forbidden to print anything on a ballot other than what is authorized by the election authority; to print false or fraudulent ballots; to appropriate any ballots or permit someone else to do so, or to deliver fewer ballots than the number purported to be in the job order.

California has the most comprehensive requirements for ballot security during production. They are given definition in regulations adopted by the Secretary of State and are binding on the county officials who contract for printing and on the vendors who manufacture ballot stock and print ballots for use in California elections. The State closely monitors and controls ballot security starting with the stock on which the ballots are printed; buys the stock and specifies the color and watermark to be used for each election; and stock is stored until allocated for printing in warehouses owned by the vendor but over which the State exercises controls. A vendor involved in ballot production — stock manufacture or printing — and his agents must be certified by the State. Materials used must be kept in locked storage at all times when they are not actually in use — stock, ink, plates. State or county election officials may (and do) inspect the printing operation at any time, unannounced; a vendor which does not maintain adequate security may be de-certified by the Secretary of State. The regulations also include provisions governing the ordering and purchase of ballots by the local authorities; record keeping and inventory control by the

vendor during production; disposition of all stock manufactured and ballots printed, including that which is scrapped; storing, packaging and shipment of ballots; transportation methods; reports of shipment and warehouse security, including authorization for access and access log.

Transferring Ballots from the Printer to the Election Authority

State and local election authorities also make provisions for security and accountability in the transfer of the finished ballots from the printer to the local election authority, specifying conditions in State law or regulations and/or in directives of the customer which usually are included in the contract for the work. Such specifications may include requirements that ballots be produced and prepared for delivery

- with an inventory of contents of the order;
- sequentially numbered, with the number on a removable stub, or on each part of a double stub;
- batched and wrapped, usually by precinct but sometimes by ballot style;
- securely wrapped, sealed, and marked to identify the contents of the batch; wrapping to be of material that will protect the ballots from moisture and detect tampering — shrink-wrap; vacuum seal, poly-wrap; tamper-proof or filament tape.

In many instances the printer delivers the ballots in the company truck; in some small jurisdictions, election office personnel pick them up. In larger jurisdictions there is a range of methods, usually a bonded carrier: Federal Express or United Parcel Service; U. S. Postal Service; air freight; or commercial trucker. In a few States, law enforcement officials — usually the sheriff or his deputies — assist in ballot delivery.

It is common for an inventory of the order to accompany it and be delivered with it; for a signed receipt to be given by the customer; and for the

contents of the shipment to be verified with the inventory and the original order. Some jurisdictions track and monitor the transfer and delivery, once they are notified by the vendor that it is ready for shipment.

If a messenger or courier is entrusted with ballot delivery in Illinois, that person must subscribe to an oath which is specified in State law. Maine election law requires that both the Secretary of State (which office originates the ballot order for all local election offices) and the municipal clerks retain for one year the receipts relating to ballot shipment. In Oklahoma, where the State Election Board places the order for ballots, the county election office calls the State Board to confirm that ballots have been delivered, and forwards a copy of the receipted packing slip that comes with the order.

San Francisco's Registrar of Voters describes the meticulous care taken in ballot transfer from the printer:

"The printer shrink wraps the pallets of boxed ballots, makes arrangements for a trucking company to pick up and deliver the ballots, and informs us about the pick up time as well as the estimated delivery date and time.

If the ballots do not arrive in a timely fashion, we call the printer, and if necessary the trucking company, and we track the delivery until it arrives.

Upon arrival, the staff immediately conducts an inventory to verify the quantity and ballot types, serial numbers, etc. on the ballots. Any discrepancies are immediately resolved with the printer."

Ballots in Storage Prior to Use

For the period between delivery by the printer and use by the voter, ballots are in custody of the local election authority. During that time they must be prepared for use, and are stored for long

hours when the election office is closed and the responsible staff are not on site. Ballot security during that period depends on three factors: the place they are stored; the ambiance of the storage site; and the people who have access to the site.

Most election officials keep their ballots in what they describe as "secure storage", a "secure room", or a "secure area". Further questioning reveals a variety of methods by which storage sites are secured. Some election offices have a vault, or access to a vault, which provides the high level of containment security a bank uses to store its cash. Where a small county has only its absentee ballots to be secured, they can be stored in a safe. Others use a locked room. One small county reported that they keep their ballots in a "... fire-proof filing cabinet which is locked in a closet." Often a locked storage area has two keys, each of which is held by an election official of a different political party. Where a warehouse is used, whether it serves only election office storage needs or the space is shared with other local government agencies, security sometimes is heightened by a 24-hour guard and/or a burglar alarm system.

Whatever the conditions of the area where ballots are stored, their security is further enhanced by careful packaging. Most ballots now are machine-read, and for that process they must be in condition acceptable to the reading or scanning device. They are usually delivered from the printer in batches, and the customer requires wrapping materials which deter unauthorized access and also provide humidity control: shrink-wrap; tamper-proof tape, and sealed packages are most often specified. The batches are kept in such wrapping at all times; when the packages are opened to allocate them to polling places, most jurisdictions promptly re-wrap and re-seal them. Others pack the precinct's ballots into a metal transfer case with a hasp fastener, into which a padlock is inserted; the key or keys for the lock will be part of the supplies which the pollworkers bring to the polls.

To maximize security and ensure integrity of the election, access to ballots has to be restricted, and those who are granted that access should be held responsible for their security. These needs are recognized, with varying degrees of specificity, in all the States, — by law, regulation, or written directive.

The Maine code requires that "... the [municipal] clerk take appropriate security measures.", and goes on to specify that the ballot order must be inspected and verified on receipt, after which a bipartisan team must wrap and reseal the batches with tamper-proof tape.

Minnesota law mandates that ballots not yet issued to polling places, or assigned to absentee voting, be secured and accounted for by the local election official. Dade County, Florida, has its own Election Department warehouse, equipped with a monitored security system. In Broward County, Florida, ballots are stored in the secured Voting Equipment Center, access to which is restricted to those authorized by the chief election official of the county. Wisconsin, does not leave the interpretation of such terms as "secure" or "sealed" to the judgment of its local election officials. By regulation of the State Elections Board, various general terms used in the statute which relate to ballot security are defined, so that local officials understand what constitutes "secure" batches of ballots, "sealed" containers in which ballots are placed, and a "locked" or "secured" storage room or facility, as well as the need to document any authorized access to stored ballots which occurs incident to a recount, contest, or public information request.

Sacramento County, California, stores ballots in "secured rooms" in their own building, which area has redundant protection. Access to the room is restricted to the election officials who need to be there; the room is locked; each door is equipped with an alarm which will sound if an unauthorized person attempts entry; video cameras, monitored by the county Communications Center, constantly film the entrances, and the video tape is

changed every 24 hours. The election office thereby has a visual record of every entry into the room. Sacramento's Registrar of Voters reports that in the last federal election, when the race for the U. S. Senate was contested by the losing candidate's organization, the first question asked by the challenger was "Do you have camera surveillance of the ballot storage area?"

Transfer from Local Election Authority to Polling Places

Starting at some time in the immediate pre-election period, and until the polls close on election day and materials are returned to the election office, the election system relies on pollworkers to ensure ballot security. The responsibility is enormous, as indicated in a provision of Texas election law which states that "The presiding judge [chief pollworker] shall take the precautions necessary to prevent access to the ballots and ballot boxes in a manner not authorized by law . . .", from the time he receives the ballots until the precinct returns have been certified. An offense under this section of law is a Class A misdemeanor. Other States expect the same of their pollworkers as Texas does, though they may not be as specific in their charge and admonition. South Carolina, for instance, says only that "It is the responsibility of poll managers, who are under oath, to keep ballots secure. . ."

Clearly this responsibility and liability should be made explicit to pollworkers — staff who come to work only one or two days a year, who receive only brief training, and who are provided written instructions for reference that sometimes are not as comprehensive and lucid as they should be.

The transfer of custody most often takes place when the pollworker picks up the election materials before election day — sometimes at the central election office; sometimes at a satellite distribution center set up by that office; and sometimes at the polling place itself. In the last instance, a schedule is set up for delivery at the various polling sites, and the pollworkers meet

the delivery at the appointed time and take custody of the materials which include the ballots.

The pollworker signs a receipt for the materials he receives, including the ballots; he is given one copy and another copy is retained by the election office, part of their paper trail which tracks custody of the ballots. The pollworker is instructed to verify the contents of the ballot package he received, checking it against a listing supplied by the election office. Verification is sometimes done at time of pre-election pick-up, but more often at the polls on election day before voting begins.

Pollworker custody usually starts one to three days before election — or Saturday through Monday, for a Tuesday election. Typically, packages of ballots are securely wrapped and sealed and pollworkers are instructed not to break the seal or unwrap the packages until election morning, in the polling place, with other pollworkers and possibly observers on hand to witness the opening. During the time between assuming custody and poll-opening, the securely packaged ballots often are kept in the locked trunk of one pollworker's car. Illinois requires that a bipartisan team pick up the ballots, which are in a locked box, and store them in one pollworker's car trunk. The other team member has the key to the locked ballot container. Key and container come together at the polls on election morning. Oklahoma is less specific but still imposes the burden of secure storage on the chief pollworker, who is directed to take custody of the ballots for his precinct and to "maintain them in a secure manner until election day."

In other transfer systems, the ballots, along with other election materials, are delivered directly to the polling sites and left in secure storage where they will be available for use by the pollworkers when they arrive on election morning. Voting systems which utilize an optical scanner, or other kind of precinct tabulator, often deliver ballots locked in the inner compartment of the device. The key(s) to open it are held by the chief pollworker.

At the Polls—Unvoted Ballots

The precinct's supply of ballots must be secured from the time the polls open, throughout the day, until closing and after-election accounting, and return to the election office. Again, pollworkers have responsibility. Usually ballots are kept in their wrapping or container until they are needed, at which time they are distributed to the issuing officials. Constant attendance of the supply of ballots is essential; some States require custody by at least two pollworkers at all times, often a bipartisan pair.

Disposition of unvoted ballots at the end of the voting period, after they have been counted for the ballot accounting report, varies. They may be rendered unusable, by defacing or tearing in half, and then returned to the election office; they may be returned intact, often still in their batches of fifty, still shrink-wrapped; or they may be accounted for, the stubs retained and returned, and the ballots themselves destroyed and discarded immediately.

At the Polls—Voted Ballots

Once voted, ballots are deposited in some kind of secure container: a traditional ballot box which is locked or sealed, or a precinct tabulator which both reads the ballot to electronic medium and also stores the ballot — usually an optical scanner.

During the voting hours, the ballot box is attended constantly by pollworkers, sometimes a bipartisan team. Some States also specify that it be so placed that voters and observers in the polling place can see it easily.

Maryland regulations are specific with regard to security of the ballot box and its contents during the voting hours. They are binding for jurisdictions that use voting systems with a document ballot for the individual voter in the polling place:

Constant Attendance of Ballot Box. The ballot box shall be placed so that the voter offering a ballot, the judges, and all persons

entitled to be present [in the polling place] may conveniently observe the process of each ballot being deposited. During the time from the opening of the polls until the ballots are returned to the counting center, the ballot box shall be attended by a bipartisan pair of judges of election. From the time voting starts until voting ends after the polls close, the judges attending the ballot box shall make certain that:

- (1) Only valid voted ballots are deposited in the ballot box;
- (2) The ballot box is never opened and nothing is removed from the ballot box; and
- (3) The secrecy of each voter's ballot is preserved.

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A ballot box often is made of metal, with a hinged top that fastens with a hasp, through which a padlock is inserted. Some States' election codes specify that the box be metal, and include detail of how it is to be lidded, hinged, and locked or sealed. Part of the polls-opening procedure is the unlocking of the box, and removing from it packages of ballots or other materials which were transported in it from the election office. The box is then demonstrated to all present to be empty; it is locked again and will remain so for the rest of the day. The cover of the ballot box has a slot through which voted ballots will be inserted. For all ballot boxes, it is standard practice to place a seal over the voting slot when the polls close; sometimes pollworkers are required to sign across the seal.

Old time ballot boxes had a metal frame, clear glass sides, and wooden top and bottom; the ballot slot was cut into the wooden top. The glass sides made it possible for voters and others to see that the box was empty when voting started. Such boxes were transported to and from the polls in heavy wooden storage crates, which had hinged tops and a hasp fastened with a padlock. The

same outer crate protected the ballot box during warehousing between elections. Such boxes now show up in antique shops, brass frames polished and glass sides gleaming, commanding a price of \$500 or more. It is also not impossible that some of them are still serving the purpose for which they were created, perhaps in an idyllic New England town that harried urban dwellers fantasize about when they are running for the subway or stalled in rush hour traffic.

Jurisdictions that use central count electronic voting systems (principally punchcards, but also some mark sense ballots) often use disposable ballot boxes made of heavy corrugated packaging material. If the box has a removable top, it can be used to send ballots and other election materials to the polls. When those are removed, the ballot box is demonstrated to be empty, the lid replaced and sealed on. At the end of the day the voting slot is sealed over, and pollworkers sometimes sign across the seal. The box will not be opened until it reaches the central office where the voted ballots are removed and prepared for counting. The box is then flattened and discarded. Washington, D. C., uses a box of this type, but it does not have a removable lid. To demonstrate that the box is empty before voting begins, the pollworkers shake it.

The disposable box offers certain advantages over the permanent box. It provides an ideal milieu, clean and dry, into which ballots are inserted, an important consideration for punchcards that must be cardreader-acceptable. Moreover, there is no need for between-elections storage space. Conversely, however, some traditionalists don't consider it appropriate to deposit documents as valuable as ballots in cardboard boxes. And environmentalists sometimes raise concerns about excessive use of paper. Reusable metal ballot boxes obviate those objections. However, assuring that they provide appropriate conditions for deposit of computer source documents is a considerable task in election preparation. After long storage in the warehouse, the metal boxes can require intensive cleaning and removal of spider

webs and other debris, depending on the particular flora and fauna of the region and the atmospheric humidity in the storage facility.

At poll closing, the ballots in the ballot box may be secured therein for return to the election office, or they may be removed from the box and placed in a transfer container. If they are left in the box, the lid will be locked, sealed, or both locked and sealed. Often a seal is placed over the slot. Pollworkers sometimes are required to sign across the seal and onto the edge of the ballot box. These precautions assure that no ballots will come out of the box and no additional ones will be inserted, and any tampering with the box will be apparent.

The voted ballots sometimes are removed from the ballot box, or from the inside container of the scanner or precinct tabulator, and packed into a transfer case, which is sealed and/or locked much as ballot boxes are secured.

At the Polls—Spoiled Ballots, and Others

Ballots which are neither cast nor unvoted also need to be kept secure, in order that the final accounting will be complete. Principally these are the "spoiled ballots" — ones on which the voter either makes a mistake, or decides he wants to make a change in the vote(s) he has cast.

Again, the pollworkers have the responsibility for security, and for documenting the transaction of the replacement of the spoiled ballot by a new unvoted ballot which is then issued to the voter. Some States destroy the spoiled ballot at the polling place, after first removing its stub (usually numbered) and marking it "spoiled"; then saving it for accounting. Other States save the entire ballot, marking it "spoiled". Pollworkers sometimes are instructed also to deface or tear spoiled ballots; Dade County, Florida, reports that "Spoiled ballots are torn part way through so that they cannot be mistaken, substituted, or added to voted ballots."

States which provide the provisional ballot establish some procedure for documenting the reason why the voter could not be qualified. The ballot is usually placed in its own sealed envelope, often of distinct color so as to distinguish it from the voted ballots of those about whose qualifications there is no question.

If ballots are counted at the polls, there may also be disputed or disallowed ballots which must be identified and secured, in order that their validity can be judged in the central office and, if established, the votes cast on them added to the count.

Finally, with a scanner or other device that reads, records and accumulates individual votes, there can also be rejected ballots, sometimes called diverted ballots — those found not to be machine-acceptable. The device automatically identifies them in some way, usually by striping them or depositing them in a compartment separate from that where the machine-acceptable ballot are stacked. The rejected ballots will be tallied and added to the count in the canvass conducted in the central office.

Special, marked containers (most often envelopes) are provided for spoiled ballots and also for provisional, disputed, disallowed and rejected ballots. These marked containers are usually packed up with the regular voted ballots, either in the ballot box or the transfer case. The alternative method is to place such ballots in some other sealed and/or locked container for the return trip to the election office.

Transferring Ballots from the Polls to the Election Authority

Most State and local jurisdictions depend on pollworkers — typically a team of two, and usually bipartisan — to get ballots, and other vital election materials, from the polling place to the central office where votes will be counted and the canvass conducted. Large jurisdictions sometimes have satellite distribution/drop-off sites; the

pollworkers bring the precinct materials that far, and another authority, often the sheriff's deputies, brings them to the counting center and delivers them to election office personnel.

The transfer of responsibility is documented; a receipt is given to those who made the delivery, and a record is made of the precinct number, time, number of containers, etc.

Washington, D. C., does not depend on its pollworkers for the end-of-the-day delivery. An Election Transport Team, made up of a driver, helper and police officer, goes to the polling place and picks up the ballots; a receipt is given to the pollworkers. After making the assigned number of stops, the truck delivers the ballots from the several precincts to the counting center, where again the transfer is documented by log record and receipt. To ensure security of the system and to prevent interference with the transport teams, the assignment of drivers and officers is random, and routes and polling places are "close hold" information.

Some States permit a jurisdiction which tallies votes centrally to have a midday pick-up of ballots in order that the time-consuming task of ballot assembly and cardreading is not all left until after the polls close. By splitting the cardreading into two parts, one batch read in the afternoon and the other as boxes come in after the polls close, the need for cardreading equipment is halved and the election results can be reported earlier in the evening. Montgomery County, Maryland, uses this technique successfully, and provides for a secure transfer of responsibility for the ballots cast in the first half of election day. Two ballot boxes are delivered to each precinct, one slightly smaller and fitted inside the other. The morning box is used from 7 A. M. until noon, when its slot is sealed and the afternoon box replaces it. A Midday Pick-up Team, traveling in a school bus and made up of a police officer, a bipartisan team of Transport Judges, and a bus driver, comes for the box between noon and 1:30 P. M. The police officer comes into the polling

place and accompanies the Ballot Box Judges as they take the morning ballot box to the bus. A receipt is given to the Ballot Box Judges, and they return to their station where they were temporarily replaced by other pollworkers. The bus goes on to another polling place and when all stops on its assigned route have been visited, the bus proceeds to the counting center.

Post-Election Processing

Once the polls close and election materials are brought to the central election office, the task of assuring ballot security is transferred to one place, one entity. Starting at that time, security must be maintained through a complex myriad of steps which include

- receipt of dozens of different items from each of the many polling places;
- preparing the bulk of the voted ballots for vote-counting;
- separating out other ballots and processing them appropriately (provisional, disputed, spoiled, etc.);
- tallying the absentee vote;
- bringing together all the ballots and votes deemed valid and arriving at final results for each precinct;
- aggregating votes of various constituencies to produce subtotals and grand totals;
- producing the final canvass and the various reports derived therefrom;
- packaging, labeling, and storing ballots for the required post-election period; and
- destruction of those things that need not be retained.

Not all of the above is done election night. Nonetheless, that which must be done immediately — producing the “quick count” or unofficial returns, and assuring that all materials have been returned and are safe — is a massive job. It must

be done under pressure for results — from candidates, from media representatives, and from observers entitled to be present.

To observe a well-planned counting center and canvass is a joy and a marvel; everyone knows what he has to do and how his task relates to the rest of the operation. The whole thing hums like a Rolls Royce engine, and one senses it is a secure process. Conversely, observing the canvass operation which is neither well-defined nor efficiently carried out is like visiting chaos, and it does not inspire confidence. An effective ballot security plan for a counting center is characterized by documentation of process exemplified by labeled batches, frequently verified; by logs or other record-keeping which tracks activity step by step; by transparency to enable scrutiny, but with access to the premises controlled and recorded; and by maintenance of order, often using law enforcement officials.

A plan for post-election processing is but part of planning for the entire election, and for ensuring ballot security throughout. A few State election authorities have taken the lead in this area, notably Florida where security is well-developed and conscientiously practiced. Rule IS-2.015, “Minimum Security Procedures for Voting Systems”, was adopted by the Division of Elections in the Office of the Secretary of State in 1993, pursuant to a statutory mandate to do so. The rule requires that each county develop and file with the Division written security procedures for conduct of an election, which procedures must be approved by the Division. With respect to the overall goal for ballot security, the rule states that

“The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location shall describe physical security, identify who is authorized access, and identify who has the authority to permit access.”

The rule also sets minimum standards in certain areas to be covered by the procedures:

- ballot distribution, including security and accountability;
- transport of ballots, including method and equipment;
- receiving and preparing ballots for tabulation;
- absentee ballot handling, including storage prior to election;
- tabulation of the vote, including consolidation of precinct and absentee ballot results; and
- public viewing of the tabulation process.

In addition the county must submit copies of all forms, schedules, logs, checklists, etc., as well as an election schedule which includes a list of tasks, deadline for completion of each, and assignment of responsibility.

Implementation of the rule by most Florida counties is admirable, resulting in full effectuation of the State's purposes. In Dade County, which serves one of the largest electorates in the country, procedures are comprehensive, detailed, and clear. The process is well-organized; tasks are broken down to manageable size; for each, there are step-by-step instructions and a listing of required supplies; responsibility for each task is recorded. Batches of ballots are tracked and ballot security is given priority throughout the operation. Specimens of forms, logs and receipts are included. Broward County's procedures and instructions are another very good model. All activity is documented; the person or authority with responsibility for security is specified throughout the procedures; clear forms have been developed for accounting, certifications, etc.; ballot security — from procurement to destruction — is highlighted throughout the plan.

Florida is one of the fastest-growing States and the electorate will enlarge correspondingly in the coming years. The security systems established as a result of the State's initiative bode well for

the ability of the State and county election authorities to cope with rapid expansion of what are already very large systems.

Washington, D. C.'s Board of Elections and Ethics, also has developed procedures which reflect the importance placed on ballot security:

"Board rules, administrative directives such as 'Election Counting Center Procedures', and instructions to pollworkers, all address to one degree or another the importance of, and the formal procedures for, ballot security and accountability; this philosophy stretches all the way from the development of specifications for the ballot printing contract to post-election activity. Security is paramount throughout the full process and as prescribed in the Board's rules, there is ' . . . full accounting of official ballots . . . prior to certification of the official election results'."

Washington's Counting Center procedures, which have evolved over more than a decade, break the operation down into "stations" representing the receipt, inspection, and computer tabulation of each precinct's ballots, and the release of election results throughout election night following the close of the polls. A station can be divided into substations. For example, Station 1, Box Reception includes substations 1A, Box Pick-up Truck Reception Area; 1B, Counting Center Ballot Box Reception Area. Each task is detailed, location identified, and materials needed are defined. Specimen forms and logs are included. Ballots are never left unattended. A complete record is produced for polling place ballots cast in the boxes (both A. M. and P. M. boxes), and for spoiled, and provisional ballots, as well as those damaged in processing and absentee ballots. Access to the Counting Center is controlled; security officers are on duty. Watchers include representatives of candidates, campaigns, civic groups, and media; they are required to log in, are issued identifying badges, and are escorted by Board staffers.

The Ballot Count/Security Department of Cuyahoga County, Ohio, Board of Elections has developed a comprehensive Procedures Manual, the purpose of which is to enable it to meet its responsibilities broadly defined in State law, one of which is to "ensure the security of all ballots and related materials". Sections in the manual include Pre-Election Procedures, Election Day Procedures, and Post-Election Procedures, and there are exhibits of forms used and reports produced. The Board also produces procedures for the Absentee Voting Department, among which are precautions to assure security of those ballots.

Post-Election Storage

Storage of ballots after election is both like and different from pre-election storage.

It is still a huge job; for elections in which there is a federal office, ballots must be retained for 22 months. Since there are four such elections in a two-year period, there will be at least four elections' ballots extant at all times — those from the last three previous federal elections and those being produced and readied for use in the next election. Each time an election's ballots reach the age at which they can be discarded, it is time to order ballots for the upcoming election.

After the election, the voted ballots are packed, sealed, and left untouched. They must be kept in their precinct batches, each one divided into separate categories — valid voted and counted ballots; spoiled, disallowed, etc. Labeling and orderly arrangement is essential to enable retrieval if need occurs. Access to the ballots still should be restricted, and where it occurs should be documented. Packaging should be such that if there is tampering it is apparent. Ambiance requirements for the storage facility are less demanding, since the moisture controls required for machine-read documents is no longer necessary.

Most commonly, storage for ballots after the election is in similar, or the same, facility as

used before election — sealed containers in a locked room or vault. Sometimes a sheriff holds the key; sometimes there are two locks, with keys held by a bipartisan pair of custodians. Typically access is restricted, although not many authorities report that they record access when it does occur.

Texas provides in law for post-election storage: Ballots must be packed in locked or sealed boxes which are stored in a locked room. A General Custodian of Election Records has responsibility for their security, and it is a Class A misdemeanor for the custodian to make or permit an unauthorized entry into a ballot box.

San Francisco has a well-defined plan. All used ballots (voted and counted; voted but disallowed; spoiled) are batched by precinct, boxed and sealed. Stubs of used ballots, along with all unused ballots, are also batched, boxed and sealed. Everything then is shrink-wrapped on pallets and stored in a locked area of their warehouse. King County, Washington, seals the ballots in containers which are placed in locked cabinets located in a special locked storage room. Access to the storage facility is limited. Sealing of the ballots, and opening, if ordered, is witnessed by political party representatives.

In Oklahoma, all ballots are locked in the sheriff's vault for three days after election (the deadline for contesting the result), at which time they are transferred to the county election board for storage. If a recount is requested in the three-day period, State law provides that the judge of the county trial court must first ". . . hear evidence as to whether the ballots have been preserved in the manner and by the officers prescribed by law, and as to whether they are the identical ballots cast by voters, and that they have not been exposed to the reach of unauthorized persons, as to afford a reasonable opportunity of their having been changed and tampered with. . . . If the judgment of the court is that the ballots have been properly preserved, then the recount of the ballots shall be conducted . . . "

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Ballot Accountability

Ballot accountability is the capacity to demonstrate how many ballots are involved in an election, and what happens to all of them.

To do so, and to make a complete, rational record of the process, requires division of the ballots into categories and keeping count of them in categories until they are destroyed. The first division of ballots is into those used and unused, after which the used ballots — the bulk of the total — are divided by purpose or disposition. Subtotals are produced for all categories, by precinct and ballot style, and possibly other groupings; for a primary election, subtotals are produced by party. Finally, the counts for the separate categories are added to produce a grand total report.

Needless to say, the task of ballot accounting is exacting and, for a large electorate, massive. Responsible election authorities take account periodically throughout the life of the ballots, so as to be able to demonstrate, when the election is over, what happened to the thousands (up to millions) of pieces of paper that were created to bear the record of voter choices.

Requirements in the States

The fact that all States require and perform some measure of ballot accounting is evidence that it is generally considered an important element in establishing electoral integrity. A requirement for keeping track of the ballots often appears in stat-

ute law, but usually not in detail. Devising the method for ballot accounting, as well as its inclusiveness, may be the responsibility of the State election authority, by regulation or directive, or may be left to the discretion and ingenuity of local election boards.

Methods

Whatever the method used, ballot accountability depends on dividing the whole quantity produced into portions identified for particular uses, accounting for them within those groups, and aggregating the end totals from the various categories to arrive at a grand total which balances with the original quantity received. An example of such categorization is shown on the next page.

A format such as this could be modified and elaborated to conform to the requirements and practices of the State, as well as the kind of election. For instance, in a primary election there would be a separate accounting for the ballots of each party; there might be a subtotal accounting for each ballot style; some of the above-listed categories will be inapplicable to certain elections and locations, and other situations may require additional categories: provisional ballots; challenged ballots; ballots unacceptable to the precinct tabulator, often called "diverted ballots" when a scanner is used; and if there is a central count, there will be a category for damaged ballots.

BALLOT ACCOUNTING, JURISDICTION-WIDE SUMMARY

A. Number received from printer

1. Allocated to polling places, individually and total
2. At each polling place
 - a. Received from central office
 - b. Issued to voters
 - (1) Number voted and counted (or sent for counting)
 - (2) Number voted but disallowed (if applicable)
 - (3) Number spoiled
 - c. Unused
3. Allocated for absentee voting
 - a. Issued to voters
 - (1) Returned and counted
 - (2) Spoiled and replaced
 - (3) Returned but disallowed
 - (a) Late receipt
 - (b) Oath/affidavit not signed
 - (c) Other reason (specify)
 - (4) Not returned
 - b. Unused
4. Used in testing
5. Unused

B. Post-election reconciliation

1. Allocated to polling places
 - a. Issued to voters
 - (1) Voted and counted
 - (2) Voted but not counted
 - (3) Spoiled
 - b. Unused
2. Allocated for absentee voting
 - a. Issued to voters
 - (1) Returned and counted
 - (2) Returned but disallowed
 - (a) Late receipt
 - (b) Oath/affidavit not signed
 - (c) Other reason
 - b. Unused
3. Used in testing
4. Unused (never allocated)
5. Other dispositions

C. Total used

D. Total unused

E. Grand Total (E, the sum of C and D, should equal A)

Principal source documents for creating the summary are the ballot accounting reports from the polling places, records of absentee voting, and various other records of the central office.

At the Polls

It goes without saying that in a State or locality which uses lever or direct recording electronic (DRE) voting machines, a major part of the task of ballot accounting is obviated. Mainly, the ballot accountability task is limited to absentee ballots. The work associated with management of that subsystem, and documenting thereof, usually is done in the central office by permanent or long-term temporary employees, where supervision and monitoring can be close and results controlled. (It should be noted that in some machine-using jurisdictions, there will still be some ballot accounting at the polls: for provisional ballots, for emergency ballots used with the machine is out of service, and for absentee ballots if they are sent to the polling places for counting.)

Typically, the batch of ballots sent to each precinct is accompanied by a statement from the central office as to its contents, the number of ballots sent and usually the serial number range. Polling place staff is instructed first to verify that the shipment includes what is stated, and at the end of the day, after polls close, to account for all of the ballots sent to them.

End-of-the-day accounting is done on a form that is uniform throughout the local jurisdiction, sometimes throughout the State. These ballot accounting reports, filled out by the pollworkers, constitute the major source of data for the jurisdiction-wide post-election summary accounting of ballots. The important feature of the polling place report is to show that the number of voted ballots equals the number of persons recorded as having voted. Election authorities have prescribed a variety of ways to compare numbers compiled during the day and to incorporate them to produce the ballot accounting report. If ballots are read and precinct totals produced by an electronic precinct

tabulator, it is possible to obtain a machine count of voted ballots as a further check on the pollworkers' count.

Usually ballots are serially numbered on a stub which is perforated and removed before the ballot is cast. The stubs of the remaining ballots indicate the number of ballots not issued; add their number to the number of the spoiled ballots, and subtract that sum from the number of ballots received at poll-opening to determine the number to be counted or the number cast.

Almost without exception, State and local authorities report that one of the weakest points in ballot accountability is deficiencies in precinct ballot accounting reports. No wonder. They are made up by a huge decentralized staff of one-day employees, who have been working twelve or fifteen hours when they begin their accounting, who probably have no adding machine to work with, and who either have never done this particular task before or have not done so for a year or more. Not the kind of working conditions which engender mental acuity and arithmetic accuracy.

Recognizing both the difficulty in producing the precinct reports and their importance to demonstrating integrity of the vote, the conscientious election manager seeks to assure that (1) the polling place staff is well-trained in the importance and methods of accounting for ballots, (2) that the written instructions provided for their reference on election day are clear, and (3) that the form on which the information is recorded is user-friendly.

The *Manual of Instructions for Illinois Election Judges, 1995*, prepared by the State Board of Elections, includes careful step-by-step directions for ballot accounting, as well as a replica of the "Official Ballot Record" form with the requisite data filled in.

Wicomico County, Maryland, reports that when first they replaced lever voting machines with optically scanned ballots, the ballot accounting forms were not correctly filled out by the pollworkers; before the succeeding general election they held additional

training sessions to focus on that task, and found their reports were done correctly the next time.

The appendix to this report includes reproductions of ballot accounting report forms that are clear and have been found to contribute to full and accurate reporting.

Another problem in designing ballot accountability programs is what to do when the numbers don't add up, when the number of ballots cast is lesser or greater than the number of people checked off on the list of voters. Thoughtful election officials agree that is not only a possibility, but that it does happen. They offer a number of possible explanations, most of which are rooted in human error:

- The voter signs in, but leaves the polls before getting a ballot.
- The voter is issued a ballot but leaves without casting it.
- The pollworker mistakenly tears two punchcard ballots off the pad; the voter mistakenly punches and casts both.
- Arithmetic errors in making out the ballot accounting form, or simply failure to understand how to complete the form.
- Missing numbers on the ballot stubs. Certainly a theoretical possibility, but most unlikely to occur. One election director reports that after verifying the numbering on more than a million Datavote ballot cards and finding eight missing numbers among them; she decided that such verification before each election was not warranted.

A number of States require that any discrepancies in precinct ballot accounting be explained by the pollworkers. The requirement can be a statutory mandate, an administrative rule, or an instruction in the pollworkers manual. Where there are discrepancies, the remedy varies.

If the accounting shows an "excess" of ballots — i. e., the number of voted ballots is greater than

the number of people recorded as voting — the remedy can be harsh. For instance, Michigan election law (168.802) provides:

"When the board is ready to proceed with the counting of any kind of ballots, the box containing such ballots shall be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of the electors voting according to the poll lists, the ballots shall be replaced in the box and one of the inspectors shall publicly draw out and destroy so many ballots therefrom unopened as shall be equal to such excess."

The same requirement appears in the Michigan regulations governing punchcard and optical scan ballots. Several other States have a similar provision, among them Utah and Wisconsin. Probably such laws were designed to be antidotes to ballot box stuffing, though certainly the rectification is imprecisely targeted.

The Ohio approach in dealing with ballot accounting discrepancies in the precinct is more typical: Pollworkers are instructed to recheck their work, recounting the number of voters on the signature list, the number listed on the poll list, and the number whose registration cards have been checked off as voting in that election. If the accounting still does not balance, the pollworkers should explain what they think accounts for the difference and all pollworkers initial the explanation. In the central office there is a machine count of ballots as they are tabulated; if balance is not reached, the matter is referred to the county Board of Elections who make the decision on whether to accept the precinct count and the pollworker explanation despite the discrepancy in ballot accounting, and go ahead with certification.

One local election director, whose operation is known for its efficiency and professionalism, comments that ". . . there is always the frustration created by human errors in the ballot accounting documentation that precludes achieving a perfect accounting balance. Absolute precision in

ballot reconciliation for ALL ballots and for ALL polling sites is impossible. Fortunately, this is not a widespread problem and usually only represents one or two ballots in a count of thousands." A sensible assessment. But that is not to say that a careful, comprehensive ballot accounting will not reveal *gross* errors which could indicate misfeasance or malfeasance, and therefore trigger further investigation.

In the Central Office

Once the ballots and other election documentation come in from the polling places, the task of producing a post-election aggregate accounting of ballots begins. The extent of this process varies from State to State, and even among communities within a State. It can involve any or all of the following steps, and if done comprehensively can require days, or even several weeks, to complete.

- Review and verify the precinct ballot accounting reports.
- Compare precinct accounting with machine count of ballots.
- Produce and assemble final ballot accounting information for ballots other than those sent to the polls — absentee, testing, unused, etc.
- Produce and assemble final ballot accounting information for any ballots not included in above categories — damaged, disallowed, etc.
- Incorporate all data into a jurisdiction-wide report, a reconciliation, that accounts for all ballots ordered, printed and received.

For many States, ballot accounting extends no further than the precinct reports; in most instances, they are at least reviewed when they come to the central office.

In other locations, the process of accounting for all the ballots is complete and jurisdiction-wide before results are certified; total ballot accounting is deemed to be an integral part of the canvass. In other instances it is completed after results are made official.

Sacramento County, California, utilizes all the time available so as to produce comprehensive ballot accounting; the county registrar describes their process as "very deliberate". Deadline for certification is 29 days after election, and all during that official canvass period ballot accounting is proceeding. In another large California county the practice has been only to review and reconcile the precinct reports. However, because there was so much scrutiny of their process during the last Senatorial election when the result was contested, they are now expanding their ballot accounting so as to be able to produce a countywide reconciliation

Dade County, Florida, conducts a post-election evaluation of polling place operations. The pollworker trainers, assisted by appropriate central office staff, carefully examine and assess all the records that document activity related to the polling places. There are dozens of such for each of the 504 precincts, including checklists from supply pick-up, seals and receipts from ballot transfer cases, ballot accountability forms, oaths and certificates, and records made on the condition of materials when they are returned from the polling place. The results of the assessment for each precinct are recorded on a Precinct Audit form. In each category, and for total performance, the precinct team is rated "Outstanding", "Very Good", "Average", or "Needs Improvement", and specific deficiencies are indicated. All precinct clerks (chief pollworkers) receive the report for their precinct; those rated "Outstanding" also receive a "Certificate of Appreciation". Where ratings are lower, the trainers offer to assist the clerks in upgrading their work. Dade's Supervisor of Elections finds that the evaluation process is as useful to management as to the pollworkers, because it enables them to re-focus their training curriculum on the areas where deficiencies are shown to be frequent and persistent.

Special Circumstances; Special Provisions

Where ballots are used other than at the polls on election day, these special circumstances require special provisions to ensure that those ballots are safe and accounted for. Absentee voting is one such special circumstance; others are the innovative methods of voting that have been introduced in recent years with the goal of enhancing voter turnout and convenience.

Absentee Voting

The mainstream program for ballot security and accountability must be modified to reach those same goals for ballots used in absentee voting:

- Absentee ballot handling by election officials is all in the central office, by full-time staff who can be monitored and supervised directly unlike election day at the polls which takes place in dozens or hundreds of distant sites staffed by temporary employees.
- Absentee ballots are handled in the central office for an extended period, from receipt from the printer until the canvass, while the bulk of the used ballots are in storage much of this time. Accordingly, absentee ballots must be tracked continuously — from time of issuance through return and canvass. The same level of secure storage, with restricted access, should be provided as for other ballots; supplies of ballots withdrawn for processing during working hours should be logged out; ballot accounting should be done at the end of each day;

returned voted ballots should be time-stamped and their receipt recorded, and batched (probably by precinct) before placing in secure storage until time for removal and preparation for vote-tallying and canvass. Computerized election management systems often have an absentee voting module which facilitates the careful record-keeping essential to this aspect of election administration.

- The work area where absentee ballots are processed should be treated with the same care and caution as a polling place on election day. Only those who have need to be there should be in the area; other staff and the public should be excluded. Ballots should never be left unlocked and unattended.

In some respects, securing and accounting for absentee ballots is easier than for polling place ballots, but in other ways more demanding. It is well for election managers to remember that when an election is very close and the result is questioned, the absentee ballots often become the focus of attention and their validity can be challenged if it cannot be demonstrated that appropriate care was taken to ensure their integrity.

Early Voting

The experience with early voting to date, which is of short duration but considerable dimension, has been examined and assessed in a recent publication of the National Clearinghouse on

Election Administration, *Innovations in Election Administration 9: Early Voting*.

The author reports that ballot security was a major fear and concern when the concept of early voting was proposed. Based on the experience so far, most of those fears have been assuaged, but even the boosters of early voting emphasize that management of the process is exacting and detailed documentation must be maintained in order to engender public confidence. Ballots have to be tracked as they travel to and from the satellite sites where voting goes on for a number of days in the pre-election period, and logs kept to record each transfer of custody.

The root of the security concerns in early voting is simply stated in the report (though not necessarily simply resolved):

“Security procedures at satellite early voting sites are very much the same as those followed on election day, but they must be followed every day of the early voting period. All ballots and materials must either be returned to the election office at the end of each day and delivered to the early voting sites at the beginning of the next day, or they must be locked in a secure room at the early voting location every night.”

Logistics of the system are complex; numerous ballots styles must be provided at each site, because it is impossible to predict the residence of the voters who choose to vote at a site. Accordingly, ballot accounting must involve sorting of early voted ballots by precinct and ultimately incorporating those ballots with ballots voted on election day.

Besides the techniques used for election day voting — locked containers; numbered seals; bipartisan staffing and teams, tracking logs, etc. — the early voting pioneers use some additional techniques to ensure security: double locks, so that no one single person can access ballots; chaining a ballot box to an immobile or heavy object (when the site is in a retail facility, for in-

stance); using a new ballot box each day, and balancing the ballot records at the end of each day; and heavy emphasis on security in the training of satellite “pollworkers”.

In Texas, where early voting is widely used, the Elections Division of the Office of the Secretary of State has developed a series of report forms on which early voting activity is documented to provide effective security and accountability.

All-Mail Ballot Elections

Elections in which all ballots are issued and returned by mail, thus eliminating polling places, is the subject of another *Innovations in Election Administration* study, the report for which is soon to be published by the National Clearinghouse on Election Administration.

All-mail elections are now conducted in sixteen States, usually at the option of the local election authority and almost always in elections where the contests are solely ballot issues. The jurisdictions are apt to be small, and the contests non-partisan. This method of ascertaining the will of the electorate involves substantial concern for ballot security and accountability. To respond, the study recommends that election administrators keep detailed, complete records on an ongoing basis, from the time the ballots are printed until the results are certified.

A number of the practices employed to secure and keep track of ballots in traditional absentee voting are appropriate also for all-mail ballot elections. Among them are locked cabinets and rooms in which to store ballots, both unused and after return; a building alarm system; restricted access to the area where ballots are handled; logging all activity. But early voting also differs from absentee voting and therefore requires new thinking in devising security and accountability precautions. The volume of ballots produced is large, because one is sent to every qualified voter in the jurisdiction, not just to those who can't get to the polls

and who take the initiative to apply for a ballot. All ballots are mailed at the same time; participation is high, and ballots come back in huge volume in a short span of time. Accounting for the ballots, tracking them through processing, and assuring their security is a task of much greater dimension than for absentee ballots. Indeed, it might be called a difference in degree so great as to be a difference in kind.

In addition, methods must be devised to provide "replacement" ballots to those who do not receive the mailing or who spoil their ballots, and to service out-of-town voters with traditional absentee ballots sent to an address other than that on the registry. This activity demands careful documentation.

Fail-Safe Voting

Provisions of The National Voter Registration Act (NVRA) known as the "fail-safe voting provisions" require that election officials permit an individual to vote even though his name is not found on the active voter list when he comes to the polls. This requirement serves to give meaning to the principle that "once registered, a voter should remain on the list of voters so long as the individual remains eligible to vote in that jurisdiction". (House Report. Section 8, page 18)

In certain instances, implementation of fail-safe voting may require a jurisdiction to have special individual ballots in the polling places where, absent such a requirement, votes would be cast on mechanical or DRE voting machines or on ballots that are deposited into and recorded by a precinct tabulator. Sometimes, and depending on the State, fail-safe ballots may be treated as provisional ballots, and safeguards must be put in place to assure that they are secured and accounted for throughout their life, including the time in the polling place. Jurisdictions which already use provisional ballots at the polls will find this method of fail-safe voting easier to accommodate than those which have not.

For complete information on fail-safe voting, see *Implementing the National Voter Registration Act of 1993: Requirements, Issues, Approaches, and Examples*, prepared by the National Clearinghouse on Election Administration of the Federal Election Commission. Chapter 6 details options for compliance with fail-safe voting requirements and includes specimen forms for administering the process.

Making Ballot Security and Accountability Effective

Drawing from work of the fifty States and from various local election authorities, one can identify the characteristics of effective ballot security and accountability, and the techniques useful in achieving those goals.

There should be a clear **written process** for ballot security and accountability, preferably **in a three-tier structure: State law; State rules or regulations; and step-by-step procedures**. At each level of the process it should be explicit that security and accountability are to be maintained for the life of the ballots, from production to destruction.

All aspects of the process should be documented. At any point in the life of ballots, from production through destruction, and for all types of ballots however they are used or if not used, it should be possible to ascertain where they were or are, how many of them in each use or location, who had or has custody, when transfer of custody occurred, and whether (when in storage) they were accessed by someone other than the official custodian, who had such access, and the time and purpose of occurrence. Documentation may be maintained on paper or electronic medium.

Training of all staff, and particularly pollworkers, **should emphasize the importance of securing and accounting for ballots.**

In most States, **bipartisanship** is a factor in ensuring ballot safety, as it is in all aspects of election administration.

Ballots should be **constantly and continuously attended by election officials**, except when they are in secure storage.

Access to ballots, or areas where ballots are being handled, should be restricted to those whose access is authorized by law, regulation, or written procedure. When ballots are in storage, a record of all access should be maintained.

Ballot **accountability should be comprehensive**, including a grand total to demonstrate that the number of ballots at the end of the election equals the number produced for that election. Jurisdiction-wide reconciliation should be completed before results are certified. The work of the pollworkers should be audited, and deficiencies identified and rectified. Materials supplied to pollworkers should be evaluated to ensure that they are comprehensible and that they enable effective accountability.

The processes and documentation reflecting functioning of the ballot security and accountability **program should be evaluated** following the election and modified if necessary to improve the program.

The **State, legislators and chief election officials, should assume their responsibility** for effective ballot security and accountability. Preferably, policy should be broadly stated in law, and rules or regulations should flesh out the requirements implicit in the policy. Detailed written procedures probably are best developed at the

local level, although the State could provide an outline or a suggested draft which local boards could adapt. State personnel should supervise, monitor, evaluate and — above all — support the local election offices in their efforts to maintain ballot security and accountability and to guarantee electoral integrity in this area.

Appendix 1

Ballot Security

Ballot Security

Diagrams

*Ballot Control & Security, and
Counting Center Activity Flow*
District of Columbia Board of Elections and Ethics
Emmett Fremaux, Executive Director
202-727-2525

Other References

The following are too large to be reproduced in this report. They are listed because they are excellent models for a jurisdiction seeking guidance in developing a ballot security/accountability system. The chief election official for each jurisdiction is listed in the event a reader wants to pursue this subject.

Procedures Manual

Ballot Count/Security Department
Cuyahoga County Board of Elections
Cleveland OH
Thomas J. Hayes, Director
216-443-3200

Includes also specimen copies of forms, reports, directives and other reference materials.

Election Counting Center Procedures

D. C. Board of Elections and Ethics
Washington DC
Emmett Fremaux, Executive Director
202-727-2525

Includes also specimen copies of checklists and logs

Ballot Security and Accountability Procedures

Dade County, Florida
Miami FL
David Leahy, Supervisor of Elections
305-375-5553

Very complete and detailed, covering all aspects of ballot security and accountability, as well as specimen copies of ballot accounting forms, logs, and receipts. Serves a very large electorate.

The following States are among those which have adopted rules or regulations that include provisions for ballot security and accountability.

Alaska

Sandra Stout, Director of Elections
Juneau AK 907-465-4611

Maryland

Gene Raynor
Elections Administrator
Annapolis MD
410-974-3711

Oklahoma

Lance Ward, Secretary, State Election Board
Oklahoma City OK
405-521-2391

Washington

Gary McIntosh, Election Director
Olympia WA
360-753-2336

Appendix 2

Ballot Accountability

Ballot Accountability

Ballot Accounting form for use by pollworkers.

Washington DC
Emmett Fremaux, Executive Director
202-727-2525

Ballot Accounting report by pollworkers and
Precinct audit / reconciliation in central office.

Montgomery County MD
Carol Evans, Elections Administrator
301-217-6451

Ballot Accounting form for use by pollworkers
in precinct using multiple ballot styles.

King County WA
Robert W. Bruce
206-296-1540

Ballot receipt form, for use by pollworkers,
Ballot Statement form, for use by pollworkers,
and *Certificate of Packaging and Sealing form*,
for use by pollworkers.

Sacramento County CA
Ernest Hawkins, Registrar
916-366-2051

State of Illinois

Official Ballot Record, specimen filled out,
included in Manual of Instructions for *Illinois
Election Judges 1995*, produced by State Board
of Elections, Springfield IL.

Dr. Ronald D. Michaelson, Executive Director
217-782-4141

State of Iowa

Ballot Record and Receipt, combination form to
be used for accounting at opening of polls and
at poll closing, and *instructions* for use of the
form. Prescribed by the Secretary of State,
Iowa City IA

Sandy Steinbach, Director of Elections
515-281-5823

Appendix 3

Ballot Production

Ballot Production

State of California

*Code of Regulations,
Title 2, Division 7, Chapter 4
Table of Contents,
Regulations governing production of punchcard
ballots*

Elections Division
Office of the Secretary of State
Sacramento CA
Melissa Warren
916-657-2189

Commonwealth of Virginia

Oath of Printer
State Board of Elections, Richmond VA
Audrey Piatt, Deputy Director
804-786-6551