Three states in the Midwest (Illinois, Minnesota and Wisconsin) currently have laws requiring these audits, which are done by comparing a hand count of voter-verified paper records with totals collected by the electronic voting system, according to the Verified Voting Foundation. Legislators have established these mandatory checks to deter fraud, find errors, reveal when recounts are necessary, and promote public confidence in the elections process.

Under Illinois' 2005 law, all election contests and ballot issues are audited; Minnesota's and Wisconsin's statutory requirements (dating back to 2004 and 2006, respectively) apply to all general elections. In Minnesota, the results of these post-election audits are "binding," meaning they are used to determine official election results and can trigger a full recount. Audit results in Illinois and Wisconsin, on the other hand, are nonbinding. Here is an overview of how post-election audits work in each state.

- **Minnesota** — Each county’s canvassing board randomly selects precincts to be reviewed (the exact number of audited precincts depends on the county’s size). If discrepancies are found, an additional review is required and can result in a full manual recount of “all the ballots in the district for the affected office.” If an electronic voting system fails to record votes accurately and in a manner consistent with Minnesota law, it must be recertified by the secretary of state.

- **Wisconsin** — State election officials randomly select 100 local “reporting units,” including a minimum of five for each type of voting system in use in the state. Municipal clerks administer the audit. The state suspends the approval of voting equipment from a vendor who cannot provide an adequate explanation for differences found between the machine and paper-record tallies.

- **Illinois** — Five percent of precincts in each election jurisdiction are randomly selected by the State Board of Elections; the audits are then conducted by county election officials.

No other Midwestern state requires post-election auditing in statute. However, Ohio's secretary of state directs local boards of election to conduct audits in even-numbered years and following presidential primary elections. In Indiana, the county chair of a political party can request an audit, and in Nebraska, audits may be conducted by the secretary of state. This year, bills to require manual post-election audits did not pass in Iowa (HF 2304) and Kansas (HB 2543).

According to the Verified Voting Foundation, a good auditing process must check all types of ballots (early and absentee, overseas, regular and provisional) for accuracy and be completed in a timely manner. Other important features include having a transparent, random selection process (for determining which precincts to audit) and adopting clear procedures to address any discrepancies found via the audit. Finally, the foundation notes, states should encourage rigorous chain-of-custody practices throughout the auditing process.

By:
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