

# Nevada Secretary of State Barbara K. Cegavske



Joint Interim Standing Committee on Legislative Operations and Elections  
Mark Wlaschin, Deputy Secretary for Elections

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# Topic

## **Agenda Item IX.**

Update on the Pilot Program for Conducting Risk-Limiting Audits of Elections (Assembly Bill 422 [2021] and Senate Bill 123 [2019])



# Risk-Limiting Audits

## **Mandate:**

- SB 123 (2019), Section 8 codified at NRS 293.394
- Modified by AB422 (2021), Section 37.3 delaying the effective date to January 1, 2024
- Requires the Office of the Secretary of State to develop a pilot program and regulations to conduct risk-limiting audits for all elections prior to the certification of results, starting in 2024.



# Risk-Limiting Audits

## What Is a Risk-Limiting Audit?

- A risk-limiting audit (RLA) is a post-election tabulation audit that uses a random sample of voted ballots to manually examine for evidence that the originally reported outcome is correct.
- It **limits the risk** of certifying a contest with the wrong winner.
- The audit is conducted so that every ballot cast in a particular election has an equal chance of being selected for auditing.
- The Office of the Secretary of State researched available software to conduct the RLAs and purchased a one-year license from Voting Works.



# Risk-Limiting Audits

## Important Terms:

- Cast Vote Record – This is a file that can be exported from a county's election management software. It is a spreadsheet where each line represents a ballot and there is a one in the column for each candidate that receives a vote and a zero for the candidates that did not.
- Ballot Manifest – A spreadsheet that the counties will provide that indicates how they are storing their batches of ballots to enable them to retrieve the ballots selected by the audit software.
- Random Seed – This is how the audit will identify which ballots to audit; during the pilots the seed was selected by rolling a 10-sided die 20 times; this ensures every ballot has a chance of being audited.



# Risk-Limiting Audits

## Methods of Conducting Risk-Limiting Audits:

- Ballot Comparison – In this method, all ballots are imprinted with a unique identifier during tabulation or during the voting process and the audited ballots are compared one-to one with the Cast Vote Record using data entry into the audit software.
- The imprint ID or unique identifier is confirmed to ensure that the correct ballot has been retrieved
- The audit team then enters the votes cast on each audited ballot into the software
- After all jurisdictions have completed their retrieval and data entry, the software will indicate whether the risk limit has been met or whether an additional round is required
- This type of audit is looking for discrepancies



# Risk-Limiting Audits

## Methods of Conducting Risk-Limiting Audits:

- Ballot Polling – In this method, more ballots must be audited because it is not a one-to-one comparison of ballots to the Cast Vote Record, but is instead an audit of the margin of victory.
  - No imprint or unique identifier is needed
  - Instead, the software identifies ballots by location - E.g., Container 42, Batch 15, Ballot 22
  - The data entry may be conducted the same way, and as in ballot comparison, the software will determine whether additional rounds of auditing are necessary
  - This type of audit is looking for a similar or greater margin of victory



# Risk-Limiting Audits

## Methods of Conducting Risk-Limiting Audits:

- Hybrid – a combination of Ballot Comparison and Ballot Polling
  - Until February 2022, the SOS staff believed that this would be necessary because the counties using ES&S would not be able to imprint the ballots voted in-person at the polling places because the precinct scanners did not have that capability.
  - SOS staff worked with Voting Works to develop a hybrid of the two auditing methods so that all 17 counties could participate no matter what voting systems they use.
  - At this time, however, the SOS staff believes that all counties will be able to participate in a Ballot Comparison RLA after the 2022 Primary Election.



# Risk-Limiting Audits

## Pilots Conducted So Far:

- Carson City, Clark, Pershing and Washoe Counties participated in a pilot in January 2021 using the U.S. President contest on their mail ballots. Each county was set up for their own individual audit, and each county successfully met the risk limit. These audits were conducted virtually.
- In April and July, Clark County participated in pilots for their Boulder City Council Primary and General elections. For the July pilot, the SOS and Clark County invited the other counties to attend in person to observe and participate. Staff members from Douglas, Eureka, Humboldt, Nye, and Washoe attended.
- In October, Esmeralda County participated in a pilot for their recall election and the Nye County Clerk attended.
- In January 2022, Elko County participated in a pilot for their special school ballot measure election, and the White Pine County Clerk attended.



# Risk-Limiting Audits

## Plans for 2022 Primary RLA Pilot:

- All 17 counties will participate in one statewide audit in July.
- The Office of the Secretary of State will select a statewide contest so that every ballot cast will have a chance of being audited.
- The Office of the Secretary of State will also select a countywide contest for each contest so that every county has an opportunity to participate – there is a chance that a county would not have any ballots selected for the statewide contest audit.
- The audit will be conducted over several days so that the counties can schedule it when appropriate based on staffing and other priorities.



# Next Steps

- Every audit pilot has provided opportunities to learn and refine the process. More lessons will be learned after the Primary election RLA and the process will be adjusted for the General election RLA.
- The Office of the Secretary of State will draft regulations regarding RLAs and will incorporate into Regulatory Review process beginning in January 2023, including requirements for providing for public observation and the establishment of audit boards.
- Further discussion regarding the post-election procedures and timelines specific to the conduct of RLAs.



# **QUESTIONS?**

Contact the Elections Division

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