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Election Results Analysis Handbook



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1 Purpose

A well-informed electorate is vital for a healthy democracy. As citizens have become more informed about election processes, it has become apparent that the introduction of electronic voting systems raises significant concerns about election integrity. Despite the potential benefits of these electronic systems, they introduce new vulnerabilities that can undermine voter confidence and the accuracy of election results. This handbook can help voters understand these challenges, including the risks of hacking, software errors, and the lack of transparent audit trails in some electronic systems.

Citizens must remain vigilant and demand rigorous security measures, independent audits, and verifiable paper records for all electronic votes. Only through constant scrutiny and a commitment to transparency can we work towards ensuring that every vote is accurately counted and that our democratic institutions remain resilient against technological threats.

The trustworthiness of our elections depends on our collective effort to address these modern challenges while preserving the fundamental principles of free and fair elections.

2 Introduction

In a democratic society, the integrity of elections is paramount to ensuring public trust and participation in the political process. This handbook guides citizens to evaluate the integrity of election processes and results, providing a framework for understanding the essential components that contribute to trustworthy elections.

Elections are not merely procedural events; they are foundational to our constitutional republic. However, concerns about electoral integrity can arise from various factors, including allegations of fraud, mismanagement, or external interference. To address these concerns, this handbook outlines key principles and best practices that should be present in any electoral process.

The concept of “electoral integrity” encompasses several critical dimensions:

- **Transparency:** Election processes should be open and accessible to scrutiny. Transparency includes clear communication about voting procedures, ballot design, and the counting process. Transparency fosters public confidence and allows for independent verification of election outcomes.
- **Accuracy:** Election results are meaningless if they are not accurate. Accuracy is much more important than efficiency or speed.
- **Audit Trail:** Secure data transfers are critical elements of election integrity. The transfer logs for both digital and physical election records must be made readily available for inspection by interested parties.
- **Ballot Secrecy:** The sole exception to an audit trail in the election process pertains to any means of tracking which individual voter cast any individual ballot. Ballot secrecy is an important component of the democratic process that must be preserved. It is imperative



that our election systems ensure that only eligible voters are given a ballot to cast and the security of all cast ballots is maintained without compromise.

- **Accountability:** Election officials and institutions must be held accountable for their actions throughout the entire end-to-end election process. Accountability can be achieved through robust oversight mechanisms, including audits and public reporting. It ensures that any discrepancies or issues are addressed promptly and effectively.
- **Impartiality:** Election administration must be free from partisan influence. Impartiality requires that election officials operate independently of political pressures and that all candidates and parties are treated fairly throughout the electoral process.
- **Security:** Protecting the electoral process from tampering or fraud is essential. Protection includes implementing physical security measures for voting equipment, ballot secrecy, conducting post-election audits, and ensuring cybersecurity protocols are in place to safeguard voter data.

By understanding these principles, citizens can critically assess the electoral processes in their jurisdictions. This handbook provides tools and resources to help individuals analyze election integrity effectively, fostering informed discussions about the legitimacy of election outcomes.

3 Action Plan

If you suspect malfeasance in the conduct of an election, the recommended election analyses that might be pursued are outlined into sequential phases, shown in the table below. Ideally, the “Preparation Phase” would be conducted before an election, but the remaining phases would only be undertaken after an election. Upon completion of each phase, you can evaluate whether or not the data collected thus far merits continuation to the next phase.

Phase	Objective	Key Actions	Effort	Cost
Preparation	Ensure that voter rolls only include eligible voters and that election procedures are compliant with statutes.	<ul style="list-style-type: none">• Voter Roll Analysis• Procedural Compliance Review	Low	Low-Medium
Collection	Obtain election records necessary to analyze the results.	<ul style="list-style-type: none">• Scan government websites for election records• Submit Freedom of Information Act (FOIA) Requests	Low	Low-Medium
Consideration	Determine if there are suspicious results worthy of further investigation.	<ul style="list-style-type: none">• Voter History Analysis• Results Consistency Check	Low	Low



Phase	Objective	Key Actions	Effort	Cost
Investigation	<ul style="list-style-type: none"> • Validate voter count • Validate vote count • Determine if a lawsuit is warranted 	<ul style="list-style-type: none"> • Voter Canvass • Chain of Custody Analysis • Recount • Cast Vote Record Verification • Incident Report Review • Statistical Analysis • Trend Analysis Across Records 	High	Medium
Remediation	<ul style="list-style-type: none"> • Ensure rightful winners of the election are seated in office. • Hold anyone guilty of fraud accountable for their actions. 	<ul style="list-style-type: none"> • Civil Lawsuit • Criminal Complaint 	High	High

4 Election Analyses

Comprehensive analyses to ensure the integrity of election results should be conducted using various key records, including the list of people who voted, cast vote records (CVRs), statements of results, incident reports, and challenges.

Here are the recommended types of analyses that can be performed:

Analysis	Objective	Election Records	Methods	Potential Issues
Chain of Custody (see Sec. 5.2)	Ensure digital and physical election records have been secured and are consistent with one another.	<ul style="list-style-type: none"> • Database transaction logs • Network communication logs • Physical data transfer logs • Election equipment 	<ul style="list-style-type: none"> • Physical inspection • Forensic analysis of digital logs 	<ul style="list-style-type: none"> • Unsealed records • Unsealed equipment • Internet connections • Missing transfer signatures • Missing seals • Missing logs
Voter Roll (see Sec. 6.1)	Ensure that only eligible voters are listed.	<ul style="list-style-type: none"> • State voter registration data • National Change of Address data • Records of deceased 	<ul style="list-style-type: none"> • Digital canvass • Physical canvass 	<ul style="list-style-type: none"> • Dead voters • Voters who changed address • Invalid addresses • Non-citizens



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Analysis	Objective	Election Records	Methods	Potential Issues
<p>Voter History</p> <p>(see Sec. 6.2)</p>	<p>Ensure that only eligible voters voted and that there was a limit to one vote.</p>	<ul style="list-style-type: none"> List of people who voted 	<ul style="list-style-type: none"> Digital canvass Physical canvass 	<ul style="list-style-type: none"> Multiple votes Identity theft Dead voters Voters who changed address Invalid addresses
<p>Cast Vote Records (CVRs)</p> <p>(see (Sec. 6.4)</p>	<p>Ensure that the sequence of events resulting in the precinct vote tally is accurate and plausible.</p>	<ul style="list-style-type: none"> Tabulator cast vote records Electronic poll book logs (if available) 	<ul style="list-style-type: none"> Compare timestamps for votes to determine if scans exceed the capacity of the tabulator Compare scan timestamps with poll book time stamps to identify anomalies Look for evidence of vote manipulation, such as negative vote increments or anomalous vote ratios 	<ul style="list-style-type: none"> Vote flipping Timestamp anomalies Log inconsistencies Vote injections
<p>Vote Tallies</p> <p>(see Sec. 6.5)</p>	<p>Ensure that the precinct, municipal, county, and statewide vote tallies are consistent.</p>	<ul style="list-style-type: none"> Statements of results for precincts, municipalities, counties, and state 	<ul style="list-style-type: none"> Compare the aggregate results at each level to ensure they align. Any inconsistencies should trigger further investigation into specific precincts or voting methods. 	<ul style="list-style-type: none"> Vote tally inconsistencies
<p>Incidents</p> <p>(see Sec. 6.6)</p>	<p>Ensure elections were conducted in compliance with statutory and procedural requirements.</p>	<ul style="list-style-type: none"> List of incidents Election procedure manuals Election statutes 	<ul style="list-style-type: none"> Analyze incident reports to identify trends or recurring problems (e.g., equipment failures, procedural errors). Assess how these incidents correlate with discrepancies found in vote counts or reported results. 	<p>Statutory violations Procedural violations Challenges Criminal complaints</p>



Analysis	Objective	Election Records	Methods	Potential Issues
Statistical Analysis	Provide statistical assurance that election outcomes are correct.	<ul style="list-style-type: none"> • Number of ballots cast • Number of voters • Number of registered voters 	<ul style="list-style-type: none"> • Population analysis • Implement risk-limiting audits where a statistically significant sample of ballots is checked against reported results. This method helps quantify the probability that the reported winner is indeed correct based on a pre-determined risk limit. 	<ul style="list-style-type: none"> • More voters than the voting-age population • More votes than voters
Trend Analysis	Identify any correlations between different types of records.	<ul style="list-style-type: none"> • Number of ballots cast • Number of voters • Number of registered voters 	<ul style="list-style-type: none"> • Conduct analyses that look for patterns across voter participation, CVRs, incident reports, and challenges. For example, if certain precincts had high rates of reported incidents, analyze whether those precincts also had unusual voting patterns or discrepancies in results. 	<ul style="list-style-type: none"> • Significant deviations from previous election voter turnout

5 Background

Before beginning an analysis, it is first necessary to have a common understanding of key election concepts.

5.1 Election Fraud

Election fraud refers to illegal activities that undermine the integrity of the electoral process. It encompasses a range of actions aimed at manipulating election outcomes, deceiving voters, or violating electoral laws.

Types of Election Fraud	Examples
Voter Fraud	<ul style="list-style-type: none"> • Double Voting: A person votes in multiple jurisdictions or elections. • Impersonation: Someone votes using another person’s identity. • Voting Without Eligibility: Individuals who are not eligible (e.g., non-citizens, underage voters) cast votes.



Types of Election Fraud	Examples
Ballot Tampering	<ul style="list-style-type: none"> • Ballot Stuffing: Adding fraudulent votes to the ballot count. • Alteration of Ballots: Changing votes on legitimate ballots. • Destruction of Ballots: Illegally discarding or destroying ballots to influence results.
Public Official Misconduct	<ul style="list-style-type: none"> • Manipulating Vote Counts: Election officials altering the reported results. • Intimidation of Voters: Coercing or threatening voters to influence their choices. • Misleading Voter Information: Providing false information about voting procedures or eligibility. • Judicial malfeasance
Election Interference	<ul style="list-style-type: none"> • Censorship • Propaganda • Disinformation • Collusion

Election fraud undermines public confidence in democratic processes, can alter election outcomes, and may lead to legal challenges and social unrest. Electoral systems must have safeguards and monitoring mechanisms in place to detect and prevent such fraudulent activities.

This handbook is designed to help identify all types of election fraud except for election interference, which extends well beyond the scope of this guide. If you are interested in an analysis related to election interference, the Congressional Report on the censorship activities of the Election Integrity Partnership by the Select Subcommittee on the Weaponization of the Federal Government is a good place to start.¹

5.2 Chain of Custody

Chain of custody refers to the process and documentation that establishes and maintains the integrity of election materials, including ballots, voting machines, and digital records. It involves a chronological log that tracks the handling, transfer, and storage of these materials from the moment they are created until they are either destroyed or permanently archived.

Physical records include ballots, voting machines, and other tangible items used during elections. Maintaining a chain of custody for physical items involves documenting every transfer or handling event, often requiring signatures from individuals involved. Tamper-evident seals are also used to secure ballots and equipment, ensuring that unauthorized access can be easily identified.

As elections increasingly incorporate technology (e.g., electronic voting machines, digital ballot images), maintaining a chain of custody for digital records becomes equally important. Chain of Custody involves tracking data transfers, software updates, and access logs to ensure that digital information remains secure from unauthorized alterations or breaches. For instance, digital transmissions must be documented to confirm that data has not been intercepted or tampered

¹ https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/EIP_Jira-Ticket-Staff-Report-11-7-23-Clean.pdf



with during transfer. In addition, access to electronic systems should be logged to maintain accountability over who accessed sensitive information and when, which requires unique account names for every individual (i.e., no generic user accounts such as “Admin”).

The chain of custody is crucial for ensuring that all election-related items are accounted for and that they have not been tampered with at any point in the process. This applies to both physical and digital records. By ensuring a documented trail of accountability for all election materials, election officials can enhance transparency, uphold public trust, and comply with legal standards. This meticulous approach helps protect the integrity of the electoral process and reinforces confidence in election outcomes.

5.3 Recounts

A recount in the context of elections is a process used to verify the accuracy of the initial vote count. It typically occurs when the margin of victory between candidates is extremely close or when there are allegations of errors or irregularities in the vote-counting process.

During a recount, election officials review and re-tabulate ballots, which may involve hand counting or using electronic systems to re-scan ballots. The process is usually conducted under strict oversight to ensure transparency and accuracy.

Many falsely consider recounts as the de facto means of determining whether or not an election was conducted with integrity. Not true.

What questions can be answered by recounts?

- How many ballots were stored by the clerk?
- How many votes were cast across all stored ballots counted?
- What is the variance between certified ballot and vote count and recount values?

What questions cannot be answered by recounts?

- How many ballots were fraudulently “stuffed” into the ballot box?
- How many ineligible voters fraudulently cast ballots?
- How many ballots were altered?
- How many ballots were destroyed?
- What caused the variance between the certified and recount results?

While recounts can sometimes result in changes to the initial vote totals, they rarely reverse election outcomes. According to historical data, only a small percentage of recounts lead to a different result than originally reported.

5.4 Audits

In contrast with a recount, an election “audit” reviews the entire election record chain of custody, not simply the ballots. When the IRS audits a tax return, they do not ask the target of their audit to simply check the math on their 1040 form. No, they ask for receipts supporting every entry on all of the tax records associated with their return. A recount simply checks the math on the tally of votes



upon review of the ballots. It does not check to see, for example, if the ballots were cast by eligible voters or not. An audit is designed to answer the following questions:

- Was the election conducted lawfully?
- Were logic & accuracy tests conducted on all equipment used to tally the vote?
- Was the chain of custody for digital and physical election records secured?
- Is the list of voters limited to eligible voters?
- Did any voters cast more than one vote?
- Did any voter have a ballot fraudulently cast in their name?
- Is the number of ballots cast consistent with the number of voters?
- Is there any evidence of vote tally manipulation?

The scope and rigor associated with audits provide citizens with significantly more confidence in the election results than a simple recount.

5.5 Legal Remedies

There are two basic legal remedies when election investigators identify evidence of election fraud – civil lawsuits or criminal indictments. Civil lawsuits can be initiated by any party aggrieved by a violation of statute or election procedures pertaining to the conduct of an election. Criminal indictments must be initiated by government prosecutors often as a result of investigations of criminal complaints filed by citizens with law enforcement.

Topic	Civil Trials	Criminal Trials
Parties Involved	An individual or entity (plaintiff) files a lawsuit against another individual or entity (defendant)	The state or government prosecutes the defendant on behalf of society.
Burden of Proof	The plaintiff must prove their case by a “preponderance of the evidence” (more likely than not)	The prosecution must prove guilt “beyond a reasonable doubt.”
Jury Requirements	Some states allow non-unanimous verdicts; for example, only 10 of 12 jurors may need to agree.	Typically, it requires a unanimous jury verdict for conviction.
Constitutional Protections	These specific constitutional protections do not apply in the same way	Defendants have extensive constitutional rights, including the right to a speedy trial, presumption of innocence, and protection against self-incrimination
Right to an Attorney	There is no guaranteed right to an attorney; parties must hire their own or represent themselves.	Defendants have the right to an attorney; one will be provided if they cannot afford it.
Potential Outcomes	In addition to monetary damages, the following remedies are available: <ul style="list-style-type: none"> • Writ of Quo Warranto • Writ of Mandamus • Injunctive Relief • Declaratory Judgement 	Can result in convictions leading to fines, jail time, or other penalties



Topic	Civil Trials	Criminal Trials
Initiation of Proceedings	Start with the plaintiff filing a complaint against the defendant	Begin with an arrest and formal charges filed by the government
Plea Options	Defendants typically admit or deny allegations in their answer to the complaint.	Defendants can plead guilty, not guilty, or no contest.

6 Core Election Records

6.1 List of Registered Voters

A list of registered voters captures various essential pieces of information that help maintain the integrity and organization of the electoral process. The specific data collected can vary by state but generally includes the following elements:

- **Name:** The full name of the registered voter.
- **Residential Address:** The physical address where the voter resides.
- **Mailing Address:** If different from the residential address where election materials are sent.
- **Date of Birth:** To verify eligibility and avoid duplicate registrations.
- **Party Affiliation:** Political party membership, if applicable, may be required in some states to participate in primaries.
- **Voter Identification Number:** Often, it could be a driver’s license number or part of a social security number to identify the voter uniquely.
- **Gender:** Some states collect this demographic information.
- **Race/Ethnicity:** Collected in some states for demographic purposes.
- **Voting History:** Records of past elections in which the voter participated, including methods of voting (in-person, mail-in, etc.).

Additional Information that may be captured include:

- **Status of Registration:** Whether the voter is active, inactive, or has canceled their registration.
- **Electoral Districts:** Information regarding congressional, state legislative, and local districts relevant to the voter’s residence.
- **Special Designations:** For example, military status or eligibility for assistance in voting.

While much of this information is public, certain details may be kept confidential for safety reasons, such as addresses for voters who have requested confidentiality due to safety concerns (e.g., survivors of domestic violence).

The maintenance and accuracy of these lists are crucial for protecting election integrity and ensuring that all eligible voters can participate in elections without confusion or barriers.



6.2 List of People Who Voted

The list of individuals who voted in an election, often referred to as the voter participation list or voter history log, plays a vital role in the integrity and effectiveness of post-election audits. Here are several key reasons why this list is important:

- **Verification of Voter Participation:** The list allows auditors to confirm that an eligible voter cast each vote and that no individual voted more than once. This verification is essential for maintaining the integrity of the electoral process and ensuring that the reported results accurately reflect the voters' choices.
- **Facilitation of Sample Selection:** During post-election audits, a random sample of votes is often selected for verification against the official results. The voter participation list helps auditors determine which ballots to include in their audit sample, ensuring the selection process is random and representative of the overall voting population.
- **Error Detection:** By cross-referencing the voter participation list with the cast vote records, auditors can identify discrepancies such as overvotes (more selections than allowed) or undervotes (no selections made). This capability is crucial for detecting potential errors in the vote-counting process, whether they arise from human mistakes or technical malfunctions.
- **Support for Transparency:** Access to the list of voters who participated in an election enhances transparency. It enables independent observers and stakeholders to verify that the election was conducted fairly and that all eligible voters had the opportunity to participate. This transparency helps build public confidence in the electoral process.
- **Establishing Accountability:** The voter participation list holds election officials accountable for their administration of the election. If discrepancies arise during an audit, officials can be held responsible for addressing issues related to voter eligibility, ballot handling, or counting processes.
- **Enhancing Public Confidence:** By ensuring a clear record of who voted and how many participated, audits can reassure the public that elections are conducted fairly and accurately. This confidence is crucial for encouraging voter participation in future elections.

In summary, the list of people who voted is a foundational element for conducting effective post-election audits. It ensures verification, facilitates sampling, aids in error detection, supports transparency and accountability, and ultimately enhances public confidence in electoral outcomes.

6.3 Ballots

Ballots are essential components of the electoral process, serving as the means through which voters express their preferences in elections. They can take various forms, including physical paper, electronic devices, or even mail-in options, and are designed to ensure that voting is conducted fairly and confidentially.

Definition of Ballots

- **Physical and Electronic Forms:** A ballot is typically a piece of paper or a digital interface that lists candidates or options for voters to select during an election. Voters mark their



choices on these ballots, which are then collected and counted to determine the election outcome.

- **Voting Process:** The act of voting using a ballot can be referred to as “casting a ballot.” This process ensures that each voter has the opportunity to express their choice privately, maintaining the secrecy of the vote.

Types of Ballots

- **Paper Ballots:** These are traditional forms where voters manually mark their choices. They may be simple sheets where voters write-in candidates or pre-printed ballots with options listed.
- **Electronic Ballots:** Many jurisdictions now use electronic voting machines that allow voters to select their choices digitally. These machines often produce a paper trail for verification purposes.
- **Mail-in Ballots:** Also known as absentee ballots, these are sent to voters who can fill them out at home and return them by mail or drop them off at designated locations. This method increases accessibility for those unable to vote in person.

Manifestation in Elections

- **Casting Votes:** Ballots serve as the official mechanism for recording votes. Each voter receives a ballot at polling places, where they can mark their selections privately. After marking, ballots are placed in secure ballot boxes or fed into counting machines.
- **Counting and Verification:** After voting concludes, election officials count the ballots. This process may involve manual counting or optical scan systems that read marked ballots. In many cases, post-election audits are conducted to verify the accuracy of the vote counts against physical ballot records.
- **Accessibility Measures:** Laws such as the Americans with Disabilities Act (ADA) ensure that ballots are accessible to all voters, including those with disabilities. Accessibility may involve providing alternative formats like braille ballots or electronic voting machines designed for accessibility. All states already provide trusted assistance to voters who need such help due to a disability. Machines are not necessary to perform this function.

Importance of Ballots

- **Integrity of Elections:** The design and management of ballots are crucial for maintaining the integrity of elections. Properly managed ballot processes help prevent fraud and ensure that every eligible vote is counted accurately.
- **Voter Confidence:** Transparent and secure ballot systems foster public confidence in electoral outcomes. When voters trust their votes will be accurately counted and protected, they are more likely to participate in elections.

In summary, ballots play a vital role in elections by allowing voters to express their choices securely and privately. Their various forms and the processes surrounding them are fundamental to ensuring fair and democratic electoral practices.



6.4 Cast Vote Records

Cast Vote Records (CVRs) are crucial components of the electoral process, particularly in the context of post-election audits. These records provide a detailed account of how each vote was cast and serve several essential functions that enhance the integrity and transparency of elections:

- **Detailed Vote Tracking:** CVRs contain specific data about each ballot cast, including the method of voting (e.g., in-person, mail-in), the precinct, and the choices voters make. This granularity allows auditors to track votes accurately and verify that they align with reported outcomes.
- **Facilitation of Audits:** During post-election audits, CVRs are used to compare the tabulated results against the actual votes recorded. By analyzing a sample of CVRs, election officials can determine whether the vote-counting processes were accurate and whether any discrepancies exist between reported results and actual votes.
- **Error Detection:** Audits utilizing CVRs can identify errors or anomalies in vote counting, such as overvotes (where a voter selects more than allowed) or undervotes (where no selection is made). This capability is essential for ensuring that all ballots have been counted correctly and that any issues can be addressed promptly.
- **Support for Transparency:** By making CVRs available for public scrutiny, election officials can bolster public confidence in the electoral process. Transparency in how votes were cast and counted helps to mitigate concerns about potential fraud or mismanagement.
- **Statistical Analysis:** Researchers and election analysts use CVRs to conduct statistical analyses that can reveal voting trends, such as how different demographics voted or how voting methods impacted outcomes. This information can inform future elections and improve voter outreach strategies.
- **Chain of Custody Assurance:** Proper management of CVRs ensures a documented chain of custody for ballots, which is vital for maintaining their integrity as evidence in case of disputes or recounts. This documentation helps validate the authenticity of the election process.

In summary, Cast Vote Records are indispensable for conducting effective post-election audits. They provide the necessary data to verify election outcomes, enhance transparency, detect errors, and ultimately build public trust in the electoral system. No threat to ballot secrecy results from the public release of these records. Their role in ensuring accurate and accountable elections cannot be overstated.

6.5 Statements of Results

The statement of results generated at the precinct, municipal, county, and state levels is crucial for supporting post-election audits. These statements provide a structured and verifiable account of the electoral process and outcomes, serving several key functions:

- **Verification of Accuracy:** The statements serve as official records that detail the number of votes cast for each candidate or measure at different levels. By comparing these results during audits, election officials can verify that the vote counting was accurate and that the reported totals match the actual votes cast.



- **Establishment of a Chain of Custody:** The process of generating results at multiple levels creates a documented chain of custody for the ballots. This documentation is essential for ensuring that all ballots are accounted for and that there has been no tampering or mismanagement throughout the election process.
- **Facilitation of Discrepancy Resolution:** If discrepancies arise during an audit, having statements from various levels allows auditors to pinpoint where inconsistencies occur—whether at the precinct level or higher up in municipal or state reporting. This granularity helps identify potential sources of error or fraud.
- **Support for Transparency and Accountability:** Public access to these statements enhances transparency in the electoral process. It allows stakeholders, including candidates, political parties, and voters, to scrutinize the results and hold election officials accountable for their administration of the election.
- **Data for Statistical Analysis:** The aggregated results at different levels provide valuable data for statistical analyses that can reveal voting trends and patterns. This information can be used to improve future elections and ensure that all eligible voters are adequately represented.
- **Foundation for Risk-Limiting Audits:** Having comprehensive statements from all levels is essential in risk-limiting audits, which aim to statistically verify election outcomes. They provide a basis for determining how many ballots need to be audited to achieve a specified level of confidence in the accuracy of the reported results.

In summary, the statement of results at precinct, municipal, county, and state levels is vital for ensuring the integrity and accuracy of post-election audits. These records not only facilitate verification and accountability but also enhance public confidence in the electoral process by providing transparency and a clear framework for addressing any discrepancies that may arise.

6.6 Challenges and Incident Reports

Incident reports and challenges are critical components of the post-election audit process, providing essential insights and documentation that enhance the integrity and transparency of elections. Here are several key reasons why these elements are important:

- **Documentation of Irregularities:** Incident reports capture any irregularities or issues that arise during the election process, such as equipment malfunctions, procedural errors, or voter complaints. This documentation is vital for auditors to understand the context in which votes were cast and counted, allowing them to assess whether these incidents may have affected the election outcome.
- **Facilitating Investigations:** When challenges are raised regarding specific aspects of the election—such as claims of voter fraud or discrepancies in vote counts—incident reports provide a factual basis for further investigation. Auditors can use this information to focus on areas that may require additional scrutiny, ensuring that potential problems are thoroughly examined.
- **Enhancing Accountability:** Incident reports and challenges hold election officials accountable for their actions and decisions throughout the electoral process. By documenting issues and responses, these records ensure that election administrators can be held responsible for resolving problems and maintaining the integrity of the election.



- **Improving Future Elections:** Analyzing incident reports can help identify recurring issues or systemic weaknesses in the electoral process. This analysis can inform improvements in election administration practices, training for poll workers, and updates to voting technology, ultimately enhancing the overall reliability of future elections.
- **Building Public Trust:** Transparency in reporting and addressing incidents fosters public confidence in the electoral process. When voters see that challenges are taken seriously and investigated thoroughly, they are more likely to trust that the election outcomes are legitimate and reflect their will.
- **Supporting Statistical Validity:** In post-election audits, understanding the nature and frequency of incidents can help auditors assess whether certain anomalies might have statistical significance. For example, if a particular precinct experienced numerous reported issues, auditors may decide to include more samples from that precinct in their audit to ensure accuracy.

In summary, incident reports and challenges are vital in supporting post-election audits by providing necessary documentation, facilitating investigations, enhancing accountability, improving future elections, building public trust, and supporting statistical validity. These elements contribute to a comprehensive understanding of the electoral process and ensure that any irregularities are addressed effectively.



Appendix A: Civil Trial Remedies

A.1 Writ of Quo Warranto

A writ of quo warranto is a legal document to challenge a person's right to hold a public office or exercise a particular power or privilege. "Quo Warranto" means "by what authority" in Latin. This writ serves several key purposes:

1. **Investigating Authority:** It allows for an inquiry into the legal basis by which someone holds a public office or claims a franchise.
2. **Challenging Qualifications:** It can be used to question whether an individual meets the necessary qualifications to hold a specific position.
3. **Protecting Public Interest:** Typically issued by the government, it aims to safeguard the public interest by ensuring that offices are held legitimately.
4. **Corporate Oversight:** In some cases, it can be used to revoke a corporation's charter if the state believes the corporation has abused its power.
5. **Legal Remedy:** It functions as a common law remedy, allowing courts to examine the legitimacy of an office holder's claim to their position.

The writ of quo warranto is not generally available for use by private parties in ordinary litigation. Instead, it is primarily wielded by government authorities to protect the integrity of public offices and corporate charters.

While the writ still exists in the United States, its use is relatively uncommon. Some jurisdictions, such as New York State, have codified the process, where only the Attorney General can bring such an action.

It's important to note that a successful quo warranto petition doesn't simply remove someone from office. Instead, it declares the appointment itself null and void from the beginning, effectively stating that the office was never legally held in the first place.

A.2 Writ of Mandamus

A writ of mandamus in elections is a court order that compels election officials or government authorities to perform specific legally required duties related to the electoral process. Key aspects of a writ of mandamus in elections include:

- It is used to direct election officials to carry out mandatory, non-discretionary duties clearly defined by law.
- It can be employed to ensure proper execution of election procedures, such as:
 - Holding legally required public elections, including recall or initiative elections
 - Accepting legally conforming ballot measures or nominating petitions
 - Adding wrongfully omitted candidates' names to the ballot
 - Accepting filing fees necessary to secure ballot access
 - Registering eligible voters
- The writ does not establish new legal rights or duties but enforces existing ones.
- To qualify for a writ of mandamus, the plaintiff must demonstrate:



- A clear legal right to the action requested
- The defendant's undisputed legal duty to perform the action
- The absence of other adequate legal remedies
- It is considered an extraordinary remedy, typically used when no other legal options are available to ensure the proper execution of election laws and procedures.

In summary, a writ of mandamus serves as a crucial tool in election-related litigation to compel election officials to fulfill their legal obligations and protect the integrity of the electoral process.

A.3 Injunctions

Based on the search results, three main types of injunctions might be requested in an election-related lawsuit:

1. **Temporary Restraining Order (TRO):** This short-term emergency measure can be issued quickly, sometimes without notice to the opposing party. In an election context, it could immediately halt an action that may cause irreparable harm, such as preventing the destruction of election records or stopping the certification of results pending further review.
2. **Preliminary Injunction:** This is a more enduring form of temporary relief granted after a hearing where both parties can present evidence. It remains in effect until a final decision is made in the case. In election lawsuits, this could be used to compel or prohibit certain actions by election officials during the litigation.
3. **Permanent Injunction:** This is issued as part of the final judgment in a case. In election matters, it could be used to permanently require or prohibit certain election procedures or practices found to be unlawful.

These injunctions can be either:

- **Prohibitory:** Directing a party to refrain from specific actions, such as ordering election officials to stop using particular voting machines.
- **Mandatory:** Requiring a party to take specific actions, such as compelling election officials to allow observers at polling places.

The specific relief requested through these injunctions in election lawsuits would depend on the nature of the case and the alleged violations of election law or procedures.

A.4 Declaratory Judgment

Declaratory judgments that might be sought in an election-related lawsuit include:

- Determining the rights and obligations of parties under election laws or procedures
- Establishing the validity of a ballot measure or nominating petition
- Clarifying the eligibility of a candidate to run for office
- Interpreting the application of voting rights laws in a specific situation
- Defining the proper procedures for conducting recounts or audits
- Resolving disputes over voter registration requirements or processes
- Determining the constitutionality of certain election practices or regulations



Election Results Analysis Handbook

These declaratory judgments aim to resolve legal uncertainties or controversies related to elections without necessarily ordering specific actions or enforcement. They provide authoritative judicial opinions on the rights, duties, and legal status of parties involved in election matters, helping to clarify legal issues before potential injuries or disputes escalate.