

## **November 3, 2009 General Election Post-Election Audit Summary**

A total of 39,308 ballots were hand-counted as part of the audit, representing 10.1% of the total ballots cast. Within this sample, a total of 16 errors were identified. The resulting 99.96% rate of accuracy is consistent with previous audits of elections throughout 2009. In the September 8, 2009 audit, we found a 99.92% accuracy rate and the audit of the May 2009 election indicated 99.97% accuracy. The results of the 2009 audits show significant improvements over 2008 audit results. The accuracy rates in 2008's audits were 99.83% in May and 99.89% in November.

The November audit began with the random selection of precincts whose ballots cast totaled at least 5% of the total ballots cast in the election. With 388,852 total ballots cast, the target number for selection was set at 19,443. Sixty-three precincts totaling 19,791 ballots cast were randomly selected. We then selected two contests to manually count. The contests chosen were Issue Four (4) and East Cleveland Council at Large.

Issue Four (4) was selected based on the fact that the response ovals in this contest were in different positions on the Absentee and Election Day ballots, as a result of issues discovered during L&A testing. During testing, we found that the DS200 scanners were misreading the "Against" votes. Upon investigation, ES&S advised us that the problems were a result of placing the oval in the bottom available row on the back of the ballot, as this position is susceptible to skewing and misreading as the ballot passes through the scanner. Following their advice, we moved the oval positions for both responses to Issue 4 up one position on the Election Day ballots. This recommended fix was found to correct the issue.

The East Cleveland Council race was selected randomly by picking a precinct from the precincts making up the first 5% to be audited, and then selecting the first contest where voters were able to vote for more than one candidate.

Ten bi-partisan teams of Board of Elections employees were assigned to hand count the ballots and each precinct was assigned to a hand-counting team. Each team was provided a precinct-specific, contest-specific tally sheet. The teams counted the ballots in each count group- Election Day, Absentee, and Provisional separately, and recorded the results for each candidate, along with over-votes and under-votes within each count group. The Ballot Department then compared the audit results to the Amended Official Canvass results.

A six (6) vote discrepancy was recorded throughout the first 5% audited.

We made the following determinations:

1. Bedford 5-B – one absentee ballot was not scanned during the Official Canvass. The ballots were hand counted and totaled 89, then audited against the M650 logs that totaled 88. A summary report for this precinct was then

printed out and the individual ballot could be tracked through the process of elimination of the various vote possibilities.

2. Cleveland 15-O – one absentee ballot was double scanned during the Official Canvass.
3. East Cleveland 3-D – two additional absentee ballots were scanned during the Official Canvass. The Official Canvass shows 44 ballots while a hand count of the ballots and the M650 logs that totaled 42.
4. East Cleveland 4-C – two Election Day ballots have partial marks in the “Against” oval for Issue 4. One of these votes was read as a “For” vote during the Official Canvass, the other was counted as an over vote.
5. Olmsted Township C – one absentee remake was not scanned during the Official Canvass.

We also discovered an issue with the provisional ballots. As mentioned, during L&A testing of the DS200 Scanners, it was discovered that Issue 4 had problems with the position of the oval for the “Against” vote. At that time it was determined that this position was not being recognized by the scanners and that the ovals had to be moved to compensate for this error. This created the need for two separate databases (one for absentee and one for election day) and also created the need to scan the ballots on scanners with the correct definition on them.

Due to the need for two separate databases, the ballots should have been divided into two separate categories, absentee provisional and regular provisional and scanned on separate M650 scanners with the proper election definition on them. However, during the Official Canvass, all provisional ballots were scanned on the same M650 Scanners that had the Election Day definition on them. In result of this error, we found an additional 21 precincts in which the ballots were misread for Issue 4 during the audit.

Upon discovery of the error, all provisional ballots were collected and sorted into two categories, absentee provisional and regular provisional. We then counted the absentee provisionals. There were a total of 746 absentee provisional ballots. The 746 absentee provisional ballots were hand counted in each of the four possible vote categories, “For”, “Against”, over votes and under votes. The totals from each of these categories were tallied. We then rescanned **all** provisional ballots (absentee provisionals and regular provisionals), using the machines with the correct definitions on them. We then audited the results against the Official Canvass with the hand counted expected results from the absentee provisional ballots.

We expected to have a total of 9,592 provisional ballots to match the total scanned in the Official Canvass. A total of 9,591 ballots were recorded after all ballots were rescanned. The one ballot was traced to a ballot that was double scanned in the Official Canvass. In precinct Cleveland 5-C, the Official Canvass totals 7 provisional ballots scanned while the rescan and a hand count of the ballots totaled 6. All other precincts equal the number of ballots from the rescan to the Official Canvass.

We expected to have a total of 5,832 "For the Tax Levy" votes based on the Official Count (5312) plus the Hand Count of "For" votes in the Absentee Provisionals (520). The results are two votes shy of this goal. One of these votes was determined to be a double scanned ballot in the Official Canvass. The other missing vote was determined to be an over vote that was not properly read because of the oval positions in the incorrect election definition when the "Against" vote was not detected by the scanner.

We expected to have a total of 3,147 "Against the Tax Levy" votes based on the Official (3503) minus the Absentee Provisional ballots that were wrongly counted as "For" votes in the Official (520) plus Hand Count of "Against" votes in the Absentee Provisionals (164). This number matches exactly.

We expected to have a total of 2 over votes and now have three in the rescan. We have determined that the additional ballot is a result of an over vote that was not properly read because of the oval positions in the incorrect election definition.

We expected to have a total of 611 undervotes based on the Official (775) minus the Absentee Provisional ballots that were wrongly counted as "Against" votes in the Official (164). This number also matches exactly.

The audit was continued with the random selection of precincts whose ballots cast totaled an additional 5% of the total ballots cast in the election. With 388,852 total ballots cast, the target number for selection was again set at 19,443. Fifty-six additional precincts were selected with a total 19,517 ballots cast. The focus remained on Issue 4.

Again, ten bi-partisan pairs of Board of Elections employees were designated as hand-counting teams. Each precinct was assigned to a hand-counting team and equipped with a precinct-specific, contest-specific tally sheet. The teams counted the ballots in each count group- Election Day, Absentee, and Provisional separately, and recorded the results for each candidate, along with over-votes and under-votes within each count group. The Ballot Department management then compared the audit results to the Official Canvass results.

A 10 vote discrepancy was recorded throughout the second 5% audited. Each precinct with discrepancies was counted twice by the bi-partisan team and then sent to a management resolution table for further investigation. The management team would then recount the ballots, examine pink memos, look at certificate #1s, examine M650 Logs, DS200 tapes, contact poll workers or rescan the ballots as necessary.

We made the following determinations:

1. Cleveland 5-L - One absentee ballot was not scanned during the Official Canvass. The totals for the ballot hand count and the M650 logs match; indicating one ballot was missing from the Official Canvass.
2. Cleveland 11-P – Upon contacting the poll workers we discovered that the poll workers scanned one additional election day blank ballot at the end of the

night to make their ballots cast numbers match the report. This ballot was then placed in the soiled and defaced envelope.

3. Cleveland 14-H – One election day vote switched from an under vote to an against vote in the hand count. All ballots were rerun through the DS200 used on Election Day and the totals match the hand count for the audit. The ballots were inspected to determine if there were any stray or indeterminate marks but none could be detected. The pink memos and certificate #1s were checked but gave no relevant information.
4. Euclid 6-D – One absentee vote switched from a “for” to an “against” vote in the audit hand count. The ballots were rerun through the same M650 used for the Official and the totals matched the audit results. The ballots were inspected to determine if there were any stray or indeterminate marks but none could be detected.
5. Lyndhurst 2-C – One absentee vote switched from an “against” vote to an under vote in the audit hand count. The ballots were rerun through the same M650 used for the Official and the totals matched the audit results. The ballots were inspected to determine if there were any stray or indeterminate marks but none could be detected.
6. Mayfield Heights D - Upon contacting the poll workers we discovered that the poll workers scanned one additional election day blank ballot at the end of the night to make their ballots cast numbers match the report. This ballot was then placed in the soiled and defaced envelope.
7. Parma 5-B - One election day vote switched from an under vote to an “against” vote in the hand count. All ballots were rerun through the DS200 used on Election Day and the totals match the hand count for the audit. The ballots were inspected to determine if there were any stray or indeterminate marks but none could be detected. The pink memos and certificate #1s were checked but gave no relevant information.
8. Pepper Pike A - One election day vote switched from an “against” vote to an under vote in the hand count. All ballots were rerun through the DS200 used on Election Day and the totals match the hand count for the audit. The ballots were inspected to determine if there were any stray or indeterminate marks but none could be detected. The pink memos and certificate #1s were checked but gave no relevant information.
9. Rocky River 3-D - One election day vote switched from an under vote to an “for” vote in the hand count. All ballots were rerun through the DS200 used on Election Day and the totals match the hand count for the audit. The ballots were inspected to determine if there were any stray or indeterminate marks but none could be detected. The pink memos and certificate #1s were checked but gave no relevant information.
10. Rocky River 4-B - One absentee vote switched from an under vote to an “against” vote in the audit hand count. The ballots were rerun through the same M650 used for the Official and the totals matched the audit results. The ballots were inspected to determine if there were any stray or indeterminate marks but none could be detected. The M650 may have been dirty or some other foreign object may have caused the vote to change categories.

Any anomalies found throughout the audit have been forwarded to ES&S. We have requested they provide an explanation in response to these issues. As soon as any information or resolution is presented to us, it will be forwarded to all Board members.

In conclusion, we recommend that the Board Amends the Official Canvass to include any additional ballots and to reflect the votes that changed as result of the hand count of the audit. This Amendment will not change the outcome of any contest.