

Vermont Office of the Secretary of State

Procedures for the random post election audit of Vermont polling places

17 V.S.A. §2493 (a) (2) provides in relevant part: “The secretary of state may conduct a random post election audit of any polling place election results for a primary or general election within 30 days of the election. If the secretary determines that a random audit shall be conducted of the election results in a town or city, the town clerk shall direct two members of the board of civil authority to transport the ballot bags to the office of the secretary of state no later than 10:00 a.m. on the morning when the secretary has scheduled the audit. The secretary shall open the ballot bags and conduct the audit in the same manner as ballots are counted under sections 2581 through 2588 of this title. The secretary of state shall publicly announce the results of the audit as well as the results from the original return of vote. If the secretary finds that the audit indicates that there was possible fraud in the count or return of votes, the secretary shall refer the results to the attorney general for possible prosecution.”

The Vermont Secretary of State is given the discretion by this statute to determine if a random audit shall be conducted of the election results from a polling place. In 2006, the Office of the Secretary of State conducted audits of 4 polling places that used optic scan tabulators following the November General Election. In 2006, two of the polling places were selected by a public drawing from a ballot bag containing slips of paper with the names of all polling place voting districts that use optical scan tabulators. Two additional polling places were selected by the Secretary of State following the election to provide both geographical and population size diversity, and to respond to concerns that arose on election day.

The Secretary of State plans to conduct a random audit of at least 4 polling places that use optical scan tabulators following the November 4, 2008 General Election. The polling places will be selected in the same manner utilized in 2006.

The polling places will be selected and publicly announced within 1 week of the completion of the canvassing for the election (not later than Tuesday, November 18, 2008). The audits will be scheduled to be completed by Thursday December 4, 2008 (not later than 30 days of the election.). The date, time and place for the audits will be publicly announced, and members of the public may attend and observe the auditing process.

The Director of Elections will notify the four town clerks whose polling places have been selected for audit. The town clerks will recruit board of civil authority members and local election officials to come to Montpelier with the ballots to assist with the counting of the ballots. If there are not enough trained election official volunteers from the four selected towns to have at least 8 pairs of officials, the Director of Elections will recruit trained election officials from nearby towns.

The audits will begin at the designated place at 9:00 a.m. and will proceed until completed. The Secretary of State will select two statewide races to be audited. The Director of Elections shall serve in the role of the presiding officer and shall direct the audit using the procedures outlined in Sections 2581 through 2588 of Title 17 of the Vermont Statutes Annotated. At the conclusion of each audit, the Director of Elections shall publicly announce the results of the audit as well as the results from the original return of the vote. At the conclusion of each audit, the ballot bags will be repacked, sealed, and returned to two members of the Board of Civil Authority of the town to transport the ballot bags back to the town's vault.